

# Visalia City Council Agenda

For the regular meeting of: MONDAY, June 15, 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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4:00 p.m.

## **SWEARING-IN CEREMONY**

Police Chief Bob Carden will administer the Oath of Office for Sean Schiebellhut, Reserve Officer

## **CLOSED SESSION**

**4:05 p.m.**

1. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of GC 54956.9)  
Young, et al. v. City of Visalia et al. TCSC #08-228056
2. Conference with Labor Negotiators (GC 54957.6)  
Agency Designated Representatives: Eric Frost, Steve Salomon, Janice Avila  
Employee Organization: All Employee Groups

4:45 p.m.

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

**4:45 p.m.**

### **3. HEARING – Fiscal Year 2009-10 Budget Year**

#### **Budget Actions:**

- a) Authorize the use of up to \$5.5 m in General Fund reserve to balance the 2009-10 fiscal year budget
- b) Authorize an early retirement program for employees in the General Fund and the Convention Center Enterprise.
- c) Approve the citywide layoff policy and authorize the City Manager to make minor adjustment as needed based on discussions with bargaining groups
- d) Amend and approve the 2009/10 fiscal year budget as outlined in the staff report

#### **Measure T actions:**

- e) Annual Recertification of the Measure T Plan
- f) Approve resolution declaring a General Fund fiscal emergency and suspending Measure T Maintenance of Effort provisions for 2009/10 and 2010/11 fiscal years.

**Resolution 2009-26 required. (Requires 4/5 vote)**

*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

### REGULAR SESSION

7:00 p.m.

### PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Mark Taylor, New Beginnings Community Church

### SPECIAL PRESENTATIONS/RECOGNITION

Presentation of Resolution of Commendation to the Visalia Times-Delta commemorating 150 years of publishing a newspaper in the City of Visalia

**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 June 8, 2009.

### 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) Nominate Mayor Jesus Gamboa for the vacancy representing a “large” city from Tulare County to the San Joaquin Valley Air Pollution Control District Governing Board.  
**Resolution 2009-23 required.**
  - c) Authorize the City Manager to sign and approve the final amendment to the agreement on booking fees between the City of Visalia and Tulare County.
  - d) City Council support for Assembly Bill 210 (Hayashi) Green Building Standards; AB 715 (Caballero) City ordinances publishing and posting requirements; AB 726 (Arambula and Nielsen) Transportation capital improvement projects; AB 1284 (Huffman) Substance abuse - adult recovery maintenance facilities; SCA 18 (Liu) Local Government property related fees; Senate Bill 268 (Harman) Alcoholism or drug abuse recovery or treatment facilities - licensing; SB 415 (Oropeza) Alcoholic beverages - licenses local government review; and opposition to SB 802 (Leno) Public Contracts - retention proceeds.

- e) Authorize the City Manager to sign the Project Improvements Agreement and Reimbursement Agreement for master plan storm drain facilities associated with River Run Ranch Phase 5.
- f) Update on the Animal Control Facility project and request to postpone release of the Request for Qualifications (RFQ) for design services for six months.
- g) Request to expand the current project scope for the Village Park – Wittman Center Renovation Project (3011-0-72-0-9865) by an additional amount of \$57,500 using State Park Bond Act monies and CDBG funds.
- h) Authorization for the City Manager to sign an MOU to Purchase County Delinquent Property Tax Receivables (Teeter Buy-out) up to \$10 million for Fiscal Year 2008/09 if the agreement is limited to Visalia’s participation being independent of the actions of other parties.
- i) Authorization for staff to apply for \$1.14 million in Energy Efficiency & conservation Block Grant stimulus funding for building retrofits, LED light conversion, solar lighting, an agenda management system and Sequoia Shuttle funding.
- j) Authorization to implement bus route modifications to change two routes from one-way loops to bi-directional routes beginning in August 2009 as recommended by the Transit Advisory Committee.
- k) Authorization for the City of Visalia to apply jointly with the County of Tulare for Federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA) and execution of a Memorandum of Understanding (MOU) regarding the grant.
- l) Appointment of Mayor Jesus Gamboa and Vice-Mayor Bob Link to serve on a newly formed Tulare County High Speed Rail Committee sponsored by the Tulare County Association of Governments.
- m) Update on the balloted Stonebridge Landscape and Lighting Maintenance Assessment District #88-04. *Request continuance to 7/13/09*

***Authorize the filing of a Notice of Completion for the following five projects:***

- n) Valley Palms, a subdivision containing 36 single family lots, located on the south side of Riffin Avenue between Linwood Street and Demaree Street.
- o) Visalia Fire Station #55 and Training Facility located at 6921 W. Ferguson. Project No. 3011-0-72-0-9565
- p) Akers Street and Cypress Avenue Intersection Improvement Project, Project No. 1614-00000-720000-0-9944 (Final Cost \$180,949.12); and reallocate any remaining Proposition B funds to the Houston Avenue Improvement Project (Santa Fe to Ben Maddox), Project No. 3011-00000-720000-0-9026.
- q) New Soroptimist Park, Project No. 1211-00000-720000-0-9598, located at Linwood and Prospect in northwest Visalia, at a final cost of \$645,139.10.

r) Renovation of the Plaza Park softball backstops, foul line fencing, and dugouts, Project No. 3011-00000-720000-0-9191, for the construction of on-site improvements at a final cost of \$225,875.00.

6. **Continued Public Hearing from 6/1/09** Authorization to allow the City of Visalia to place one contested Fire Department case on the Miscellaneous Special Assessments of the Tulare County secured property tax roll. **Resolution 2009-24 required.**
7. **PUBLIC HEARING** Rates and Fees - Authorization to:
  - a) Amend the City's Rates and Fees for a multi-year rate increase program for Sanitation (Wastewater) and for Solid Waste effective for the four years and three years, respectively, beginning July 1, 2009
  - b) Amend the Transit Fare schedule
  - c) Amend the City's Rates and Fees for fiscal year 2009-10, with proposed new fees and adjusted fees that may include, but are not limited to the following services; administrative, housing and economic development, parks and recreation, public safety, and public works
  - d) Implement 50% of the ordinance authorized Impact Fee increase or 3.25%, on April 1, 2010 as a measure to support the building industry. The remaining 50% (3.25%) will be considered with next year's review of the City's Rates & Fees.  
**Resolution 2009-25 required.**

## **REPORT ON ACTIONS TAKEN IN CLOSED SESSION**

## **REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS**

### **Upcoming Council Meetings**

- Monday, July 13, 2009, 4:00 p.m. Work Session; Special Meeting 7:00 p.m., Convention Center, 303 E. Acequia
- Monday, August 3, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, August 17, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia

*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.*

## **Resolution of Commendation** **Visalia Times-Delta 150<sup>th</sup> Anniversary**

*Whereas, the Visalia Times-Delta has a proud history as the oldest newspaper in the San Joaquin Valley and the sixth oldest daily in California; and*

*Whereas, Mr. I.W. Carpenter founded the Times-Delta as a weekly newspaper in 1859, it was called the Tulare County Times and Fresno Examiner, and was located in Visalia at the corner of Court and Center Streets; and*

*Whereas, the Visalia Times-Delta is currently owned by the Gannett Company, Inc., an international media company with newspapers, including USA Today, web sites, and other media holdings in the United States and around the world; and*

*Whereas, the Visalia Times-Delta has evolved from a daily newspaper into a multi-media, community news and information franchise. In addition to print, online, and mobile, its portfolio has grown to include a Spanish – language weekly newspaper and two monthly magazines and other print and digital publications and services; and*

*Whereas, the Visalia Times-Delta continues to honor the community's best by recognizing local restaurants, peacekeepers, champion spellers and up-and-coming young business leaders with awards programs. The Times-Delta remains vigilant in protecting the public's right to know under the First Amendment.*

**NOW, THEREFORE BE IT RESOLVED** that I, Jesus J. Gamboa, Mayor of the City of Visalia, on behalf of the entire City Council, do hereby commend and recognize this monumental 150<sup>th</sup> Anniversary celebration of the Visalia Times-Delta, and wish them all the best in their future pursuits.

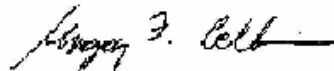
**Dated: June 15, 2009**



Jesus J. Gamboa, Mayor



Bob Link, Vice-Mayor



Gregory F. Collins, Councilmember



Donald K. Landers, Councilmember



Amy Shuklian, Councilmember

# City of Visalia Agenda Item Transmittal

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Budget Actions for 2009/10 including a hearing on the matter.

**Deadline for Action:**

**Submitting Department:** Administrative Services

**Contact Name and Phone Number:** Eric Frost, x4474

**Department Recommendation:**

- Receive the Budget Staff report;
- consider recommendations as outlined on page 4;
- conduct a hearing; and,
- act upon staff's recommendations as appropriate; and,
- remove for further consider, if necessary, specific items the Council wishes to discuss further at proposed meeting on June 29, 2009.

**Background and summary:** Since the Council's budget directions given on April 6, 2009, the general fiscal conditions of California local governments have worsened dramatically. In particular, Visalia is facing the following challenges:

- Sales Tax receipts have worsened, lowering expected revenues by \$1.3 million in FY 09/10.
- Some retirees have filed a lawsuit seeking lifetime health benefits. Their demand is for City-paid, retiree health care which, if fully funded like a pension, would potentially increase City costs by \$5.3 million a year.
- The effect of the stock market crash on the City's PERS retirement assets is now estimated to cost Visalia \$2.5 million more a year beginning in FY 2011/12. This amount will be partly shared by non-General Fund activities.
- The failure of the State budget propositions on May 19, 2009 means that the State will seek relief from any place possible, including:
  - Requiring the City to provide at least a \$2 million property tax loan to the State. The terms of the loan is that it is to be repaid in three years or the State cannot

**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  
 Hearing

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

**Review:**

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

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

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

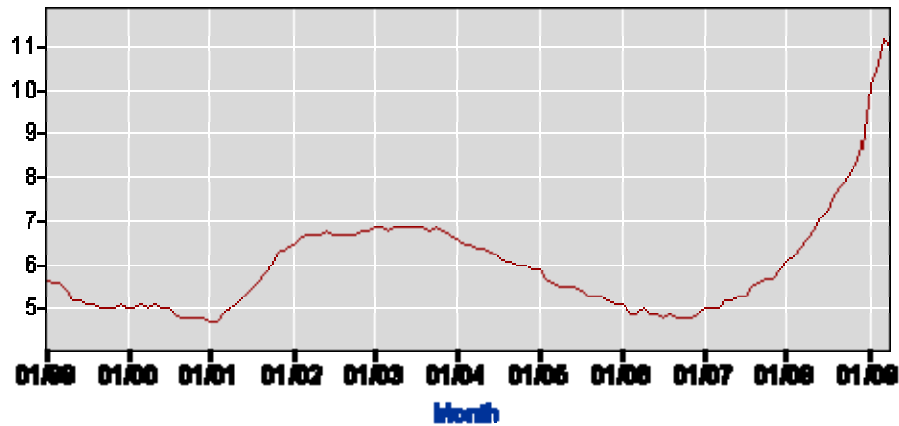
If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

borrow more money from the City. The loan, however, does not have to be allocated evenly among local governments. If the State decided to allocated the loan exclusively to cities, the loan amount could rise to \$4 million. Although the loan is supposed to be repaid in three years, the only penalty is that the State may not take another City loan until this one is repaid.

- Diverting \$1.4 million in gas tax revenues, used by Visalia for street maintenance, to pay State transportation bond obligations.
  - Diverting Prop 42 transportation revenues from cities and counties to the State's General Fund. This action will reduce State Transportation Improvement Program revenues administered by Tulare County Association of Governments (TCAG), postponing such projects as Plaza/198 Interchange Overcrossing.
  - Discontinuing the funding of the County Booking fee, costing Visalia some \$200,000 a year.
  - Reducing State Transit Assistance from \$1 million this year to \$500,000 in FY 2009/10 and then to nothing in FY 2010/11. As a result, Transit will need to rethink its capital and operating plans.
  - Not funding state mandated costs, at least for next year, about \$100,000.
- The State actions will also put tremendous pressure on other local governmental entities. For example, Visalia Unified School District is struggling with a \$17 million funding gap. The County is likely to lose millions of dollars when the State does not fund the Williamson Act and postpones other County payments.
  - Because the County is not receiving timely cash payments from the State, the County proposes to discontinue the Teeter property tax plan. If the County does that, the City will need to set up a 6-8% delinquent property tax receivable, consuming another \$1.5 to \$2.0 million of the City's fund balance.
  - Failure of employee contract negotiations to achieve any wage concessions. As a result, the City is obligated to pay \$1 million more next year in wage increases.
  - State unemployment has quickly climbed from just 6% in January of 2008 to past 10% in April of 2009. See Graph 1, California Unemployment Rate. Further, local unemployment in Tulare County exceeds 15%.

### Graph 1 California Unemployment Rate

## unemployment rate



Staff believes all these events suggest a fundamental shift in the City's General Fund revenue structure. The General Fund's ability to support programs has been diminished. Sales Tax, the City's number one revenue source is dramatically lower as shown in Appendix 4, Sales Tax.

These developments, with the further realization that most of the past FY 2009/10 budget solutions were one-time solutions, create a difficult fiscal environment. On May 18, 2009, staff reported to Council that the General Fund deficit for FY 2009/10 had grown to \$5.7 million. Of the proposed budget solutions at the time, only \$1.2 million of the \$5.7 million budget solutions were ongoing. Modeling the City's long-term General Fund revenue growth against the City's long-term operating expenditures, Table 1, Long-term General Fund Forecast, shows that without fundamental change, the City's financial structure is unsustainable. The City has reserves which will continue to allow Visalia to overcome its deficit for a couple of years as shown in Appendix #3. However, the City will face a lower revenue structure and must adjust accordingly.

Key Points in Table 1:

- Assumes Revenue Growth @ 3% and increasing in the future
- Assumes Expenditure Growth @ 2% and increasing in the future
- Future Annual deficits paid for from reserves
- Factors in known increase in CalPERS Costs over 4 years to a General Fund share of \$2.0 million of the expected \$2.5 million cost increase
- Estimated General Fund capital spending at 1/3 of 20 year average, \$1 million
- Makes available Emergency Reserve and Undesignated Fund Balance
- Assume State property tax borrowing of \$2, returns in third year, FY 12/13
- Assume discontinuing the Teeter Plan by County
- Assume ongoing State take-aways of \$500,000 a year

Table 1  
Long-term General Fund Forecast



General Fund Budget - Forecast  
All Amounts in Millions

	<u>Projected 08/09</u>	<u>Revised Budget 09/10</u>	<u>Forecast 10/11</u>	<u>Forecast 11/12</u>	<u>Forecast 12/13</u>	<u>Forecast 13/14</u>
Revenues	\$ 53.2	\$ 50.6	3% \$ 52.1	3% \$ 53.7	3% \$ 55.3	4% \$ 57.5
Operating Expenditures	(50.8)	(54.6)	(52.8)	(52.7)	(53.7)	(55.3)
Add: Previous Ongoing Savings	<u>0.0</u>	<u>2.8</u>	<u>1.2</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Net Operating Expenditures	(50.8)	(51.8)	2% (51.6)	2% (52.7)	2% (53.7)	3% (55.3)
Less: Transfers (Convention Ctr)	(3.2)	(3.3)	(3.3)	(3.3)	(3.3)	(3.3)
Increase PERS Costs	0.0	(0.6)	(1.2)	(1.8)	(2.0)	(2.0)
Capital Net	(1.2)	(0.6)	(0.7)	(0.8)	(0.9)	(1.0)
Surplus/(Shortfall)	<u>\$ (2.0)</u>	<u>\$ (5.7)</u>	<u>\$ (4.7)</u>	<u>\$ (4.9)</u>	<u>\$ (4.6)</u>	<u>\$ (4.1)</u>
<b>Operational Reserves as of 6/30/08</b>						
Emergency Reserve	14.2					
Undesignate Fund Balance	<u>4.0</u>					
Beginning Operational Reserves	18.2	16.2	9.2	4.0	(1.4)	(4.5)
Less: Current Year Use	(2.0)	(3.0)	(4.7)	(4.9)	(4.6)	(4.1)
End of Teeter Plan		(1.5)				
State Loans/Takeaways	<u></u>	<u>(2.5)</u>	<u>(0.5)</u>	<u>(0.5)</u>	<u>1.5</u>	<u>(0.5)</u>
Ending Operational Reserves	16.2	9.2	4.0	(1.4)	(4.5)	(9.2)

Use of Reserves, FY 08/09 to FY 12/13 - \$27.4 million

To resolve the City's General Fund budget problem, staff recommends a new approach, an approach which is sustainable over the long run, a program designed to move the City from using one time reserves to living within its General Fund means. Management recommends:

- **Authorize the use of up to \$5.5 million of General Fund reserves** in FY 2009/10 while the City restructures its operations.

Potential Reserve Use in 2009/10

	Amount
Use of Reserves for Operations (Council authorized 4/6/09)	\$1,000,000
Budget Solutions to be identified (Council authorized 5/18/09)	1,560,000
Reorganizations/Retirements	450,000
Potential State Property Tax Loan	2,000,000
Probable State Revenue Take-aways	<u>500,000</u>
Total	\$5,510,000

The top three items become a \$3 million, ongoing General Fund savings goal

- **Implement a General Fund cost reduction program designed to decrease ongoing costs by \$3 million by:**

1. **Directing staff to offer an early retirement incentive for General and Convention Center Fund employees** except for the City Manager as follows:

- An early retirement incentive:

- An early retirement incentive:
  - For sworn, public safety, a \$30,000 incentive.
  - For non-sworn personnel, an incentive of \$10,000.
  - Any retiring employee would be eligible to roll their incentive payment:
    - Into their deferred compensation accounts in amounts allowed by law (\$23,000 a year); or,
    - into a PARS (Public Agency Retirement Systems) annuity contract. This will allow an employee to enhance their retirement with monies that would otherwise be paid to the employee on a taxed basis.
  - Any retiring employee may also designate that up to \$23,000 of their leave accruals be paid into deferred comp accounts. By combining their PARS account with a full 457 Deferred Comp account, \$53,000 to \$33,000 could be sheltered from taxation.
- To qualify for the incentive, individual must:
  - Be 50 years old and have 5 years of CalPERS service;
  - Be a General Fund or Convention Center Employee as shown in the 2008/10 budget, page 14-3 (See appendix #1);
  - File a notice with the City of their intent to retire by July 10, 2009;
  - Retire by July 31, 2009 unless the City Manager asks them to continue their employment for up to 4 months to allow for an orderly transition.

The rationale for limiting the early retirement incentive program to the General Fund and Convention Center is that the City needs to reduce costs in these funds. It is not expected to reduce positions in the other funds. The rationale for providing a higher incentive for public safety officers is that the City frequently pays for a public safety officer to attend the academy and then be in some type of training situation for an extended period of time. Significant funds are spent preparing an individual to perform as a public safety officer. If fewer of these new officers can be lost, the City will save that training cost. Other positions do not have comparable training costs after they are employed. As a result, a lower retirement incentive is recommended.

2. To the extent that the retirements create opportunities to leave positions vacant, City Management would **reorganize to save money**. If the retirement program is insufficient, the City would **then move to a) targeted layoffs, b) other departmental savings efforts as identified by departments and c) maybe some limited furloughs** to reduce the General Fund's ongoing costs by \$3 million a year. Appendix #5 show the City employee growth over time.

- **Adopt and Authorize the City Manager to finalize the City's layoff policy** with bargaining groups in order to implement, if necessary, layoffs in an orderly manner. The draft policy is attached as Appendix #2.
- Because the potential is that the General Fund will reduce costs to such a point that it will no longer meet its Measure T Maintenance of Effort (MOE) Requirement, the City Council should **declare a fiscal emergency by a 4/5ths vote due to the General Fund's multi-year deficit for both FY 2009/10 and 2010/11.**

The \$3 million ongoing savings may be apportioned several ways. If the proration was based upon reliance upon tax supported dollars, 75% of the cuts would come from public safety, of \$2.25 million. Police's costs cutting objective would be \$1.5 million. Fire's budget reduction would be about \$700,000. Both amounts are beyond what is permitted in the Measure T Maintenance of Effort (MOE) requirement. The MOE requirement was developed as a way to stop any supplanting of General Fund money with Measure T money. The only allowance for suspending the requirement is a fiscal emergency. The City is directing a general effort to reduce General Fund costs and is not doing this to supplant General Fund money. Making this reduction in the General Fund is out of fiscal necessity, which is allowed by the Measure T ordinance if agreed by to by 4 of the 5 Council members.

- **Continue to seek the savings outlined in Table 3, Budget Solutions – in Millions** for FY 09/10. The table shows that \$4 million of the budget solutions produce ongoing savings. Most of the savings are due to the layoff/reorganization efforts to be carried out. At the May 18, 2009 meeting, only \$1.2 million of the options were ongoing budget solutions. A more detailed list is provided as Appendix 6.

Table 3

<b>Budget Solutions - In Millions</b>	Council Action	On-going	One-time
<b>Council Authorized Items as of May 18, 2009 being implemented</b>	2.14	0.44	1.70
<b>New Recommendations as of 6/15/09</b>			
Rework Major Contracts	0.30	0.30	
Program Changes	0.20	0.20	
Reduction in Youth Grants	0.04	0.04	
Reduced Tree Trimming Contract	0.03	0.03	
Discontinue Council Discretionary Account	0.01	0.01	
Targeted layoffs, reorganizations and other measures	3.00	3.00	
New Recommendations	3.58	3.58	0.00
<b>Total</b>	<b>5.72</b>	<b>4.02</b>	<b>1.70</b>

In addition to the above major initiative, management also recommends that the City Council direct the following actions:

- **Rework major vendor contracts.** The City has a number of contracts for ongoing services. Staff will send a letter to all contract providers explaining the City's fiscal position and ask that they consider contract reductions. To the extent possible, City staff will renegotiate those contracts to lower costs. Hoped for savings, \$300,000.
- **Review program alternatives.** A number of programs or expenditures must be reevaluated. Given the current fiscal environment, every program needs to be considered. Staff will prepare a potential list of cost savings targeted at \$200,000.
- **Reduce Youth Service Grants by \$40,000, limit this year's grant recipients to those whom have previously received grants and continue 3 year funding limit.** The City has budgeted over \$160,000 for youth service grants. Given the difficulties the City is facing, staff recommends reducing these grants by \$40,000 this year before any awards are made. Further, the limiting of grant recipients this year will allow the City to discontinue the program by phasing it out over the next three years if necessary.
- **Reduce General Fund Street Tree Trimming Contract by \$30,000.** The City has invested in maintaining its street trees. This reduction will increase the tree trimming cycle from 10 years to 13 years.
- **Reduce the \$10,000 City Council Discretionary Fund by \$5,000.** Council currently has \$10,000 set-aside each year to be used by each Councilmember for community supported event.

## Summary

What lies ahead of the City is not what existed in the past. To meet the new challenges, the City must change. Past methods need to change to meet the new challenge. The proposed direction alters the City's course with an eye to sustainable government.

## Prior Council/Board Actions:

## Committee/Commission Review and Actions:

## Alternatives:

**Attachments:** Appendix 1: Personnel Allocation by Fund, page 14-3, City Budget FY 2008/10  
 Appendix 2: Layoff Policy  
 Appendix 3: General Fund Reserves  
 Appendix 4: Sales Tax  
 Appendix 5: City Employees  
 Appendix 6: Cost Savings Measures

**Recommended Motion (and Alternative Motions if expected):** I move that the plan as described in the staff report be approved as follows:

- **Authorize the use of up to \$5.5 million of General Fund reserves** in FY 2009/10 while the City restructures its operations.
- **Implement a General Fund cost reduction program designed to decrease ongoing costs by \$3 million by:**

**1. Directing staff to offer an early retirement incentive for General and Convention Center Fund employees** except for the City Manager as follows:

- An early retirement incentive:
  - For sworn, public safety, a \$30,000 incentive.
  - For non-sworn personnel, an incentive of \$10,000.
  - Any retiring employee would be eligible to roll their incentive payment:
    - Into their deferred compensation accounts in amounts allowed by law (\$23,000 a year); or,
    - into a PARS (Public Agency Retirement Systems) annuity contract. This will allow an employee to enhance their retirement with monies that would otherwise be paid to the employee on a taxed basis.
  - Any retiring employee may also designate that up to \$23,000 of their leave accruals be paid into deferred comp accounts. By combining their PARS account with a full 457 Deferred Comp account, \$53,000 to \$33,000 could be sheltered from taxation.
- To qualify for the incentive, individual must:
  - Be 50 years old and have 5 years of CalPERS service;
  - Be a General Fund or Convention Center Employee as shown in the 2008/10 budget, page 14-3 (See appendix #1);
  - File a notice with the City of their intent to retire by July 10, 2009;
  - Retire by July 31, 2009 unless the City Manager asks them to continue their employment for up to 4 months to allow for an orderly transition.

**2. Reorganize to save money then move to a) targeted layoffs, b) other departmental savings efforts as identified by departments and c) maybe some limited furloughs** to reduce the General Fund's ongoing costs by \$3 million a year.

- **Adopt and Authorize the City Manager to finalize the City's layoff policy.**
- **Declare a fiscal emergency by a 4/5ths vote due to the General Fund's multi-year deficit for both FY 2009/10 and 2010/11 as outlined in the Measure T recertification memo.**
- **Continue to seek the savings outlined in Table 3, Budget Solutions – in Millions for FY 09/10.**

In addition to the above major initiative, management also recommends that the City Council direct the following actions:

- **Rework major vendor contracts.** Hoped for savings, \$300,000.
- **Review program alternatives.** Staff will prepare a potential list of cost savings targeted at \$200,000.
- **Reduce Youth Service Grants by \$40,000, limit this year's grant recipients to those whom have previously received grants and continue 3 year funding limit.**
- **Reduce General Fund Street Tree Trimming Contract by \$30,000.**
- **Reduce the \$10,000 City Council Discretionary Fund by \$5,000.**

**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)*

Appendix #1

Retirement Incentive Affects General Fund and Convention Center Positions

<b>PERSONNEL ALLOCATION SUMMARY BY FUND</b>				
	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>
<b>General Fund</b>				
Administration	8	10	9	9
Administrative Services	21.75	22	22	22
Community Development	24	18	18	18
Fire	65	66	66	66
Housing & Economic Development	0	4	4	4
Parks & Recreation	42	43	44	44
Police	168	173	175	175
Public Works	44	44	44	44
<b>TOTAL</b>	<b>372.75</b>	<b>380</b>	<b>382</b>	<b>382</b>
<b>Enterprise Fund</b>				
Convention Center	27	27	27	27
Transit	4	4	4	4
Airport	5	5	5	5
Building Safety & Code Inspection	21	13	13	13
Solid Waste	51	54	54	54
Storm Sewer Maintenance	0	0	3	3
Wastewater Treatment Plant	34	32	29	29
<b>TOTAL</b>	<b>142</b>	<b>135</b>	<b>135</b>	<b>135</b>
<b>Internal Service Fund</b>				
Risk Management	2	3	3	3
Information Service	10	11	11	11
Fleet Maintenance	12	12	12	12
<b>TOTAL</b>	<b>24</b>	<b>26</b>	<b>26</b>	<b>26</b>
<b>Redevelopment Agency Funds</b>				
RDA	5	4	4	4
<b>TOTAL</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>4</b>
<b>Measure T</b>				
Fire	4	4	4	4
Police	15	20	24	26
<b>TOTAL</b>	<b>19</b>	<b>24</b>	<b>28</b>	<b>30</b>
<b>COPS Grants Funds</b>				
COPS	0	3	3	3
<b>TOTAL</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>3</b>
<b>TOTAL POSITIONS</b>	<b>562.75</b>	<b>572</b>	<b>578</b>	<b>580</b>

Affects only General Fund and Convention Center employees

Appendix #2

Layoff Policy

June 4, 2009

MEMO TO: Visalia City Council

FROM: Janice Avila, Human Resources Manager

SUBJECT: **REDUCTION IN WORKFORCE (Layoff) POLICY - DRAFT**

The decision to reduce City employment due to fiscal constraints, reductions in revenue, reorganization, reduction in the demand for service, lack of work or other reasons of economy or efficiency is at the sole discretion of the City. When it is deemed necessary to reduce City employment by a lay off of employees, it is important to have a policy in effect which establishes the procedures to implement and effect the lay offs.

With the exception of Group M (Miscellaneous employees), the City does not have a Reduction in Workforce (Layoff) Policy in place. The City's general practice relating to layoffs was based upon business necessity and management prerogative. The department head group has drafted a Reduction in Workforce Policy which is seniority based and affords employee bumping rights to a degree. The Policy's purpose is to establish the regulations pertaining to pertaining to lay-off and seniority and establish procedures involved in the application of the policy. This draft policy is fashioned from the policy in place for Group M employees.

The City's negotiations team has been meeting with bargaining Groups A (Police Management), B (Police Officers/Agents), G (Firefighters Association) and E (Miscellaneous Managers, Supervisors) to review and discuss the impacts of the draft policy.

The policy's framework includes the following definitions and elements:

- Layoff
  - An action caused by a reduction of authorized budgeted position, where an employee is laid off from the work force.
- Classification
  - Job title and job description
  - One or more positions grouped according to duties and responsibilities
  - A classification series consisting of a grouping of two or more job classes performing similar work, but at different levels of responsibility, difficulty and pay.
- Seniority
  - Time an employee was first granted permanent status with the City
  - Credit for continuous unbroken service with the City in all regular classifications (excludes medical leave)
  - If 2 or more in same class & same seniority date, then based upon job performance
  - Seniority is calculated by adding service time in all higher class to service time in the class to which the employee is attempting to bump
- Bumping Rights
  - The right of an employee, based upon seniority, to displace another employee



- Can bump into any class he/she previously held regular status in, providing they have seniority over the person being bumped
  - Bumping also permitted to lower level positions in same class series
  - No right to bump into a class for which the ee does not possess the minimum qualifications of the class, i.e. - specialized education, certifications, knowledge, skills, and abilities.
  - An employee “bumped” shall have the same rights as provide in this policy.
- Scope & order of layoffs
    1. Hourly (Extra help)
    2. Contract (At-will employment contracted position with benefits)
    3. Probationary
    4. Regular Employees
- Other Provisions
    - Hourly employees hired to provide workforce for special events, short periods of time, or to provide for concentrated number of employees (i.e. Conv Ctr) are excluded from the order of layoffs
    - When the City believes that the best interest of the City required the retention of employees with special qualifications, certificates, licenses, or skills, the City Manager may grant an exception to the order of layoff.
- Process:
    1. City notifies the Union of its intention prior to making any such layoffs
    2. The City meets and confers with the Union the impacts of the decision to lay-off.
    3. Employees subject to layoff given thirty (30) calendar days advance notice in writing
    4. An employee has ten (10) days after notice of layoff to notify City of their intent to exercise bumping rights

Provided below are three examples of layoff scenarios based upon seniority and bumping.

Example 1: Police Sergeant position eliminated

- Last Sgt. Promoted – laid off
- If Agent classification held prior – can bump last hired Agent if person being bumped has less seniority.
- Last promoted Agent – can bump last Police Officer hired

Example 2: Financial Analyst position eliminated in Finance

- Last Financial Analyst hired has prior service as a Financial Analyst in Public Works. These service years are added.
- Next last hired employee is laid off (may or may not have bumping rights, depending upon prior service)
- If laid off Financial Analyst has more service than a Financial Analyst in another department – that employee may bump into that position.

Example 3: Single incumbent Management position

- With no prior service in another classification - would not have bumping rights
- If person held a former position – they can bump down into that position as long as they have more seniority over person being bumped
- This person may bump down the class series if more seniority than other employee(s) in classification

If you have any questions, or need additional information, I am available to assist you.

## Proposed Layoff Policy

### **I. PURPOSE**

The purpose of this policy is to establish the regulations pertaining to layoff and seniority and establish procedures involved in the application of this policy.

### **II. POLICY**

When it is deemed necessary to reduce City employment by the layoff of employees, the layoff procedure shall protect the right of the City to retain qualified employees, while recognizing the seniority of affected employees as outlined below. Employees affected by the outsourcing of City services and/or programs shall be considered as laid off and subject to the terms and conditions of this policy if the City is unable to arrange employment with the outsourcing contractor

Such layoffs shall occur by classification within the department. The department head, with approval of the City Manager, shall determine the classification, number of positions to be affected within a department, and the lay-off effective date. The Human Resources Manager shall notify the effected bargaining group in writing of the City's decision to layoff at the earliest possible date.

All employees covered by a memorandum of understanding shall be subject to any layoff policy and procedure in the applicable collective bargaining agreement.

### **III. DEFINITIONS**

#### A. Layoff

1. An action caused by a reduction of authorized, budgeted positions wherein an employee is laid-off from the work force. The term "Layoff" shall include removal from city employment or reassignment to a former or other classification pursuant to this policy.

#### B. Classification

1. The job title and job description are the City's official description of the representative duties, responsibilities and employment qualifications of a job.
2. Classification means one or more regular positions grouped according to the duties and responsibilities assigned to a specific job title.
3. A classification series consists of a grouping of two or more job classes performing similar work, but at different levels of responsibility, difficulty and pay. (i.e. Worker, Senior Worker, Lead Worker).

#### C. Seniority

1. Seniority for the limited purposes of this policy shall mean the time an employee was first granted regular status with the City, subject to the following:
  - a. Credit shall be given only for continuous service with the City of Visalia in all regular classifications served.
  - b. Continuous unbroken time worked includes time during which the employee was absent with pay. Approved leaves of absence without pay maintain the continuity of employment, but the duration of the leave shall be deducted from the total continuous time period worked except as provided by State and/or Federal law.
  - c. In cases where there are two or more employees in the classification from which the layoff is to be made who have the same seniority date within that classification, such employees shall be laid off on the basis of their overall rating of their last performance evaluation the classification in which they are currently employed. In such cases, the employee(s) with less than "meets job standards" on their last performance evaluation's overall rating will be laid off first.
    - Fire seniority ranking as established by the Fire Department's Standard Operational Procedures; Article 35, will be used for Group G employees, in the case outlined in "c" above. (Addendum A)
    - Police seniority ranking as established by the Police Department; will be used for Group A and B employees, in the case outlined in "c" above. (Addendum B).
  - d. For bumping purposes only, seniority shall be calculated by adding service time in all higher classification(s) to service time in the classification to which the employee is attempting to bump.

#### Bumping Rights

1. Bumping rights or bumping shall mean the right of an employee, based upon the seniority as defined in III c, d, to displace another employee ("bump" into another classification either within a classification series or a classification previously held by the employee within the City organization.)
2. An employee shall be permitted to bump into any classification he/she previously held, provided that they have seniority over the person being bumped.
3. No employee shall have the right to bump into a classification for which the employee does not possess the minimum qualifications of the classification, such as specialized education, training, certifications, knowledge, skills and abilities.
  - a. An employee who is bumped shall have the same rights as provided herein and shall be considered laid-off for the purposes of this policy.

#### **IV. SCOPE AND ORDER OF LAYOFF**

Layoff shall occur within a job classification and division in inverse order of seniority in the following order of employee status.

1. Hourly (Extra Help) – Employed by the City or through a employment agency on a part-time or temporary basis\*
2. Contract (At-will Employment contracted position with benefits)
3. Probationary
4. Regular employees. Part-time employee's service time shall be prorated for the purposes of computing seniority.

\*Hourly employees hired to provide a temporary workforce for special events, short periods of time, or to provide for a concentrated number of employees (i.e. Convention Center) are excluded from this order of layoff and may be utilized as deemed necessary and appropriate for the special event by the City. Employees on the City's reemployment list will be offered hourly work when available based upon the employee's qualifications and the hourly work needed.

#### **V. EXCEPTION TO LAYOFF BY SENIORITY**

Whenever the City believes that the best interest of the City requires the retention of employees with special qualifications, certifications, licenses, characteristics, or skills for the work, the Human Resources Manager will prepare a written memo to the City Manager outlining the need to grant an exception to the order of lay-off. An employee who is laid off in lieu of a less Senior employee, pursuant to this exception, will be notified as outlined in this policy.

#### **VI. NOTIFICATION**

- A. In the event the City should anticipate a layoff of employees covered by this Policy; the City will notify the appropriate Employee Bargaining Unit of its intention prior to making any announcement of such layoffs. The City will provide the Employee Bargaining Unit a listing of the effected employee(s) and classification(s) and their seniority date at the time of the meeting.
- B. The City, prior to any layoffs or announcement of lay-off, shall meet and confer with the Employee Bargaining Unit with respect to the impact of the decision to lay off employee(s). Nothing in this section relinquishes the City's right to layoff employees. During the meet and confer process with respect to the impact of the decision, the City shall, upon request, discuss the basis of its decision to layoff with the Employee Bargaining Unit.
- C. Employees subject to layoff shall be given at least thirty (30) calendar days advance notice in writing. In addition to a copy of this policy, the layoff notice shall include the following information:
  - 1 . Reason for layoff
  - 2 . Effective date of the layoff
  - 3 . The employee's calculated seniority date
  - 4 . Classifications within the City to which the employee may exercise the bumping rights described herein.
  - 5 . Other rights the employee may have as outlined in the City Personnel Policies.

- D. An employee who has bumping rights shall notify the Human Resources Manager in writing within ten (10) calendar days of the written notice of layoff of his/her intention to exercise the bumping rights described in this policy.

## **VII. REEMPLOYMENT**

- A. Employees who are laid off shall have their names placed on a reemployment eligibility list for their current classification or a classification they previously held. The reemployment eligibility list shall be maintained by the City for a period of two (2) years from the effective date of the layoff.

Reemployment Eligibility List: The reemployment eligibility list shall consist of the names of employees and former employees having probationary or regular status who have been laid off or whose positions have been reallocated as a result of reorganization or reclassification. The affected employees shall be placed on the reemployment eligibility. Such lists shall take precedence over all other eligible lists.

- B. The Human Resources Manager shall make every effort to place an employee who has been laid off in a vacant position approved for filling, for which he/she is qualified during the life of the reemployment eligibility list.
- C. An employee whose name is on a current reemployment eligibility list and had been employed with the City, for at least three consecutive months prior to layoff, shall be eligible to apply for any promotional recruitment.
- D. Employees shall be recalled from the reemployment list in order of seniority in the classification being filled.

## **VIII. VOLUNTARY DEMOTION IN LIEU OF LAYOFF**

- A. An employee scheduled to be laid off may voluntarily demote to a vacant lower classification in which the employee previously held within the City organization, provided the employee possesses the minimum qualifications for the lower position and the position has been approved for filling, as determined by the Human Resources Manager.
- B. Employees may also voluntarily demote to any vacant position they previously held in the City, provided that the position has been approved for filling, wherein their prior performance in that position has been documented to be satisfactory.
- C. All employees who voluntarily demote will be paid at the same rate of pay as prior to demotion if, and only if, that rate of pay is within the range of the lower position. If this is not the case, the rate of pay shall be within the salary range of the lower position which is closest to his/her rate of pay prior to the voluntary demotion.
- D. To be considered for voluntary demotion in lieu of layoff, an employee must notify the Human Resources Manager in writing of this election no later than ten (10) calendar days of the written notice of layoff.

E. An employee, who voluntarily demotes in lieu of a layoff, shall be placed on the reemployment eligibility list at their request. Such request must be in writing and submitted to the Human Resources Department at the time of the demotion.

#### **IX. BENEFITS AND ASSISTANCE**

Employees to be laid off shall be provided assistance by designated Human Resources staff in exercising their entitlements to City and statutorily provided benefits. The City shall continue its regular contribution for medical benefits for limited period of one month after the month that the employee was laid off. Thereafter, the City shall comply with all applicable state and federal laws concerning COBRA benefits.

#### **X. NOTICE OF RECALL**

Notice of recall from layoffs shall be in writing, sent by Certified Mail and shall specify the date for reporting to work, which shall not be more than thirty (30) calendar days from the date the notice is received. Notice shall be deemed to have been received when sent to the last known address of the employee on file with the City. The employee shall have fourteen (14) days from the date of Notice to notify the City in writing, as to whether the employee accepts the job offered through the recall. If the employee does not notify the City in writing by that period of time, of their acceptance of the job offered, the City will assume the employee is not interested in reemployment, and will move to fill the position by other means.

It is the employee's responsibility to keep the City informed of his/her mailing address and telephone number. Failure to do so will result in the employee's name being removed from the reemployment eligibility list.

Employees reemployed from the Reemployment eligibility list are eligible to reinstate prior benefits at the level when the break in service occurred. (i.e. Health Insurance, vacation accrual rate, sick leave balance at time of separation, etc.)

#### **XI. APPEAL**

Appeal of decisions made under this policy may be made through the City's Grievance Procedure.

## Appendix # 3

### City General Fund Reserves

#### ***Reserves bridge but don't solve structural deficits***

Spendable resources available to the City Council for any governmental purpose can be determined by analyzing the General Fund's Fund Balance. The Fund Balance can be divided into three parts:

- ***Reserved Fund Balance*** is an asset unavailable for spending, such as advances to other funds or monies committed to a contract such as construction spending.
- ***Designated Fund Balance*** is an asset Council has set aside for a specific purpose. The Council has set-aside two types of designations, Capital and Operational.
- ***Undesignated Fund Balance*** is an asset available for any authorized governmental purpose.

Table A, Schedule of Fund Balance General Fund, as of 6/30/08, provides the detail of the City's assets as of that date.

Note that the City had set aside \$14 million for emergency operational reserves. Another \$4 million was undesignated and potentially available. The other parts of Fund Balance were either reserved or designated for capital projects.

The Reserved portions were unavailable to spend. The Capital Designations, however, may be redirected by Council action to other purposes, if Council so directed. Because this display is from 6/30/08, the numbers have changed. However, the categories provide insight into what resources are available to the City Council.

Lastly, this chart is from last fiscal year. Since then, a number of the capital projects from prior years have moved forward, the Rawhide Stadium has been completed and the next phase of the Sports Park is preceding forward. These actions will reduce reserves.

Table A

**CITY OF VISALIA  
SCHEDULE OF FUND BALANCE – GENERAL FUND  
JUNE 30, 2008  
(In Thousands)**

**RESERVED**

**ADVANCES TO OTHER FUNDS:**

**Special Revenue Funds**

Measure R - Regional	\$ 1,071
Kaweah Lake	631
Special Service Districts	131
Grant & Loan Funds	19

**Capital Project Funds**

Parking District	1,353
Police Impact Fee	875
Community Development	719
East Visalia Development District	93
Government Facilities Impact Fee	55

**Business-Like & Internal Service Funds**

Solid Waste	910
Valley Oak Golf	657
Risk Management	190

\$ 6,704

**OTHER RESERVED**

Encumbrances	7,226
PERS Prepayment	2,800
Supplies & Other Prepays	168

10,194

**TOTAL RESERVED**

\$ 16,898

**UNRESERVED**

**DESIGNATED BY CITY COUNCIL:**

**Capital Projects**

Civic Center Facilities	8,958
Miscellaneous Capital Projects	6,214
Sports Park	3,096
Recreation Park Stadium	2,174
Transportation Projects	1,052
Future Projects	213
Historic Preservation	5
West 198 Open Space Acquisition	(465)

21,247

**Operational Expenses**

Emergency @ 25% of Operational Expenses	14,101
Building Safety Division	(226)

13,875

35,122

**UNDESIGNATED:**

4,290

**TOTAL UNRESERVED**

39,412

**TOTAL FUND BALANCE**

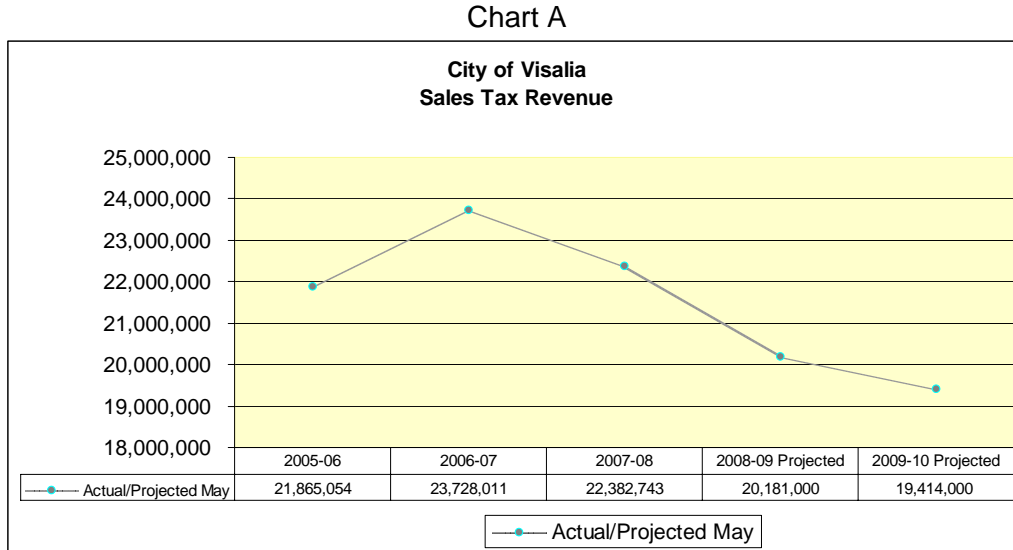
\$ 56,310



Appendix # 4

Sales Tax, 1/3 of the City's General Fund Revenues

For years, the City's revenue base has been increasing, sometimes quickly and sometimes slowly, but increasing. For the last two years sales tax, which makes up over a third of the City's General Fund revenues, has decreased. The forecast is that sales tax will decrease again next year as shown in Chart A, Sales Tax Revenue. The 2009/10 projected revenue is over 20% or \$4.3 million less than in 2006/07.



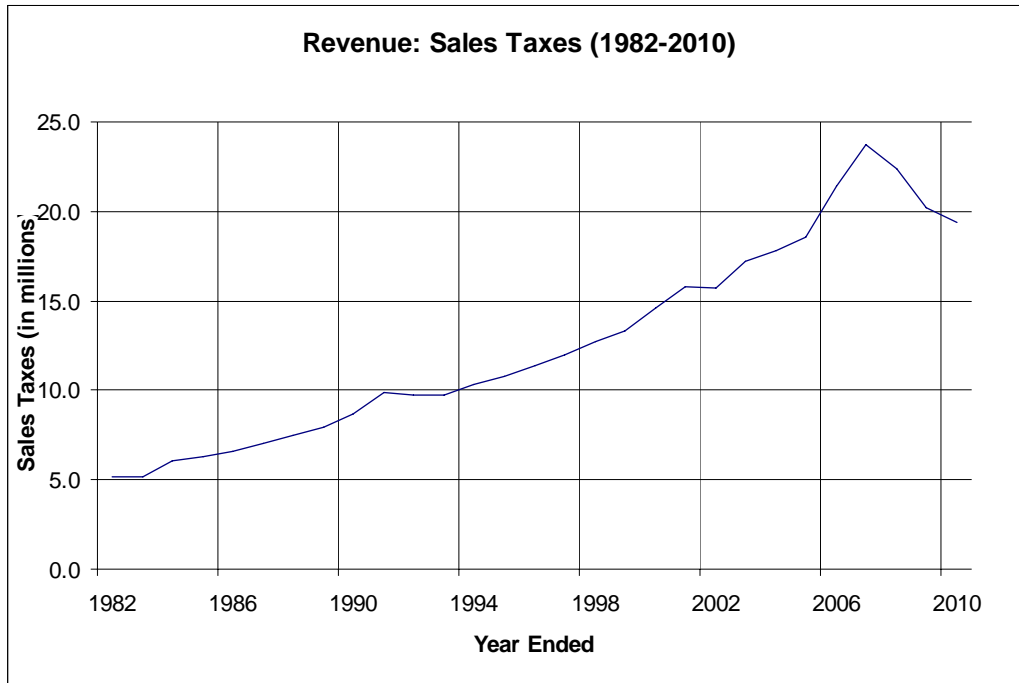
Starting in Fiscal Year 2006/07, the City's sales tax peaked. Starting at a high of \$23.7 million, sales tax has declined to a projected \$19.4 million in FY 2009/10, a \$4.3 million swing.

To put this fact into perspective, Finance reviewed Sales Tax receipts back to 1982/83. There is no comparable decline. The worst decline occurred in the early 1990s when sales tax essentially remained constant for three years as shown in Chart B, Historical Sales Tax.

One further thought about sales tax. When sales tax finally recovers and starts to grow, the City may experience a historical growth rate of 6%. At that rate, it will take 3 to 4 years for sales tax to recover to its peak if FY 09/10 is the bottom of the decline.

In the end, the governmental infrastructure that was supported by the revenues in 2006/07 can not be supported today given the City's revenues.

Chart B  
Historical Sales Tax

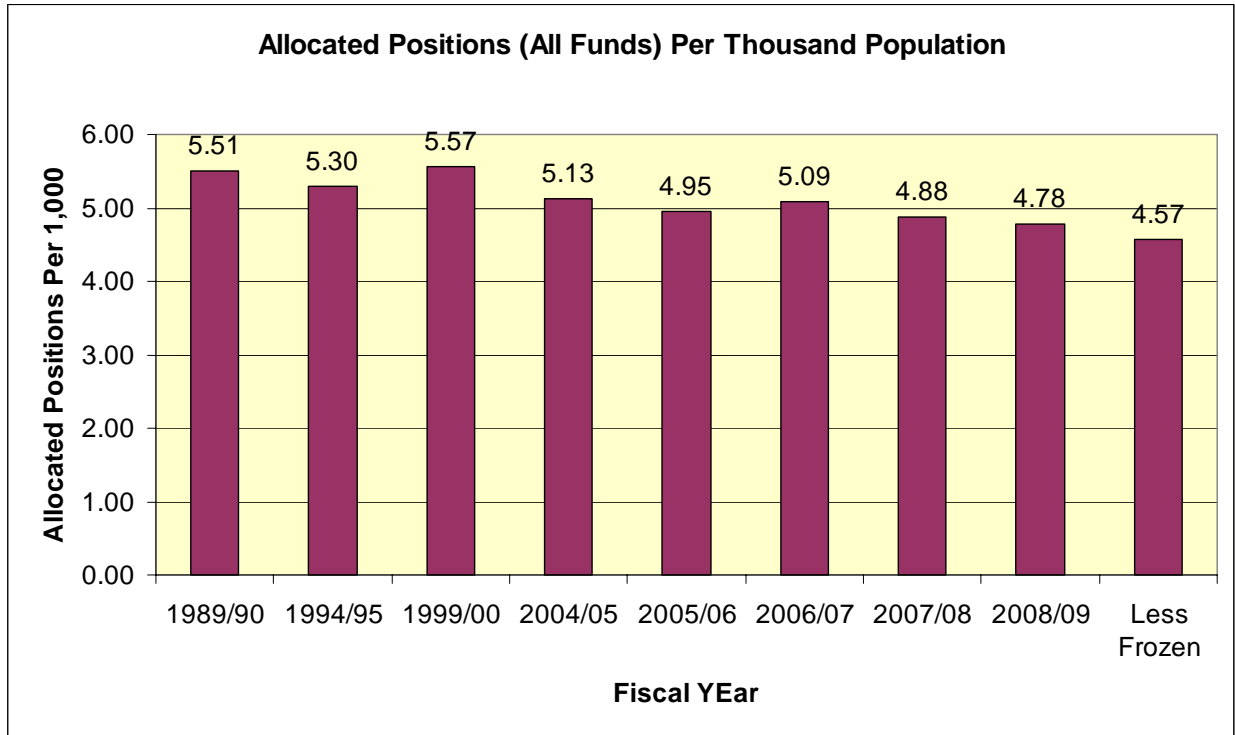


Appendix #5

City Employees

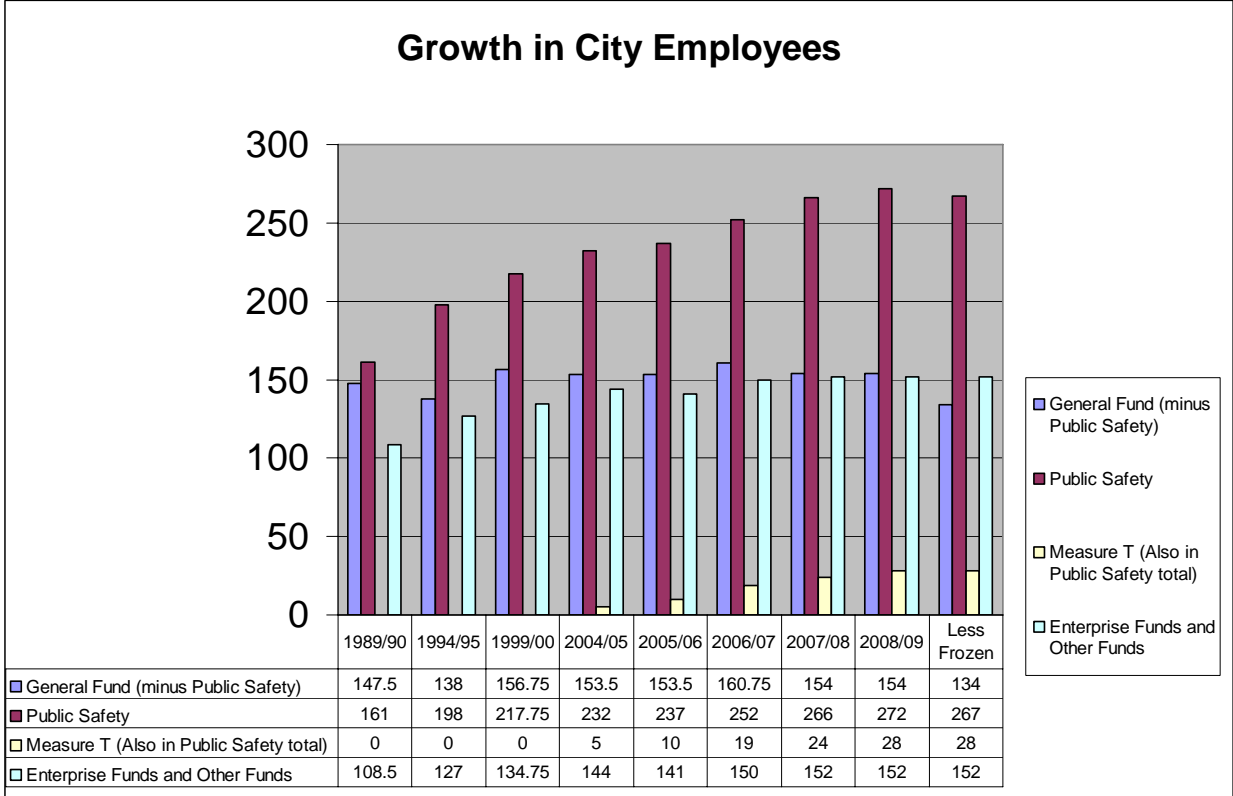
The single largest cost item in the General Fund is employees. To consider what the City can do to control employee costs, consider Chart C, Allocated Positions per Thousand Population.

Chart C



Over time, the City's employees per 1000 has decreased from a high of 5.57 in 2000 to 4.78 per thousand today, a 16% decline in less than 10 years. If the additional 25 frozen positions were considered, the employees per thousand would drop an addition .21. Review, now, what growth, if any has occurred by reviewing Chart D, Growth in City Employees.

Chart D



**Key Points**

- Except for Public Safety, other employee types have had little to no growth.
- Public Safety Growth has been helped by Measure T; however, of the 111 new Public Safety Positions added since 1990, only 28 have been funded by Measure T.
- After accounting for frozen positions, Non-sworn, General Fund positions are less than 20 years ago. The frozen positions for FY 2008/09 have been removed from this chart in the last column. Most of the frozen positions come from the Non-Public Safety General Fund totals.

The impression from these two graphs is that the City has controlled employee growth and Council has strategically added positions to Public Safety.

Appendix 6

Budget Solutions List

<b>Budget Solutions - In Millions</b>		<b>Council Action</b>	<b>On-going</b>	<b>One-time</b>
<b>Council Authorized Items as of May 18, 2009 being implemented</b>				
1	Use some reserves for operating costs	1.00		1.00
2	Reduce capital funding by an additional \$500,000	0.50		0.50
3	Proceed with the closing of old Soroptimist Park	0.05	0.05	
4	State Lobbyist Contract	0.05	0.05	
5	Charge medical insurance for medical assists	0.03	0.03	
6	Sell naming rights to the Convention Center	0.05	0.05	
7	Increase the use of Abandoned Vehicle Money	0.10	0.10	
8	Return all of VLF to General Fund for 09/10 only because of Stimulus money	0.20		0.20
9	Increase Recreation Program Fees	0.10	0.10	
10	Reduce VEDC Contract by 20%	0.01	0.01	
11	Adopt a JPA approach to Haz Mat in the County or discontinue the program	0.05	0.05	
		<u>2.14</u>	<u>0.44</u>	<u>1.70</u>
<b>New Recommendations as of 6/15/09</b>				
12	Rework Major Contracts	0.30	0.30	
13	Program Changes	0.20	0.20	
14	Reduction in Youth Grants	0.04	0.04	
15	Reduced Tree Trimming Contract	0.03	0.03	
16	Discontinue Council Discretionary Account	0.01	0.01	
17	Targeted layoffs, reorganizations and other measures	3.00	3.00	
	<b>New Recommendations</b>	<u>3.58</u>	<u>3.58</u>	<u>0.00</u>
	<b>Total</b>	<b>5.72</b>	<b>4.02</b>	<b>1.70</b>

# City of Visalia Agenda Item Transmittal

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Annual Recertification of the Measure T Plan and approve resolution declaring a General Fund emergency and suspending Measure T Maintenance of Effort provisions for 2009/10 and 2010/11 fiscal years. **Resolution 2009-26 required. (Requires 4/5 vote)**

**Deadline for Action:** June 15, 2009

**Submitting Department:** Administrative Services - Finance

**Contact Name and Phone Number:**  
Gus Aiello, Finance Manager, x4423

## Recommendation

That Council recertifies the Measure T plan elements for fiscal year 09/10 by:

- Adopting a resolution declaring a fiscal emergency in the General Fund, expected to continue for fiscal years 2009/10 and 2010/11.
- Authorizing the use of \$350,000 of the Police Measure T Uncertainty Funds to Balance the Police Measure T plan for FY 2009/10; and,
- Authorizing the implementation of the 2009/10 Measure T plan elements

## Discussion

Each year the Measure T ballot measure requires the City Manager to recertify to the City Manager that the Measure T plan is being implemented as approved by the voters. The Citizens Advisory Committee (CAC) is required to recommend recertification or changes to the plan as appropriate. At its monthly meeting on June 3, 2009, the CAC reviewed and voted to recommend the implementation of the Measure T plan for fiscal year 2009/10 as outlined in this report, noting that they were concerned about hiring personnel as outlined in the plan an potentially furloughing them immediately.

### 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.

**Maintenance of Effort (MOE)**

When passed, the Measure T ballot indicated that “the City Council will not use public safety revenue measure funds to supplant General Fund dollars budgeted for normal operations at the previous year’s service levels. In the event of an economic emergency, the City Council may only alter this provision by a supermajority (4/5<sup>th</sup>) vote”. In other words, if there is a decrease in the budget from prior year, the MOE has been violated unless the Council declares a General Fund fiscal emergency by a 4/5ths vote.

The main issue in this year’s plan recertification is the General Fund’s ability to meet the Measure T maintenance of effort (MOE) requirement for FY 2009/10. Staff projects sales tax and property tax revenues in the General Fund to decrease over the next couple fiscal years. These two revenue sources account for over 2/3 of the General Funds revenues. Additionally, operations costs tend to increase. When revenues decrease, expenses need to decrease.

**Table I – General Fund Budget – Forecast**, displays staff’s General Fund forecast through fiscal year 2013/14 without major restructuring of the General Fund budget.

**Table I  
General Fund Budget - Forecast  
All Amounts in Millions**

	<i>Projected</i> <b>08/09</b>	<i>Revised</i> <b>Budget</b> <b>09/10</b>	<i>Forecast</i> <b>10/11</b>	<i>Forecast</i> <b>11/12</b>	<i>Forecast</i> <b>12/13</b>	<i>Forecast</i> <b>13/14</b>
Revenues	\$ 53.2	\$ 50.6	\$ 52.1	\$ 53.7	\$ 55.3	\$ 57.5
Operating Expenditures	(50.8)	(54.6)	(52.8)	(52.7)	(53.7)	(55.3)
Add: Previous Ongoing Savings	-	2.8	1.2	-	-	-
<b>Net Operating Expenditures</b>	<b>(50.8)</b>	<b>(51.8)</b>	<b>(51.6)</b>	<b>(52.7)</b>	<b>(53.7)</b>	<b>(55.3)</b>
Less: Transfers (Convention Center)	(3.2)	(3.3)	(3.3)	(3.3)	(3.3)	(3.3)
Increases PERS Costs	-	(0.6)	(1.2)	(1.8)	(2.0)	(2.0)
Capital Net	(1.2)	(0.6)	(0.7)	(0.8)	(0.9)	(1.0)
<b>Surplus/(Shortfall)</b>	<b>\$ (2.0)</b>	<b>\$ (5.7)</b>	<b>\$ (4.7)</b>	<b>\$ (4.9)</b>	<b>\$ (4.6)</b>	<b>\$ (4.1)</b>

Ongoing deficits are unsustainable. Although emergency reserves can be used to meet the shortfalls in Table I for awhile, the continued use of reserves is not sustainable or recommended.

To meet the future General Fund revenue shortfall, Council has been provided multiple cost saving options by staff. Included are:

- The use of General Fund reserves of \$5.5 million in fiscal year 2009/10
- General Fund cost reductions of \$3.0 million, including an early retirement program
- General Fund department review and reworking of programs to result in operational expenditure savings

Expenses will be reduced. Some of the reductions may be in Police and Fire, which may cause their budgets to be lower than the prior fiscal year. **Table II – City of Visalia Public Safety General Fund Budget** details the operating budgets for fiscal years 2008 / 09 and 2009 / 10 for Police and Fire without budget cost savings. FY 2009/10 currently exceeds the Measure T MOE requirement for FY 2009 /10 by \$1,143,521 for Police and \$442,350 for Fire.

**Table II - City of Visalia  
Public Safety General Fund Budget**

	<b>Police</b>	<b>Fire</b>	<b>Total</b>
2008/09 Budget	25,671,220	11,345,100	37,016,320
Less 2008/09 Grants	(853,000)	-	(853,000)
<b>Total 2008/09 Adjusted Budget</b>	<b>24,818,220</b>	<b>11,345,100</b>	<b>36,163,320</b>
2009/10 Budget	26,730,241	11,787,450	38,517,691
Less 2009/10 Grants	(768,500)	-	(768,500)
<b>Total 2009/10 Adjusted Budget</b>	<b>25,961,741</b>	<b>11,787,450</b>	<b>37,749,191</b>
<b>Difference from 2008/09 to 2009/10 (MOE)</b>	<b>1,143,521</b>	<b>442,350</b>	<b>1,585,871</b>
Pro Rata Cuts @ \$3 million	\$ 1,500,000	\$ 750,000	\$ 2,250,000

In the event the City implemented cost saving techniques greater than the increases in the budgets from the prior year, the MOE would be violated. Staff is recommending General Fund cost savings measures equal to \$3 million in the General Fund. Since Public Safety makes up 75 percent of the tax supported services, an across the board decrease to these departments would result in a \$1.5 million decrease in Police spending and a \$750,000 decrease in Fire spending, \$2.25 million in total. This level of reduced spending either requires the Council seek smaller Public Safety reductions or declare a fiscal emergency in the General Fund. Clearly, the City is considering these budget cuts to live within its means, not to supplant General Fund monies with Measure T monies. ***Staff recommends that the Council declare a fiscal emergency in the General Fund for the next two years, allowing the City to restructure its budget and meet its fiscal requirements.***

**Plan Implementation**

Although staff recommends declaring a fiscal emergency in the General Fund, there remains a need to implement the Measure T plan. Measure T directs that the Plan is to be implemented in a certain order. The plan order and a recap of the progress to date are included below:

- 1) Implement the current year plan.** All personnel and equipment elements of the plan have been implemented. The two Police Precinct elements have been completed. The Northwest Fire Station has also been completed. The remaining capital project is the Public Safety building.

Actual personnel costs are less than the plan's budget; capital costs, however, have exceeded plan. The capital portion of the Measure T plan will require additional resources to be completed, causing a longer development period than desired.

- 2) Fund the economic uncertainty fund.** Measure T requires that the economic uncertainty fund be funded at 25% of current year budgeted revenues. The revenue budget for Measure T is \$4.97 million requiring an economic uncertainty fund of \$1,24



million. The Police and Fire Uncertainty Funds are to be funded at \$745,000 and \$497,000, respectively for FY 09/10.

- 3) **Accelerate the Plan**, if excess funding is available. Excess funding is not currently available in Police Measure T and Fire needs its remaining monies for a planned increase in personnel in FY 12/13.

**Fiscal Year 2009/10**

In considering next fiscal year’s budget, the fund’s revenues as well as intended expenditures need to be assessed. **Table IV – Measure T Sales Tax**, displays Measure T revenues since inception. The projections for 08/09 and 09/10 show revenues far short of budget. The revenue decline underscores the importance of an uncertainty fund in order to have consistent funding of Measure T elements. If sales tax has a steep, prolonged decline, the uncertainty fund will be needed and may fully be consumed. The City will need to take steps to control Measure T costs. In fact, the budget forecast requires that Council authorize the use of Measure T uncertainty funds in the Police Measure T fund this year as discussed later.

**Table IV**

Fiscal Year	Total Measure T		Difference From Budget
	Budget	Actual/Projection	
2004-05	\$ 4,578,000	\$ 4,218,000	\$ (360,000)
2005-06	\$ 4,660,000	\$ 5,194,000	\$ 534,000
2006-07	\$ 4,916,000	\$ 5,407,000	\$ 491,000
2007-08	\$ 5,080,000	\$ 5,022,000	\$ (58,000)
2008-09	\$ 5,107,000	\$ 4,927,600	\$ (179,400)
2009-10	\$ 5,504,400	\$ 4,851,650	\$ (652,750)
<b>Total</b>	<b>\$ 29,845,400</b>	<b>\$ 29,620,250</b>	<b>\$ (225,150)</b>

**Table V - Measure T Plan Elements, Year 6**, displays the plan elements for next fiscal year, 2009/10.

**Table V – Measure T Plan Elements, Year 6**

Year 6	POLICE
FY 09/10	* Hire 2 new police officers
	* Purchase 2 new police vehicles/equipment
	* Depreciation for 2 vehicles
	FIRE
	Previous Yrs' Ongoing Cost

The major element for next year’s implementation is the hiring of 2 new Police Officers in FY 09/10. This action will bring the total number of Police Officers hired under Measure T to 26. Note that the plan calls for two more officers to be hired in FY 10/11. At that point, all 28 Police Officers in the plan will be hired. The Measure T plan currently funds 4 Firefighters and calls for hiring 14 Firefighters in FY 12/13 for another Fire Station.

Revenues are almost sufficient to fund next year’s personnel and equipment needs. The proposed budget for fiscal year 2009/10 is shown in **Table VI, Proposed Measure T Budget - 2009/10**. If the budget holds true and Police has a negative cash balance at year end, the Police economic uncertainty fund will be used to balance the Police Measure T fund. As a

result, Council should authorize the use of \$344,725 from the Police Measure T uncertainty funds to balance next year's budget. Effectively, the Police Measure T uncertainty fund would decline to around \$400,000.

**Table VI**  
**Proposed Measure T Budget - 2009 / 10**

<u>Revenues</u>	<u>Police</u>	<u>Fire</u>
Sales Tax	\$ 2,910,990	\$ 1,940,660
Interest Earnings	28,800	216,100
Revenues	2,939,790	2,156,760
<u>Expenditures</u>		
Personnel	2,985,640	553,900
Operations	145,440	62,530
Operating Expenditures	\$ 3,131,080	\$ 616,430
<b>Current Year Resources</b>		
<b>Available for Capital</b>	(191,290)	1,540,330
<b>Est. Beginning Fund Balance 7/1/09</b>	746,640	5,398,130
Add: Current Year Resources	(191,290)	1,540,330
Less: Economic Uncertainty Fund @ 25%	(789,075)	(526,050)
Less: Prior Years Capital Carry Forward	-	-
Less: Current Year Capital Purchases	(111,000)	-
<b>Available Ending Fund Balance 6/30/10</b>	<b>\$ (344,725)</b>	<b>\$ 6,412,410</b>

**Conclusion**

Measure T is moving forward although revenues have declined, requiring the potential use this next year of uncertainty funds. All operational elements of the plan are being implemented according to plan timelines, resulting in direct services to the community. The City Manager recommends Council recertify the Measure T plan for implementation in fiscal year 2009/10 by:

- 1) Adopting a resolution declaring a fiscal emergency in the General Fund for both FY 2009/10 and 2010/11 due to greatly reduced revenues;
- 2) Authorizing the use of \$350,000 of Measure T Police uncertainty funds to implement next year's plan; and,
- 3) Recertify the Measure T plan for FY 2009/10

**Prior Council/Board Actions:** Council Adoption of the Recertification Plan for Fiscal Year 08/09 on June 23, 2008.

**Committee/Commission Review and Actions:** CAC recommends recertification at its June 3, 2009 monthly meeting.

**Alternatives:** Recertify the plan with changes to be determined

**Attachments:**

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

- Adopt a resolution declaring a fiscal emergency in the General Fund, expected to continue for fiscal years 2009/10 and 2010/11. (FY 2010/11 to be reviewed again next year.)
- Authorize the use of Police Measure T Uncertainty Funds to Balance the Police Measure T plan for FY 2009/10; and,
- Authorize the implementation of the 2009/10 Measure T plan elements

**Department Recommendation:**

**Summary/background:**

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**RESOLUTION NO. 2009-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
DECLARING A GENERAL FUND FISCAL EMERGENCY AND SUSPENDING MEASURE T  
MEASURE OF EFFORTS PROVISIONS FOR FISCAL YEARS 2009/10 AND 2010/11**

WHEREAS, in March of 2004, Visalia voters passed a ¼ cent sales tax measure designated for the City of Visalia public safety. The measure included the following: “the City Council will not use public safety revenue measure funds to supplant General Fund dollars budgeted for normal operations at the previous year’s service levels. In the event of an economic emergency, the City Council may only alter this provision by a supermajority (4/5<sup>th</sup>) vote”.

WHEREAS, the recent economic downturn has affected the City of Visalia future revenues, Council must decide what actions to take to meet the anticipated revenues declines;

WHEREAS, it is highly likely that the Measure T Police uncertainty fund will be needed to fund this year’s Measure T plan;

WHEREAS, the Measure T ballot measure requires Council to maintain budgeted General Fund expenditures at or equal to the prior fiscal year level unless it declares a fiscal emergency;

WHEREAS, the general economic downturn has made it a fiscal necessity to reduce General Fund costs due to lower revenues;

WHEREAS, it is likely that such reductions will result in lower Police and Fire General Fund budgeted expenditures than last year’s General Fund budget;

WHEREAS, the General Fund reductions are an economic necessity, not an effort to supplant General Fund money with Measure T money;

WHEREAS, the Council believes the General Fund restructuring will take at least two fiscal years to complete;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Visalia hereby declares a fiscal emergency for the General Fund for fiscal years 2009/10 and 2010/11 by at least a 4/5 vote.

# ACTION

## PLANNING COMMISSION AGENDA

CHAIRPERSON:  
Lawrence Segrue



VICE CHAIRPERSON:  
Adam Peck

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

MONDAY JUNE 8, 2009; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- 7:00 TO 7:00 1. THE PLEDGE OF ALLEGIANCE
- 7:00 TO 7:01 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.
- No one spoke
- 7:01 TO 7:01 3. CITY PLANNER AGENDA COMMENTS – No comments
- 7:01 TO 7:02 4. CHANGES TO THE AGENDA – No changes
- 7:02 TO 7:02 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.
- No items on consent calendar
- 7:17 TO 7:19 6. PUBLIC HEARING–Paul Scheibel
- Continue to June 22, 2009  
(Salinas, Peck) 5-0
- Conditional Use Permit No. 2009-25: A request by Cricket Communications to allow co-location of wireless communication antennae on an 85' high monopole located in the QP (Quasi-Public) zone. The site is located at 4211 W. Goshen Avenue. (APN: 085-630-001)
- 7:02 TO 7:17 7. PUBLIC HEARING – Paul Scheibel continued from May 26, 2009
- Approved as recommended  
(Peck, Lane) 3-2  
Salinas, Segrue voted no
- Variance No. 2009-07: A request by Mary Ivey to allow an accessory structure to encroach 2.5 feet into the required 5-foot side yard setback in the R-1-6 (Single-family Residential- 6,000 sq. ft. minimum lot size) zone. The site is located at 520 Lombard St. (APN 089-150-025).
- Reopen: 7:13  
Close: 7:16
- Spoke:  
1. Mary Ivey

7:19 TO 8:30

Approved as recommended with the elimination of condition #12 and modification in wording to condition # 21 (Peck, Salinas) 5-0

Open:7:33

Close: 8:06

Spoke:

1. Brian & Leonard Velasquez
2. Wendy White
3. Ray Macareno
4. Bill Balsley

8. PUBLIC HEARING – Brandon Smith

Conditional Use Permit No. 2009-20: A request by Leonard B. Velasquez (Owner), to allow live entertainment and dancing for a new restaurant (Isla Tequila Bar & Grill) in an existing 3,700 sq. ft. building in the C-R (Regional Retail Commercial) zone. The site is located at 2005 South Mooney Boulevard. (APN: 121-160-010)

8:30 TO 8:33

Approved as recommended (Salinas, Soltesz) 5-0

Open: 8:33

Close: 8:33

Spoke:

1. T. J. Fisher

9. PUBLIC HEARING – Paul Scheibel

Conditional Use Permit No. 2009-28: A request by AMR Mobile Life Support Ambulance to allow an ambulance administrative office and crew quarters in a 2,000 sq. ft. building on a 26,000 +/- sq. ft. lot located in the C-S (Service Commercial) zone. The site is located at 2412 East Valley Oaks Drive (APN: 098-103-105).

8:33 TO 8:36

10. DIRECTOR'S REPORT/PLANNING COMMISSION DISCUSSION:

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, JUNE 22, 2009  
CITY HALL COUNCIL CHAMBERS, 707 WEST ACEQUIA**

8:36 TO 8:36

Motion to Adjourn (Segrue, Peck) 5-0

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Nominate Mayor Jesus Gamboa to fill the vacancy representing a “large” city to the San Joaquin Valley Air Pollution Control District Governing Board.

**Resolution 2009-23 required.**

**Deadline for Action:** June 30, 2009

**Submitting Department:** Administration

**Contact Name and Phone Number:**

Donjia Huffmon, Chief Deputy City Clerk 713-4512  
Michael Olmos, Assistant City Manager 713-4332

**Department Recommendation**

It is recommended that the Visalia City Council nominate Mayor Jesus Gamboa for the vacancy on the San Joaquin Valley Air Pollution Control District’s Governing Board.

**Department Discussion**

According to the rotation schedule adopted by the San Joaquin Valley Special City Selection Committee, there is currently a vacancy on the Air Board that must be filled by a Council member from the City of Visalia, a “large” city with a population of 100,000 or more from Tulare County. Pursuant to Health and Safety Code Section 40600.5, appointments to the Air Board will be made by the Special City Selection Committee. Appointments to the Board are for a three year term.

According to the Special City Selection Committee procedures, the next step in the process is for all Tulare County cities to choose from candidate(s) who have applied for the vacant position. Applications were due on May 15, 2009 and Mayor Jesus J. Gamboa, is the only member on the Visalia City Council who applied for this vacant position on the Air Board.

The deadline to submit city voting results to the APCD is June 30, 2009. The APCD will tally votes and forward nominations to the Special City Selection Committee on July 15, 2009 and the Special City Selection Committee will convene in July to make the appointments.

**Prior Council/Board Actions:** None

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

**Alternatives:**

**Attachments:** Resolution 2009-23  
Application for appointment – Jesus Gamboa

**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 n/a**

**City Atty n/a**

**City Mgr**



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

I move to nominate Mayor Jesus Gamboa to the San Joaquin Valley Air Pollution Control District Governing Board.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

**RESOLUTION NO. 2009-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
NOMINATING JESUS J. GAMBOA TO THE SAN JOAQUIN VALLEY AIR  
POLLUTION CONTROL DISTRICT GOVERNING BOARD**

**WHEREAS**, Health and Safety Code Section 40600.5 created a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District (District) Governing Board; and

**WHEREAS**, the Special City Selection Committee has adopted procedures and a rotation schedule for making their appointments, and based upon the adopted rotation schedule a city council member representing a "large" city with a population of 100,000 or more from Tulare County shall be appointed to the District Governing Board; and

**WHEREAS**, in selecting a nominee for appointment by the Special City Selection Committee to the District Governing Board, the Visalia City Council considered the application materials from the eligible candidates; and

**WHEREAS**, the vote to select a nominee took place as an item on the publicly noticed agenda and was discussed during the normal city council meeting with time for public comment.

**NOW, THEREFORE, BE IT RESOLVED** that the Visalia City Council nominates Jesus J. Gamboa to the Special City Selection Committee for appointment to the District Governing Board.

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

## City of Visalia Agenda Item Transmittal

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Booking Fee Amendment

**Deadline for Action:**

**Submitting Department:** Administrative Services

**Contact Name and Phone Number:** Eric Frost, x4474  
Kari Blofsky, Acting Finance Manager, x4298

**Department Recommendation:** Authorize the City Manager to sign and approve the final amendment to agreement on booking fees between the City of Visalia and Tulare County

**Summary/background:** In the late 1980's the State authorized booking fees. Because booking costs were disputed, all the Cities in Tulare County entered into an agreement December 4, 2000 to an agreed upon rate. The rate for FY 05/06 was \$116.83 per booking. In the agreement there lies a provision that if the state changed the booking fee process, Tulare County Cities could reopen its agreement with the County.

In FY 05/06 the State changed the booking fee process, limiting counties to ½ of the booking fee cost. The law had a provision stating that this new provision did not apply to counties that had an agreement; the new fee would not apply to any Cities with an agreement. However Tulare County Cities had a provision in their agreement allowing a renegotiation because the state changed the process. The County disagreed and would not renegotiate. In 05/06, Visalia paid ½ the fee to the County. In FY 06/07, the state paid Visalia ½ the booking fee and Visalia paid the full fee. In 07/08 the State paid 100% of the booking fees for the year and prohibited the County from charging any fees. Because Visalia, Tulare and Woodlake did not pay the full booking fee for FY 05/06 the County threatened to sue. In lieu of a law suite Tulare, Visalia, and Woodlake entered into negotiations with the County to set a proper fee and settle past due amounts.

The County and Cities have agreed to a new booking rate that will apply retroactively to the beginning of the current fiscal year which commenced on July 1, 2008. The base rate charged by the County on June 30, 2006 was reduced from \$116.83 to \$68.81 for each booking, to cover the permissible administrative costs of County for booking persons into County's jail system. The maximum booking fee rate chargeable under this agreement shall be \$68.81 charged as of June 30, 2006 increased for each subsequent fiscal year by the California Consumer Price Index as reported by the Department of Finance plus 1 percent, compounded annually. On July 1 the booking fee will be adjusted for the next fiscal year.

**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.

If the amendment to the agreement is accepted, all booking fee billings and disputes will be resolved for all prior fiscal years. In other words, the County will not seek to collect booking fees the City did not pay and the new rate will be lowered from \$116.83 to \$68.81 and then adjusted for inflation.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** Letter dated 5/14/09 from Kristen Bennett, Assistant CAO.

**Recommended Motion (and Alternative Motions if expected):** I move the following:  
Staff recommends approval of the agreement because it resolves past unpaid booking fees and, more importantly, sets a lower booking fee rate justified by County Cuts.

***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:** June 15, 2009

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

**Agenda Item Wording:** City Council support for Assembly Bill 210, 715, 726, 1284, SCA 18, and Senate Bill 268 and 415 and opposition to Senate Bill 802.

**Deadline for Action:** June 15, 2009

**Submitting Department:** Administration

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

**Department Recommendation:** Staff recommends Council support Assembly Bill 210, 715, 726, 1284, SCA 18 and Senate Bill 268 and 415 and oppose Senate Bill 802.

**Summary/background:** The following Assembly and Senate Bills are in various stages of committee. The League of California Cities has taken positions of support for Assembly Bills 210, 715, 726, 1284, State Constitution Amendment 18, and Senate Bill 268 and 415 and opposition to Senate Bill 802. The bills are as follows:

**Recommended Bills to Support**

**AB 210 (Hayashi) Green building standards.** Clarifies the ability of a local government to adopt green building standards which are more stringent than those adopted by the State and published in the State Building Standards code.

This bill would clarify authority to establish green building standards tailored to local needs and preferences which may exceed State Building Code standards.

**AB 715 (Caballero) City ordinances: publishing and posting requirements.** Authorizes a city, within 15 days after the passage of an ordinance, to post the ordinance on its official Web site and to mail notice of passage of the ordinance to those who have filed a written request for mailed notices in lieu of publishing the ordinance in a newspaper of general circulation.

This bill would provide a viable alternative to publishing ordinances in newspapers, thereby reducing lead time for posting and eliminating costs of publications. As our population has

**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.

become increasingly internet-savvy, official websites provide a reasonable location where these documents can be readily viewed.

**AB 726 (Arambula and Nielsen) Transportation capital improvement projects.** Includes “local road rehabilitation” among the list of eligible types of projects that may receive STIP funding, subject to regional discretion pursuant to current law.

This bill would authorize public agencies to utilize State Transportation Improvement funds for street rehabilitation, in addition to currently authorized Capital Projects. In doing so, Cities would have greater discretion in use of street funds based on their local street improvement needs.

**AB 1284 (Huffman) Substance abuse: Adult recovery maintenance facilities.** Alters the process by which the Department of Alcohol and Drug Programs may issue a license for an adult recovery maintenance facility by: (1) providing a notice and commenting procedure so that a local agency may have the opportunity to address specific circumstances related to the license; (2) allowing the department to impose requirement for the health and safety of the residents of the proposed facility as a condition of licensure; and (3) denying the license if the proposed facility would result in or exacerbate the over-concentration of facilities within a particular area.

This bill would provide greater local input into State decisions on location and conditions for future adult recovery facilities. Visalia Police Chief Bob Carden supports this legislation.

**SCA 18 (Liu) Local government: property-related fees.** This measure would include fees for storm water management programs to those exemptions already included in Proposition 218. In doing so, it would make it easier for cities to fund and comply with new and increasingly stringent storm water quality permit requirements adopted by the regional water quality control boards.

If passed, fees for storm water management would be subject to approval by the City Council and would not require Proposition 218 election process.

**SB 268 (Harman) Alcoholism or drug abuse recovery or treatment facilities: licensing.** Assures that state licensed drug and alcohol facilities comply with local zoning codes. It asks applicants to certify that they are consistent with local zoning codes and then asks the Department of Drug and Alcohol Programs to verify that statement. In addition, it assures that state licensed facilities conform to fire codes.

This bill would strengthen zoning controls over drug and alcohol recovery and treatment facilities by instituting methods to assure zoning compliance.

**SB 415 (Oropeza) Alcoholic beverages: licenses: local government review.** Provides local agencies with more reasonable standards by which they may review alcoholic beverage license applications. Current law provides certain local agencies a 30 day period to review and comment on license applications. These agencies are currently allowed to request a 20 day extension to complete review and comments. Specifically, this measure provides that any of the notified local authorities may request the time extension, and that the review would be extended from 20 days to 30 days.

This bill would provide cities with additional time if needed to examine the circumstances and potential effects of an ABC license application. These time extensions may become necessary

depending on the complexity of the site being requested for an alcoholic beverage license and neighborhood characteristics.

**Recommended Bills to Oppose**

**Senate Bill 802 (Leno) Public Contracts: Retention proceeds.** Removes the authority of public entities to decide the appropriate amount of retention. This bill would require that contract retention proceeds not exceed 5 percent of the payment of all contracts entered into after January 2010 between a public entity and an original contractor, between an original contractor and a subcontractor, and between all subcontractors.

City contracts typically require retention of 10% of the contract amount to be withheld by the City until a Notice of Completion is approved by the City Council. This ensures good faith performance by the contractor in completing work specified in the contract. City Engineering staff believes the 10% retention is an appropriate incentive to ensure timely performance, and the maximum 5% retention in SB802 will weaken the City's ability to get projects completed on schedule.

**Prior Council/Board Actions:**

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

**Alternatives:** None recommended.

**Recommended Motion (and Alternative Motions if expected):** Support Assembly Bill 210, 715, 726, 1284 and SCA 18 and Senate Bill 268 and 415 and oppose Senate Bill 802.

***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:** June 15, 2009

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

**Agenda Item Wording:** Request that the City Council authorize the City Manager to sign the Project Improvements Agreement and Reimbursement Agreement for master plan storm drain facilities associated with River Run Ranch Phase 5.

**Deadline for Action:** None

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

**Contact Name and Phone Number:**

Chris Young, Assistant Community Dev. Director – 713-4392  
Doug Damko, Sr Civil Engineer - 713-4268  
Jason Huckleberry, Associate Engineer – 713-4259

**Department Recommendation:**

Staff recommends that the City Council authorizes the City Manager to approve and sign the Project Improvements Agreement and Reimbursement Agreement with Mark Hoffman Engineering for master plan storm drain facilities associated with River Run Ranch Phase 5.

**Summary/background:**

As part of the subdivision improvements associated with the River Run Ranch Phase 5 subdivision, the developer has designed and installed master plan storm drain improvements along St. John's Parkway, including a master plan storm drain basin. Developer now wishes to enter into a formal improvements agreement and reimbursement agreement for said improvements.

River Run Ranch Phase 5 is being developed by Mark Hoffman Engineering. The project consists of 54 single family lots and is located along the south side of St. Johns Parkway, one half mile east of McAuliff Street. The project improvements include the extension of St. Johns Parkway to the east, interior subdivision street and utility improvements, and the master plan storm drain facilities along St. Johns Parkway.

The anticipated total to be reimbursed to the Developer is \$270,424.95. The Developer will be reimbursed for the actual costs of improvements after a formal Notice of Completion has been filed by the City. Engineering staff and the City's Development Reimbursement Review Committee have reviewed the developer's preliminary submittals and concur with these amounts. The River Run Ranch 5 – 7 tentative map (158 lots total) is expected to contribute \$97,802 in storm drain impact fees once fully constructed. In addition, future development

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

**Review:**

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

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

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

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phases of the River Run Ranch subdivision will utilize portions of these master plan storm drain facilities and also contribute by paying their respective storm drainage impact fees.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

Planning Commission approved the Tentative Map on August 14, 2006.  
Developer Reimbursement Review Committee approved the reimbursement agreement on June 3, 2009

**Alternatives:** None recommended

**Attachments:** Location Map  
Project Improvement Agreement  
Reimbursement Agreement for Master Plan Facilities

**Recommended Motion (and Alternative Motions if expected):** I motion to give the City Manager authorization to sign and enter into the Project Improvements Agreement and the Reimbursement Agreement with Mark Hoffman Engineering

***Environmental Assessment Status***

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

**NEPA Review:**

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

Copies of this report have been provided to:

## City of Visalia Agenda Item Transmittal

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Update on the new Animal Control Facility (ACF) project, and request to postpone the release of the Request for Qualifications (RFQ) for design services for six months.

**Deadline for Action:** None.

**Submitting Department:** Community Development Department

**Contact Name and Phone Number:**

Paul Scheibel, AICP, Planning Services Manager, 713-4369

Mario Cifuentez, Airport Manager/Animal Control Contract Administrator, 713-4480

Adam Ennis, P.E, Engineering Services Manager, 713-4323

Rebecca Keenan, P.E., Civil Engineer, 713-4541

**Recommendation:** Staff recommends that the City Council direct that the release of the Request for Qualifications (RFQ) for architectural and site design services and construction plans preparation for the new Animal Control Facility (ACF) be postponed for six months. Staff's recommendation is based on Council concerns about the City budget and revenue projections. A more certain financing plan can be assembled near the end of the calendar year depending on the state of the City's budget or the project can be further postponed if needed. At that time, the City should be in a better position to gauge its budget priorities that would affect the project's ongoing funding stream and development timeline.

On April 23, 2009, the ACF Site Selection Subcommittee (Subcommittee) authorized Staff to prepare and forward to the City Council an RFQ for a 17,250 sq. ft. campus-style facility. A summary of the Subcommittee's progress on the project and the RFQ are provided in this report for the City Council's updated information.

**Background:** On December 4, 2008, the City Council approved the selection of the current ACF location at the Visalia Airport to be the location of the new ACF, based on the recommendations of the Subcommittee. This location was determined to be the superior choice over nine airport and in-town candidate locations. This determination was made based on the potential for relatively low site improvement costs, avoidance of land use conflicts, and potentially high visibility from Hwy 99.

Between December 2008 and April 2009, the staff team, in conjunction with the Valley Oak Society for the Prevention of Cruelty to Animals (VOSPCA) staff, conducted extensive research

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.) 1 min.

**Review:**

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

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

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

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and analyses on contemporary shelter designs and functions. The research included a number of site visits including Santa Cruz, Monterey, Oakland, and Merced. In addition, the new management staff of VOSPCA put forth a new concept of a “campus” approach to designing and operating a facility to separate the City’s legally mandated animal control functions pursuant to state Health and Safety Code from those of the animal adoption and education outreach programs of the VOSPCA.

This concept is being used with noted success in a number of locations with similar circumstances as those of Visalia. Under the campus approach, the City ACF will function primarily as a lost and stray animal facility. As such, it would be a relatively austere building that facilitates animal control officer functions, spay/neutering of animals before release to owners, administrative services such as licensing, and kenneling for lost animals and strays. It is anticipated that the construction of the site and the City building will precede construction of the VOSPCA building.

The VOSPCA building will focus on owner-surrenders, adoption, voluntary spay/neutering, education, advocacy and outreach, and VOSPCA organizational activities not directly related to its service contract with the City. VOSPCA-exclusive operations would continue to occur at the existing (old) ACF until such time as they secure their own funding to construct their new facility alongside the new City facility. There would initially be some degree of shared facilities such as food preparation kitchen, and vet/surgery room; and use of the best kennels for adoptions. There could also potentially be some duplication of facilities such as employee break rooms, adoption kennels, food preparation, and vet/surgery rooms. However, the flexibility accorded by this design was determined to far outweigh the relatively modest costs resulting from duplication of some functions.

As a result of analyzing the two respective organization’s priorities, functions, and funding streams, the campus-style approach was recommended to the Subcommittee as the preferred layout for the new facility. On April 23, 2009, the Subcommittee selected the campus approach as the preferred site design alternative. The Subcommittee also affirmed the focus of designing an efficient, attractive, state of the art facility that will markedly improve the environment for animals under the City’s charge and ACF staff and volunteers, as well as attractiveness to the public.

**Request for Qualifications:** The Subcommittee also recommended that the RFQ process be used. The RFQ process focuses on hiring an entity based on their expertise in design, with the fee negotiated later. Expert assistance to the City with a construction-ready PS&E package is the “deliverable”. Construction of the site and the City ACF would be a separate latter phase of the project. Conversely, the RFP process would result in selecting an entity based on fee. With an RFP-based contract the City might have less ability to influence the project’s design, costs, and timing once a contract is effected. Other jurisdictions overwhelmingly recommended the RFQ approach to selecting the design expert. They cited the high degree of design evolution and almost constant interface between the City and the design consultant, and the advantage of maintaining a distinct separation between plan preparation and the start of construction as necessary to a successful outcome, thus favoring the RFQ process.

The (Subcommittee) recommended that the City Manager be authorized to release an RFQ to begin the selection and contract negotiation process to design a new ACF to replace the existing ACF.

The Future Request for Qualifications will:

- Seek the hiring of an experienced and qualified architect, engineer, or other related facility design professional with specialized skills and experience in designing and

preparing Construction Plans, Specifications, and Estimates (PS&E) for ultimately constructing the ACF.

- Request qualified interested parties to submit evidence of their expertise in developing a PS&E package for an ACF that include a project approach, budget plan, and schedule of services.
- Include a Scope of Work that encompasses the City's basic design parameters pertaining to the site and building features, kennel capacity, workspace organization, technical and functional features, expansion plan and sustainable construction and operation features (water, energy, and human resources conservation). The City's preliminary conceptual site and floor plans are included as Exhibits "A" and "B" of this report.
- Encourage qualified consultants to submit resumes/work programs that demonstrate the ability to be responsive to the City's financial constraints coupled with our insistence that the new facility be a renowned state of the art vital Community asset.

The City staff team that served in the site selection phase of the process will continue to support the Subcommittee in its oversight role of the project to final completion and commencement of operations.

**The Proposed ACF Facility:** The conceptual design is a new state of the art, campus-style animal control facility (ACF). A preliminary conceptual design based on an already completed needs assessment estimates the City building portion of the facility will be approximately 17,250 sq.ft., with approximately 100 dog kennels and 100 cat cages. The selected site is approximately a 4.6-acre area located on Hwy 99 Frontage Road in the Visalia Airport non-aviation area, adjacent north of the existing ACF. Access to the site is from Frontage Road that is to be improved along the project frontage. All utilities are available to the site except natural gas.

The new ACF is intended to encourage greater public access and participation to reduce the frequency of euthanasia, and to provide the healthiest and most humane care practical for animals under the City's charge. Based on a professionally prepared needs assessment, the City has determined the new facility should be initially sized to house up to 200 animals per day, with a buildout capability to house up to 300 animals per day.

The general design concept is for a shared "campus" style facility, wherein the City's state mandated animal control functions will operate in a separate building from the VOSPCA-exclusive functions. The specific project is the City building, site improvements, and a building pad for future development and use by the VOSPCA (later phase, not a part of the project).

The building aesthetics and site improvements are intended to be designed with a cost-efficient, sustainable, utilitarian design theme. Sustainable design features including passive energy and water conservation measures in construction, landscaping, maintenance and operations are vital to the overall project, but must be justifiable on a full cost recovery within basis.

The cleaning, ventilation, and animal handling components of the new ACF are expected to be the best available technology (BAT).

**Cost of the Facility and Consultant Contract:** A rough estimate of the design and construction cost of the City's ACF is between \$3 million and \$4.5 million. This estimate was determined by prorating the 2008 estimates of \$6 million for a 25,000 sq.ft. facility estimated in the Needs Assessment report by Bill Meade of Shelter Planners of America. A number of factors have come into play since that estimate was completed that may make both consultant contract and the facility construction less expensive.

First, staff and the Subcommittee simplified and downsized the larger “in-town” design concept to its present layout. Second, the development industry is in a severe downturn, making competition markedly keener among design consultants, contractors, and materials and equipment dealers. The consultant’s work program will yield a true cost estimate as the design work progresses. The actual cost to hire the consultant contract will not be known until the fee is negotiated. However, design consultant fees typically range between 12-20% of construction costs.

**Next Steps:** Following are the next steps to be taken at the time the City Council authorizes the RFQ to move forward.

- **Finalization and Distribution of the RFQ.** The RFQ will be finalized as to the dates of circulation and timelines, as well as for inclusion of any additional information directed by the City Council. The finalized RFQ will then be distributed to individual firms who have requested such noticing, and in trade publications for this type of development.
- **RFQ distribution and interviews.** Potential consultants will have 45 days to respond to the RFQ – actual dates are to be determined. Upon closing of the distribution period, staff will establish a short list of consultants. The Subcommittee will conduct interviews of the top candidates and establish an order of preference.
- **Negotiate Consultant Fee.** City staff will negotiate the best terms and fee with the Subcommittee’s first choice candidate.
- **City Council meeting to award contract.** City staff will return to the City Council with the Subcommittee’s recommendation and the negotiated terms and fee. The City Council will be asked to allow the City Manager to enter into a contract with the consultant for a specified amount.

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

**Summary:** The Subcommittee along with City and VOSPCA staffs has made substantial progress toward the goal of building a new state of the art ACF facility. All parties concerned are anxious to proceed with the project as soon as practical. However, staff recommends that the next step of releasing an RFQ be postponed for six months. Staff’s recommendation is based on concerns about the City budget and revenue projections during this economic recession. A more certain financing plan can be assembled near the end of the calendar year depending on the state of the City budget, or the project can be postponed further. At that time, the City should be in a better position to gauge its budget priorities that would affect the project’s ongoing funding stream and development timeline.

**Attachments:**

- Conceptual Floor Plan/ Space Allocation

**Recommended Motion:**

I move to postpone the release of an Request for Qualifications (RFQ) for design services for the new Animal Control Facility (ACF) for six months.

***Environmental Assessment Status***

**CEQA Review:** *No CEQA review is needed for the City Council to authorize the release of a Request for Qualifications.*

**NEPA Review:** *NA*

Copies of this report have been provided to:

- Subcommittee
- Acting Executive Director, VOSPCA

# City of Visalia Agenda Item Transmittal

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** City staff recommends that the City Council expand the current project scope for the Village Park – Wittman Center Renovation Project (3011-0-72-0-9865) by an additional amount of \$57,500, using State Park Bond Act monies and CDBG funds.

**Deadline for Action:** June 15, 2009

**Submitting Department:** Parks and Recreation Department

**Contact Name and Phone Number:**

Vincent Elizondo, Director of Parks & Recreation, 713-4367

**Department Recommendation:**

City staff recommends that the City Council expand the current project scope for the Village Park - Wittman Center Renovation Project (3011-0-72-0-9865) by an additional amount of \$57,500, using State Park Bond Act monies and CDBG funds.

**Background Information:**

On March 16, 2009, the City Council awarded a contract to Dale Atkins Construction of Visalia, CA for \$190,800 to renovate Village Park and the adjacent Wittman Community Center.

This project is being financed by State Park Bond Act monies (Proposition 40) in the amount of \$224,518 and a CDBG allocation of \$170,000 for a total project budget amount of \$ 394,518. The State grant requires a 30% match by the City. A portion of the CDBG allocation, approximately \$67,355, will be designated to meet the 30% City match required by the State.

In somewhat unusual circumstances, this project was initially bid in 2007, and with only two bidders, the bid amount (\$557,200) was well over the project budget. The Council rejected the bid. The project was bid again, with a reduced scope of work, and the City received eleven (11) bidders. The low bid submitted by Atkins (\$190,800) was significantly below the revised project budget, thus, allowing the opportunity to increase the scope of the project this time around.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

**Review:**

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

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

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

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**Discussion:**

The current projected budget for this park project is outlined below. It is anticipated that the project will have a surplus of nearly \$115,000 when completed.

**Project Budget:**

Prop. 40 State Grant	\$ 225,000
CDBG Allocation (30% min. match required: \$67,355)	<u>\$ 170,000</u>
Total Project Budget	\$ 395,000

**Project Expenses:**

Administrative	\$ 57,000
<ul style="list-style-type: none"><li>• Architect (\$30,000)</li><li>• Project Manager (\$20,000)</li><li>• Misc. (\$7,000)</li></ul>	
Construction	\$ 224,000
<ul style="list-style-type: none"><li>• Atkins Contract (\$190,000)</li><li>• Alt. Add Items (\$17,000)</li><li>• Unanticipated (\$10,000)</li><li>• Change Orders (\$6,500)</li></ul>	
Total Project Expenses	<u>\$ 281,000</u>
<b>Projected Project Balance</b>	<b>\$ 114,000</b>

The three projects listed below were all initially part of the original scope of work that was rejected by the Council on February 20, 2007. City staff is now recommending that these three specific projects be added to the scope of the current project:

- 1. Installation of playground equipment at a projected cost of \$30,000.** The playground for this project has already been purchased for \$38,357 using a State of California Conservation Grant. Funding will be used to install the playground equipment and certify the installation by a certified playground inspector.
- 2. Installation of project landscaping at a projected cost of \$20,000.** The irrigation system for this project is being installed, however the current project scope does not include trees or shrubs, or the labor to install the landscaping.

- 3. Installation of two evaporative (swamp) coolers at a projected cost of \$7,500.** The two existing swamp coolers over the Wittman Center are very old and have been recommended for replacement.

The City plans on expending the entire balance (\$225,000) of the State park bond act monies. Any unspent portion of the project, projected to be roughly \$55,000, will be returned to the CDBG fund balance, for other potential City-wide CDBG projects.

If the Council desires to expend the entire CDBG allocation on this project, additional projects can be added to the scope of the work but are potentially subject to new architectural design and change order costs. Some additional work includes:

1. New outdoor basketball concrete slab & walkway (\$30,000 estimate).
2. New DX2 Irrigation Controller (\$10,000 estimate).
3. New kitchen cabinets (\$6,000 estimate).
4. New picnic tables (\$6,000 estimate).
5. New park signage (\$3,000 estimate).

An alternative recommendation is being provided for Council consideration, if the Council desires to expend the projected entire CDBG surplus for this project of \$114,000.

#### **The Project:**

The project is projected to be completed by August 31, 2009. The current scope of work includes the renovation of the Village Park soccer (open space) area including a new irrigation system and turf; new landscaping planters; new park security lighting; new outdoor basketball standards, backboards, and rims; and a new volleyball set-up on the basketball courts; new concrete walkways; and new fencing.

The gym remodel inside the Wittman Center includes the demolition of the concession stand and minor improvements in the existing kitchen. It includes the removal of the drop acoustical ceiling and replacement with new light fixtures, insulation in the exposed roof structure, improved code compliant drinking fountain, code compliant supports for an existing heater unit, accessibility improvements, some new flooring, painting, and basketball equipment.

#### **Prior Council Actions:**

March 16, 2009, Council awarded a contract for \$190,800 to Dale Atkins Construction of Visalia to renovate Village Park and the Wittman Center.

May 21, 2007, Council authorized an additional \$70,000 of CDBG monies for the project and revised the scope of work for the project, eliminating some proposed courtyard improvements.

February 20, 2007, Council authorized bid rejection.

November 1, 2004, Council authorized staff to apply for a Proposition 40 competitive soccer grant.

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

City staff recommends that the City Council expand the current project scope for the Village Park – Wittman Center Renovation Project (3011-0-72-0-9865) by an amount of \$57,500.

**Alternative Motion:**

City staff recommends that the City Council expand the current project scope for the Village Park – Wittman Center Renovation Project (3011-0-72-0-9865) by the full CDBG allocation amount of \$114,000.

***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)*

## City of Visalia Agenda Item Transmittal

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Authorization for the City Manager to sign an MOU to Purchase County Delinquent Property Tax Receivables (Teeter Buy-out) up to \$10 million for Fiscal Year 2008/09 if the agreement is limited to Visalia's participation being independent of the actions of other parties.

**Deadline for Action:**

**Submitting Department:** Finance

**Contact Name and Phone Number:** Eric Frost, Administrative Services Director, x4474

### Department Recommendation:

That the City Council authorize the City Manager to sign an MOU of up to \$10 million in Teeter Buy-out of delinquent property tax receivables from Tulare County for Fiscal Year 2008/09.

### Current Situation

The County of Tulare offers to the various tax jurisdictions in Tulare County a plan by which each jurisdiction receives their full property tax levy each year. Each May, the County determines which properties are delinquent and then purchases the receivable from the other taxing jurisdictions. As a result, each taxing jurisdiction is able to receive their full tax levy. The delinquencies are pursued by the County who then keeps any penalties and interest obtained from the eventual collections.

This plan has the benefit that each jurisdiction can rely upon receiving their full tax levy. Alternately, each jurisdiction would have to set aside some amount, approximately 8 % of the tax levy, as a delinquent receivable. Eventually, this money is collected with interest and penalties. Rarely is the money never collected because the tax amount is usually far less than the property's value. In discussions with the Auditor/Controller, over the last ten years some amount less than \$200,000 was eventually written off compared to millions of delinquent receivables. The loss, however, has also been offset by gains on delinquent property tax land sales.

Further, the County is eventually rewarded for their patience with an average return in excess of 11% per year, although the cash flow may vary due to economic cycles.

### 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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## Problem

The current problem is that the Teeter Receivable, the amount that is needed to buy out the delinquency amounts, has grown substantially over the last several years, moving from \$10 million a year to something in excess of \$20 million this year. The \$20 million buy out is about \$5 million less than originally estimated.

The systems in place make it highly likely that these delinquencies will be paid. It may take up to 5 years before all the monies are paid. As a result, the County is being asked to contribute substantially more money each year to the Teeter buy-out. If the County had unlimited cash, the opportunity to earn substantial returns on the cash advanced would be a good investment for the County. However, the State has forced County's to use their cash as the State postpones and delays County payments, reducing monies which would otherwise be available for the Teeter Buy-out.

## County Alternatives

The County has several choices. Two are: 1) finance the Teeter buy-out with a debt issue; or, 2) discontinue the Teeter plan and have each jurisdiction finance their delinquencies.

The finance markets make a Teeter debt offering difficult. The Teeter receivable is likely to grow for several years. Future offerings would also probably be needed. Substantial effort could be involved and the potential complications have caused the County to decide against this alternative.

As an alternative, the County proposed to discontinue the Teeter plan and return all entities their property tax delinquencies. This alternative has a number of fall-outs, including:

- Each entity will need to set-aside money immediately to cover delinquent property taxes or reduce their current year levy by something on the order of 8%. In a fiscally difficult time, this is hard to do, particularly for smaller jurisdictions.
- Bond levies will need to be increased. A condition in bond payment assessment requires that the County assess an amount equal to the required bond payment. If 8% of the levy is now assumed to be delinquent, the bond assessment will need to rise by 8%, at least in the short run, to cover the required bond payment. This action is undesirable in a fiscally difficult time because taxes will increase to pay for the same level of debt service payment.
- K-12 schools are sheltered from this problem because they are funded on a per pupil basis, with the State making up any local revenue shortfall that does not meet the schools average daily attendance (ADA) level. To the extent the schools' property taxes decrease, then the State payment will increase its ADA payment by an equal offsetting amount.

The schools' property tax will eventually collect their delinquency amounts in time. The irony in this case is that when the money eventually comes in, the State will decrease their payment to the schools in that year. Schools represent about 60% of the property tax roll. That interest and penalty income has been going to the County.

## Opportunity

An opportunity exists for the various cities in the County to work to continue the Teeter process. Purchasing the Teeter delinquent tax receivables has been a good investment for the County. It has generated returns in excess of 11 percent annually, although the cash payments may take up to 5 plus years to be made. Attachment #1 shows the blended returns of the Teeter Buy since 1998. Each individual tax year's payment history is not available. However, the expectation is that each year some of the delinquent property tax receivable is paid until a relatively small number of properties actually go to a tax sale.

In most cases, the County would prefer to purchase the Teeter Buy-out Delinquent Tax Receivables itself, if the following were not occurring:

- The State is effectively making the County provide more working capital cash for State programs;
- The Teeter receivable is growing dramatically; and,
- The financial markets are in turmoil, making financing difficult.

A group of City representatives met with Rita Woodard, Tulare County Auditor-Controller and proposed in concept an alternative to discontinuing the Teeter plan. The proposal is that cities participate with the County in the Teeter buy-out. This alternative would decrease the cash demand upon the County and retain a good investment program for the County and the cities. The Teeter Plan also shelters jurisdictions from the ups and downs of tax payments which disrupts cash flows. For smaller districts in particular, this cash flow issue can be a substantial problem.

## Proposal

The cities understand that in time, the County will want to retain all the Teeter-buy out. The current problem is that the buy-out is more than the County wants to shoulder alone. Rather than just discontinuing the Teeter plan, the cities proposed the following:

- The County would identify how much of the Teeter-buy out would not be covered by the County.
- The County would permit cities to participate in the Teeter-buy out in \$500,000 increments on first on a pro rata basis based on population and then on a first come, first served basis if additional money is needed.
- The participating cities would be assured that their principal would be returned within 6 years.
- Gains, interest and penalties, would be apportioned on a pro rata basis annually in July and April, accompanied by a report explaining the previous year's results.
- In years the County wished to reduce city participation in the Teeter Buy-out pool, the County could unilaterally prepay each city's Teeter participation, randomly selecting which \$500,000 principal amount to return.

- Because each entity would be purchasing the delinquent tax receivable, the Teeter purchases would be transferable among the various cities and the County.

### Visalia's Choice

The County has developed a potential MOU for cities to participate in the Teeter Buy-out. The question now for Visalia is 1) does the City wish to participate in the Teeter Buy-out; and, 2) at what level would the City participate?

The answer to the first question depends upon what are the investment alternatives for the City of Visalia. First, delinquent tax receivables are a safe investment. Although the County may have to wait up to 5 and ½ years to collect the delinquent taxes, the County has not lost money on delinquent taxes. In fact, the delinquent taxes earn a 10% penalty when not paid timely and the accrue interest at 1.5% per month, 18% per year,

In contrast, most of the City's idle cash portfolio is invested in the Local Agency Investment Fund (LAIF). This fund is very safe and provides very competitive investment returns in the general investment market. However, in the current investment environment, LAIF is earning 1.60% annually and is expected to have lower returns in the future.

From an investment perspective, the Teeter Buy-out delinquent tax receivables are equally safe, not as liquid as LAIF, but with much greater returns. If the City is to invest in the Teeter Buy-out, it should not invest so much money as to have cash flow problems.

To analyze the cash flow problem, Finance considered three approaches, namely:

1. **Fixed Percentage of the Investment Portfolio (25%).** In this scenario, the City would set the maximum allowable investment at a certain level. Twenty-five percent is a level less than what is allowed for commercial paper. If the City accepted this level, the City could purchase \$27 million of Teeter Buy-out receivables.
2. **Potential Three Year Cash Flow Needs.** Finance estimated a very aggressive usage of cash balances among all its funds over three years and suggested that the current idle cash portfolio could drop to \$44 million. This usage of cash is very unlikely but provides a reference. Providing some additional cushion of \$10 million for working cash would still allow the City to invest \$34 million in Teeter Buy-out receivables.
3. **Maximum Capital Usage.** Assuming that all capital projects are expended in the next three years, the City would still have \$28 million in available cash.

These three methods suggest that the City can expend between \$27 and \$34 million on Teeter Buy-out receivables with almost no chance of causing cash flow problems for the City.

To remain conservative, Finance recommends that the Council authorize the purchase of up to \$10 million in Teeter Buy-out receivables this year, based upon the County's need and the interest of other cities. By authorizing this purchase, the City helps retain the Teeter plan in the County which assures steady tax payments to all governmental jurisdictions while also providing a healthy investment return to Visalia.

***The City of Tulare is taking the matter to their Council and requesting \$5 million be made available to purchase property tax receipts. The remaining cities may show interest for***

**another \$2 to \$3 million. This will still leave the County several million short of the \$20 million buy out. As a result, the County would need to amend their agreement to authorize less than a full buy-out of the teeter delinquent tax receivable for the agreement to go forward at this level of participation. However, in the end, the County may decide not to proceed with a City buy-out of the Teeter receivable because their alternative is to do away with the receivable and have each taxing agency responsible for their own delinquent taxes.**

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:** The City could a) decline the opportunity to invest in the Teeter Delinquent Tax Receivable Buy-out or 2) increase the buy-out authority to \$15 million and assure the buy-out.

**Attachments:** #1 Teeter Payment History Since 1998

**Recommended Motion (and Alternative Motions if expected):** Authorize the City Manager to sign an agreement to purchase up to \$10 million of County Delinquent Property Tax Receivables (Teeter Buy-out).

### ***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:



Appendix #1

Teeter Buy Out Payments

TULARE COUNTY AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR

Summary of Teeter Return  
1998 through 2009

A	B	C	D	E	F	G=E/D	H=F/D	I=F/E
Fiscal Year	July 1 Balance	May 31 Buyout	Total Charged	Tax Collections and Adjustments	Penalty and Interest Collected	Percent of Tax Collections to Total	Percent of Return to Total Charged	Percent of Penalty Collected to Tax Collections
2009 Est	29,724,216	28,634,079	58,358,295	20,455,045	3,011,000	35.05%	5.16%	14.72%
2008	19,694,206	23,382,683	43,076,889	13,352,672	3,495,425	31.00%	8.11%	26.18%
2007	13,986,825	16,003,897	29,990,723	10,296,517	3,279,828	34.33%	10.94%	31.85%
2006	15,299,224	10,789,318	26,088,543	12,101,718	2,367,130	46.39%	9.07%	19.56%
2005	15,389,802	8,323,142	23,712,944	8,413,720	2,645,668	35.48%	11.16%	31.44%
2004	12,333,246	7,624,110	19,957,356	4,567,554	3,065,461	22.89%	15.36%	67.11%
2003	10,185,680	7,703,744	17,889,424	5,556,178	2,332,653	31.06%	13.04%	41.98%
2002	8,499,787	7,196,053	15,695,840	5,510,160	2,437,055	35.11%	15.53%	44.23%
2001	9,348,901	7,694,923	17,043,825	8,544,037	3,051,553	50.13%	17.90%	35.72%
2000	8,525,439	6,052,044	14,577,483	5,228,582	1,856,553	35.87%	12.74%	35.51%
1999	10,156,945	5,514,684	15,671,629	7,146,190	1,885,321	45.60%	12.03%	26.38%
1998	10,996,593	5,448,344	16,444,937	6,287,992	2,220,433	38.24%	13.50%	35.31%

G:\Accounting\Apportionments\Teeter\2009 Buyout\For Rita and CAO\Sum09\_2.County Teeter ROI\_3

5/8/2009 4:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Authorization for staff to apply for Energy Block Grant funding for building retrofits, LED light conversion, solar lighting, an agenda management system and Sequoia Shuttle funding.

**Deadline for Action:** June 25, 2009

**Submitting Department:** Administration

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

**Department Recommendation:**

It is recommended that Council authorize staff to apply for the Energy Block Grant funding.

Staff is recommending that the following priorities be included in the grant application:

- \*Retrofit of current facilities including lighting and some air conditioning units
- \*Solar lighting for Jefferson Park
- \*Agenda Management System for preparing agendas
- \*One Year Sequoia Shuttle Funding
- \*Transition to LED traffic lights throughout the City

Staff brought a list of priorities to the Council in April and asked for authorization to pursue the grant based on those priorities. The majority of the funding is still being recommended for these priorities with most of the funding going towards municipal building retrofits and LED traffic lights. However, during the research period, staff also identified two additional projects, the solar lighting at Jefferson Park, and the agenda management system, which both appear to meet the conservation goals of the program and will help fund some of the City's capital needs.

Originally, staff had thought that there might also be funding for some park irrigation controllers. However, that equipment does not provide as much in the way of energy efficiency and would be less likely to meet the grant program goals, therefore, the above identified priorities are being recommended.

The Environmental Committee has reviewed these recommendations and did not voice any concern regarding the staff proposed priorities.

**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** LBC41609  
(Initials & date required)

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

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

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

**Background:**

As part of the stimulus project, the City of Visalia will receive \$1.14 million in funding through the Energy Block Grant program. For Cities the size of Visalia, this is a formula program, and the City will receive the money providing we apply in a timely fashion and agree to spend the money in the prescribed manner. The Department of Energy has outlined the following options for spending this funding including:

- \*Development of an Energy Efficiency and Conservation Strategy and Technical Consultant Services to assist in the development of such a strategy.
- \*Residential and Commercial Building Energy Audits.
- \*Financial Incentive Programs and Mechanisms for energy efficiency improvements such as energy savings performance contracting, on-bill financing, and revolving loan funds.
- \*Grants to nonprofit organizations and governmental agencies for the purpose of performing Energy Efficiency Retrofits.
- \*Energy Efficiency and Conservation Programs for Building and Facilities.
- \*Development and Implementation of Transportation Programs to conserve energy.
- \*Building Codes and Inspections to promote building energy efficiency.  
Energy Distribution Technologies that significantly increase energy efficiency, including distributed resources, combined heat and power, and district heating and cooling systems.
- \*Material Conservation Programs including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency.
- \*Reduction and Capture of Methane and Greenhouse Gases generated by landfills or similar waste-related sources.
- \*Energy efficient Traffic Signals and Street Lighting.
- \*Renewable Energy Technologies on Government Buildings.
- \*Any Other Appropriate Activity that meets the purposes of the program and is approved by DOE.

**PRIOR PREPARATIONS:**

Last year, the City Council authorized several proactive steps that should provide the City with additional opportunities to capitalize on this funding opportunity. The Council authorized staff to submit an application for an Energy Partnership with Southern California Edison and Southern California Gas Company. The City was successful, and the resolution of support for the partnership is also on tonight's agenda for Council consideration. It is expected that the City will be able to begin working with the program this summer. The City will be able to recoup additional incentive funding from the utilities as part of this program.

As part of the City's on-going effort to improve the environment and save money, an electrical audit at City facilities was conducted last year by Southern California Edison (SCE). A list of energy efficiency measures were outlined by SCE, and staff has begun preparing a request for proposals to determine which of the possible retrofits make sense from both an energy and economic standpoint, and to identify a vendor to make the retrofits.

The Council also authorized a greenhouse gas emission study based on the ICIELI model. It was recently completed, and as part of the accompanying draft Climate Action Plan to reduce greenhouse gases in Visalia, several types of projects were identified, including additional energy retrofits. (The survey and plan are being reviewed by the Environmental Committee and will be brought to the Council in June.)

### **PROPOSED PRIORITIES FOR ENERGY FUNDING:**

Staff is recommending the following types of projects be given priority for spending the Energy Block Grant funding:

**\*Retrofit existing buildings** –Use the 2008 audit conducted by SCE, the parking structure audit from 2009, and other feasible retrofit projects that may be discovered in the grant application development, to identify retrofit projects that will be undertaken as part of the Energy Block Grant Program. Based on the initial review, the identified retrofits could reduce the City's electrical demand by 109kW and reduce the City's electricity usage by over 300,000 kWh annually. This is estimated to save the City approximately \$40,000 annually. If all the retrofits are undertaken, it will result in over \$20,000 in incentive rebates. The cost of the retrofits will be identified during the application development.

As staff has been working on the application, it was learned that some of the retrofits identified in the grant have been completed, but additional air conditioning projects were also identified. Staff will continue to refine the actually projects that will be included in the retrofit program while the grant is being processed.

**\*Solar Lighting For Jefferson Park** – Additional lighting in Jefferson Park has been identified as a community need, but no funding has previously been identified for this purpose. Including this lighting as part of this grant will both meet this need, and provide the City with a pilot project to assess if solar lighting may be appropriate in other park situations.

**\*Agenda Management System** – An agenda management system would automate the agenda preparation and distribution system, making the Council Agenda virtually a paperless program. Purchasing an agenda management system is part of the City's long term capital improvement program; however, given the current financial situation, it is a project that has been frozen. Because of the paper, energy and staff time savings associated with these types of systems, these types of systems appear to be appropriate for this grant funding.

**\*Fund one season of the Sequoia Shuttle** – Implementing transportation programs that save energy is an identified option in the Energy Block Grant funding. The original funding for the shuttle will expire at the end of the 2009 season. While staff is working on securing long term funding for the future, the fact that the National Parks Service needs to complete and analyze the three year pilot program before making a final determination to continue the program, and the current economic conditions, have made it more difficult.

**\*Conversion of traffic signals to LED lights** – A significant portion of the traffic lights were converted in when the original retrofits were completed in 2001/2002. According to a preliminary review by traffic safety, the cost will be approximately \$750,000. LED lights are expected to reduce energy consumption by 84% that will result in an annual savings that could approach \$1 million annually. While further calculations are needed, the energy and monetary savings are expected to be significant.

It is possible that to fully implement the recommended program may cost more than will be available through the grant; however, staff wants to ensure that we have enough projects identified to fully use the funding once the actual bids are received. As the grant award and bid processing proceeds, staff will implement as much of the LED conversion as possible, but may be able to implement only a portion of the program, or may come back to Council with additional funding options.

### **ON-GOING FUNDING**

In April, the Council approved the creation of a Conservation Fund to provide funding for future conservation projects. While not required, there has been considerable emphasis associated with the Energy Block Grant funding, and in the industry in general, to see the savings from energy efficiency programs being used to fund future efficiencies. Staff believes that having a revolving fund could give the City a competitive edge in future grant funding.

Council approved the Natural Resource Conservation staff working with the Administrative Services staff to develop a revolving fund. Any rebate incentives received from utilities for any retrofits, and, in the first three years, half of the savings realized annually from the energy efficiency measures made from the Energy Block Grant funding, will be placed in a Conservation Fund and used to fund other conservation projects that would improve the environment.

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

I move to authorization staff to apply for Energy Block Grant funding for building retrofits, LED light conversion, solar lighting, an agenda management system and Shuttle funding.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Authorization to implement bus route modifications to change two routes from one-way loops to bi-directional routes beginning in August 2009.

**Deadline for Action:** June 15, 2009

**Submitting Department:** Administration Department – Transit Division

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

**Department Recommendation**

That the City Council authorize staff to implement bus route modifications to change two routes from one-way loops to bi-directional routes beginning in August 2009.

**Summary/Background**

Staff is currently proposing several specific route changes proposed for August 2009. The Transit Advisory Committee has reviewed these changes and recommends implementation. Maps and schedules of the new routes 7 and 8 are attached. The route changes are described as follows:

1. Route 7 – North Central Visalia (Riggin, Demaree, Ferguson and Mooney): Expand the route to meet new residential and commercial development needs and change the route to bi-directional allowing more efficient access along the route. See attached map.
2. Route 8 – North East Visalia (North Court, Riggin, Demaree, W Ferguson and W Houston): Expand the route to meet new residential and commercial developments needs, and change the route to bi-directional. See attached map.
3. Sports Park - Access is scheduled to be provided through an agreement with Tulare County Area Transit (TCAT). They currently provide hourly service by the Sports Park via their North County Route. Staff is working on a arrangement where Visalia Transit customers will be able to pay our fare and we will reimburse TCAT the difference between their fare and ours.

**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.

## **Discussion**

The Transit Division regularly evaluates existing bus routes and new transit needs, as well as funding available for operating these routes. Changes to the bus routes are regularly scheduled to occur during the summer months so as to minimize the impact that changes have on the routine travel patterns of students; who make up a significant percentage of bus riders. Rider input is solicited in several ways prior to route design changes:

- The Tulare County Association of Governments conducted a series of Unmet Needs hearings in March 2009 and transit staff considers the input provided at those hearings when designing route changes.
- Input is provided through surveys conducted as part of the short range transit plan.
- Ridership numbers and plans are evaluated.
- Comment cards are reviewed.
- Changing/local conditions such as new residential or commercial developments or proposed road construction projects are considered

The proposed route changes are discussed in more detail below:

Route 7 currently provides 20 minute frequency service to North Central Visalia. Route 7 currently serves the north Visalia area bounded by Court, Riggin, Demaree and Houston. This route was expanded a few years ago to include more housing developments in the area. This expansion; however, increased the entire length of the route. Currently, it is possible that a person must ride the majority of the route in order to get to their destination because it only goes one way (possibly over a 30 minute trip). By making the route bi-directional the customer will have the option of going the other direction if it is faster. This will increase customer options and thereby increase ridership as more people find riding the bus convenient.

Route 8 will also become bi-directional and provide increased access to such trip generators as Wal-Mart and the new Social Security Office. There are also several senior housing and other destinations along this route. It serves many middle and high school students as well. These changes have been identified in the City's short range transit plans and will help meet the current and future needs of the community.

The service to the sports park, using TCAT, was identified as the most cost effective way to provide bus service to that location. It keeps us from duplicating the service and meets the needs of the community.

These route changes will add approximately \$350,000 annually to the transit operating budget; however, the City has Congestion Mitigation Air Quality (CMAQ) funds that will pay for the operations of these new routes for the first three years. These funds cannot be used for any other existing operations nor can they be used for capital. By doing this Visalia Transit will be able to complete this expansion now, which may be the last expansion for some time given the reduction in state operating assistance scheduled to start next year.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:** None

**Attachments:** None.

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

I move that the City Council authorize staff to implement bus route modifications to change two routes from one-way loops to bi-directional routes beginning in August 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)*

***Financial Impact***

**Funding Source:**

Account Number:

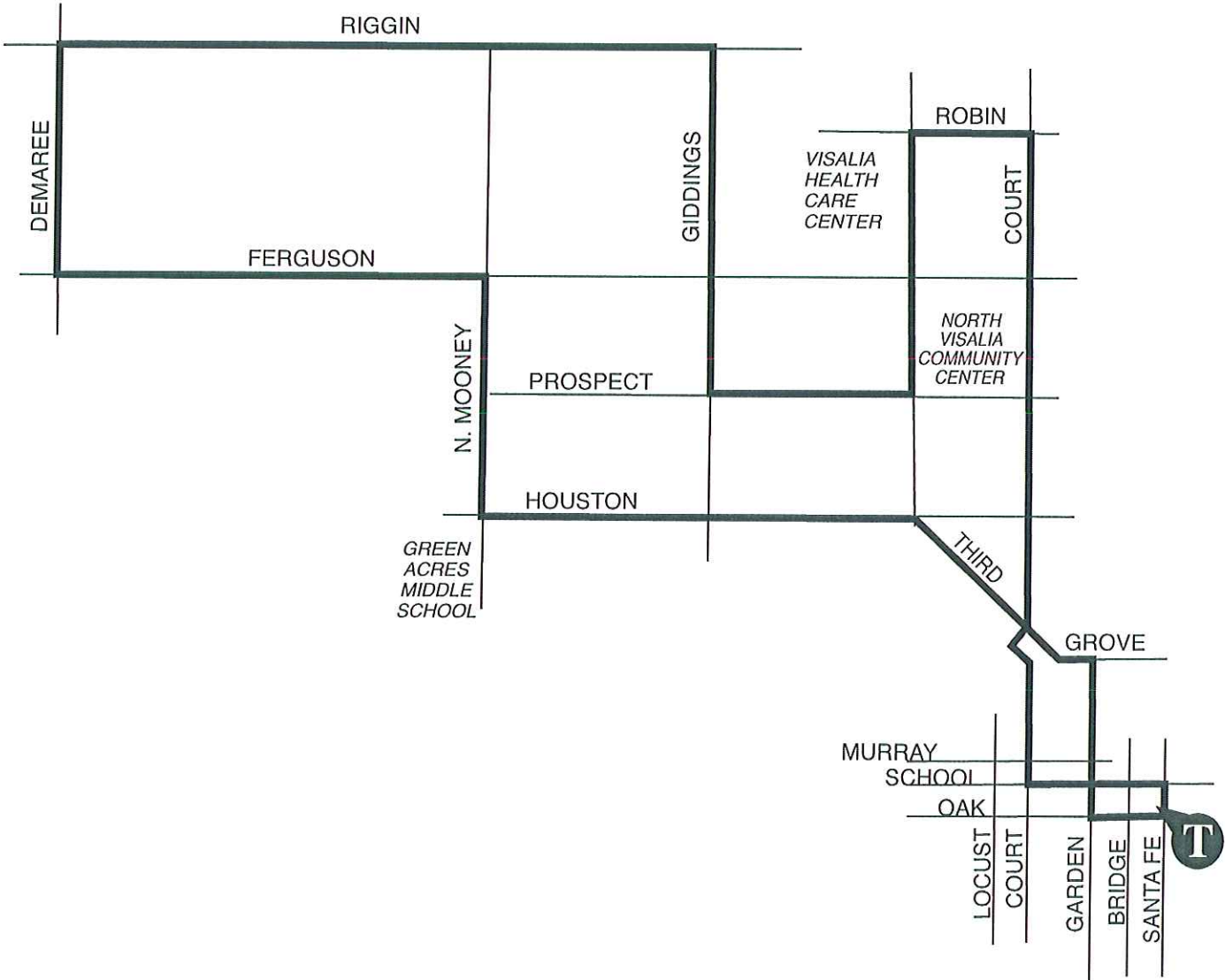
Account Number: 4511-00000-720000-0-9259 (Planning)

**Budget Recap:**

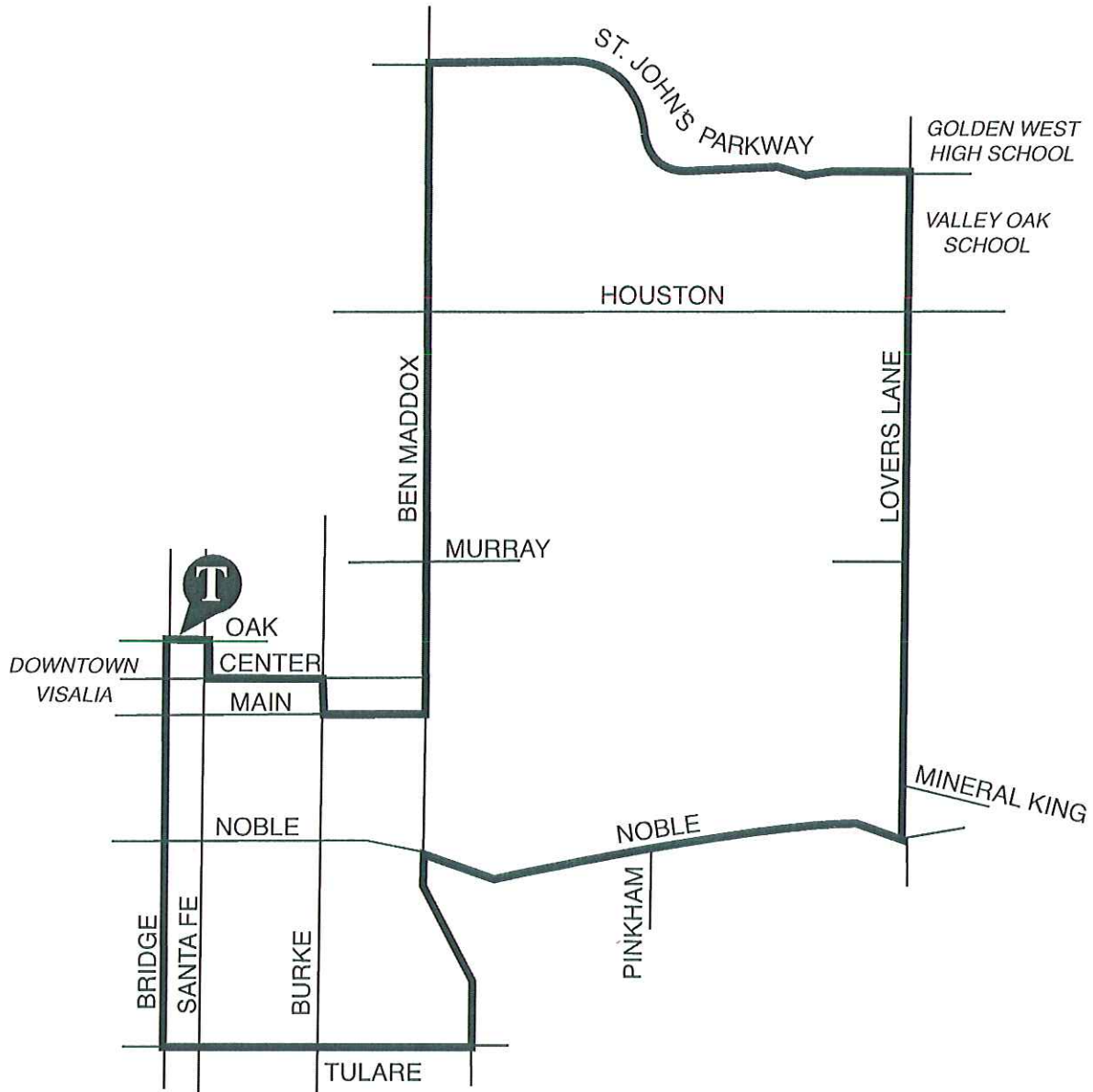
Total Estimated cost:	\$0	New Revenue:	\$0
Amount Budgeted:	\$ 0	* Lost Revenue:	\$
New funding required:	\$	New Personnel:	\$
Council Policy Change:	Yes_____	No	<u>X</u>



# 7B- DOWNTOWN / NORTH VISALIA (CLOCKWISE)



# 8B - ST. JOHN'S PARKWAY / DOWNTOWN (CLOCKWISE)



## City of Visalia Agenda Item Transmittal

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Authorization for the City of Visalia to apply jointly with the County of Tulare for Federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA) and execution of a Memorandum of Understanding (MOU) regarding the grant.

**Deadline for Action:** July 9, 2009

**Submitting Department:** Police

**Contact Name and Phone Number:** Police Chief Bob Carden, ext. 4215, Assistant Chief Colleen Mestas, ext. 4214

**Department Recommendation:** It is recommended that the Council authorize the City of Visalia to continue to participate in a joint grant application with the County of Tulare for a Justice Assistance Grant (JAG) Program and execute the required grant related Memorandum of Understanding between the City and the County.

**Summary/background:** The JAG Program was proposed to streamline justice funding and grant administration and allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most.

The JAG formula includes a state allocation consisting of a minimum base allocation with the remaining amount determined on population and Part 1 violent crime statistics and a direct allocation to units of local government. JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support and information systems for criminal justice for any one or more of six purpose areas.

The City of Visalia, jointly with the County of Tulare, is eligible for a disparate Federal allocation of funds in the amount of \$158,039. A disparate allocation of funds occurs when a constituent unit of local government is scheduled to receive one and one-half times more than another constituent unit, while the other unit of local government bears more than 50% of the costs of

**For action by:**

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

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

**Review:**

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

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

**City Atty** \_\_\_\_\_  
**(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.

prosecution or incarceration that arise for Part 1 violent crimes reported by the geographically constituent unit. According to Federal officials, the portion of the disparate allocation attributable to the City of Visalia is \$99,974 and the portion attributable to the County of Tulare is \$58,065, and have advised the two entities to negotiate the use of the funds.

The JAG application is due on July 9, 2009.

Staff from the Police Department and the Sheriff's Department have met and negotiated the use of JAG funds. The Visalia Police Department will use JAG monies to retain seven (7) hourly positions that are anticipated to be laid off July 1, 2009. If it is determined at a future time that the grant funds could be better utilized for another purpose within the purpose areas, an amendment may be submitted requesting a modification.

Certain hourly positions in the Police Department are critical to the mission of the department. The department uses hourly clerks to work weekends and holidays to type narratives for arrest packages. A loss of these positions would compromise the filing of cases for prosecution.

The department uses hourly call-takers to receive and dispatch animal control calls, as well as provide coverage for sick leave/vacation, and work special details. A loss of these positions would create an additional burden on personnel in the dispatch center as well as impact the public.

Federal funds received will be paid in a single block grant of \$158,039 and will be placed in a Trust Account by the County designated for the JAG funding purpose. All interest derived from these funds is required to remain within the trust and to be expended specifically for this program. JAG funds will reimburse the City and County general funds for costs of equipment and personnel. The time period for the expenditure of these funds is four years. There is no local match requirement.

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

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

**Alternatives:** Deny the application of these Federal funds.

**Attachments:** Interlocal Agreement

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

I move for authorization for the City of Visalia to apply jointly with the County of Tulare for Federal funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the Bureau of Justice Assistance (BJA) and to execute an Interlocal Agreement regarding the grant.

***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:** June 15, 2009

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

**Agenda Item Wording:** Appointment of two Council Members to serve on a newly formed Tulare County High Speed Rail Committee sponsored by the Tulare County Association of Governments.

**Deadline for Action:** NA

**Submitting Department:** Administration/Community Development

**Contact Name and Phone Number:** Mike Olmos 713-4332

**Department Recommendation:** Staff recommends that the City Council appoint Mayor Jesus Gamboa and Vice Mayor Bob Link to the newly formed Tulare County Association of Governments High Speed Rail Committee.

**Summary/background:** As part of its June 15, 2009 agenda, the Tulare County Association of Governments (TCAG) Board of Directors will consider authorizing the formation of a Tulare County High Speed Rail Committee to be comprised of elected officials in the Visalia/Tulare region, the area most directly affected by the future high speed train and future station. This committee will take a leadership role for our region in discussions with the High Speed Rail Authority (HSRA) and its consulting team regarding the location of the high speed rail alignment and future train station in the Tulare/Kings County region. The committee structure being recommended by TCAG staff would include two elected officials from each of the cities of Visalia and Tulare, and two members of the Tulare County Board of Supervisors.

For several years, Visalia has taken a leadership role in securing a station location in the Tulare/Kings County region. These efforts have resulted in the HSRA designating a potential future train station in our region. However, the location of a future station will be dependent on the alignment to be eventually adopted by the HSRA for the rail line segment between Fresno and Bakersfield. Evaluation studies and an environmental impact report are currently being prepared by HSRA consultants for this rail segment and public input on alternative alignments will soon be requested. This is a critical juncture in the selection of the location for a future train station in our region. Therefore, it is important for the Tulare County High Speed Rail Committee to be formed and become actively engaged in these discussions.

**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.

Mayor Gamboa and Vice Mayor Link have been involved in High Speed Rail efforts since the City began its efforts to secure a local train station. Their experience and knowledge gained in this effort will enable them to transition quickly to the tasks to be undertaken by the committee.

Tulare County has selected Supervisors Phil Cox and Pete Van Der Poel as their appointees to the new committee. The Tulare City Council will consider its council appointments on Tuesday June 16.

**Prior Council/Board Actions:** None

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

**Alternatives:** None recommended

**Attachments:** None

**Recommended Motion (and Alternative Motions if expected):** I move to appoint Mayor Gamboa and Vice Mayor Link to the Tulare County High Speed Rail Committee.

***Environmental Assessment Status***

**CEQA Review: NA**

**NEPA Review: NA**

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

Copies of this report have been provided to: NA



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

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Update on the balloted Stonebridge Landscape & Lighting Maintenance Assessment District.

**Deadline for Action:** None

**Submitting Departments:** Finance

**Contact Name and Phone Number:**

Eric Frost - 713-4474, Jason Montgomery - 713-4425

**PUBLIC HEARING:**

A Public Hearing was held on June 1, 2009 for the purpose of taking public input on the proposed funding changes, amendments, and assessment increases to five balloted Landscape & Lighting Maintenance Districts. During the Public Hearing, three residents of the balloted Stonebridge Landscape & Lighting Maintenance Assessment District voiced their concerns and opposition to the proposed assessment increase. After listening to the residents the City Council voiced their concerns to staff regarding the District and closed the public hearing.

**RESULTS OF THE BALLOTTED STONEBRIDGE DISTRICT:**

Upon completion of the public hearing, staff opened and tabulated the ballots of the Stonebridge District. Deputy City Manager Leslie Caviglia reported on the results of the Stonebridge District at the end of the Council Meeting. Of the fifty ballots mailed to the Stonebridge District, twenty-six ballots were returned with fifteen residents voting yes on the proposed changes and eleven residents voting no. The measure passed. Council asked staff to review the District, meet with the residents who attended the June 1, 2009 public hearing, and report back to the Council at a later date to certify the results of the ballot and approve the passed funding changes, amendment, and assessment increase. Staff anticipates being able to report back to Council at the July 13, 2009 Council Meeting.

**UPDATE:**

The finance department met with the Parks Department to discuss options to reduce expenses in the District. Some of the options discussed were the turning over of the maintenance of the District from the Parks Department to a Landscape & Lighting Contractor in hopes of reducing costs. The Parks Department currently charges \$.14 per square foot for maintenance. Recent bids awarded to Landscape Contractors are at \$.12 per square foot. The Districts square footage is approximately 105,242 square feet. Also discussed was the reduction of services (ie. reduce mowing frequency). The estimated reduction in costs has not been calculated to date as quotes from the Landscape and Lighting Contractor have not been obtained. Once these are obtained, a meeting will be held with the residents who attended the public hearing on June 1, 2009 to discuss the options we will pursue. We

**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.

will then report these items to Council at the July 13, 2009 Council Meeting.

**Prior Council/Board Actions:** On June 1, 2009, City Council certified the results of the balloted Landscape and Lighting Maintenance Assessment Districts that were tabulated and reported at the Council meeting and authorized the placing of the increased benefit assessment amounts on the 2009-10 property tax roll and the incorporation of the standard benefit assessment increase allowance to the Districts that approved the changes.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

**City Manager Recommendation:**

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

n/a

Copies of this report have been provided to:

**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:** June 15, 2009

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

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Valley Palms, a subdivision (containing 36 single family lots), located on the south side of Riggin Avenue between Linwood Street and Demaree Street.

**Deadline for Action:** N/A

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

**Contact Name and Phone Number:**

Chris Young, Assistant Community Dev. Director - 713-4392

**Department Recommendation:**

City staff recommends that City Council give authorization to file a Notice of Completion for the Valley Palms Subdivision.

**Summary/background:** All the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Hidden Oak Development. Hidden Oak Development has submitted a maintenance bond in the amount of \$64,529.45 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. The Landscaping and Lighting District #L0604 for this subdivision was created together with the tentative map. Therefore, no further resolutions or actions were necessary to annex this subdivision into its own landscaping & lighting district.

**Prior Council/Board Actions:** Final Map (and Landscape and Lighting District formation) recording was approved at Council meeting of March 06, 2006.

**Committee/Commission Review and Actions:** The tentative subdivision map for Valley Palms was approved by Planning Commission on October 25, 2004.

**Alternatives:** N/A

**Attachments:** Developer Disclosure Form and Location sketch/vicinity map.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

**Est. Time (Min.):** 1 Min.

**Review:**

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

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

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

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

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

Authorize City staff to file a Notice of Completion for Valley Palms subdivision.

***Environmental Assessment Status***

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

**NEPA Review:**

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

# City of Visalia Agenda Item Transmittal

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Project No. 3011-0-72-0-9565; Visalia Fire Station #55 and Training Facility located at 6921 W. Ferguson. (Final Cost \$6,455,530)

**Deadline for Action:** None

**Submitting Department:** Fire Department

**Contact Name and Phone Number:** Mark Nelson 713-4218,  
Doyle Sewell 713-4486

**Department Recommendation:** Staff recommends that authorization be given to file a Notice of Completion for Project No. 3011-0-72-0-9565; Fire Station #55 and Training Facility located at 6921 W. Ferguson.

**Summary/background:** Fire Station #55 provides initial emergency response to the Northwest quadrant of the city. This section of the city encompasses both single and multi-family residential, commercial, and industrial development. The Industrial park is located within Station 55's first in area. The training facility has a forty student classroom and a state of the art training building. The training building is equipped with four burn props, a ventilation prop, smoke machines, rappelling anchors, collapse room, and a large area search and rescue area. The facility is landscaped with mock power poles with rope as wires. The two funding sources for this project are the Fire Measure T fund and the Fire Impact Fee fund.

All of the work has been completed on this project by BJ Perch Construction Inc. at a final cost of \$6,455,530. The contract amount for this job was \$6,593,668. The total contract amount includes \$681,586 approved design and preconstruction costs and \$5,912,082 construction costs Guaranteed Maximum Price (GMP). By being under budget on this project, reimbursement in the amount of \$138,138 will be provided to the City of Visalia by BJ Perch Construction Inc. This amount will be returned to the Fire Impact Fee fund (1061) and the Measure T Fire fund (1122) based upon their percentage of funding for the project as shown below.

**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.

1061 Fire Impact Fees	\$ 91,171	66%
1122 Measure T - Fire	46,967	34%
	<u>\$ 138,138</u>	<u>100%</u>

The project was completed on April 1<sup>st</sup> thirty-two days ahead of the May 3<sup>rd</sup> scheduled completion date. The project was completed with no change orders and was \$138,138 under budget.

**Prior Council/Board Actions:**

**December 19, 2005** – Update to Council on the status of the Northwest Fire Station and Training Facility.

**July 18, 2005** – Authorization to enter into contract with BJ Perch Construction Inc. for the Construction Manager at Risk services for the Northwest Fire Station and Training facility.

**April 3, 2006** – Review the status of the Northwest Fire Station and Training Facility project.

**May 1, 2006** – Review the programming phase and estimated cost of the Northwest Fire Station and Training Facility, and authorize the construction manager to move forward with the project.

**September 18, 2006** – Approval of schematic designs of the Northwest Fire Station and Training Facility.

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

**Alternatives:** None

**Attachments:**

**Recommended Motion (and Alternative Motions if expected):** I hereby move to authorize filing the Notice of Completion for Project No. 3011-0-72-0-9565; Fire Station 55 and Training Facility located at 6921 W. Ferguson.

***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:** June 15, 2009

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

**Agenda Item Wording:** Request authorization to file a Notice of Completion for the Akers Street and Cypress Avenue Intersection Improvement Project, Project No. 1614-00000-720000-0-9944, (Final Cost \$ 180,949.12); and reallocate any remaining Proposition 1B funds to the Houston Avenue Improvement Project (Santa Fe to Ben Maddox), Project No. 3011-00000-720000-0-9026.

**Deadline for Action:** None

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

**Contact Name and Phone Number:** Chris Young 713-4392,  
Adam Ennis 713-4323, Rebecca Keenan, 713-4541

**Department Recommendation:** Staff recommends that authorization be given to file a Notice of Completion for the Akers Street and Cypress Avenue Intersection Improvement Project, Project No. 1614-00000-720000-0-9944; and that authorization be given to reallocate any remaining Proposition 1B funds (at June 30<sup>th</sup>, 2009) to the Houston Avenue Improvement Project (Santa Fe to Ben Maddox), Project No. 3011-00000-720000-0-9026. All other funding should remain in place for future phases of the Akers Street Widening Project.

**Summary/background** This project, located at the intersection of Akers Street and Cypress Avenue, included the installation of dual left-turn lanes on southbound Akers Street and the widening of Cypress Avenue, east of Akers Street. Cypress was widened 18 feet to the south, to allow for the acceptance of traffic from the new dual left-turn lane. The dual left-turn lanes will improve the flow of traffic through the intersection, especially during periods of high volume traffic to the Kaweah Delta Health Care Facility.

This project included modifications to the following intersection components: curb and gutter, pavement, striping, pavement markings, a storm drainage inlet, median curb, and the traffic signal. The proposed widening required the acquisition of right-of-way from the Kaweah Delta Health Care District, along the south side of Cypress Avenue, east of Akers.

All of the construction work has been completed on this project by JWT General Engineering, at a final cost of \$180,949.12. The awarded contract amount for the construction of this job was \$182,116.16. The City charged the contractor for two items related to the project. The first

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

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

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



charge was for liquidated damages due to delays by the contractor in completing the work, which extended the project beyond the contract completion date (not including approved extensions). The total of the liquidated damages was \$9,400.00 which was deducted from the last progress payment. The second charge was due to the City's contractor inadvertently failing to install spray nozzles in the sprinklers relocated for the Cypress Avenue widening. The adjacent Kaweah Delta Health Care District lawn area became distressed due to lack of watering. Therefore, Kaweah Delta Health Care District's landscape maintenance contractor installed the nozzles to maintain proper watering of the lawn area. The City paid \$75 to the landscape maintenance contractor for the work and deducted it from the City's last progress payment to the contractor.

There were three approved change orders totaling \$8,232.96, (4.5%) applied to this project. The approved changes were:

- 1) Add soil stabilization fabric below the aggregate base section. This item was added due to the unforeseen field condition of saturated subgrade soil in the new pavement area. The subgrade soils were saturated due to overwatering of the hospital lawn which previously occupied the area.

Total Cost of Change Order #1: \$1,750.00

- 2) Replace cobble fill at median nose: This cobble was replaced due to unexpected field conditions. The plans called for the existing median curb to be removed and cobble fill to remain, to modify the median for the new street layout. It was found that the median curb concrete extended under the cobble fill edge which resulted in the cobble being removed with the median curb.

Excavate saturated subgrade at Akers ADA ramp, replace with 12" aggregate base: This work was necessary due to saturated subgrade from the aforementioned over watering of the adjacent grass, and rain events. The saturated soil was removed, and replaced with the aggregate base to provide a stable surface for the new concrete ramp. The area required manual excavation due to existing electric conduit, located in this area.

Total Cost of Change Order #2: \$3,288.86

- 3) At the signal pole located at northwest corner of the intersection of Akers and Cypress, remove left-turn signal head, bracket, exposed signal wires, and Remount signal on the pole. The signal wires for the left-turn signal heads were exposed. The wiring and signal head had to be remounted to provide safe operation. This item was an unknown condition and not shown on the plans.

Install four left-turn loops: The plans showed the loops for the new #1 left-turn lanes as existing, however, they had not been previously installed. The contractor installed the four loops, as requested by the City, and coordinated them with the signal controller.

Total Cost of Change Order #3: \$3,194.10

**Prior Council/Board Actions:** Award of contract on September 2, 2008

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

**Alternatives:** None

**Attachments:** Exhibit #1 – Location Map, Exhibit #2 – Ownership disclosure for contractors and consultants.

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I hereby move to authorize filing the Notice of Completion for the Akers Street and Cypress Avenue Intersection Improvement Project, Project No. 1614-00000-720000-0-9944;

I hereby move to authorize the reallocation of any remaining Proposition 1B funds to the Houston Avenue Improvement Project (Santa Fe to Ben Maddox), Project No. 3011-00000-720000-0-9026, which is also to be partially financed through Proposition 1B funds.

***Financial Impact***

**Funding Source:**

Account Number: 1614-00000-720000-0-9944

**Budget Recap:**

Total Estimated cost:	\$280,000.00	New Revenue:	\$
Amount Budgeted:	\$300,000.00	Lost Revenue:	\$
New funding required:	\$ 0.00	New Personnel:	\$
Council Policy Change:	Yes____ No <u>X</u>		

***Environmental Assessment Status***

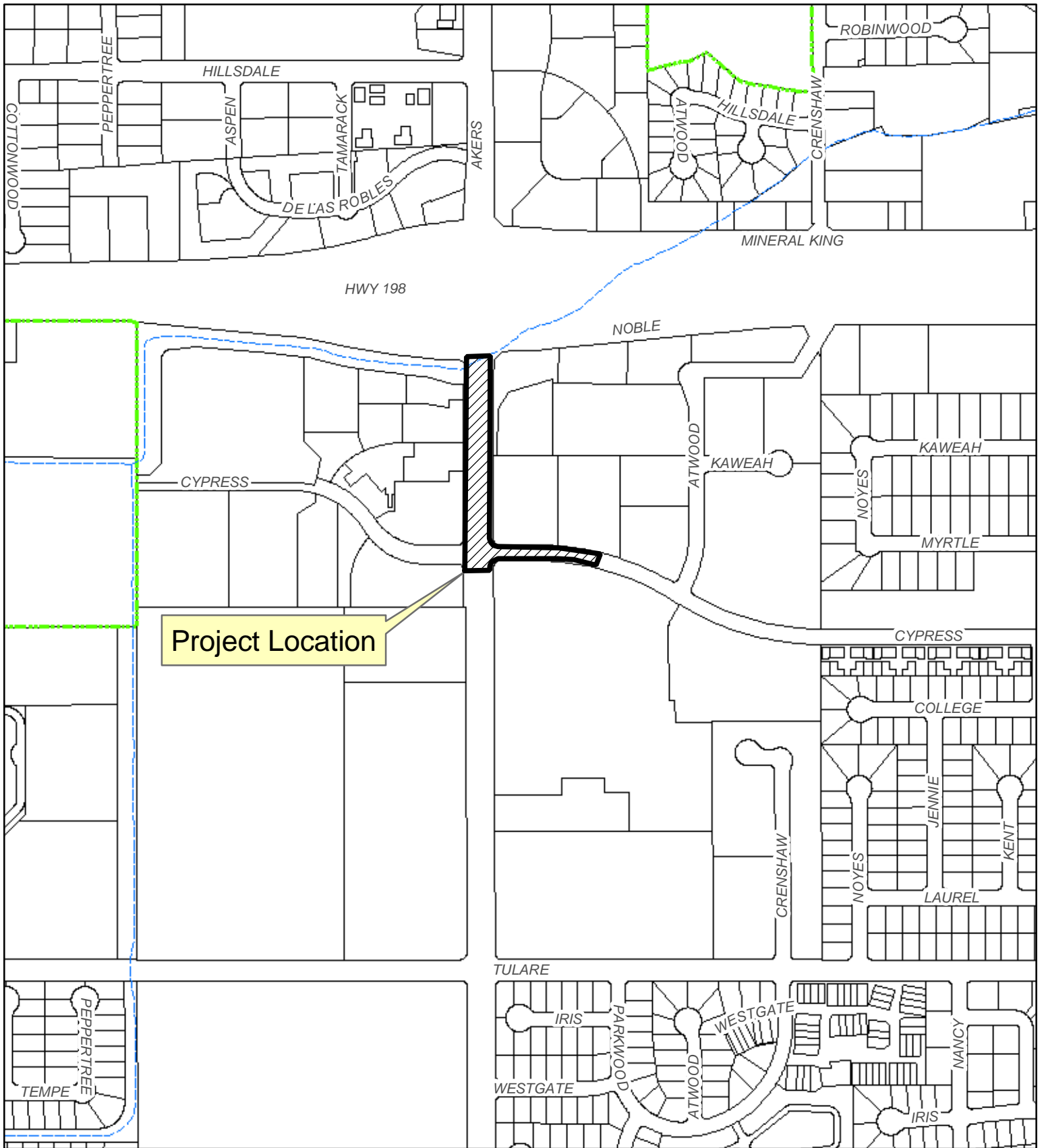
**CEQA Review:**

Required? Yes  
Review and Action: Prior: Negative Declaration per Initial Study #94-32  
Require: None

**NEPA Review:**

Required? No  
Review and Action: Prior: None  
Require: None

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



**Exhibit 1**  
**Akers Street & Cypress Avenue**  
**Intersection Improvements**  
**Vicinity Map**



Scale: 1"=500'



CITY OF VISALIA  
Ownership Disclosure for Contractors and Consultants  
NOTICE OF COMPLETION

**NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:**

Firm Name **JWT GENERAL ENGINEERING INC.**

Firm Address **1549 MENLO, CLOVIS, CA 93612**

List the names of all principals, partners, and/or trustees. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

**Bart Jones, President**

**Christine Jones, Vice President, Secretary**

Submitted by: Name **Rebecca Keenan**

Date **June 3, 2009**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Request authorization to file a Notice of Completion for the construction of the new Soroptimist Park located at Linwood & Prospect in northwest Visalia, Project No. 1211-00000-720000-0-9598, at a final cost of \$645,139.10.

**Deadline for Action:** None

**Submitting Department:** Parks and Recreation Department

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

**Department Recommendation:** Authorize staff to file a Notice of Completion on Project No. 1211-00000-72000-0-9598 for the construction of the new Soroptimist Park located at Linwood & Prospect in northwest Visalia, for a final cost of \$645,139.10.

**Project Summary:**

On September 15, 2009, the City Council awarded a contract to Sierra Range Construction of Visalia to construct a new 4.5 acre City park at Linwood and Prospect in northwest Visalia for a bid amount of \$633,680.53. The project was financed using park impact developer fees.

The project involved site grading; the installation of an automated irrigation system and water conserving landscaping; special play surfaces; specialty concrete; playground equipment; electrical work; a small picnic shelter; and site furnishings. Sierra Range along with several subcontractors completed the work.

The park opened to the general public on Saturday, June 13, 2009.

The original contract amount for this project was \$633,680.53. The project included nine small change orders totaling \$11,458.57, less than 2% of the total project cost.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

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

**Review:**

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

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

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

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

A description of the nine small change orders are outlined below:

1. Landscape mound re-grading (\$3,218.75)
2. Replace broken curb and gutter (\$772.28)
3. Add additional irrigation mainline (\$2,847.68)
4. Exchange backflow device (\$381.40)
5. Drain box, pipe, and grate (\$938.58)
6. Add steel reinforced piers – shade structure (\$1,256.74)
7. Add wood treatment on shade structure (\$467.77)
8. Additional concrete walkway (\$888.12)
9. Additional boundary wood fencing (\$687.25)

**Prior Council/Board Actions:** Award of Soroptimist Park construction project to Sierra Range Construction of Visalia on September 15, 2009.

**Committee/Commission Review and Actions:**

**Alternatives:** None

**Attachments:** None

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

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Request authorization to file a Notice of Completion for the renovation of the Plaza Park softball backstops, foul line fencing, and dugouts, Project No. 3011-00000-720000-0-9191, for the construction of on-site improvements at a final cost of \$225,875.00.

**Deadline for Action:** None

**Submitting Department:** Parks and Recreation Department

**Contact Name and Phone Number:** Jason Glick, Recreation Supervisor, 713-4586

**Department Recommendation:** Authorize staff to file a Notice of Completion on Project No. 3011-00000-72000-0-9191 for the renovation of the Plaza Park softball backstops, foul line fencing, and dugouts. Nick Champi Enterprises from Hanford, CA completed the fencing and concrete project at a final cost of \$225,875.00.

**Project Summary:**

The Plaza Park renovation project included site grading; removal of the old backstops from Fields 2, 3, & 4; the installation of new backstops at Fields 2, 3, & 4; and new concrete paving between Fields 2 and 3, with a shade canopy, and access for the disabled. The old backstops were 12 foot high. The new backstops will include 20 foot vertical fencing behind home plate. The old fields did not have warm up bull pens and the existing cement was eroding. The fields now have bull pens and cemented dugouts.

The original contract amount for this project was \$216,875.00. Funding for this project comes from RZH Per Capita State Park Bond Act monies (\$80,000) --- also known as Proposition 40 --- with the balance of the funding coming from an accumulation of adult softball fees earmarked for capital improvements to the facility.

**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 project had just one change order, approved by the City's Change Order Committee, in the amount of \$8,925.00 bringing the final project cost to \$225,875.00. This represents change orders for 4% of the total project.

A description of the change order is outlined below:

The change order amount was approximately \$8,925.00. The general contractor, Nick Champi Enterprises, discovered a large steel object while drilling holes for pole placement in the turf while working on the Plaza Park backstop project. The object was excavated and turned out to be an old fuel storage container for military planes. The dimensions of the tank were 20 x 25 feet. As part of an emergency work order, Weis Engineering was contracted to remove the old fuel tank.

The tank, immediately adjacent to the existing Plaza Park concession stand, was removed in a manner that would not severely damage the concession building. Unfortunately, during the removal, the concession stand footing to the building and sidewalk adjacent to the tank were damaged. In addition, the first base line of the infield irrigation system, sewer lines, potable water lines, and the scoreboard electrical system were all damaged during the tank excavation. Nick Champi repaired all of the damage as part of the change order.

**Prior Council/Board Actions:** Award of Plaza Park construction project on October 20, 2008.

**Committee/Commission Review and Actions:**

**Alternatives:** None

**Attachments:** None

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

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

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

**Meeting Date:** June 15, 2009

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

**Agenda Item Wording:** Authorization to allow the City of Visalia to place one contested Fire Department case on the Miscellaneous Special Assessments of the Tulare County secured property tax roll.

**Deadline for Action:** June 15, 2009

**Submitting Department:** Housing and Economic Development Department

**Contact Name and Phone Number:**

Tim Burns, Neighborhood Preservation Manager 713-4172  
Charles Norman, Battalion Chief 713-4255

**Department Recommendation:** After holding a Public Hearing it is recommended that 1 of the 4 contested items be placed on the Miscellaneous Special Assessment on the Tulare County secured property tax roll for collection.

**Summary/background:**

In general, the current process of holding a public hearing for determining whether to place certain assessments, fines and delinquent costs on the tax roll is a limited process. The only issue to be determined by the Council is whether the assessment or fine is owed and the code procedure followed, not whether the assessment or fine was properly assessed in the first instance. In all cases, an administrative appeal hearing process has been provided to determine the substance of the issue, and there is no further appeal to the City Council.

Pursuant to Visalia Municipal Code Sections 15.44.040 and 8.40.060, administrative costs associated with overseeing the abatement of the conditions constituting a public nuisance (including the cost of inspections) may be assessed and made a lien on the real property where the public nuisance exist or existed.

The City has put in place an administrative enforcement procedure (Visalia Municipal Code Chapter 1.13) that allows property owners to appeal both the determination that a nuisance

**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.

exists as well as the assessment of inspection fees through an administrative process, culminating in a hearing before an Administrative Hearing Officer, which results in a final Administrative Enforcement Order. Under this process, if the appellant disagrees with the Hearing Officer's decision, the appellant has 90 days to appeal the decision to the Superior Court - there is no appeal to the City Council.

Only after all administrative and court appeals periods have expired is the City authorized to place unpaid fines and abatement fees (including inspection fees) on the Tulare County property tax roll for collection.

Following this process, the Finance Department presented Council with a resolution on June 1, 2009, to place unpaid assessments on the Tulare county property tax roll for collection. A portion of the proposed list included 106 parcels with delinquent fees due for prior code enforcement cost recovery fees and/or abatement expenses and 79 parcels with delinquent fees due for fire department abatement and/or inspection fees. All of these fees are from cases for which the property owner has not appealed within the statutory time frame, or for which the appeal was not granted and the time for appeal to Superior Court has expired.

During the Public Hearing on June 1, 2009 Four (4) property owners objected to a lien being placed on their properties; however none of the four (4) property owners had requested an Administrative Appeal Hearings as provided by code. Two (2) of the matters involved code enforcement cases, one (1) matter involved a Fire Department case and one (1) matter involved an SPCA case. Staff was directed to meet with the property owners to discuss the situation further.

As a result of further discussion the first outstanding code enforcement case involving **Louis Conde, 934 N. Mooney Blvd.** has been resolved with the fee assessment being dismissed in the interest of fairness (the property owner presented evidence that he had arranged to repair the problem before receiving a notice, and had brought this to the attention of code enforcement personnel within the appeal period; apparently paperwork evidencing this was misplaced by City personnel; no further action is required of Council on this matter.

In the second code enforcement case involving **Robin Beams, 1545 E Ferguson Ave** the case has been resolved by the property owner paying the outstanding code enforcement cost recovery fees for staff time and resources allocated to resolve the situation. The item has been removed from the original tax roll list and no further action is required of Council on this matter.

In the case involving the SPCA, in so much as **Juanita Aguilar is a tenant at 105 NE 5<sup>th</sup> Ave** and not the actual property owner, staff has determined that it would be more prudent to pursue collection of the fine through a collection agency as opposed to pursuing collection through the property owner through the lien process. This item has been removed from the original tax roll list and no further action is required of Council on this matter.

One Fire Department case remains unresolved relating to the fee assessment and lien being placed on the parcel. Staff recommends Council proceed with placing this item on the tax roll.

### **Fire Department Ralph Jimenez, 700 W Kaweah**

The administrative fine was assessed on the public nuisance property located at 700 W Kaweah (an owner-occupied property) is based on the costs of the fire prevention services. The total of \$322.14 is based upon the following:

- Fire Inspector-Inspection
- Fire Marshal-Administrative Hearing
- Administrative/Clerical Staff Time
- Cost of Inspector Vehicle
- Postage-First Class
- Certified Postage
- Other Administrative supplies

This fee was adopted by City Council and is amended each year based on the consumer pricing index.

The language at the bottom of the notice specifically states that all property owners who wish to object to the proposed abatement of the condition cited in this notice are hereby notified that they have the right to request an Administrative Hearing within **ten (10) working days** before a hearing office pursuant to the provisions of Chapter 1.13. This appeal must be made in writing at the City of Visalia Fire Department located at 707 W Acequia in Visalia. Sufficient cause must be shown why said conditions should not be abated. Mr. Jimenez was advised of the appeal process

Staff did not receive any notice of appeal. A copy of the Declaration of "Public Nuisance", Notice And Order attached for review. Therefore, on review, staff has determined that the property owner has waived any right to appeal, and the fine is therefore final. Staff recommends that Council authorize staff to place the unpaid assessment on the tax roll.

**Prior Council/Board Actions:** June 1, 2009, City Council Public Hearing continued to June 15, 2009

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

**Alternatives:** Do not allow the placement of the one (1) parcel on the Miscellaneous Special Assessment on the Tulare County secured tax roll.

**Attachments:**

Attachment 1: Resolution No. 2009- 24

Attachment 2: City of Visalia Fire Department, Declaration of "Public Nuisance", Notice And Order.

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

Adoption of Resolution 2009- 24 that allow s the City of Visalia to place the one (1) outstanding parcel on the Miscellaneous Special Assessment on the Tulare County secured tax roll

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**RESOLUTION NO. 2009- 24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
CERTIFYING TO THE COUNTY THE VALIDITY OF THE LEGAL PROCESS  
USED TO PLACE MISCELLANEOUS SPECIAL ASSESSMENTS ON THE SECURED TAX  
ROLL**

**WHEREAS**, the Section 25831 of Chapter 12 of the Government Code establishes the procedure for collection of fees remaining unpaid to the local agency for 60 days or more, and

**WHEREAS**, the written notices have been mailed to all delinquent accounts, and the required public hearings have been held as specified by the Visalia Ordinance Code; and

**WHEREAS**, an administrative appeal hearing process has been provided to the four property owners who objected to a lien being placed on their properties during the Public Hearing held on June 1, 2009; and

**WHEREAS**, in the matter of the outstanding code enforcement issue with Louis Conde, 934 N. Mooney Blvd, APN 093-021-022, has been resolved with the fee assessment being dismissed; and

**WHEREAS**, in the matter of the outstanding code enforcement issue with Robin Beams, 1545 E. Ferguson, APN 098-210-009, has been confirmed to be correct, the fee assessment has been paid by the property owner and has been removed from the tax roll; and

**WHEREAS**, in the matter of the outstanding code enforcement issue with Juanita Aguilar, 105 NE 5<sup>th</sup> Ave., APN 094-061-011, has been removed from the tax roll as collection for the fine will be pursued through a collection agency; and

**WHEREAS**, in the matter of the outstanding weed and lot clearing issue with Ralph Jimenez, 700 W. Kaweah, APN 096-134-006, has been confirmed to be correct, the fee assessment is recommended to be placed on the tax roll for collection; and

**WHEREAS**, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

**WHEREAS**, the Weed & Lot Clearing special assessments are used for the clearing of weeds and other materials from lots; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Visalia that the following item be added to the June 1, 2009 certified list of Miscellaneous Special Assessments, and direct the Administrative Services Director to give the updated list to the Tulare County Auditor for placement on the secured tax roll for collection:

- A. The Weed and Lot Clearing special assessment,
  - 1. Ralph Jimenez, 700 W. Kaweah, APN 096-134-006, \$322.14

**PASSED AND ADOPTED:**



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



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*City Of Visalia*  
FIRE DEPARTMENT

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Office- (559) 713-4547 Fax-713-4808 email- vhenderson@ci.visalia.ca.us Fire Prevention

## Declaration of "Public Nuisance" NOTICE AND ORDER

May 28, 2008

Ralph Joe Jimenez  
700 W. Kaweah  
Visalia, CA 93277

Ref: 700 W. Kaweah  
APN 096-134-006  
Case#: **FD080552**

The City of Visalia Fire Department Prevention Bureau has received several complaints and confirmed the condition of the property and responded on fire & vandalism complaints at 700 W. Kaweah, Visalia.

**NOTICE IS HEREBY GIVEN**, that on the 22<sup>nd</sup> day of May, 2008, pursuant to Chapter 8.40 of the Municipal Code of the City of Visalia, as the Sr. Fire Inspector of the City of Visalia declares that the following conditions set forth in Chapter 8.56 and 8.40 of said Municipal Code **constitute a public nuisance** and that such nuisance must be abated by the demolition or removal of said conditions:

1. The existence of weeds on the premises;
2. The existence of any accumulation of waste paper, hay, grass, straw, weeds, litter, debris or combustible trash upon any roof or in any building, entrance way; or of any weeds, grass, vines or other growth, when the same endangers property or is liable to be fired;
3. Any other condition or use of property which is in fact a fire hazard or which results or can result in the impairment of the ability of the fire department to respond to and suppress fires;
4. Trash, brush & debris in backyard
5. Abandoned vehicle

Destruction and/or removal of said conditions must be completed and maintained by the **10<sup>th</sup> day of June, 2008**, in accordance with the attached Fire Prevention Bureau "Abatement Standards".

Failure to abate said conditions by the date specified shall result in the City acquiring jurisdiction to abate the conditions at the owner's expense pursuant to this Chapter.

All property owners who wish to object to the proposed abatement of the conditions cited in this notice are hereby notified that they have the right to request and Administrative hearing within **ten (10) working days** before a hearing officer pursuant to the provisions of Chapter 1.13. This appeal must be made in writing at the City of Visalia, Fire Department located at 707 W. Acequia Avenue in Visalia. Sufficient cause must be shown why said conditions should not be abated.

Owners who through their inaction have caused the City to have their nuisance abated as set forth in Section 8.40 or 8.56 shall be assessed those costs incurred for such abatement. The cost of abating such nuisance shall also include an administration fee. MUNICIPAL CODE SECTION 8.56.110 PROVIDES THAT AFTER THE ASSESSMENT IS MADE AND CONFIRMED, IT IS A LIEN ON THE PROPERTY.

Any responsible party, who after notification by the Enforcement Officer, fails to abate a condition as set forth in Section 8.56.040 shall be liable for the expenses of fighting any fire which may occur which is determined to have been caused or attributed to said conditions. Such expenses shall become a lien upon the property.

FAILURE OF ANY OWNER OR OTHER PERSON TO RECEIVE THIS NOTICE SHALL NOT AFFECT THE ENFORCEMENT OF THIS ORDINANCE.

**In recapping this document you must, by June 10, 2008:**

- Remove all overgrown, dead & dying plant material & weeds from yards and along fences
- Remove junk, debris & trash from back yard
- Remove or repair abandoned vehicle in carport
- Arrange for inspection by calling 713-4547
- Pay 1 hour Fire Department Inspection & lien release fees in the amount of \$322.14

**FAILURE TO COMPLY:**

Please be aware that violations of the City's Municipal Code cannot be taken lightly. If the illegal conditions have not been resolved within the time specified above, you will be issued an Administrative Citation and/or the property abated. Fees are \$100 for the first day, \$200 the second day and \$500 the third and each subsequent day that the violation exists. This fee and any other costs necessary to abate the violations will be charged to you personally and/or will be assessed against the land and can be foreclosed on or made a tax assessment which will be placed on the tax rolls to be collected.

It is a **misdemeanor** to maintain property or premises conducive to creating a public nuisance or refusing to abate such nuisance when ordered to do so. Any person convicted of a misdemeanor under this section can also be punished by incarceration in county jail for up to 30 days.

I look forward to resolving this matter with you in a timely manner. If you have questions concerning this matter I may be contacted at (559) 713-4547.

Sincerely,

Vorisia Henderson  
Senior Fire Inspector

C: Charlie Norman, Fire Marshal

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

**Meeting Date:** June 15, 2009

**Agenda Item Number (Assigned by City Clerk):** 7

**Agenda Item Wording:** Authorization to:

1) amend the City's Rates and Fees for a multi-year rate increase program for Sanitation (Wastewater) and for Solid Waste effective for the four years and three years, respectively, beginning July 1, 2009;

2) amend the Transit Fare schedule;

3) amend the City's Rates and Fees for fiscal year 2009-10, with proposed new fees and adjusted fees that may include, but are not limited to the following services; administrative, housing and economic development, parks and recreation, public safety, and public works; and,

4) implement 50% of the ordinance authorized Impact Fee increase or 3.25%, on April 1, 2010 as a measure to support the building industry. The remaining 50% (3.25%) will be considered with next year's review of the City's Rates & Fees.

**Deadline for Action:** June 15, 2009

**Submitting Department:** Administration - Finance

**Contact Name and Phone Number:**

Eric Frost	Admin. Services Director	713-4474
Andrew Benelli	Public Works Director	713-4340
Earl Nielsen	P.W. Mgr. – Solid Waste	713-4533
Jim Ross	P.W. Mgr. – Wastewater	713-4466
Monty Cox	Transit Manager	713-4591
Tim Fosberg	Financial Analyst	713-4565

**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.

**Recommendation:**

That City Council 1) conduct a Public Hearing to receive public testimony on adjusting the City's Rates and Fees (Fees); and, 2) direct staff to amend the City's Fee document for the proposed fees beginning July 1, 2009.

The proposed rate and fee adjustments were reviewed by and recommended for Council adoption by City Committees or Commissions except for the Fire Hydrant Inspection fee on page 11, which was submitted after the CAC met on May 6<sup>th</sup>.

- Transit Advisory Committee                      May 9, 2009      Transit fees - recommended
- Parks & Recreation Commission            April 21, 2009      Parks & Recreation fees - recommended
- Citizens Advisory Committee (CAC)      May 6, 2009      Wastewater (sewer), Solid waste (garbage)  
Police, Fire, Convention Center – recommended

## Summary:

Staff recommends that Council review the proposed fee adjustments, hold a Public Hearing, and after taking citizen input, if Council concurs with the proposed new fees and adjusted fees, to adopt the City's amended Fee schedule.

## General Discussion:

In June of 2008, Council approved the biennial rate adjustments that increased a number of fees for both FY08-09 and 09-10. This year, staff is proposing adjustments that include:

1. multi-year rate increase programs for Wastewater and Solid Waste fees;
2. fare adjustments to Transit;
3. new fees and adjustments to existing fees;
4. annual ordinance authorized adjustments to business tax fees; and
5. implement 50% of the ordinance authorized Impact Fee increase or 3.25%, on April 1, 2010 as a measure to support the building industry.

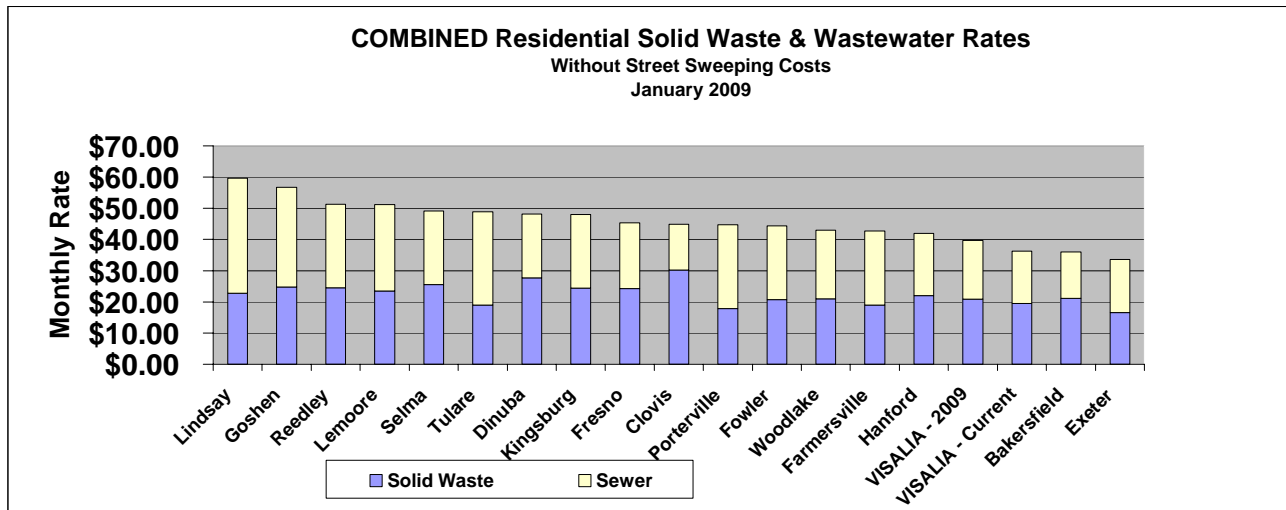
### **Wastewater & Solid Waste - Multi-Year Rate Increase Programs**

Wastewater and Solid Waste are faced with capital demands requiring the City to propose rate increases. Wastewater has the largest increase due to a required treatment plant facility upgrades to meet Federal Clean Water Act requirements. Solid Waste's capital problem is smaller but still requires consideration for rate adjustments to adequately fund need capital expenditures. Because both funds already have approved rate increases, these proposed increases are in addition to those approved rates.

Due to increased capital and operating costs, staff recommends Wastewater increase the last 3 years of their existing approved multi-year increase program by 7.0% and add an additional year (FY 2012-13) with the same amount of increases as the prior 3 years (12%) in an effort to adjust rates using a smaller increase by spreading the increase over 4 years versus 3 years. Solid Waste's recommended increase is 1.5% to be applied to the last 3 years of Solid Waste's existing approved multi-year increase program. For the typical homeowner, the combined annual increase for both Wastewater and Solid Waste will be between \$3 and \$4 per month.

*Table I, Combined Residential Solid Waste & Wastewater Rates* compares Visalia's current rate and the proposed July 1, rate increase with other local cities combined rates. After including the proposed rate increases, Visalia will still remain as the third lowest in combined rates when compared to the other cities.

### **Table I**



## **WASTEWATER**

The Federal Clean Water Act established pollution limits which required the Wastewater Treatment Plant facility to have specific capital improvements. Estimated costs for these required improvements are now between \$54 and \$64 million. To financial prepare for this major project, the City needs to adjust its rates. Staff's recommendation is to use the higher-end of the range in establishing rates to support the debt service. If the total design and construction costs are less than the higher-end used, the rates can be reduced when the actual costs are known. The City awarded a design contract on May 18<sup>th</sup> for \$7.1 million, originally estimated at \$5.0 million. Because Wastewater's costs are mainly for capital, few options exist to cut costs. Instead, staff will focus on critically watching over the \$54 to \$64 million in improvements and will monitor closely for capital items that can be reduced or eliminated. The City plans on spending approximately \$10.0 million of Wastewater's current cash to reduce the size of the debt issue; therefore approximately \$54.0 million in debt was used for this projection.

The City is looking at utilizing Revenue Bonds or a State Loan program to the fund the improvements. Either way, the City will be required to maintain a cash flow of 125% of the operating costs including debt service. A 1992 Wastewater Revenue Bond Issue of \$18.6 million's final payment of approximately \$2.0 million was made last fiscal year, allowing the fund to acquire additional debt in that same amount without needing additional revenues. To obtain the new financing, it will be necessary to already have implemented a rate structure sufficient to cover this new debt. In light of reducing expenses, Table II- Wastewater Debt Coverage Projections was prepared on the basis of issuing serial bonds over the life of the project rather than all in the first year to reduce interest expense as much as possible in the early years. A 6% interest rate was used, if the actual interest rate is significantly different, we will return to Council with recommendation for adjustment. The table projects out for 7 years till FY2018-19, as is required for bond investors, and shows the coverage ratio, with all years above the required 125% revenue coverage ratio except for FY2016/17. Staff anticipates through further analysis that the coverage ratio will be met.

**Table II**

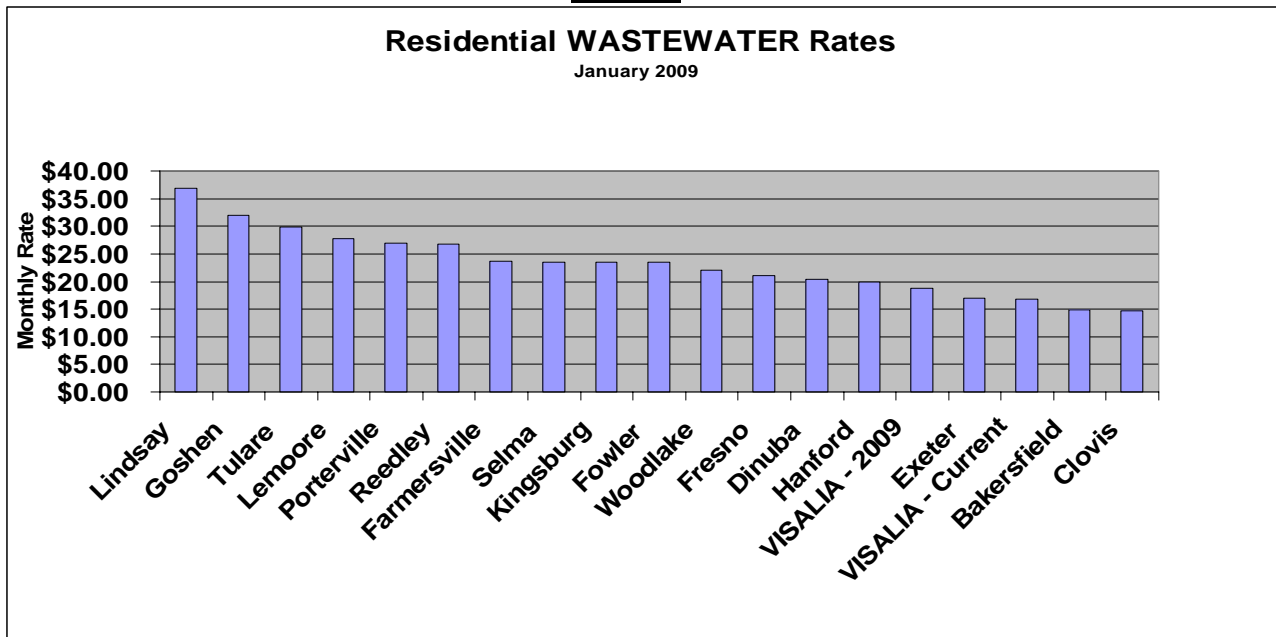
**Wastewater**  
**DEBT COVERAGE Projections**

(In Thousands)

	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	
<b>Coverage Revenues</b>											
Fees	\$ 11,754	\$ 13,276	\$ 14,992	\$ 16,934	\$ 17,105	\$ 16,916	\$ 17,086	\$ 17,256	\$ 17,429	\$ 17,603	
Farm Land	1,000	525	1,050	551	1,103	579	1,158	608	1,216	638	
Interest Earnings	43	35	23	44	55	79	79	91	76	73	
	<u>12,798</u>	<u>13,836</u>	<u>16,065</u>	<u>17,530</u>	<u>18,263</u>	<u>17,574</u>	<u>18,322</u>	<u>17,955</u>	<u>18,721</u>	<u>18,315</u>	
<b>Coverage Expenses</b>											
Salary & Benefits	2,604	2,669	2,736	2,804	2,874	2,946	3,020	3,095	3,173	3,252	
Materials & Services	5,373	5,912	6,313	6,629	6,961	7,309	7,674	8,058	8,461	8,884	
	<u>7,977</u>	<u>8,581</u>	<u>9,049</u>	<u>9,433</u>	<u>9,835</u>	<u>10,255</u>	<u>10,694</u>	<u>11,153</u>	<u>11,633</u>	<u>12,136</u>	
<b>Coverage Net Income</b>	<u>4,821</u>	<u>5,255</u>	<u>7,016</u>	<u>8,097</u>	<u>8,428</u>	<u>7,320</u>	<u>7,628</u>	<u>6,802</u>	<u>7,087</u>	<u>6,179</u>	
<b>Debt Service</b>											
Existing	863	859	859	864	861	862	860	861	864	0	
New	0	1,118	3,697	4,642	4,642	4,642	4,642	4,642	4,642	4,642	
	<u>863</u>	<u>1,977</u>	<u>4,556</u>	<u>5,506</u>	<u>5,504</u>	<u>5,504</u>	<u>5,502</u>	<u>5,503</u>	<u>5,506</u>	<u>4,642</u>	
				<b>Coverage Ratio</b>	<b>147%</b>	<b>153%</b>	<b>133%</b>	<b>139%</b>	<b>124%</b>	<b>129%</b>	<b>133%</b>

Table III, Residential WASTEWATER Rates compares Visalia's current rate and the July 1, proposed rate increase with other local cities.

**Table III**



**SOLID WASTE**

Solid Waste has currently depleted all of its cash reserves, resulting in a reliance on short term cash advances from the General Fund. Even with the proposed rate increases, that trend of borrowing from the General Fund is expected to continue for the next couple years due to high capital costs for trucks, equipment and Corporation Yard improvements. The fund will become self supporting in about FY 2011-12, and will begin to have adequate cash reserves around FY 2012-13.

In an effort to offer an alternative to reduce the proposed rate increase, staff had originally recommended the following partial reductions in non-revenue generating services resulting in

annual savings of approximately \$260,000, which equates to a 0.5% reduction (\$0.10 cents a month) in the proposed rate increase. During the Citizens Advisory Committee's (CAC) review of the proposed utility fee increases, the CAC recommended that Council not reduce these services. Those potential savings from reduced services were:

Curbside Specials (\$100,000 Savings) - Reduce the number of special "free" customer pickups (a customer can have up to 10 items, bags or bundles picked up, or have their can emptied an extra time) down from the current allowable 3 times a year to 1 time.

Dump-On-Us Events (\$60,000 Savings) – Reduce the annual Dump-On-Us events where city-wide residents can bring virtually anything to a central collection point and the City will dispose of it free of charge from 4 to 2.

Neighborhood Cleanups (\$75,000 Savings) – Reduce the number of days spent cleaning up the Oval and the Washington Park area (trash pickup, removing debris and garbage from home sites, clearing empty lots, etc.), from 2 days for each location to 1 day for each area.

Spring and Fall Drop-Offs (\$25,000 Savings) – Reduce the time spent for the Spring and Fall Drop-Off events, which allow residents to take their green waste to a recycling facility free of charge during one week in the spring and one week in the fall, by 50%.

The fund needs additional capital for future projects. Staff's objective is to have the Solid Waste fund's cash balance somewhere between 15% and 20% of total annual expenditures. Table IV, Solid Waste Cash Flow Projections reflects that with the proposed rate increase the "Cash as a Percentage of Operational & Capital Expenses" starts to obtain that desired balance in FY 2013-14.

Table IV, also includes various capital projects and new operational expenditures not currently budgeted for (see "Additional Estimated Operational and Capital Expenses" below). Most of the costs deal with improvements and expansion of the Corporation Yard, of which Solid Waste is the most significant user. Other than the recent installation of the CNG fueling stations, the Corporation Yard has not had any significant improvements or repairs in over 20 years. The pavement is deteriorating badly, employee and equipment parking are filled up and spilling over into material storage space. The buildings are in disrepair (one corner of the Solid Waste building on Cain Street is sinking) and the employee facilities (particularly at the Solid Waste building) have long since been outgrown.

Estimated Additional Solid Waste Capital & Operational Expenses - Next 5 years:

Corporation Yard - Land Acquisition	(FY10-11)	\$ 2.0 million
Corporation Yard - Land Improvements	(FY11-12)	1.0 million
Corporation Yard – Repaving	(FY11-12)	0.5 million
Additional Commercial Recycling (Staffing & Resources)	(FY12-13)	0.5 million
Additional Resource & Conservation Efforts	(FY12-13)	0.1 million
Corporation Yard - Cain Street Building Renovation & Repair	(FY13-14)	<u>1.0 million</u>
	Total	<u>\$5.1 million</u>

**TABLE IV**



**SOLID WASTE**

**Cash Flow Projections**

(In Thousands)

		Rate:	7.0%	7.0%	7.0%	0.0%
		Growth:	1.50%	1.50%	1.50%	1.50%
		<u>08-09</u>	<u>09-10</u>	<u>10-11</u>	<u>11-12</u>	<u>12-13</u>
<b>OPERATIONS</b>						
REVENUES	\$ 14,982,000	\$ 14,982	\$ 16,207	\$ 17,601	\$ 19,116	\$ 19,403
EXPENSES						
Personnel	(4,141,000)	(4,141)	(4,325)	(4,433)	(4,543)	(4,657)
Tipping Fees	(3,789,000)	(3,789)	(3,978)	(4,078)	(4,180)	(4,284)
Operations & Maintenance	(730,000)	(730)	(767)	(786)	(805)	(825)
Fleet Costs	(2,151,000)	(2,151)	(2,259)	(2,315)	(2,373)	(2,432)
Allocated Costs	(1,895,000)	(1,895)	(1,971)	(2,020)	(2,071)	(2,122)
Depreciation	(1,097,000)	(1,097)	(1,163)	(1,192)	(1,222)	(1,252)
EXPENSES	(13,803,000)	(13,803)	(14,463)	(14,824)	(15,194)	(15,572)
<b>Net from OPERATIONS</b>	<b>1,179,000</b>	1,179	\$ 1,744	\$ 2,777	\$ 3,922	\$ 3,831
<b>NON-OPERATING</b>						
Revenues - Penalties	608,000	608	623	639	655	671
Revenues - Grants	470,000	470	200	-	2,000	-
Interest Income (Expense)	(35,000)	(35)	(25)	10	60	125
<b>NON-OPERATING</b>	<b>1,043,000</b>	1,043	798	649	2,715	796
<b>CURRENT YEAR RESOURCES AVAILABLE FOR CAPITAL</b>						
	<b>\$ 2,222,000</b>	<b>\$ 2,222</b>	<b>\$ 2,542</b>	<b>\$ 3,426</b>	<b>\$ 6,637</b>	<b>\$ 4,627</b>
<b>CASH</b>						
Beginning Cash (Loan)	(910,000)	(910)	510	5	(1,060)	1,752
Add: Curr. Yr. Resources & Deprec.	3,319,000	3,319	3,705	4,618	7,859	5,879
Less: CIP Auth. - Curr. & Prior Yr.	(1,899,000)	(1,899)	(4,210)	(3,683)	(3,547)	(3,458)
Less: Corporation Yard		-	-	(2,000)	(1,500)	(600)
<b>ENDING CASH</b>	<b>\$ 510,000</b>	<b>\$ 510</b>	<b>\$ 5</b>	<b>\$ (1,060)</b>	<b>\$ 1,752</b>	<b>\$ 3,573</b>
<b>CASH as a Percentage of Operational &amp; Capital Expenses</b>						
			<b>0%</b>	<b>-6%</b>	<b>9%</b>	<b>18%</b>
<b>Residential RATE</b>	<b>\$ 19.50</b>	<b>\$ 20.85</b>	<b>\$ 22.30</b>	<b>\$ 23.90</b>	<b>\$ 23.90</b>	<b>\$ 23.90</b>

4%

**Commercial Recycling** - Staff is proposing to reduce commercial recycling rates from the current level of 61% of regular refuse rates to 50%. This reduction will encourage more commercial recycling as well as increase the City's percentage rate of diverted waste. The costs of implementing this rate reduction is currently estimated at approximately \$100,000 a year, which will be offset by the current multi-year rate increase proposal.

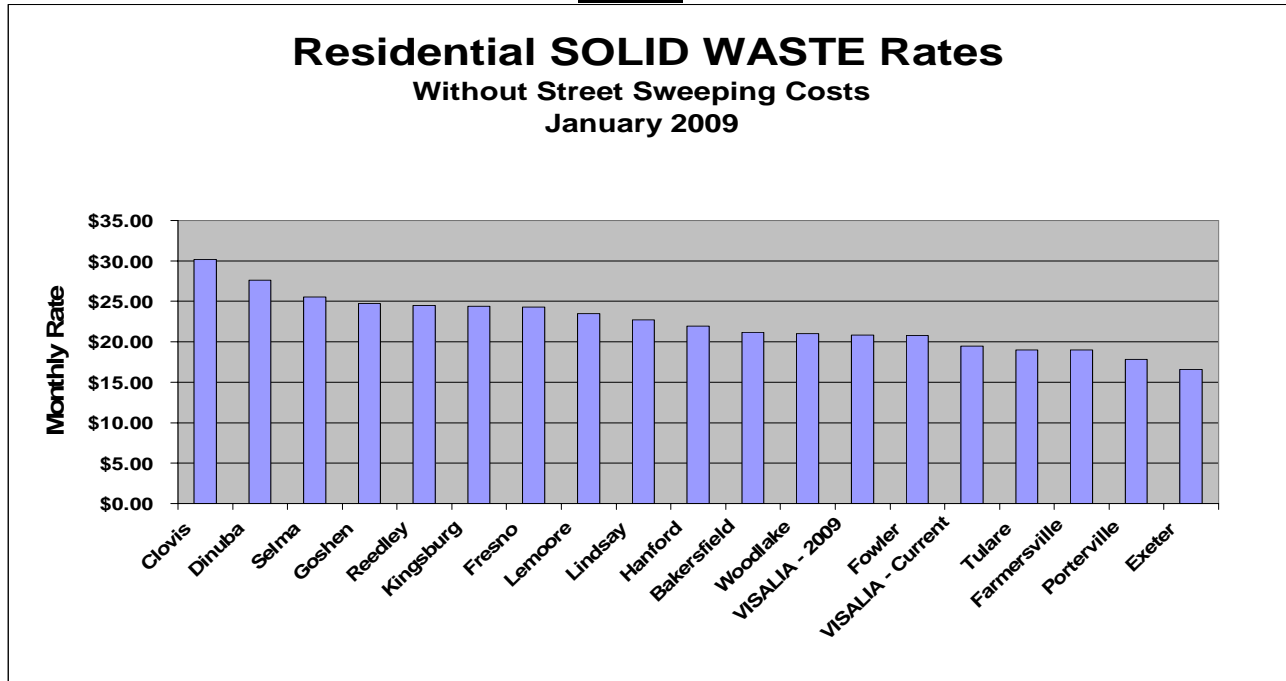
Example: 3 - yard bin emptied once a week:

Refuse	\$ 67.70	current	
Recycling	41.30	current	61% of refuse rate
Recycling	33.85	proposed	50% of refuse rate

State law requires the City to increase its recycling. This rate reduction is a cost effective way to increase recycling diversion rates because it encourages customers with an economic incentive.

Table V, Residential SOLID WASTE Rates compares Visalia's current rate and the July 1, existing rate increase with other local cities. Even with the proposed rate increase, Visalia continues to be a low cost solid Waste provider.

**Table V**



**UTILITY RATE RECAP**

Wastewater has an approved multi-year rate increase of 5.0%, scheduled for the 1<sup>st</sup> of July for the next 3 years (FY's 2009-10, 2010-11 and 2011-12). Staff recommends an additional increase of 7.0% for each of these next three years bringing the yearly rate increase to a total of 12.0%, and add an additional year of 12%.

Solid Waste has an approved multi-year rate increase of 5.5%, also scheduled for the 1<sup>st</sup> of July for the next 3 years and staff recommends an additional increase of 1.5% for each of these next three years bringing the yearly rate increase to 7.0%. See Table VI, Proposed Utility Rate Increase Program, for listing of increases by percentages and amounts for a typical residential household.

**Table VI**

## Proposed Utility Rate Increase Programs

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	
	<u>PERCENTAGES (%)</u>				
<b>Wastewater (1)</b>					
Approved - 2007	5.0%	5.0%	5.0%		
Proposed - 2009	7.0%	7.0%	7.0%	12.0%	
	<u>12.0%</u>	<u>12.0%</u>	<u>12.0%</u>	<u>12.0%</u>	
<b>Solid Waste</b>					
Approved - 2007	5.5%	5.5%	5.5%		
Proposed - 2009	1.5%	1.5%	1.5%		
	<u>7.0%</u>	<u>7.0%</u>	<u>7.0%</u>		
	<u>Current</u>	<u>RESIDENTIAL Rates (\$)</u>			
Wastewater	\$ 16.80	\$ 18.80	\$ 21.05	\$ 23.60	\$ 26.40
Solid Waste	19.50	20.85	22.30	23.90	23.90
Total	<u>\$ 36.30</u>	<u>\$ 39.65</u>	<u>\$ 43.35</u>	<u>\$ 47.50</u>	<u>\$ 50.30</u>
<b>Combined Increase - \$</b>		<b>\$ 3.35</b>	<b>\$ 3.70</b>	<b>\$ 4.15</b>	<b>\$ 2.80</b>

(1) Amounts reflect a debt issuance of \$54.0 million.

### Fare Adjustments - Transit

**Transit Fares** – Transit proposes to increase most of its fares excluding monthly passes. The last increase to Transit's fares was July 2006. This is the first time the City will impose a fare to ride the Trolley. The Transit Advisory Committee recommended the fare increases, including the Trolley, upon the condition that Passes (Day & Monthly) are accepted as valid for use on the trolley. The Transit division concurs that Passes be valid for use on the Trolley.

The need to raise bus fares is primarily due to a scheduled decrease in state transit funding and a requirement that we continue to collect 20% of our operating revenue from passenger fares. Starting next year the state is phasing out all state support for public transit. This will result in a \$500,000 loss the first year and \$1,000,000 per year loss thereafter. While a larger fare increase would appear to make up for the entire loss in state funding, experience has indicated that smaller incremental fare increases generate more steady income without permanent drops in ridership. Additionally, some of the loss in funding will be made up from increases in other federal short term grants. In the long term periodic fare increases will balance the revenue needed to maintain current transit levels while continuing to build bus ridership.

Staff recommends that the monthly pass rates remain the same in order to provide an incentive for daily bus riders to purchase a pass, thereby limiting the impact of the fare increase on the

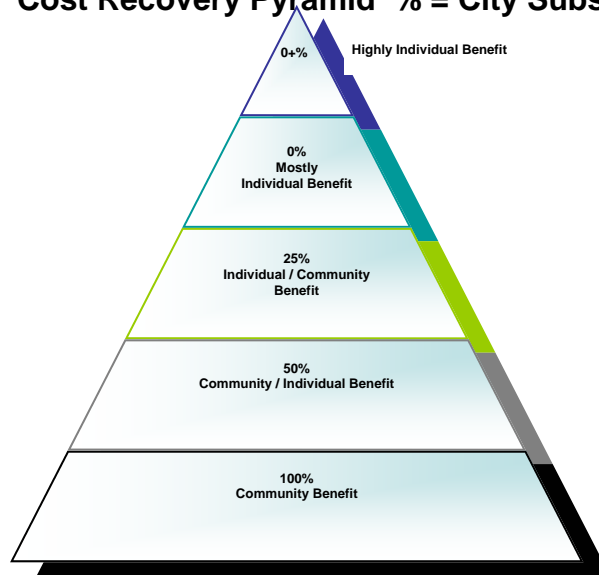
regular bus rider. The City has been able to provide a reduced monthly bus pass through an annual grant from the air district for “new bus riders”. Staff will continue to offer this as well as pursue other subsidies where possible. The Trolley’s proposed fare is needed to cover the cost of this service which has increased as routes and hours have expanded. Staff will be working with downtown merchants to come up with a pass or token system that can be given to employees or customers. Following is a table showing the current and proposed bus fares:

	<u>Current</u>	<u>Proposed</u>
<u>Fixed Route:</u>		
General Fare	\$1.00	\$1.25
Senior / Disabled	0.75	1.00
Senior / Disabled Midday Special / Off Peak	0.25	No Change
Day Pass General	2.00	2.50
Senior/ Disabled Day Pass	1.50	2.00
Monthly Pass	30.00	No Change
 <u>Dial-A-Ride:</u>		
General Fare	3.00	3.25
Senior / Disabled	2.00	2.25
ADA Certified	1.50	1.75
Punch Pass /ADA	20.00 /15.00	22.50 /17.50
Monthly Pass	50.00 /60.00	No Change
 <u>Trolley:</u>		
General Fare	Free	0.25
Rental (3rd party only)	\$50 per hr.	\$65 per hr.

### New Fees

**Parks and Recreation Fees** - The Parks & Recreation department presented to Council on May 18, 2009, the following proposal for a new formal policy for establishing recreation class or program fees. This new policy includes a bi-annual review by the Parks & Recreation Commission of all recreation programs fees and that these fees will be periodically transmitted to Council. This policy formalizes the methodology used in establishing the fees. The policy allocates general fund support for programs and activities based on individual and community benefit. Programs that benefit the community as a whole have more taxpayer support than those that primarily benefit an individual. For example, programs with both community and individual benefit, (e.g. public swimming) would be priced so that 50% of the costs will be paid from tax supported resources and 50% from participant fees. For programs designed for individual benefit, (e.g. adult softball) participant fees will recover 100% of program cost. See attached Parks and Recreation Fee Policy and the following Cost Recovery Pyramid that outlines how the proposed fee policy will work.

## Parks & Recreation Cost Recovery Pyramid % = City Subsidy



The fees for park usage are now based on the various amenities at each individual park; whereas the old method was very arbitrary. With each amenity being assigned a value, the new model is much more equitable in assessing fees. While a number of park fees increased, in some cases fees for certain parks have decreased. A listing of the individual park fees are in the fee schedules attached.

Three new fees are being proposed, an alcohol permit fee of \$25, a bounce house fee of \$10 and a water slide fee of \$10. These fees are to offset staff time, cleaning and damage repair that arise from these activities. Note: the Picnic & Special Use Reservation Guideline included in the attached fees schedules lists in which parks alcohol is permitted.

**Parking Fee** – The Convention Center is requesting authorization to charge for parking at large events. Some resistance from the community is anticipated which will cause staff to phase in the implementation. Staff will work with event promoters to ensure it does not negatively impact event attendance. Staff is seeking the flexibility to adjust the rates based upon demand with the fee not to exceed \$10.00 per automobile. With 200 parking spaces available in the parking lots at the Center, staff projects that approximately \$25,000 could be generated annually. With the costs for labor, insurance, and supplies, it is anticipated the City will net approximately \$15,000. Convention Center staff and / or security will be assigned to control the parking lots and collect the fees.

Staff is currently researching charging for parking at the Acequia Parking Structures as recommended by the Downtown Parking Committee. Estimates for implementation and operational costs, revenue projections and other aspects of parking fees is scheduled to be presented to Council later this year.

**Fire Inspection for Miscellaneous Permitted Uses** - The Fire Department is proposing to add another classification to their existing listing of annual permit fees. This new inspection fee for “Non-Permitted Business” (as per the California Fire Code) covers all business operations that do not have permitting requirements, yet are required to be inspected. These “Non-Permitted Business” would be for various business operations including business, mercantile and multi-family residences. The inspections of these operations are currently not being charged and the new fee is proposed to be \$20. Note: The permitted inspection fees are \$52.00 to \$104.00

**Onsite Fire Hydrant Inspection / Maintenance-** In Oct. of 2009, the Fire Department will no longer perform hydrant maintenance on all public and private fire hydrants in the City of Visalia. This will result in a \$100,000 budget savings in both fuel/equipment and personnel cost. All public fire hydrant maintenance and testing will be transferred to Cal. Water. The Fire Department is proposing to add a fee for the annually testing and maintaining all private property fire hydrants in the City of Visalia. This includes flow test, lubrication, and painting. At this time there are approximately 1,000 onsite (located on private property) hydrants in the City, which includes occupancies such as commercial, industrial, educational, and trailer parks. The fee would be assessed to the property owner. The proposed fee is \$20 per hydrant. This fee would offset the cost for either Cal Water to perform the testing/maintenance or provide the ability to hire a part-time hourly employee to perform the testing/maintenance. The CAC did not review this proposed fee as it was submitted after their May 6<sup>th</sup> meeting.

**Adult-Oriented Business Performer & Business Renewal Permit Fee – Staff** proposes to establish an annual Renewal Fee for the Adult-Oriented Business Permit, for both the Performer (\$186.00) and for the Business / Regulatory (\$186.00). The initial Permit expires one year from the date of issuance and City Ordinance requires the Permit be renewed annually. These fees pay for a review of the business and or the performer assuring that grounds for revocation or suspension of the initial permit do not exist. The proposed renewal amounts are based on staff time to process and investigate compliance.

### **Adjusted Fees**

**Parking Fines (Violations)** – Police is proposing passing-through a State mandated increase of \$3.00 paid to the County to fund construction and renovation of court facilities. Previously the City was required to pay \$1.50 per parking ticket, but Senate Bill (SB) 1407 has increased that amount to \$4.50. Therefore, it is recommended that the city increase the parking violation from \$30.00 to \$33.00 to compensate for the mandate state increase of \$3.00. The violation for unlawful handicapped parking will remain at unchanged at \$300.00.

**Lien Release Fee** – Fire is proposing increasing the Lien Release fee from \$13.00 to \$20.00. This fee is charged to release a lien that was placed on real property for either unpaid weed abatement fees or abandoned vehicle fees. The current amount of the fee reflects only the “pass-through” charge from the County of Tulare that the City pays. Staff recommends having the fee now include partial recovery of the City’s staff time. The amount of the proposed increase only reflects a portion of staff time to process the lien releases. Over the next few years, the City plans on increasing the fee in small amounts to the point where the City recovers its costs.

**Full Council Packets - With Back-up Material** - Administration is proposing to increase the annual fee for the Full Council Packets - With Back-up Material from \$1,100 a year to \$1,210 a year. The new amount is based on the actual number of documents copied during the past calendar year 2008, which was 4,844 duplex pages times \$0.25. The current fee was based on the actual number of document for the calendar year 2007. Users have a no cost option of obtaining the Council packets online.

### **Annual Adjustments - Required by Ordinance**

**Business Tax** - The annual increases are based on the Consumer Price Index for *All Urban Consumers (CPI-U) - U.S. City Average* as previously approved by Council and authorized by City Ordinance. The index increase applicable to fiscal year 2009-10 is 3.8%.

### **Impact Fees**

The ordinance approved, cost of living increase for impact fees that is based upon the Engineering and News Record Construction Cost Index (ENRCCI). This year, that amount is 6.5%, a high amount in a year when the construction industry is suffering. Staff recommends implementing 50% of the ordinance authorized Impact Fee increase or 3.25%, on April 1, 2010 as a measure to support the building industry. The remaining 50% (3.25%) will be considered with next year's review of the City's Rates & Fees. It is likely that next year's ENRCCI index amount will be much lower or even zero. If next year's amount was zero, staff could propose that Council consider implementing the inflation amount that was not implemented this year.

**Public Notice – Mailing:** For the Utility Rate Increase, the City mailed an official City of Visalia Public Notice (see attached) to approximately 39,000 property owners or occupants on Friday May 1. This required notice, was mailed 45 days before tonight's Public Hearing, informing the property owners of the City's proposed multi-year rate increase programs specifically for Wastewater and Solid Waste. The Notice listed percentage increases, dollar amount of the increases and actual monthly amounts for typical residential home for all of the years for both of the utilities. It also invited them to tonight's Public Hearing, to write a written protest and invited them to call if they have questions. Eight 8 letters were received of which 7 protested the increases and three of which were from senior citizens. The most common comments were of the economy and the recession making it difficult to accept any rate increase. Comments from the seniors all included being on a small fixed income (e.g. social security). The letters are attached.

**Prior Council / Board Actions:** The City's last biennial adjustment to the Rates and Fees was on June 2, 2008. Council reviewed the multi-year rate increase program for Wastewater and Solid Waste on April 20, 2009. Council was presented the proposed new Parks and Recreation fee policy on May 18, 2009. Also on May 18, 2009, Council approved a \$7.1 million for Design and Environmental Services for the Wastewater Plant upgrades.

**Committee / Commission Review and Actions:** All of the proposed rate and fee adjustments were reviewed by and recommended for Council adoption by City Committees or Commissions. Note: The CAC discussed at length the Solid Waste proposal and voted unanimously to not implement the cost saving options.

- Transit Advisory Committee May 9, 2009 Transit fees - recommended
- Parks & Recreation Commission April 21, 2009 Parks & Recreation fees - recommended
- Citizens Advisory Committee (CAC) May 6, 2009 Wastewater (sewer), Solid waste (garbage)  
Police, Fire, Convention Center – recommended

**Alternatives:** Partially amend or do not amend the proposed fees.

**Attachments:** Resolution #2009-25  
Public Notice Mailing  
Parks & Recreation – Fee Policy  
Protest Letters  
Selected Rate & Fee Schedules – Proposed Recommendations

**Recommended Motion:**

1.) I move to open the Public Hearing to receive public input on the proposed adjustments to amend the City's Rates and Fees for both the multi-year rate increase program for Wastewater and Solid Waste and for other proposed new fees and adjusted fees for the fiscal year 2009-10.

2.) I move to approve the proposed adjustments to amend the City's Rates and Fees for both the multi-year rate increase program for Wastewater and Solid Waste and for other proposed new fees and adjusted for the fiscal year 2009-10.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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



## RESOLUTION NO. 2009- 25

**A RESOLUTION OF THE COUNCIL OF THE CITY OF VISALIA, APPROVING THE ADJUSTMENTS TO THE WASTEWATER RATES AND FEES FOR THE FISCAL YEARS 2009/10 THROUGH AND INCLUDING FISCAL YEAR 2012/13, AND FOR SOLID WASTE RATES AND FEES FOR THE FISCAL YEARS 2009/10 THROUGH AND INCLUDING FISCAL YEAR 2011/12, AND FOR OTHER ADJUSTMENTS TO THE CITY'S RATES AND FEES FOR THE FISCAL YEAR 2009/10.**

**WHEREAS**, the adjustments to the City's Rates and Fees and to the City's Wastewater and Solid Waste rates and fees are recommended; and

**WHEREAS**, Resolution No. 92-123 established a policy and procedure for the annual review and approval of the City fees and charges which is compiled in a document entitled: *City of Visalia Administrative Policy on Fees and Charges*; and

**WHEREAS**, the City of Visalia has complied with its fee adjustment policy and procedures, its ordinances related to fee adjustment, the California Constitution, and California statutes relating to the adoption and amendment of fees and charges; and

**WHEREAS**, the fees and charges related to ministerial projects are statutorily exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15268; and

**WHEREAS**, adoption of the Transportation Impact Fees, Storm Drainage Impact Fees, Park Acquisition & Development Fees, Northeast Development Impact Fees, Waterways Acquisition Fees, Trunk Line Capacity Charge, Treatment Plant Connection Capacity Charges and Sewer Main Facilities Charges are consistent with, and addressed in, the individual master plans and General Plan elements, and their respective environmental documents in accordance with CEQA as follows:

- a) Transportation Impact Fee - 1989 Circulation Element and Environmental Impact Report (EIR) (Resolution No. 89-63);
- b) Storm Drainage Impact Fee - 1994 Storm Water Master Plan Update and EIR (Resolution No. 94-170);
- c) Park Acquisition & Development Fee, and Waterways Acquisition Fee - 1989 Conservation, Open Space, Recreation & Parks and Negative Declaration (Resolution Nos. 89-59 & 97-10);
- d) Northeast Development Impact Fee - 1988 Northeast Specific Plan and EIR (Resolution No. 88-19);
- e) Waterways Acquisition Fees – General Plan Amendment No. 96-28 (Resolution No. 97-10);
- f) Trunk Line Capacity Charge – Sanitary Sewer Master Plan and EIR (Resolution No. 94-64 & 94-65);
- g) Treatment Plant Connection Capacity Charges and Sewer Main Facilities Charges – 1987 WasteWater Treatment Plant Master Plan and EIR (Resolution No. 92-157).

**WHEREAS**, the Charter of the City of Visalia authorizes the imposition and adjustment of fees for city services including city-wide administrative services, general governmental services,

community development services, community services, public safety services, public works services and engineering and transportation services, and directs the City Council to establish fees by resolution to provide for their adjustment; and

**WHEREAS**, Visalia Municipal Code (“VMC”) section 8.28.140, authorizes the imposition of refuse fees and directs the City Council to establish fees by resolution to provide the sum of money necessary to pay the estimated total cost based on findings enumerated in the Code; and

**WHEREAS**, VMC section 8.28.020 permits the revisions to fees and charges for refuse service by City Council; and

**WHEREAS**, VMC section 13.08.750, et seq., authorizes the imposition of treatment plant connection charges by resolution for connection to the sanitary sewer system and provides that review and amendment of such fees may be initiated by the Council from time to time as necessary to meet increasing costs or changed conditions of providing trunk sewer or oversize service and adjusted by resolution; and

**WHEREAS**, VMC section 13.08.840, authorizes by resolution of the City Council the imposition of sewer service charges and any required adjustments also to be set by resolution of the City Council; and

**WHEREAS**, the sewer connection, water connection, and capacity charges identified above are being adjusted in accordance with Government Code section 66013 such that such fees and charges do not exceed the estimated reasonable cost of providing the services for which the fee or charge is imposed; and

**WHEREAS**, in compliance with California Government Code Section 66016, et seq., notice of the time and place for the hearing on adjustment of the fees outlined herein has been given; and

**WHEREAS**, the City Council of the City of Visalia has reviewed the proposed City of Visalia Rates and Fees proposal for Fiscal Year 2009/10 and Fiscal Years 2009/10 through 2012/13 regarding the adjustments to the City’s Rates and Fees including wastewater and solid waste rate and fees; and

**WHEREAS**, the City Council of the City of Visalia did conduct a public hearing on the proposed rates and fee adjustments for the fiscal years 2009/10 through 2012/13 (Wastewater), and for fiscal years 2009/10 through 2011/12 (Solid Waste), and for fiscal year 2009-10 for other fee adjustments to the Rates and Fees Schedule on June 15, 2009.

NOW, THEREFORE, the City Council of the City of Visalia finds:

1. The fee and charge adjustments proposed herein comply with the *City of Visalia Administrative Policy on Fees and Charges*; or
2. The fee and charge adjustments proposed herein comply with the adjustment requirements required by the authorizing ordinances; or
3. The fee and charge adjustments proposed comply with the increase requirements contained in Government Code section 66016, et seq.
4. The fees and charge adjustments are statutorily exempt from the California Environmental Quality Act either as fees and charges related to ministerial projects or that meeting operating expenses, financial reserve needs, further capital projects for services, or the purchasing or leasing of supplies; and

5. The findings required by authorizing ordinances enumerated herein to adopt fees have been made as a part of the respective original adopting resolutions of the Council.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Visalia adopts the adjustment of the Rates and Fees for the four fiscal years from 2009/10 through and including fiscal year 2012/13 (Wastewater), and for the three fiscal years from 2009/10 through and including fiscal year 2011/12 (Solid Waste) and for the one fiscal year 2009/10. Unless otherwise indicated in the Rates & Fees document (attached hereto as Attachment "A"), these rates and fees go into affect on July 1, 2009. Impact fees shall not be effective until 60 days after the adoption thereof (Aug. 17, 2009).

PASSED AND ADOPTED: \_\_\_\_\_

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

I, \_\_\_\_\_, City Clerk of the City of Visalia, certified the foregoing is the full and true Resolution No. 2007-\_\_\_\_\_, passed and adopted by the Council of the City of Visalia at a regular meeting held on June 15<sup>th</sup>, 2009.

DATED: \_\_\_\_\_, CITY CLERK

**City of Visalia**

# **Attachment - A**

**to**

**Resolution No. 2009 - 25**

# **Rates and Fees**

**Proposed Recommendations for**

**Wastewater - FY's 2009-10 thru 2012-13**

**Solid Waste - FY's 2009-10 thru 2011-12**

**Other Rates & Fees - FY 2009-10**

# City of Visalia

## Parks and Recreation Department

### Fee Policy

#### BACKGROUND

The Park and Recreation Department wishes to provide meaningful recreational opportunities to meet the physical, cultural, mental and economic needs of the citizens of Visalia. It is our desire to enhance the quality of life in Visalia by providing open space, recreation facilities and programs for all citizens. Providing an array of quality recreational opportunities is an increasingly complex task due to: (1) demands for new and expanded services, (2) demands to retain older services, (3) increases in operating expenses, and (4) priorities of allocating limited City general fund dollars. Fiscal responsibility mandates the adoption of a sound and consistent fee and charge policy that will guide the generation of revenue to supplement the General Fund's support of park and recreation programs and services.

Fiscal goals of the Parks and Recreation Department include:

- To become less dependent upon tax support from the City and to become more self-sufficient.
- To substantially increase the proportion of the services and operations funded through user fees. The department will make a concerted effort to track its costs for facilities and operations and ensure program costs are better covered by fees charged.
- To view programs and services more as an enterprise. Even though the department is a public agency, the City of Visalia is limited by the funds it can provide for all of its services, let alone those not viewed as essential by many taxpayers.
- In order to continue as a vital, progressive agency in the community, we need to adopt a more entrepreneurial, business-like and fiscally aware approach to our operations.

#### STATEMENT OF PHILOSOPHY

The philosophy of The City of Visalia, Parks and Recreation Department is to offer year round, diversified Park and Recreation programs and services, at reasonable and equitable rates designed to meet the needs of the citizens of Visalia. Fees and charges will be viewed as a method to equitably provide and expand services without an inordinate impact on the General Fund, while ensuring where fees are implemented, they are kept at a **fair market value** in order to encourage participation. Because the demand for services is greater than the municipality's ability to appropriate funds to support the demand, it becomes necessary to charge new fees, increase some existing fees and pursue additional supplementary revenues and resources.

Fees and charges for parks, recreation and cultural services will provide only one source of funding for the department. Other sources will include general fund appropriations, grants, sponsorships, special gifts, donations and in-kind contributions.

#### VISALIA'S PRICE MODEL

The Parks and Recreation Department will follow a cost recovery method based on benefits. This model utilizes general fund dollars for programs, services and facilities that benefit the community as a whole and allows for user fees to support programs and services that focus on benefits to individuals. "Attachment A" shows our proposed Cost Recovery Pyramid with the following categories to be used to set program fees based on cost recovery rates:

**Category A: Community Benefit** – programs, facilities and services that benefit the community as a whole. These programs, facilities and services can increase property values, provide safety, address social needs, and enhance the quality of life for residents. The community pays for these basic services and facilities through taxes and may utilize free of charge. Such programs or services can include parks and open space, educational programs, health and wellness activities, community wide special events, family activities and gang prevention programs.

Examples of current programs in this area:

Parks, Open Space & Trails  
 Community Wide Special Events – Egg Hunt, Dia del Nino, Tamale Festival  
 Family Walks  
 Manuel F. Hernandez Community Center Drop In Program  
 The Loop

**Category B: Community / Individual Benefit** – programs, facilities and services that promote individual physical and mental well-being and provide recreation skill development. These are the more traditionally expected services and beginner instructional levels. These programs, services and facilities are typically assigned fees based on a specified percentage of direct and indirect costs. These costs are partially offset by both a tax subsidy to account for the Community Benefit and participant fees to account for the Individual Benefit. Programs, facilities and services in this tier shall recover 50% of direct program costs.

Examples of current programs in this area:

Youth Sports – baseball, soccer, basketball, volleyball  
 Tiny Tot Sports  
 Public Swim  
 Swim Lessons  
 Senior Meal Program  
 Senior Citizen programs & classes

**Fee Example – Youth Basketball**

Expenses:	
Officials	\$10,000
Hourly Staff	\$12,000
Recreation Coordinator	\$ 2,000
Coach/Official Training	\$ 800
Facility Rental	\$ 7,000
Uniforms	\$11,000
Equipment	\$ 6,000
Awards	\$ 2,000
Advertising	\$ 1,500
Total:	\$52,300

425 Participants into \$52,300	123.06
50% subsidy	61.53 fee

**Category C: Individual / Community Benefit** – Services that promote individual physical and mental well-being and provide an intermediate level of recreational skill development. This level provides more Individual Benefit and less Community Benefit and should be priced to reflect this. Programs and services in this category shall recover 75% of direct program costs.

Examples of current programs in this area:

Day Camps  
Enrichment Classes - dance, art, martial arts and music.  
After School Activity Program  
Tiny Tots Pre-School Program

**Fee Example – Tiny Tot Pre-School**

Expenses:

Staffing	\$480.00
Equipment & Supplies	\$200.00
Total:	\$680.00

15 Students divided into \$680      \$45.33  
75% Cost Recovery = \$34.00 fee

**Category D: Mostly Individual Benefit** – Specialized services generally for specific groups and may have a competitive focus. In this category, programs and services may be priced to recover 100% of direct costs.

Examples of current programs in this area:

Father/Daughter Dance  
Specialty Camps & Sports Camps  
Kendo  
Adult Sports – soccer, softball, basketball, volleyball  
Swim teams  
Diving Classes

**Fee Example – Adult Volleyball**

Expenses:

Hourly Staff	\$ 800.00
Equipment	\$ 600.00
Awards	\$ 400.00
Gym Rental	\$1800.00
Total	\$3600.00

18 Teams into \$3,600 = \$200 per team

**Category E: Highly Individual Benefit** – Programs or services that have a higher revenue potential and may fall outside of the core mission. In this category, programs and services are priced to cover all direct and indirect costs. Examples of this include elite athletic programs, food concessions and trips.

Examples of current programs in this area:

Haunted House  
Photos at the Mall  
Bus Trips  
Certification Courses  
ViTri (triathlon)

**DETERMINING FEES FOR PROGRAMS**

The Parks and Recreation Department will work to recover a percentage of or all **Direct Program Costs**. The following describes factors that are considered to calculate direct costs:

- Part-Time, Hourly and Contractual Staff - leaders, instructors, officials, scorekeepers , including hourly benefit cost of 5.49%
- Equipment - including stage, light rental, tables, chairs, sound systems and other such items.
- Supply/ Materials - awards, balls, crafts, tickets, certificates, videos, copies, etc.
- Maintenance/Custodial – building attendants, facility opening & closing, maintenance issues directly related to program.
- Maintenance Supplies/Materials – maintenance and/or custodial supplies needed specific to the operation of program or activity.
- Membership/Training – memberships, subscriptions, trainings specific to a program or activity.
- Special Insurance - special event or food product liability insurance
- Security – contract security or Police Department charges
- Marketing - newspaper, radio, flyers, posters
- Program Discounts, Scholarships
- Transportation - bus rental, transit tickets
- Postage
- Equipment Purchase - Total cost of equipment purchase divided by # of years for life expectancy of equipment
- Utilities
- Facility Rental Cost – cost to rent outside facilities

## **DIFFERENTIAL FEES, VARIANCES AND FEE WAIVER**

It is understood that on occasion special consideration may be needed in determining fees for groups or individuals having circumstances uncommon to those in the fee structure criteria. In these cases, the Parks and Recreation Commission will be the approving party for all requests. Requests for a variance shall be submitted in writing to the Parks and Recreation Department 60 days prior to the date of use.

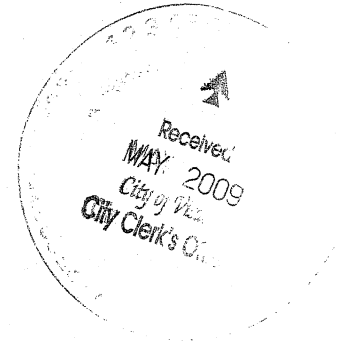
## **FEE REVIEW AND OVERSIGHT**

The Parks and Recreation Commission shall review and provide oversight of specific program and/or activity fees and charges. Such review shall take place at least bi-annually during a regularly scheduled Parks and Recreation Commission meeting.



May 4, 2009

City Clerk  
City of Visalia  
425 E. Oak Ave., Suite 301  
Visalia, CA 93291



Re: Proposed increase in utility service rates and fees  
For Wastewater and Solid Waste

City of Visalia account number 53 36674

Copy of PUBLIC NOTICE attached.

As a property owner in the City of Visalia, I am opposed to the proposed increase in utility service and fees for Wastewater and Solid Waste.

The current recession and with so many people out of work, it is untimely for increased rates on Wastewater and Solid Waste, or for any rate of fee increases.

It is more prudent to reduce spending in these trying times.

I urge you to seek ways that you can trim your budget for the coming months and years until the economy turns around for the better.

I would urge you to protest to the appropriate agency the "clean air laws".

Thank you for your consideration of my objections.

Yours truly,

Larsen Brothers

A handwritten signature in black ink, appearing to read "Jerry W. Larsen", is written over the typed name. The signature is fluid and cursive.

by Jerry W. Larsen, co-owner  
10404 Flora Vista St.  
Bellflower, CA 90706

City of Visalia  
425 E. Oak Ave  
Ste. 301 - Visalia 93291  
5/04/09  
City Clerk -

The recent Public Notice of Various Rate increases upon providers in - creases for city services only surprises those naive enough to believe the gurus of the wretched financial arena who keep parroting this insane lie of 0-3% inflation.

At our house it has never been less than 10% /ann. for longer than I can recall. It promises to be much worse in the very near future with the flood of unbraked printing press money<sup>4</sup> being handed out under Stimulus packages.

You better hurry & get the Fed mandated upgrades done or you'll be forcing yet another raise upon this one.

My - how wonderful growth is!

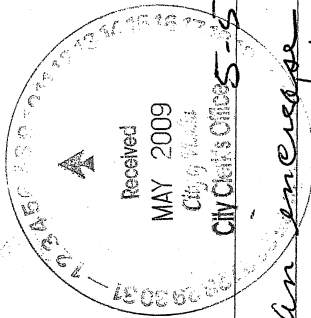
2)

Ques: How much of this stimulus pkg. for Visalia is going toward these proposed projects? Any?  
Is any of the stimulus money earmarked for the wagon trail between Ben Maddox & Santa Fe called Houston Ave?

Or for the ~~de~~ deplorable stretch on Mineral King Ave bet- ween Court and West St - ?  
I could go on but you'd get bored. The point?

There's lots better ways to spend the stimulus money for Visalia improvements to the sta- structure they pouring into 2 nearly new facilities for upgrades.

Howard Mander



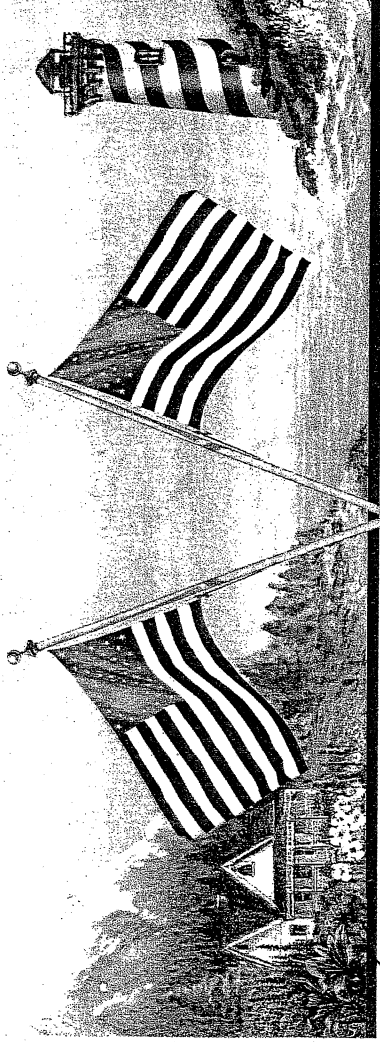
1 - 5-5-09

In regards to an increase in W. S. Water increase, I do protest due to, we who live on a limited income of social security with no increase in the future puts us in a very predicament. Especially we renters. We have to not protest to pay Paul, as it is. I am 82 yrs old take care of a disabled son. Very hard to make ends meet as it is. What will it be next. Every thing going out - nothing coming in, except what we depend on, in finances, and the economy as it is now, would I not protest this increase? Do understand the situation. But try to understand we the people in our situation. Cant get blood out of a turnip. Consideration very much needed for us. I protest all the raised rates on

2 -

every thing pertaining to all described  
 1) description of rented properties  
 2 Brown Kitchen, living Rm  
~~Living~~ dining Rm Bath + 1/2  
 532 N. Chumouth ~~1~~ Kasilia Calif  
 93291

Lorraine B. Nunez  
 532 N. Chumouth ~~1~~  
 Kasilia Calif 93291



5/6/09

Do whom it May Concern

I do oppose this rate

increase. I live in a  
3 bedroom house now.

also facing flood Ins. 1910

E. Andrea Ct. 93292 and

am a senior on fixed

income + retired almost 70yr.

where + how did come up with

the extra money? I'm am



not alone but where  
does it end when i  
cant buy food or get

my pills (meds) !? I have  
been thinking about eating.

my dogs food to. you no one  
never been on any ass. or help  
in my life - ive been working

since 16 years i thought retirement

~~that~~ would be easier - no am

always stressed cant go anywhere  
because of fuel & its

expensive + am old. what a rip off.

Terrible + am old. Sorry.

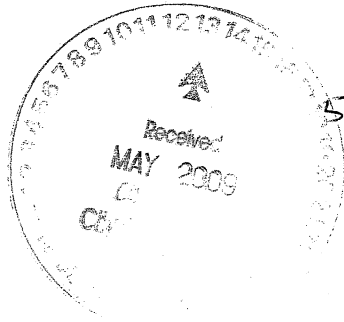
cash. sucks. Sorry.

Mrs. John Cantrell

1910 E. Andrea Ct.

Uso. Ca 93292

972-2569



City of Visalia,

my name is Chris Steiner prop. owner of  
2114 S. Terrace Ave, Visalia (Bill # 8710888888)

I am totally opposed to your new increase of  
both wastewater and solid waste. my bill is  
already so high! I live alone and use very little  
water, toilet is flushed very little, don't even  
fill my trash can. I can conserve & save on elec.  
& gas, BUT, NOT on sewer, water & trash bill.  
maybe you can put up those that can afford it,  
or charge more for larger families. with the  
economy the way it is today, this is not a  
good idea!

Bill should be based on usage, number of  
people in household. why should I be punished  
for everyone else's high usage. I pay school tax,  
and don't even have kids! maybe it's time to  
GET OUT OF CA.

Thanks for your concern.

Chris Steiner  
2114 S Terrace Ave  
Visalia CA 93277  
ph 559 799 1587

City of Visalia  
City Clerk  
425 E. Oak Ave., Suite 301  
Visalia, CA 93291

May 13, 2009



Dear City Clerk,


This letter is in regard to the increases that have been proposed.

We would like to oppose any new increases, due to the economy we have rising vacancies and extra costs that are financially putting a burden on us.

Any additional increases/costs would only make this burden heavier.

Once again, WE OPPOSE ANY INCREASES!

Sincerely,

  
Cal Land Industries, LLC  
P.O. Box 452  
Auburn, CA 95604

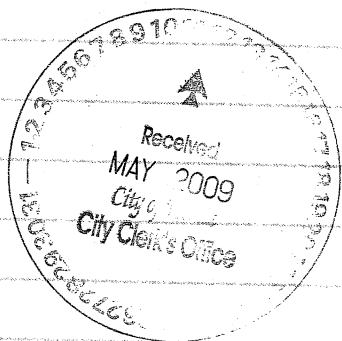
Property address: 8200 West Doe, Visalia, CA

To: City OF VISALIA Council Chambers.  
FROM: EDWARD J. STRAIGHT 2915 W. PRESCOTT  
AVE. VISALIA CA. 93291. (559) 942-6299.  
ACCOUNT # 1480078668.

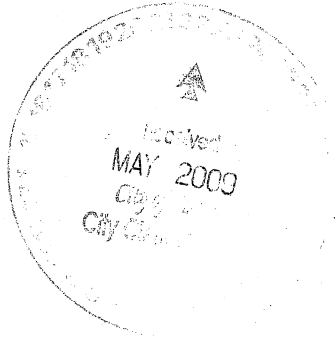
Solidwaste Increase I am OK with.  
AS FOR WASTEWAY the Increase is to much,  
I protest the Increase and Feel it should  
stay at July 1st, 2009 Amount. And stay  
at that Amount FOR 2009, 10, 11 + 12.

Thank you

Edward J. Straight



May 20, 2009



City of Visalia  
City Clerk  
425 E Oak Ave  
Suite 301  
Visalia, CA 93291

Reference: Beverly J Fraser (TR)  
2802 W Ashland Ave.  
Visalia, CA 93277  
Assessors Parcel Number 121-141-019-000

I oppose any proposed rate increases to wastewater and solid waste.

There are existing and approved rate increases already in the works that are currently increasing our water, wastewater and solid waste bills.

I live on social security and a small pension. Social Security will not be getting a cost of living increase for the next two years, my pension plan is questionable due to the market situation, so my monthly income can only be spread so far.

Beverly J Fraser  
Property Owner

A handwritten signature in cursive script that reads "Beverly J Fraser".