

Visalia City Council Agenda



For the regular meeting of: MONDAY, August 3, 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

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.

4:00 p.m.

4:00 P.M.

SWEARING IN CEREMONY

Assistant Chief Mestas will administer the Oath of Office to Julia Jiminez, Police Officer.

4:05 p.m.

WORK SESSION AND ACTION ITEMS (as described)

4:05 P.M.

PUBLIC COMMENT ON WORK SESSION AND CLOSED SESSION ITEMS

4:20 p.m.

1. Update regarding East Tulare County Short Line Railroad
2. Update on Mooney Boulevard improvements including Cal Trans Project, City Intersections (Walnut and Whitendale) and Street Tree Project by CSET and the Urban Tree Foundation.
3. Update on Rule 20A Utility Undergrounding Districts

4:45 p.m.

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

ITEMS OF INTEREST

CLOSED SESSION

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

4. Public Employee Appointment (GC Section 54957)
Title: Interim Police Chief
5. Conference with Legal Counsel – Anticipated Litigation – Potential initiation of litigation pursuant to subdivision (c) of Section 54956.9) – one potential case
6. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of GC Section 54956.9)
Name of case: Solis v. City of Visalia (TCSC 09-232070)
7. Conference with Real Property Negotiators (GC 54956.8)
Property: 16 acres on the south side of Hillsdale Avenue at Tommy Street east of Akers Street (APN 085-010-096)
Under Negotiation: Terms and conditions of potential lease agreement
Negotiating parties for City: Steve Salomon, Mike Olmos, Chris Tavares
Negotiating Parties for Lessee: Sam Sciacca

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Mark DiGiralamo, Visalia 1st Assembly of God

SPECIAL PRESENTATIONS/RECOGNITION

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

8. INFORMATION ITEMS – (No action required)
 - a) Receive Planning Commission Action Agenda for the meeting of July 27, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

9. 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) Approval of Mutual Aid Agreement between the College of the Sequoias Community College District Police Department and the Visalia Police Department
- c) Request authorization to file a Notice of Completion for the Acequia Avenue Two Way Traffic Conversion Project, Project No. 3011-00000-720000-0-8056 (Final Cost \$556,097.49).
- d) Approve the Cooperative Agreement between the City of Visalia and the Visalia Parks and Recreation Foundation.
- e) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 08-09-62 Houston Avenue Widening Project, Santa Fe / Ben Maddox Way - Project No. 9026 in the amount of \$1,833,013.00, to the low bidder, Jim Crawford Construction Company, Inc.
- f) Authorization to expand the current project scope for the Village Park - Wittman Center Renovation Project (3011-0-72-0-9865) by a final additional amount of \$56,500, using State Park Bond Act monies and CDBG funds.
- g) Authorization for the City Manager to accept and appropriate a grant award for \$351,363 for the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program (JAG).
- h) Authorize the City Manager to execute a Project Improvement Agreement and Reimbursement Agreement with the Diocese of Fresno Education Corporation for the necessary street and other related improvements located at the southeast corner of Akers Street and Caldwell Avenue. APN 119-070-071.
- i) Authorization to file a Notice of Completion for Parking Lot No. 45 at 409 E. Murray Avenue located generally between Bridge Street and Santa Fe Street. (Project, No. 6111-00000-720000-0-9695)

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

10. Adjourn to Parking Lot No. 45 located at 409 E. Murray to view pervious pavement and solar street lighting.

Upcoming Council Meetings

- Monday, August 17, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Tuesday, September 8, 2009, 4:00 p.m. Work Session; Special Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, September 21, 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.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: 8/3/09

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Update regarding East Tulare County Short Line Railroad

Deadline for Action: none

Submitting Department: Community Development

Contact Name and Phone Number:

Michael Olmos, Assistant City Manager, 713-4332
Chris Tavarez, Management Analyst, 713-4540

Recommendation

Staff will provide a status report on the preservation of the East Tulare County Short Line Rail and requests Council comments. Members of the Tulare County Association of Government (TCAG) Rail Committee may be present and wish to provide further information on this project's status.

Preservation and future operation of the East County Short Line presents substantial economic development benefits for the region. However, staff's analysis of the feasibility study prepared for this effort has concluded that acquisition, operation, and upgrading of the Short line will require a significant financial investment and will have a high level of risk as a business venture.

Staff recommends that Council express its support for TCAG efforts to preserve the Short Line, contingent upon separate grants or other project specific funding sources being utilized for project expenditures. While discussion has occurred in the region whether this project might qualify for use of Measure R funds, staff believes that because the Short Line was not a project contemplated and specifically identified in the Measure R program, these funds cannot be applied to the project. **Therefore, staff further recommends that Council further stipulate that no Measure R funds or monies that support Measure R projects be applied to the project.**

Background

The TCAG Rail Committee continues to seek out a strategy and support for preserving freight rail service along the eastern side of Tulare County. The Surface Transportation Board (STB) approved rail abandonment from Jovista to Strathmore and a proposed abandonment from Strathmore to Exeter would put the entire eastern rail line that could serve that portion of the County in jeopardy (see Map 1).

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 30

Review:

Dept. Head MO 7/30/09
(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.

Regional concern is that over 100 years of rail history and a multi-million dollar asset will be lost that helps to serve current and potential shippers. Rail provides an economic development advantage to the area and provides options to businesses with a potentially less expensive and cleaner way to transport goods. TCAG's Rail Committee contends that even if the lines are abandoned, regional efforts should be made to preserve the rail corridors to help meet future transportation needs in the area as industrial and commercial development occurs. Railroad transactions are notoriously lengthy and costly processes, preservation of the corridor could save millions of dollars and years of work on creation of a new corridor in the future.

TCAG has done the following towards preservation of the rail line and corridor:

- contacted San Joaquin Valley Railroad subsidiary of Rail America (rail owner) to discuss potential sale to another operator
- In contact with potential rail operators in efforts to preserve the corridor
- worked to develop public-private partnership opportunities
- formed a Shippers Group to develop interest in the use of the rail and strengthen support for preservation efforts
- Ready to assist in obtaining federal Congestion Mitigation and Air Quality (CMAQ) and Air Pollution Control District grants

TCAG commissioned the Fresno State Craig School of Business MBA program to develop a feasibility study. This type of study is needed to obtain funding and pursue grant opportunities. The study proposed the best option to save the rail line was by subsidizing the repair of the track and encouraging a private party to buy and operate the line (keep taxpayer funding and liability at a minimum).

The CSUF Feasibility Study presents several opportunities and challenges associated with the preservation of the List (near Strathmore) to Jovista (at South Tulare County Line) short haul line.

Opportunities include:

- Providing an alternate method for East Side businesses to ship their products to both regional and national markets.
- Benefits to air quality by consolidating loads and reducing the number of truck shipments into and out of the region.
- Potential benefits to existing businesses that previously shipped on the short haul SJVR line, thereby increasing their viability and growth potential
- Potential long term economic development incentive for Tulare County for availability of short haul rail in the East Valley.
- The study indicates that potential for about 6,480 railcar shipments from existing or anticipated businesses have been identified in the area between List and Jovista.
- Funding may be available through Federal Stimulus or other grants/loans to upgrade the rail to make the line more efficient and competitive.
- Two rail shippers, Patriot Rail and Watco, have shown interest in operating the SJVR line.
- Joint discussions with Fresno and Kern County Association of Governments in order to build broad regional support and efforts for preservation of rail

Challenges include:

- Currently, San Joaquin Valley Railroad manages the entire short haul rail line extending from Jovista to Fresno, a distance of 93.4 miles. (Only the portion from List to Jovista has been proposed and approved for abandonment). Operation of the entire Fresno to Jovista line by one party will greatly enhance the potential for profitability of the short haul line. The CSUF report assumes management of the Fresno to Jovista line by one party. A single management entity for the Fresno to Jovista line would provide several advantages: control of the rail line to the Class 1 rail yard in Fresno; consistent and managed freight rates along the entire line to the Fresno rail yard; and reduced risk that the portion of line between List and Fresno would be abandoned independently.
- The report indicates that although the optimal arrangement is for a single rail operator to manage the short haul line from Fresno to Jovista, the List to Jovista segment must become profitable on its own to avoid future requests for abandonment.
- The section of rail from Dinuba to Jovista is classified as Class 1 (75 pound rail, excepted class), and is capable of running at 10 MPH maximum. This is the lowest classification of track allowed by the Federal Railroad Administration. The section of rail from Fresno to Dinuba is Class 2 (112 pound rail) and is capable of operating at higher, more efficient speeds. The low speed of the Dinuba to Jovista segment does not allow for efficient operation and makes rail a less attractive transportation option.
- The cost to upgrade the Dinuba to Jovista line to 112 pound rail is estimated at \$20 million. This upgrade is needed to increase operational efficiencies and to attract shippers. Upgrade of the track is also a necessity if passenger service is ever considered in the future.
- The short line between List and Jovista needs to carry approximately 2442 annual railcar shipments at an assumed freight rate of \$350 per car to cover costs of operation (break even). The rail line is not currently operating; therefore no shipments are being carried. At the time of closure of the rail line, the rail line was carrying approximately 480 shipments per year. Therefore, an operator wanting to run this portion of the short line will need to aggressively market the rail to businesses to gain sufficient business to make a profit.
- Many goods shipped from our region are perishable agricultural commodities. Due to the limited shelf life of perishable goods, in this area, rail is not currently a viable option because of shipping time factors. Without a guarantee of shipment within a prescribed number of days, perishable goods cannot be feasibly shipped.
- Short haul rail is in direct competition with trucking. Lower diesel costs increases the competitiveness of the trucking option. Trucking is currently considered a viable transportation method by shippers in the South Valley.
- The feasibility study identifies 6,480 railcar shipments from existing or potential businesses in the area between List and Jovista. Of these, approximately 5,000 potential rail car shipments would be derived from a single business, Porterville Rock and Recycle, which is currently seeking permits from the County to operate. Reliance upon a single potential shipper to “make or break” the financial viability of the short haul rail line is risky.

Department Discussion

There are multiple positive impacts of retaining this rail line that could lead to preservation of jobs in the County and potentially lead to future job and economic growth in the County. Rail provides a cleaner means of transportation of goods and would offer businesses a transportation method that is potentially less expensive than truck. However, the issues involved in trying to save this line are numerous and present significant challenges.

During the past several years there has been a steady decline in the use of the rail line. Fees have increased by over 200% and SJVR has stopped marketing the availability of the rail. Maintenance of the segment has been lacking and there are several stretches of the rail that are in dire need of repair. SJVR had planned to abandon the line and scrap the metal.

The CSUF Feasibility Study offers an outline of potential ways the rail line could potentially survive. San Joaquin Valley Rail has had difficulty in making the operation of the line profitable. The study shows currently there are four past shippers on the line that had an estimated 480 railcar shipments per year. However, it was determined in the feasibility study that near 2,442 shipments would be required to the costs of operation of the line. In a status quo scenario the rail from Jovista to Fresno would have a net operating loss of almost \$700,000. The study does show potential customers near the rail that would most likely use the service and could potentially increase shipments to breakeven on operating costs or incur a gain, the feasibility shows a maximum potential of over 6,480 shipments annually. Even with this potential, it will take significant effort on the part of a rail operation to achieve 2,442 railcar shipments per year.

The study identifies the condition of the rail line in many segments as in dire need of repair. At the current time there would be no possibility of passenger rail on the track due to the poor condition. Some segments have a smaller size rail that is in need of replacement in order to handle heavier and faster transportation; currently some portions only allow speeds of no more than 10 miles per hour. In current condition a short line rail operator may not see this rail line as financially feasible and due to the slow speeds allowed during almost 70 miles of line businesses may not view this mode of transportation as efficient.

Three revenues sources make up the main portion of a rail line operation 1) Freight charges for railcar movement is the primary source of revenue 2) Storing rail cars owned by private shippers on unused track 3) Railcar hire and demurrage (compensation for railcar downtime due to loading and unloading). It is the first source of revenue that is hindered from slow speeds and uncertainty about the track condition.

In the past couple of years there has been some interest in taking over the rail or purchasing the rail from SJVR/Rail America, however, Patriot Rail, a short line railroad company, had a sale offer declined by Rail America. Rail America contends that the main reason for the pursuing abandonment of the segment is due to a decrease in shipping translating to an operating loss. With Rail America taking an uncooperative stance on transfer of the railroad the report identifies "Any new short line railroad operating the railroad line from Jovista to List (Tulare County) would be at the mercy of Rail America because they own the track that links the SJVR to Fresno and also connecting track to Hanford". Staff sees this as a major hurdle to overcome.

Several options for preserving the line are currently being considered:

Option 1: Purchase Option

- TCAG would purchase rail line and contract out for operation
- Future in full control
- Liability is more burdensome to TCAG, potential losses would be on TCAG
- Portion of revenues could be retained

Option 2: Subsidized Repair

- Other party to purchase rail and operate
- TCAG would assist in repair funding (help obtain Federal and State grants)
- Limited partial control on the line (usage of line and future control if operation stops)
- same as Cross Valley Rail Joint Powers Authority on line from Visalia to Huron
- 'Best' option according to Feasibility Study

Option 3: Purchase Facilitation

- Facilitate purchase of the line
- Create incentives for a new operator to purchase the line
- Create burden to be imposed on scrapping of the line
- No control on the future of the line

Option 4: Business Partnership Option

- TCAG would pursue business partnership with a railroad operator
- TCAG would have partial control on future of the line
- Operator may find this attractive with government support
- Some revenues could be retained

The CSUF Feasibility Study identifies Option 2 above as the most feasible alternative for TCAG to work towards. This alternative is similar to the Cross Valley Rail Corridor Joint Powers Authority (CVRC JPA) that was established to improve the short line rail corridor extending from Visalia to Huron in Fresno County. A Congestion Mitigation and Air Quality Improvement grant was awarded to the CVRC JPA in order to repair and improve the line for more effective and efficient use and possible future passenger transport. The Cross Valley Rail Corridor was in similar condition to the East Tulare County Rail Line and with the assistance of grants it has been upgraded and is serving businesses from Visalia to Huron. The CVRC JPA initially formed by Huron, Lemoore and Visalia, and recently adding Hanford, currently has very little involvement with the rail line besides annual monitoring of the corridor and has no involvement with the operation of the line. However, if at some point the owner/operator does stop doing business on the rail line the CVRC JPA would have last rights to preserve the line.

There are many challenges facing the survival of this line and the benefits to be gained from its preservation could help in maintaining and creating jobs in the County that will help the region's depressed economic condition. The existence of Union Pacific's line that runs from Bakersfield to Fresno in the western part of the County near Visalia and Tulare does insure that Tulare County has north/south rail service. If efforts to preserve the eastern line fail, costs of trucking from the eastern portion of the County to the Union Pacific line most likely would be feasible for eastern County businesses to transport their goods a relatively short distance to a transportation facility that could provide long distance rail transport.

Prior Council/Board Actions:

n/a

Committee/Commission Review and Actions:

n/a

Alternatives:

n/a

Attachments:

Map 1: Rail in Tulare County

Map 2: Rail Lines in the San Joaquin Valley

Tulare County Short Line Railroad Feasibility Study by Fresno State Craig School of Business MBA Program

Recommended Motion (and Alternative Motions if expected):

Council express its support for TCAG efforts to preserve the Short Line, contingent upon separate grants or other project specific funding sources being utilized for project expenditures and stipulate that no Measure R funds or monies that support Measure R projects be applied to the project.

Environmental Assessment Status

CEQA Review: N/A

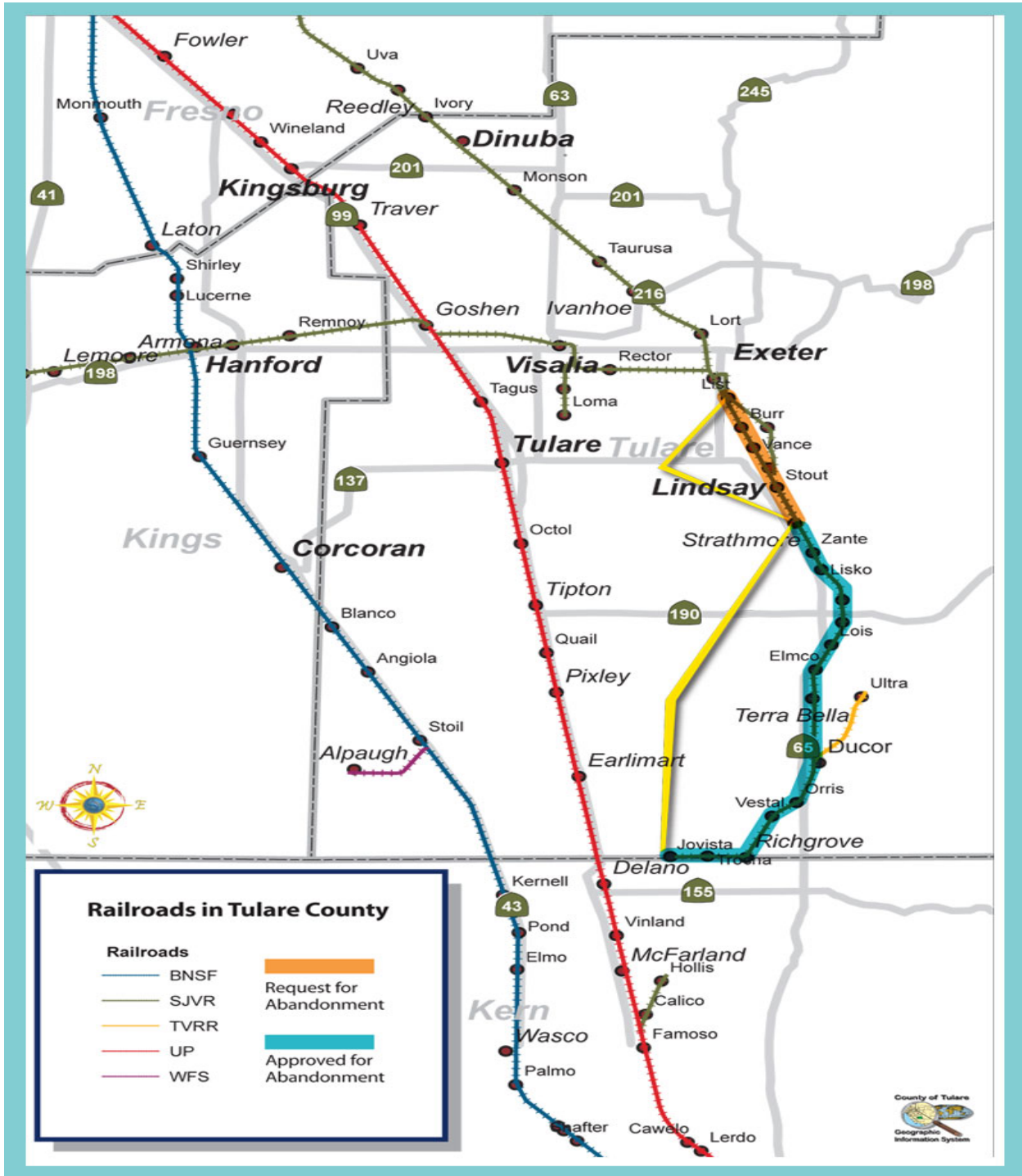
NEPA Review: N/A

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*)
none

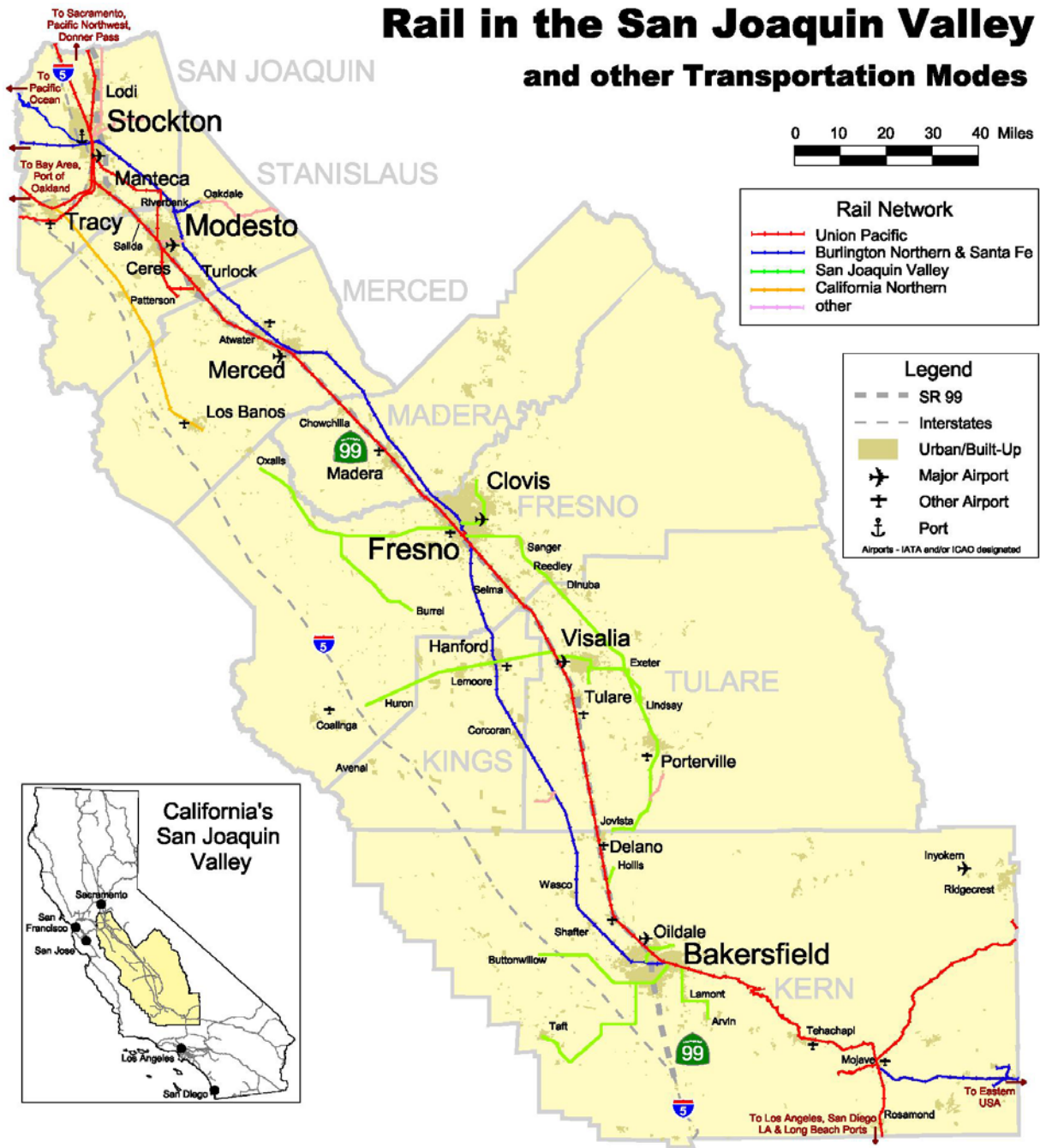
Copies of this report have been provided to:

n/a

Map 1: Rail in Tulare County



Map 2: Rail Lines in the San Joaquin Valley



Tulare County Short Line Railroad Feasibility Study

by:

Bothainah Aleid

Tom Chandler

Ryan DeShazo

Tom Gaffery

Renaldo Gjoshe

Mathew Helon

MBA Project

Submitted in partial fulfillment of the requirements for the degree of

Master of Business Administration

From the

Craig School of Business

May 2009

**AUTHORIZATION FOR REPRODUCTION
OF
MBA PROJECT**

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Matt Helon

APPROVED

For the Craig MBA Program:

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Faculty Project Advisor

Dr. Rafael Solis
Graduate Faculty Coordinator

For the Graduate Committee:

Mr. Tom Burns
Manager, Graduate Business Programs

Acknowledgment

We would like to thank Allen Ishida, Ted Smalley, and Tom Sparks for bringing this project to the Craig School of Business. Thank you for providing all the background information about the situation as well as vital information throughout our work.

A special thanks to Chuck Littlefield, who was always willing to answer our questions and meet with us to discuss our findings.

We would like to thank all the businesses that we contacted regarding this project; without their input we would not be able to make accurate projections about the future of this railroad. Thank you, Dr. Kathy Moffit for assisting with the GIS search for those businesses relevant to this project.

Lastly, we would like to thank Dr. Andy Stratemeyer and Mr. Tom Burns our faculty advisors, who were always willing to give us valuable guidance and direction.

Executive Summary

The Sid Craig School of Business has conducted a study to determine the feasibility of operating a short line railroad on the San Joaquin Valley Railroad (SJVR) segment between Jovista, California and List, California. The feasibility study presents the different options available to the Tulare County Association of Governments (TCAG) to prevent the abandonment of that portion of railroad by the SJVR. A survey of shippers using GIS technology and past records from the SJVR was used to determine potential demand for rail service on the railroad segment of track between Jovista and List. A short line railroad was found to potentially be feasible based on income projections from shipments for customers that are currently not able to ship; these projections indicate an annual net income of \$1,413,000. However, a short line railroad was not feasible on the rail segment based on the number of rail cars needed by shippers that are currently able to ship; with an annual net loss projection of \$686,000.

Four options for preventing the abandonment of the railroad were analyzed. First, for TCAG to purchase the entire railroad from Jovista to Fresno. Second, encourage a private company to purchase the railroad and TCAG would subsidize cost rail repair under a public-private partnership. Third, TCAG could facilitate a private party to purchase the railroad by offering incentives. Fourth, TCAG could jointly purchase the railroad with another private party.

The best option for TCAG to save the rail line within its county is to subsidize repair of the track and encourage a private party to buy the line. This option is the most favorable as it has minimal capital investment for TCAG as

they only have to fund track repair, which could be grant funded. A short line operator would be able to buy the line at a reduced price, as they would not have to carry the entire burden of repairing the line. This option would promote long-term sustainability of the railroad because a partnership agreement with the short line could prevent future track abandonment.

Table of Contents

1. Background Information	8
1.1. Assumptions	10
2. Economics of Short line Railroads	12
2.1 Opinion of other Short Line Railroad Operators	15
3. Jovista to List/Fresno Annual Operating Projections	17
3.1. Operating Costs	17
3.2. Long Term Expenses	20
3.2. Revenue Projections	24
4. Breakeven for Railroad	25
5. Locating Customers	27
5.1. Past Shippers	27
5.2 Potential Shippers	28
6. Options to Pursue	30
6.1. Entire Line Purchase	30
6.1.1. Strengths of Purchase Option:	32
6.1.2. Weaknesses of Purchase Option:	32
6.1.3. Option Summary	34
6.2. Subsidized Rail Repair Assistance	35
6.2.1. Strengths of Subsidized Repair Option	36
6.2.2. Weaknesses of Subsidized Repair Option	37
6.2.3. Option Summary	37
6.3. Purchase Facilitation	38
6.3.1. Strengths of Purchase Facilitation Option:	38
6.3.2. Weaknesses of Purchase Facilitation Option	39
6.3.3. Option Summary	39
6.4. Business Partnership	39
6.4.1. Strengths of Business Partnership Option:	40
6.4.2. Weaknesses of Business Partnership Option:	40
6.4.3. Option Summary	41
6.5. Best Option	41

7. Finance Section.....	42
8. Economic Benefits of Rail.....	44
9. Environmental Impact.....	46
10. Conclusion.....	47
References	50
Appendix A – Map of Proposed Rail Abandonment	52
Appendix B – Jovista to List Customer Profiles	53
Appendix C – 2002 SJVR Shippers List	68
Appendix D - Tulare County GIS Terms of Use.....	70
Appendix E - Businesses from GIS Search	71

1. Background Information

The SJVR is owned by Rail America, the largest short line railroad company in the United States. Rail America has successfully petitioned the federal Surface Transportation Board (STB) to abandon the 30 mile segment of track between the southern Tulare County border just north of Delano, near the community of Strathmore. The track has not been removed at this time. The track has been spiked at Strathmore, which prevents any railcars from moving south of Strathmore. The 10 mile segment of track between Strathmore and Exeter is also threatened to be abandoned. Rail service on that segment of track has also been discontinued since 2007. However, railcars have been stored on that track. The segment of track between Exeter and Dinuba has been rumored to be desired to be abandoned in the near future.

Rail America petitioned for the abandonment of the track claiming there was not enough freight railroad business to continue operation. Their claim for lack of business is validated by the fact that no railcars were shipped in or out on the rail line from Jovista to Strathmore since October 2006 (Surface 2008). However, an excessive surcharge of \$950 per railcar by Rail America during that time discouraged shippers from using the railroad line. Rail America wants to remove the track and sell it as scrap. The track in that segment is a smaller size rail that would need to be removed and upgraded to a rail size that could handle heavier railcars and allow for faster railroad speeds. Once the railroad tracks are removed, the segment would cease to be a railroad line because the right-of-way is owned by Union Pacific railroad company who is not interested in maintaining

the right-of-way. Once abandoned, re-establishing a railroad is a very long and costly process involving numerous regulator and environmental approvals.

Rail America has not removed the railroad tracks on the segment because the scrap price for the railroad track has declined due to the slowing economy. The return on scrapping the 30 mile segment of track is likely to be less than the maintenance charge put on them by Tulare County. Rail America has declined to sell any of the SJVR segments to other short line railroad companies, despite an offer from the Patriot Rail short line railroad company.

The parent company of Rail America is Fortress Investment Group LLC, (NYSE: FIG), an asset management firm based in New York. Fortress Investment Group was hit hard at the end of 2008 with the liquidity crunch for investment firms. Their 2008 year end financial statements reported a before tax loss of \$1.1 billion. They are currently attempting to generate liquidity through issuance of more class A shares and a bid for bailout funding from the Federal Reserve (Molinski 2009). Rail America could use the revenue from scrapping the track to inject capital into the struggling parent company. According to industry sources, Fortress Investment Group is interested in making the SJVR look more profitable for potential buyers and increases the asking price of the SJVR (C. Littlefield, personal communication March 18, 2009). SJVR also has rail operations that run north of Dinuba to Fresno and a separate rail system in the heart of Kern County that are in operation and are assumed to be profitable today.

1.1. Assumptions

This report relies upon a number of limiting assumptions that are necessary to analyze and present options regarding the continued operation of the SJVR.

These options are necessary to avoid many if/than analysis situations that could arise otherwise. If any of these limiting assumptions are not met, the basis for the opinions presented in this report would be invalid.

1. Right of Way arrangement with the Union Pacific Railroad

Union Pacific will continue to lease the right of way for the track from Jovista to List under the same terms currently in place with Rail America even if a new entity purchased the track. The current terms of the lease are assumed to be an annual evergreen lease at the rate of \$1 per year. Under the lease arrangement, the lessee assumes all liabilities and responsibilities for operating the railroad company and holds the lessor harmless. Without this assumption the cost projections in this report would be understated.

2. Physical condition of the track

The condition of the track between Jovista to List is in "excepted" condition and the track only needs routine maintenance to run the amount of freight traffic projected. This assumption is based on the comments on record from the Chief Engineer of the SJVR during the abandonment hearing before the STB.

Excepted condition track is viable for a railroad company to operate a freight shipping business. The track is assumed to not need major repairs in the current or near term horizon that would require major capital expenditures. Without this assumption, the cost projections for maintenance in this report would be

understated and capital expenditures for track renewal would need to be added.

3. Physical condition of the bridges and signals

The condition of the bridges and crossing guard signals between Jovista and List are in good condition and only need routine maintenance to run the amount of freight traffic projected. The bridges and signals are assumed to not need major repairs in the current or near term horizon that would require major capital expenditures. Without this assumption, the cost projections for maintenance in this report would be understated and significant capital expenditures would need to be added.

4. Average freight rate is projected to be \$350 per railcar and remains constant

The freight rate charge collected from the Union Pacific for railcars moved on the railroad is projected to be \$350 per railcar on average for all the users on the rail line. The projected freight rate is based on the actual average freight rate for 2004 paid to SJVR in a report provided by Chuck Littlefield, the former general manager of the SJVR. The interchange agreements held by SJVR were not disclosed to verify the current rates offered to the SJVR by Union Pacific.

5. Management on the entire rail line between Jovista and Fresno

Currently, the SJVR is managed by a single short line railroad operator on the entire 93.4 miles of rail line between Jovista and Fresno. This report makes the assumption that the 30.57 miles of rail line between Jovista and List would never be managed by a short line railroad company that does not also manage the portion of railroad from List to Fresno. This assumption is based on the

necessity of a short line operator to have a railroad that goes to a class 1 railroad rail yard. The railroad from Jovista to List does not connect to a class 1 railroad. A short line railroad operating in only the southern portion of the railroad would be in an unfavorable position in their ability to negotiate freight rates and could have to pay surcharge fees to the northern short line rail operator to access the class 1 railroad in Fresno. A separate short line railroad operating in the southern portion of the line would also be at risk of rail abandonment of the track between their line and the class 1 railroad in Fresno.

6. The railroad from List to Fresno is and will remain profitable

The railroad that is not scheduled for abandonment by the SJVR north of Exeter is assumed to be profitable given the railroad is currently in use.

7. The cost of diesel fuel price remains at a stable level

This report assumes the retail price of diesel fuel does not fall far below its current levels of \$2.25 to \$2.50 per gallon. Nearly all of the shippers on the railroad line have the ability to switch from rail to truck because of the proximity of many inter-modal transportation service yards throughout the San Joaquin Valley if the cost of shipping by truck becomes more favorable. Without this assumption, the shipping volume projections in this report would be overstated.

2. Economics of Short line Railroads

The primary source of revenue for a short line railroad comes from collecting fees anytime a railcar uses the track owned by the short line railroad. Fees for renting railcars and storing railcars on their track are secondary sources of revenue. Understanding the relationship between a short line railroad and

class 1 railroad companies is important to the viability of running a railroad company.

A class 1 railroad is defined by the Surface Transportation Board (STB) as having over \$346.8 million in carrier operating revenue (American 2009). Seven class 1 railroads are operating in the United States and two are operating in Canada (Baldwin 2008). A short line railroad is a class 3 railroad and is defined as having less than \$28 million in carrier operating revenue (American 2009). Just over 500 short line railroads are operating in the United States (Baldwin 2008). Class 2 railroads are known as regional railroads and fall in between the revenue size of the class 1 and class 3 railroads, but with the distinction that a class 2 railroad must have over 350 miles of track. For the purposes of this report, the regional railroads and class 1 railroads are considered to be one in the same because of their large size compared to the short line railroads. Short line railroads were rail lines that were developed by the larger class 1 railroad companies and sold off to short line railroad companies because they were not profitable for them to maintain. Only thirty class 2 railroads are operating in the United States.

The class 1 railroad issues and collects a single freight bill from the shipper client when a railcar is moved from one location to another. A short line railroad company collects a portion of the freight bill from the class 1 railroad as a fee for moving the shipper's railcars through the track owned by the short line railroad. The freight rate paid to the short line rail operator is a predetermined fixed rate negotiated in a long term interchange agreement between the class 1

railroad company and the short line railroad company. The short line has the right to collect additional fees (or surcharges) for gathering, sorting, and forwarding railcars to the class 1 railroad.

Railcars on most short line railroads are either owned by the shipper or by the class 1 railroad. Shippers who are not heavy rail transporters lease their railcars from the class 1 railroads. The class 1 railroads make it difficult for short line railroads to own railcars and generate their own railcar rental revenue because class 1 railroads will add fees to their shipper for not using their railcars or prevent outside railcars from even using their railroad line.

The subservient relationship between the short line and the class 1 railroad is also apparent in the negotiation of freight rates. Since the 1970's the many class 1 railroad companies have consolidated to a point where they hold a very strong bargaining pressure over the short line railroad companies. "The industry is highly concentrated: the 50 largest companies hold nearly 100 percent of the market (Redorbit 2007)." "Class 1 carriers comprise just 1 percent of freight railroads, but account for over 90 percent of the industry revenue."

The short line railroad's weak position in negotiating the price received for their services makes them price takers. The class 1 railroad companies give the short line railroads a flat rate per carload that is often locked in for the long term and does not account for escalations to keep up with inflation or higher operating expenses for fuel and labor. The rail line from Jovista to Fresno has access to two class 1 railroads; Union Pacific and BNSF (Burlington Northern and Santa Fe). The freight rate for the railroad from Jovista to Fresno was reported to be

unprofitable by the SJVR; in addition they were unable to cover their deferred maintenance expenses on the rail line. The current interchange agreements that identify the freight rates held by SJVR were not disclosed.

SJVR is able to add a surcharge that is passed on to the shipping client to defray the needed capital expenditures for improvement on their track. However, the \$950 per carload surcharge put in place on April 2006 was more than what the market could bare. No shippers have used SJVR's rail services since October 2006. Currently, the railroad has been spiked at Strathmore, essentially cutting off shippers south of that line.

2.1 Opinion of other Short Line Railroad Operators

General Managers of short line railroad companies in California were contacted as to their opinion of the economic feasibility of the railroad from Jovista to Fresno. All of the managers who responded were skeptical and wanted more information as far as the potential amount of shipper business on the railroad line. Of the six general managers who responded to the phone survey, two were interested in operating the SJVR. Patriot Rail and Watco Companies; the two largest short line railroad companies operating in California were interested in buying the SJVR.

1. Patriot Rail

Thomas Cucci, Director of Operations, was contacted regarding Patriot Rail's interest and opinion of the proposed rail line. Mr. Cucci indicated that Patriot Rail was currently in talks with the SJVR to purchase not only this line, but all of their west coast operations. When we discussed the line from Jovista to

Fresno specifically, Mr. Cucci said they had already been in contact with TCAG, but in order to move forward with the specific line, they would require shipper guarantees. Patriot Rail would be willing to consider many different types of arrangements to operate the line, from revenue sharing to leasing depending on how the line was purchased.

2. Watco Companies

Ed McKechnie, Chief Commercial Officer, and Mark Blazer, Senior Vice President of Strategic Business Development of Watco Companies, the parent company of Pacific Sun Railroad in Escondido, CA, were contacted and expressed interest in buying the railroad from Jovista to Fresno. Their concern was the narrow geography of the San Joaquin Valley, which causes shippers to consider truck transportation because the distance to send a truck to a nearby intermodal switching hub is minimal. Their positive interest stems from the hope that Rail America's marketing efforts to develop business in the central San Joaquin Valley was not aggressive. Watco suggested that Rail America was in a weak financial position, forcing them to sell the railroad operated by SJVR from Jovista to Fresno. Watco representatives said they were interested in either buying the whole railroad for a scrap value price or if another company or government agency purchased the track, they would be interested in a revenue sharing joint venture. Watco had not done any due diligence and strongly indicated they would want to sit down with all potential shippers and draw up contracts before purchase. Ed McKechnie was not willing to disclose their financial information on operating short line railroads, but he did indicate their

cost of capital including opportunity cost was 10% in his determination of buying a short line railroad. Net of debt service, the Watco short line railroad investments would expect to return a profit greater than 10% return on equity.

3. Jovista to List/Fresno Annual Operating Projections

A detailed annual cash flow projection for the SJVR is estimated given information provided by the general manager of the SJVR between 2002-2005, Chuck Littlefield, and from input from current general managers of short line railroads in California (M. Bennett, personal communication, spring 2009).

3.1. Operating Costs

The operation cost projections presented in Exhibit 1 of this report are a projection for the 93.4 mile stretch of railroad between Jovista and Fresno as well as the 40 mile portion from Jovista to List. A short line railroad operation would need the line to extend to Fresno where there is an interchange with BNSF and UP. Any new short line railroad operating the railroad line from Jovista to List would be at the mercy of Rail America because they own track that links the SJVR to Fresno and also the connecting track to Hanford.

The railroad from Jovista to Fresno would be attractive to a short line railroad operator if there were enough business to remain profitable. Since the demand potential of shippers for the railroad is such an important assumption, section 4 will address that issue in more detail.

Labor: All salaries include expense projections for payroll tax, worker's compensation insurance and medical insurance expenses. Employees are assumed to be nonunion. Three trackmen will be hired to handle routine

maintenance on the track. Two mechanics will handle locomotive routine maintenance. Four trainmen will be hired to drive the locomotives. One signalman will inspect and repair crossing guard signals on the track. One trainmaster will be hired and will also be responsible for developing shipper business. One office assistant will be hired to handle all billing and payroll duties.

Equipment: The power source for moving the train will come from three 2,000 horsepower locomotives, which are considered medium horsepower locomotives. The locomotives will be leased on a monthly basis. Leasing is preferred over buying a locomotive because of the abundant amount of surplus locomotives on the market due to the contraction of the railroad industry and the movement towards more efficient "green" locomotives. Purchasing a "green" locomotive could be an option with favorable financing through governmental agencies and tax credits. In addition to the locomotive, a gang truck, a mechanic's truck and a backhoe will be leased for use by the trackmen employees for track maintenance.

The operator will not own any railcars. Shippers on the rail line who do not own a railcar will need to make arrangements through the operator to hire railcars from UP or BNSF. The railcar hire cost will vary depending on the type of railcar. The cash flow projection is based on a \$13 per railcar per day charge from UP and BNSF. UP will not charge the short line a railcar hire charge for the first 120 hours and BNSF will not charge for the first 48 hours (C. Littlefield,

personal communication March 18, 2009). SJVR will in turn pass on the railcar hire charge on to the shipper.

General Overhead: An office building will be rented for the use of the general manager, office manager, and trainmaster. The insurance expense accounts for both property loss and liability insurance. The cost for liability insurance is very high because only two insurance coverage companies will insure railroads and one of the two is AIG. The property insured includes the bridges and other structures along the railroad. The general liability insurance covers all liability associated with any incident revolving around the train. The tax expense accounts for property taxes and the general licensing requirements for operating a railroad. Income taxes were not included in the operating income projections.

Routine Track Maintenance: Only parts used on tracks that are in need of repair are budgeted. The track maintenance expense is the most variable projection outside of the shipper demand in the entire operating income analysis. The size of the track on the SJVR is reported to be mainly 75 lbs rail which is designed for 263,000 lbs carloads. The track maintenance expense will increase if the more modern railcar weighing 286,000 lbs are run at speeds no greater than 10 mph. The risk of derailment and a costly clean-up is high considering the track is mainly class 1, or excepted track. The cost for a derailment according to short line railroad general managers is about \$250,000 per occurrence. Derailment clean up costs and capital expenditures for large scale track replacement on the line are not included in the projected routine track

maintenance expenses. The routine track repairs will be done in-house. The overall routine track maintenance expense is \$314,000 including labor.

3.2. Long Term Expenses

A detailed inspection that identifies the current status of the track is beyond the scope of this project. This report makes the limiting assumption that the track on the entire proposed rail segment is excepted track. This assumption is based on the comments on record from the Chief Engineer of the SJVR during the abandonment hearing before the STB.

Excepted track is the lowest classification of track allowable by the Federal Railroad Administration for freight transportation. Excepted track is also called class 1 track in a classification system of 1 through 5, with class 5 being the highest quality track classification. Passenger transportation is not allowed on excepted track under any circumstances. Freight transportation is allowed, but only at a maximum train speed of 10 miles per hour (Department 2009). No more than 5 railcars per train of hazardous materials are allowed to be transported at any one time on excepted track. All of the track must be inspected once a week during operation by a licensed track inspector by high rail vehicle to determine its classification.

The section of rail between Fresno and Dinuba is class 2 (112 lb rail) and would not require an upgrade for the expected business and speeds necessary to operate efficiently. The remaining track from Dinuba to Jovista is expected to be the 75 lb rail (excepted condition, class 1) and could be operated by a short line railroad. However, because of the speed and distance that the operator

would be required to operate (10 mph for up to 70 miles), the excepted class track is not fast enough to allow for quick and efficient operation. An operator may be able to ship at speeds of 20 mph on 75 lb rail if it is properly maintained and regularly checked. However, with newer, heavier rail cars (286,000 lbs) these speeds become more dangerous. At the current track speeds (10 mph) it would take an operator upwards of 7 hours nonstop to reach a customer at the southern end of the line. At best, it would be 14 hours of operation to go down and pick up a customer's rail car's and return them to Fresno. This makes it very inefficient for the operator, as well as make shipping by rail a less attractive option for businesses that are time sensitive.

The short line railroad is in need of an upgrade, both for safety and quality of service. In 2004, the Visalia to Armona line was upgraded in a similar fashion. 45 miles of track were upgraded from 75 lb rail to 112 lb rail, 41,000 ties were replaced, 50,000 tons of ballast added, 30 switches upgraded, and 8 bridges were upgraded. This was done at a cost of \$14 million, or \$272,727 per mile. To upgrade the 73-mile line from Jovista to Dinuba with 112 pound rail would cost roughly \$20 million dollars. The projections for the cost to put in a new track are based on the interviews with Mark Bennett, the general manager of the Trona Railroad and Dave Buccolo, the general manager of the Central California Traction short line railroad. Both general managers recently did a major maintenance on their track. The cost to repair bridges on the track would be an additional expense that could cost additional millions of dollars. Realistically the

entire railroad would not be overhauled at once and a complete upgrade may not be necessary.

The Trona Railroad budgets a capital improvement plan for the replacement of 5% of the track per year. A capital improvement plan of that magnitude would cost the operator just over \$352,000 per year. The capital improvement plan expenditures are in addition to routine maintenance costs projected to be \$368,400 per year. Routine maintenance costs are for problems on the track that must be repaired immediately for the railroad to continue to operate and qualify under excepted condition track. The operator has a major capital expenditure in track replacement cost that must be considered when operating the railway for the long run.

Exhibit I
Short Line Railroad Annual Operating Cost Projections

		Miles	Jovista to Fresno 93.6	Jovista to Exeter 40
Labor Expense:				
General Manager Salary	1 x \$70,000		\$ 70,000	29,915
Trackmen Salaries	3 x \$50,000 each		\$ 150,000	64,103
Mechanics Salaries	2 x \$60,000 each		\$ 120,000	51,282
Trainmen Salaries	4 x \$60,000 each		\$ 240,000	102,564
Office Assistant Salary	1 x \$35,000		\$ 35,000	14,957
Signalman Salary	1 x \$60,000		\$ 60,000	25,641
Trainmaster Salary	1 x \$60,000		\$ 60,000	25,641
Equipment Expense:				
Locomotives	3 x \$4,000 per month 9,000 gallons per month @		\$ 144,000	61,538
Locomotive Fuel	\$2.50/gallon		\$ 270,000	115,385
Locomotive Lube Oil	\$750 per month		\$ 9,000	3,846
Locomotive Repair	\$5,000 per month		\$ 60,000	25,641
Mechanics Tools/Supplies	\$9 per railcar		\$ 36,000	15,385
Trackmen Vehicle Lease	\$2,000 per month		\$ 24,000	10,256
Truck/Car Fuel			\$ 14,400	6,154
Truck/Car Maintenance			\$ 7,500	3,205
Railcar Hire			\$ 120,000	51,282
Routine Track Maintenance:				
Track Repair (ties & rails)	\$10,000 per month		\$ 120,000	51,282
Track Repair Tools			\$ 8,000	3,419
Signal Repair	\$3,000 per month		\$ 36,000	15,385
General Overhead:				
Utilities	\$2,000 per month		\$ 24,000	10,256
Office Supplies	\$500 per month		\$ 6,000	2,564
Office Rent	\$2,000 per month		\$ 24,000	10,256
Telecommunications	\$1,000 per month		\$ 12,000	5,128
Liability Insurance			\$ 120,000	51,282
Property Taxes & Gov. Fees			\$ 60,000	25,641
Miscellaneous			\$ 50,000	21,368
Depreciation				
Depreciation & Amortization	\$10,000 per month		\$ 120,000	51,282
Total Expenses			\$ 1,999,900	854,658
Break Even number of railcars at \$350/railcar			5714	2442

3.2. Revenue Projections

The railroad is projected to receive revenue from three sources. The first and primary source of revenue is from a freight rate charges for incoming and outgoing railcar movement on the rail line. The projected freight rate of \$350 per railcar is based on the actual 2004 freight rates paid to SJVR. The freight rate projection is high considering what other short line railroads receive. However, the line from Jovista to Fresno travels a larger distance than most short line railroads. The second source of revenue comes from storing rail cars on the unused portion of the track. A rate of \$3 per car per day is projected to be charged with a 90 day minimum. In addition, a charge of \$175 per railcar for both incoming and outgoing cars movement will be charged. The projected storage rates are based on information provided by various California short line operators. The third source of revenue comes from demurrage and railcar hire charges for shippers located on the rail line that do not own their own railcars or locomotives to move their railcars from one location on the line to another. The revenue generated from shippers needing to hire and spot their railcars is based an average railcar hire charge of \$50 per railcar per day. The \$50 per railcar charge is comparable to the actual 2004 non-freight revenue amount per railcar. 1,200 railcars are projected for demurrage and railcar hire based on the assumption that only 60% of the total annual railcars on the railroad will need to pay those services.

Surcharges have been used in the past on this railroad, which could be considered a source of revenue. However, for this paper they are not viewed as

a viable option as they raise the cost of shipping via rail. The closeness of intermodal hubs requires the cost of shipping via rail to be kept to a minimum in order to get and keep customers on this railroad.

Exhibit 2

Short Line Railroad Annual Operating Income Projections

Freight Revenue	4000 carloads	350 \$/carload	\$ 1,400,000	598,291
Car Storage	300 carloads		\$ 186,000	79,487
Demurrage	\$50 per railcar (1,200 car estimate)		\$ 50,000	21,368
Total Revenue			\$ 1,636,000	699,145
Total Expenses			\$ 1,999,900	854,658
Operating Income			\$ (363,900)	\$ (155,513)

4. Breakeven for Railroad

The assumption has already been made that the line north of List is currently profitable; therefore this will focus on the line that has been abandoned south of List. Based on the three possible revenue streams there is a combination of ways that a breakeven point can be found for an operator. It has been determined that the safest way to guarantee breakeven is with rail shipments, because car storage may not always be available and demurrage charges can cause the cost of shipping to increase.

It is necessary for the portion of the line south of List breakeven without the cars already being shipped north of List. If the line is unable to sustain itself then it will always run the risk of non-operation, abandonment, or removal. Based on the cost projections it has been determined that it will take 2,442 shipments at a freight rate of \$350 to cover the costs of operation. Currently there are no shipments coming off this portion of railroad, therefore an operator wanting to run the railroad will have to actively market to and locate businesses

interested in shipping via rail. Exhibit 3 is a list of potential rail customers between Jovista and List that are able to ship currently. These customers have access to rail spurs and have showed interest in shipping via rail thru interviews.

Exhibit 3	
Customers Ready to Ship	
Company	Estimated Shipments/Year
Britz Fertilizer	30
Sierra Forrest Products	100
Tuff Stuff Products	50
Tulare Frozen Foods	300
Total	480

Currently, there is a potential of 480 shipments per year based on businesses that are able to ship if railroad were able to operate currently. This equals \$168,000 of revenue based on the projected freight rate of \$350. This means that the railroad from Jovista to List would be operating at a loss of \$686,658.

There are several businesses that are opening up new operations or looking to start businesses that will rely heavily on rail shipments. These potential customers would prefer to ship on the railroad from Jovista to Fresno because of the close proximity. Exhibit 4 covers these businesses which are looking to be operating within the near future, or would ship if they had access to a rail spur.

Exhibit 4	
Potentail Customers	
Company	Estimated Shipments/Year
AGG	240
Nutrient Technologies	10
Paul Pugh	750
Porterville Rock & Recycle	5,000
Total	6000

There is a future possibility of 6,480 shipments per year on the railroad from Jovista to List. This would create \$2,268,000 of revenue at the projected freight rate of \$350 per shipment. This means the railroad from Jovista to List would be operating at a profit of \$1,413,342.

5. Locating Customers

In order to determine businesses that are interested in shipping via rail between Jovista and List a combination of sources were used. For more information on the companies that were contacted please see Appendix B for full customer profiles.

5.1. Past Shippers

The names of businesses shipping on the railroad from Jovista to Fresno were obtained from a SJVR 2002 shippers list provided by Tom Sparks (Appendix C).. Businesses located between Jovista and List were contacted, some were unable to be reached and others were unwilling to answer questions. Many of these businesses are in the Ag industry, and have similar concerns with rail shipment.

When asked about preference of shipping via truck or rail the concerns were as follows:

Cost: The shippers stated that trucking was cost efficient. The relief they are experiencing at the gas pump makes it cost efficient to ship their products via truck. They admitted struggling with trucking when gas prices soared in the mid-2008 and considered switching to rail. However, the sharp drop in gas prices at the end of 2008 helped to continue shipping via trucks.

Products shipped: The concern shippers had for rail shipment is regarding perishable goods. Railcars from this line might not be adequate for shipping their goods, because of a time factor. Without a guarantee of shipment within a limited number of days, their products cannot be shipped.

Time: Truck shipments allow the shippers to have more control over the shipping schedule. They can adjust it according to their needs and to the demand in the market. This option was not possible with rail, because the shippers had to obey and follow the pre-set schedule of the rail. There is a concern with rail shipments that the rail cars will have to wait for days to be collected or moved onto the class 1 connection.

All of the businesses that were contacted from this list were asked if they would ship via rail if the line were cost effective and efficient. The overwhelming response from those customers in the Ag industry was "No." These customers require a special set of needs in regards to shipping that they felt rail could not meet. In addition, the Railex intermodal hub in Delano provides guaranteed rail service to the east coast in 5 days. Many Ag shippers felt it would be much more efficient to truck the products the short distance to Delano in order to guarantee timely shipment.

5.2 Potential Shippers

In order to fully determine the demand for the railroad from Jovista to List it was determined that a variety of businesses near the line should be contacted about their interest in rail shipping. With the help of the Tulare County Assessor, a list of businesses near the railroad was generated. Mark Clark, the Geographic

Information Systems Coordinator provided us with the necessary inputs for the GIS (Geographical Information System), such as parcels, city limits, streets and highways. Please refer to Appendix D for the GIS terms of use.

With the assistance of Dr. Kathleen Moffitt, the GIS output of parcels was narrowed down to a manageable list of businesses that could be contacted about their interest in rail (Appendix E). The process for narrowing the scope of the search was as follows.

- There are a total of 65,535 parcels in Tulare County. Narrowed to 271 potential businesses by removing the unrelated parcels.
- The determination of the unrelated parcels was based on land usage, residential, institutional, unnecessary commercial businesses that cannot benefit from using rail, and Ag business. During initial conversations with previous shippers it was determined that a railroad would be unable to count on Ag shipments to remain profitable.
- The list of the potential 271 businesses was created by targeting certain industries such as, light manufacturing, warehouses, storage yards, canneries, wineries, saw mills, packing houses, and cold storage.
- The selection of land usage was combined with another selection targeting location. A half mile radius from the rail line was chosen.
- The list was further taken down from 271 to about 170 businesses by removing the cold storage, and packing house that are related to Ag business.

- The businesses were later compressed to 30 potential customers. The list was based on location between Jovista and List, as well as companies that ship their goods.
- Profiles were conducted for those businesses that were willing to answer questions about shipping products via rail. These profiles can be found in Appendix B of this report.

6. Options to Pursue

The following section is a list of four possible options that TCAG could pursue in trying to keep the railroad from Jovista to List.

6.1. Entire Line Purchase

This option involves purchasing the entire line of rail from Jovista to Fresno. As outlined in the assumptions section, a rail line operator would require the entire line be available to them. It would not be as attractive to an operator to enter without having the rights to the entire line. If another company operates between the southern operator and the class 1 connection in Fresno, they would potentially have the rights to surcharge the shipper, thus making rail a less attractive option for shipping.

Therefore, it is advisable the purchase option consist of the purchase of the SJVR line from Jovista to Fresno. Furthermore, there is currently not enough shipping activity on the line south of List to allow a new operator to break even.

In order for the TCAG to purchase the rail line, one of the following two options would need to be exercised:

- A Joint Powers Authority with Fresno County needs to be

established and an agreement needs to be drafted for the purchase of the entire line from Jovista to Fresno.

- TCAG would purchase the entire rail line from Jovista to Fresno on its own.

As outlined above, a short line operator will prefer having control and access to the entire line in order to be able to get its cars to the Union Pacific and the BNSF connections in Fresno. Therefore, a partnership with a short line operator will be more attractive and feasible if control is exercised on the entire line.

Recent estimations value the entire Jovista to Fresno line at approximately \$13 million (C. Littlefield, personal communication March 18, 2009). However, the price on the entire line could amount to \$25 million. The current scrap value of the portion south of Dinuba is estimated at around \$2 million. As an alternative to scrapping, SJVR may agree to sell it for scrap price.

It would cost approximately \$20 million to upgrade the rail line south of Dinuba from 75 lb rail to at least 112 lb rail in order to safely support train speeds in excess of 10 mph.

A few options are available for TCAG if the purchasing scenario is exercised. Some of these options came to light from conversations with representatives of Patriot Rail.

- Following the purchase, TCAG could attempt to attract a line operator who would lease the right to operate for an amount agreeable to both parties.

- A short line operator, such as Patriot Rail, could be contracted to operate on the line while doing some form of revenue sharing with TCAG.

6.1.1. Strengths of Purchase Option:

First, purchasing the line would allow the owner to maintain control and use of the existing rail line. This is the only option that guarantees that the line is kept intact for current and future use. By having ownership in the line, TCAG is the only entity that can decide how long the line would be available, unless contractual terms state otherwise.

Second, TCAG would benefit from sharing the profits generated from the railroad operation and from tax revenue from the potential businesses that will find the rail attractive.

Third, as previously explained, it is very attractive for short line partners to operate on the line if there is only one owner over the entire length of it. This ensures that there are no surcharges in various sections of it, thus making rail a more attractive option for the various shippers.

6.1.2. Weaknesses of Purchase Option:

The following are weaknesses of the option to purchase the entire line from Jovista to Fresno.

First, it would take a large investment to purchase and subsequently upgrade the entire line.

- Estimates put the value of the short haul rail line at about \$13 million. TCAG must consider the opportunity cost of committing

such a large sum of money.

- The portion of the line from Dinuba to Jovista consists of only 75 lb. rail and would need to be upgraded to at least 112 lb. rail in order to make the portion usable and be able to support heavy rail cars at train speeds in excess of 10 mph.

Second, there are liabilities associated with owning the line.

- Injury liability would be the most common. Any injury that involves the rail line could impact TCAG, which would be held legally responsible, until a contract were signed releasing TCAG of such liability.
- There are environmental concerns associated with owning the line due to the rail line's impact on endangered species habitat. TCAG would need to comply with environmental rules and regulations and make any investments necessary to protect them.
- Contractual issues may arise as a result of the partnership between TCAG and the rail line operators. Such issues may become a liability for any of the parties involved.

Third, having an ownership stake at the short haul rail line, TCAG would have a new asset to manage. This may require further infusions of capital to pay for costly track maintenance, management salaries, and other expenses.

Fourth, the County of Tulare risks the ability to continue using the rail line, if operating it is not profitable.

- If the rail is purchased and area businesses choose to use other

options for shipping, such as truck, then TCAG would be stuck with a non-performing asset, after a substantial infusion of money used for the purchase and the repair.

- The decision to purchase the rail line could become a political liability if the rail operation is non profitable. Political stakeholders would raise concerns about spending money for a non-performing asset.
- The 7x and 8x portions of the line do not currently support continued operation, if operated alone. More customers are needed on these portions in order for the operator to break even. If an insufficient number of business activity is generated to allow the operator to break even, then such part of the rail is not viable.

6.1.3. Option Summary

If TCAG became involved in purchasing the line, it would maintain the control. This option ensures that the line is not scrapped. This option also has the potential of generating income for the county.

Purchasing the existing rail line; either in cooperation with other neighboring counties, or purchasing the entire line outright, is a very risky option. A large cash investment would be required to purchase the line, as well as time and manpower to oversee operations.. Purchasing the line would also lead to increased liability until contractual terms can be agreed upon by an operator of the line. If the current environment changes and rail becomes a less viable option, TCAG would be burdened with a non-performing asset.

6.2. Subsidized Rail Repair Assistance

Due to the condition of track south of Dinuba (75 lb rail), it is critical that the rail be upgraded in order to support operation. Due to the high costs associated with the repair, it has not been viable for a short line operator to purchase and repair the rail line.

This option involves offering subsidized rail repair assistance for the portion of the rail south of Dinuba. In this case, a short line operator would buy the line from SJVR, while TCAG would provide moneys for repairing the track. As outlined in the financing section, there are several options for pursuing grants that can be utilized for rail repair.

By providing money to upgrade track, TCAG would make it more attractive for a short line operator to purchase the rail line. The operator would, in turn, become profitable sooner if it did not have to infuse large amounts of capital for track repair purposes. Furthermore, if the line gets upgraded to support higher speeds and more efficient movement of goods, it may be more attractive to businesses to use rail in lieu of other transportation options. This would allow the operator to increase its revenues and net income.

In exchange for its assistance with rail repair, TCAG could create a limited partnership giving them the benefits such as profit sharing, or first right of refusal clause if the short line, who owns the track, wishes to sell the track. Limited partnership contractual terms can be explored to prevent abandonment of the line for a certain length of time. The 2005 Cross Valley Rail Corridor project, consisted of a similar arrangement where public funds were used for track repair

purposes, but contractual terms were set in place to prevent rail abandonment for a certain time period.

6.2.1. Strengths of Subsidized Repair Option

First, since another interested party will purchase the rail and operate on it, the line is not abandoned. This ensures the line is available for businesses that find cost savings and value in it.

Second, TCAG may choose to create a partnership in exchange for providing repair funding. Such a partnership may grant TCAG partial control on the line, including stipulations on usage of the line and its final future, if the operator decides to stop using it.

Third, as stated above, subsidized repair funding would make the line more attractive for a short line operator to purchase and operate. The substantial amount of capital required for repair purposes would be a strong incentive for the operator. The condition of the track to be abandoned could have much more deferred maintenance than assumed. The life span of track with heavy freight train traffic is about 40 years. The majority of the rail line is most likely older than 40 years, but it has not been heavily used.

Fourth, if TCAG is able to secure federal grant funding, then its investment is minimal.

Fifth, by only providing repair subsidies, TCAG does not own or operate a new asset. This is important in that TCAG will minimize the risks and liabilities associated with the ownership of the rail line.

6.2.2. Weaknesses of Subsidized Repair Option

First, if the subsidized repair option is pursued, there is no direct revenue generated by TCAG. The owner of the line (also, the operator) would earn all profits that arise from the use of the line. For TCAG, the investment to upgrade the track would be a sunk cost, because it would not be recoverable. However, the county would be profiting from attracting new businesses and supporting economic development.

Second, there may be political implications associated with the decision to provide public funds to a private entity for track repair purposes.

Third, if TCAG chose to pursue this option, it must seek federal grants that can be used for the repair of the short rail line. While many grant seeking opportunities exist, as described in the financing section, they are not a guarantee for obtaining the funds, which may be difficult to receive.

Fourth, this option does not guarantee the line is not abandoned in the future, unless stated otherwise in an agreement with the rail line operator. If shipping via rail becomes non-viable and unprofitable in the future, the rail line operator may choose to abandon it once again.

6.2.3. Option Summary

By using grant funding to upgrade and repair the line, TCAG could create a limited stake in the short rail line. Contractual terms with the rail line operator could give TCAG some decision-making power in how and when the rail line may be abandoned in the future. This option also creates a better value for a short line operator to purchase the line, while ensuring that the line is reliable for the

long term and fast enough to support operation.

6.3. Purchase Facilitation

Instead of providing funds to purchase the line, or grant money to repair it, this option involves facilitating the purchase and operation of the rail line by a third party. TCAG can do so by creating value for the third party. This can be done without a cash expenditure by TCAG. The following sub-options may be taken into consideration.

First, TCAG can help a third party by creating a burden associated with scrapping the existing line. The county could require environmental impact studies that are deemed necessary prior to scrapping the line. Current owners of the track may instead choose to sell their stake. In addition, TCAG may require that the rail crossings be repaired, making sale over scrapping more attractive to the owner.

Second, TCAG can create incentives that can help a new operator start utilizing the line. TCAG can explore several tax incentives that may make the line more attractive to an operator. Once the line has been purchased, TCAG may be in a position to offer tax breaks or other similar enticements. TCAG can also help by creating a “relaxed” operating environment for the new operator.

6.3.1. Strengths of Purchase Facilitation Option:

First, if this option is pursued, TCAG would not own or operate a new asset. As a result, TCAG would avoid the risks and liabilities associated with owning the rail line. Such liabilities would be the responsibility of the new owner and operator.

Second, there would be no monetary commitment on behalf of TCAG if this option is pursued. If the line does not support any activity in the future, TCAG would not have committed any capital investments towards it.

6.3.2. Weaknesses of Purchase Facilitation Option

First, TCAG would not have any control on the future of the line. The line might be abandoned in the future and the county would not be able to prevent it.

Second, TCAG may need to consider legal ramifications that may arise from creating burdens/nuisances for the current owners of the rail line. Any nuisance factor needs to be discussed with the county's legal experts. TCAG needs to seek advice on choosing the best legitimate ways to facilitate the transfer of ownership to an operator that will intend to use it.

6.3.3. Option Summary

This option suggests facilitation as a means of helping a new line operator take ownership of the line. The county can do so by being a nuisance to the current owners to prevent them from discontinuing rail operations. Alternatively, TCAG could help the new operator with incentives for continued rail operations. If this option is pursued, TCAG would not have any stake or say in the future of the rail line. As a result, the pursuit of this option could lead to the abandonment of the rail line in the future.

6.4. Business Partnership

This option explores the creation of a partnership with a short line operator. Both TCAG and the short line operator would provide funds to help purchase and upgrade the rail line. Both parties can also explore federal grant

financing options. By creating a partnership with a short line operator, TCAG can have partial control and influence in the future of the rail line.

6.4.1. Strengths of Business Partnership Option:

First, pursuing a business partnership, TCAG ensures that the line is not abandoned. The joint partnership with a short line operator ensures continued operation.

Second, a business partnership would give TCAG partial control on the future of the line. TCAG may be able to guarantee rail as a transport option for local businesses if it had some stake in the ownership of the line.

Third, a short line operator may find it more attractive to do business, if it only had to invest part of the funds required to purchase and upgrade the line.

Fourth, TCAG would be able to receive part of the profit from the operation of the short rail line if the terms of the partnership agreement are such that they provide for revenue sharing. Such terms would need to be explored prior to any purchase decision.

6.4.2. Weaknesses of Business Partnership Option:

First, the terms and conditions of the business partnership would need to be acceptable to both parties. Reaching an agreement may be difficult as the short line operator may need to give partial control to TCAG. The terms of the business partnership could also deter the short line operator from wanting to purchase the short rail line.

Second, using public money to cover part of the purchase and repair costs could result in political pressure in the event that the line does not support

continued operation. Political opponents could use the decision to partner with a short line operator as a failed attempt to govern and a wrong use of public funds.

Third, TCAG may find it difficult to obtain funding if it is not able to secure grant money. In that case TCAG may need to take away funds from many necessary projects that are critical to the county.

Fourth, TCAG would face liabilities and risks associated with owning and managing an asset, such as injury liabilities and environmental obligations.

Fifth, with a partnership stake on the line, TCAG would be vulnerable to long-term financial commitment to track repairs and the possibility that rail shipments on the line yield unprofitable results.

6.4.3. Option Summary

A business partnership with a rail line operator would be a good solution to manage the proposed rail line abandonment. It would allow TCAG to have an influence in the future decisions related to rail line use and abandonment. This option would also have the potential of providing the county with extra revenue generated by the rail operation.

6.5. Best Option

Of the four options, subsidizing rail repair is the most viable option available. It has the opportunity to create the desired outcome of keeping the rail running in Tulare, while minimizing the necessary investment. If TCAG were able to secure federal funds to assist in upgrading the line, then TCAG would be able to ensure the line continue to operate with a minimal investment.

By subsidizing rail upgrades, an operator would be able to upgrade the line to 112lb rail in a much quicker fashion. The operator would then be able to service customers on the southern end of the line in an efficient and timely manner. This will benefit the shippers as well as make future businesses see the line as another viable option for shipping.

By exercising the option to subsidize rail upgrades, TCAG is able to maximize benefits while minimizing risk. By allowing another operator to purchase the line, they assume all the business risks of running and operating the line. By subsidizing the line upgrades, TCAG is able to create an environment where they have control over the final outcome of the line, but do not have the risk associated with purchasing and operating the line. TCAG is able to benefit the operator, businesses, and the community without a large investment of their own money.

7. Finance Section

There are numerous funding opportunities available for rail infrastructure upgrade and renewal. These opportunities are in the form of grants, low-interest loans, and tax credits.

Grants administered federally by the US Department of Transportation as a part of the American Reinvestment and Recovery Act (ARRA, but better known as "economic stimulus") and are solely geared toward passenger rail service (California 2009). However, stimulus monies directed towards California do provide some opportunities. TCAG has already received \$17.6 million in ARRA monies (California 2009a). CalTrans' grant monies are specifically geared

towards rail projects has been focused solely towards high-speed rail and programs that improve intercity passenger rail service. However, CalTrans also has \$1.5 billion in discretionary transit monies that would be available for this project (California 2009). The minimum grant award is \$20 million and the maximum grant award is \$300 million. All grant monies must be expended by September 30, 2011.

The Federal Railroad Administration, an agency of the US Department of Transportation administered rail-related grant and loan programs. Currently, most of their grant programs are closed. However, two loan programs are still in operation.

First, the Transportation Infrastructure Finance & Innovation Act (TIFIA) provides three types of credit for surface transportation projects (Transportation 2008). TIFIA offers secured loans, loan guarantees and standby lines of credit. The advantages of TIFIA is that it allows for deferral of loan payments for up to five years, can be used as subordinate debt under other debt service obligations. In addition, as a standby line of credit, TIFIA can be used as a funding source as a method to finance a project while in the process of searching for grants or other funding opportunities.

Second, is the Railroad Rehabilitation and Improvement Financing Program (RRIF) loan program (Railroad 2009). Unlike the TIFIA, RRIF is a financing mechanism for 100% of project costs. A portion of the funding pool has been reserved for class 1 freight rail programs.

Grants would be available for TCAG to sponsor and then pass on the benefits of infrastructure upgrades to the proposed shippers. Timelines for grant approval are much longer than loans. The loan programs offer approval within 90 days.

Congress has extended a program called the "45G Railroad Track Maintenance Credit." (American 2009a). This program provides a tax credit for rehabilitation of rail infrastructure. This program could be beneficial to the project in two ways: One, if improvements were made by TCAG, the tax credit could be used as an incentive to lure a rail operator. Two, the tax credit could be used as an incentive for the rail operator to perform maintenance on the line. For each dollar spent on rehabilitation of infrastructure, there is a 50-cent tax credit. The maximum allowable credit is determined based on the miles of line rehabilitated, up to \$4,500 per mile. If all 73 miles of track were rehabilitated in one tax year, the total credit would be \$328,500.

8. Economic Benefits of Rail

There are many ways that the use of rail transportation can provide economic benefit. Having access to a rail line allows businesses the opportunity to transport products long distances at a price that is generally cheaper than truck shipments. If there is no access to rail lines than businesses that rely on rail transportation will have to look to locate elsewhere. Without access to a rail line it would be very difficult for Tulare County to attract businesses that rely heavily on long distance transportation. This in turn means the county will be losing out on tax revenue, jobs, and economic growth. In addition, diverting truck

traffic to rail will reduce wear and tear on roadways, as building rail infrastructure is 10% of the cost of roadway construction (NADO 2008).

How can rail benefit business? Through reduced shipping costs which can lead to increased profitability. Increased production, products can be distributed greater distances leading to less exhaustion in current markets and a larger need for products. Increased employment, as production increases there will be a need for more workers. Reduced prices, because of the decrease in shipping costs the savings can be passed on to the customer. This may also help to increase market share which can add to more growth for the business.

Within the businesses that were contacted for this survey there are several that will be greatly affected by ability to ship products via rail. From the survey data, it is clear that TCAG needs to focus on non-perishable shippers. Improved rail service will lead to existing shippers possibly switching to rail or expanding their operations and will be an asset in luring new business to the region. In addition, businesses using rail will see reduced costs, reduced prices of goods sold and increased output (Indiana 2002). For a region, this will result in increased employment.

Research conducted by the Federal Railroad Administration (FRA) stated that "a threshold of 50 carloads per mile is used as a general indicator of economic viability." There is approximately 40 miles of rail from Jovista to List, in order for the rail road to be economically viable and create an impact in the area at least 2000 rail cars are needed. Any number of rail cars beyond the estimated

breakeven point, 2442 rail cars, will make the line both economically viable and profitable.

9. Environmental Impact

Santa Paula County conducted a rail study in March, 2007, and that study stated that "Each rail car would haul the equivalent tonnage of three truckloads of product. Given that the trucks operate back to the mining operation empty, each loaded railcar has the potential to eliminate six truck movements from the highway system.(Southern 2007)" When comparing this to the break even cost analysis, that equates to remove 15,000 truckloads off roadways annually. In other words, the project must have at least 2,500 railcars moving along the rail per year.

Any initiative, whether encouraging use of the short line railroad, or discouraging the use of trucks to transport goods will have a positive environmental impact. One gallon of diesel fuel moves one ton of freight an average of 406 miles (Union 2008). In addition, one double-stacked train is the equivalent of taking 280 trucks off the road. For each ton-mile of shipping shifted to truck, air pollutant output is reduced by 2/3 (NADO 2008). Converting 1% of long-haul freight from trucks to trains would reduce annual greenhouse gas emissions by 12 million tons per year.

Between truck, air, water and rail; rail emits the least carbon dioxide, carbon monoxide, nitrous oxide, and volatile organic compounds. A consortium of major rail carriers is currently working with the EPA to fund and encourage research and development to further improve locomotive efficiency, reduce

emissions and fuel consumption. In addition, truck traffic is the most detrimental type of traffic to municipal infrastructure. Reduced repairs on these facilities will not only result in a cost savings, but also result in a longer lifetime for petroleum-based roadbeds.

10. Conclusion

It is economically viable for a short line railroad to operate freight railroad service between Dinuba and Fresno given the amount of current freight business on the line today. The segment of the railroad between Jovista and List is not deemed economically viable railroad given our analysis of the shipper demand for that area today, but could be with potential shippers. However, the combined operation of the whole railroad between Fresno and Jovista is economically viable.

The best option for TCAG to preserve the segment of rail that runs through their county is to attract another short line railroad company and work towards attracting more shipper interest in using rail transportation. It is our conclusion that there is not enough business to operate a short line railroad south of List unless more shipper volume is generated. From surveys of future shipper growth that could make that segment profitable, profitability hinges on one shipper that is not yet permitted to operate as a gravel business. Even if that new gravel business does begin operations, the concentration risk of the shipping customers for the rail segment in Tulare is a major concern.

It is this report's conclusion that TCAG should encourage and make it as easy as possible for another short line railroad to purchase and operate the

railroad in their county. TCAG could help subsidize the purchase by offering to aid in the repair of the track in Tulare County. TCAG should provide aid in the track repair by pursuing grant funding for railroad repairs. It is necessary to upgrade the track in order to attract short line railroad companies because of the track maintenance and repair is the largest expense to operating a railroad.

It is estimated that purchase of the line from Jovista to List would cost anywhere from \$13 to \$25 million and upgrading the line could cost at least another \$20 million. CalTrans has \$1.5 billion available in economic stimulus monies to award for discretionary transit projects, with a project minimum of \$20 million. Purchasing the line, additional right of way, or a major infrastructure upgrade would all be within the scope of this grant. However, in writing an effective grant application that would leverage the abilities of TCAG and an interested short line railroad buyer, it is recommended that such a grant be used to upgrade the rail line and not towards the purchase cost; in that way the new rail line operator would have a vested interest in the continuing operational success of the railroad line. The purchase of the track by TCAG is also not recommended given the need to purchase track outside of their county in order to reach a class 1 railroad rail yard hub that would connect them to the needed network of national rail lines.

Going forward, it is recommended that TCAG make every effort to aid in the marketing of the railroad to potential shippers along the line. In the survey of potential shippers it is clear that no marketing of rail service by Rail America has taken place over the last few years in Tulare County. Citrus and other

agricultural commodity shippers needing outbound rail service on that segment have already switched to using Railex intermodal option in Delano and have expressed no desire to move away from Railex. Highway 65 runs adjacent to the segment scheduled for abandonment by SJVR and provides a quicker means for freight transport for shippers.

TCAG should help in making it as desirable as possible for a short line rail operator to want to work in their county by helping to attract shippers and in aiding in any costs associated with maintaining the railroad right of way. TCAG should not pursue an investment in preserving the SJVR within its county borders because the narrow geography of the San Joaquin Valley does not have enough rail service demand at this time to support a short line railroad when alternative means of transportation via truck or via railroad by the other two railroad lines operated by the UP and BNSF are in close proximity.

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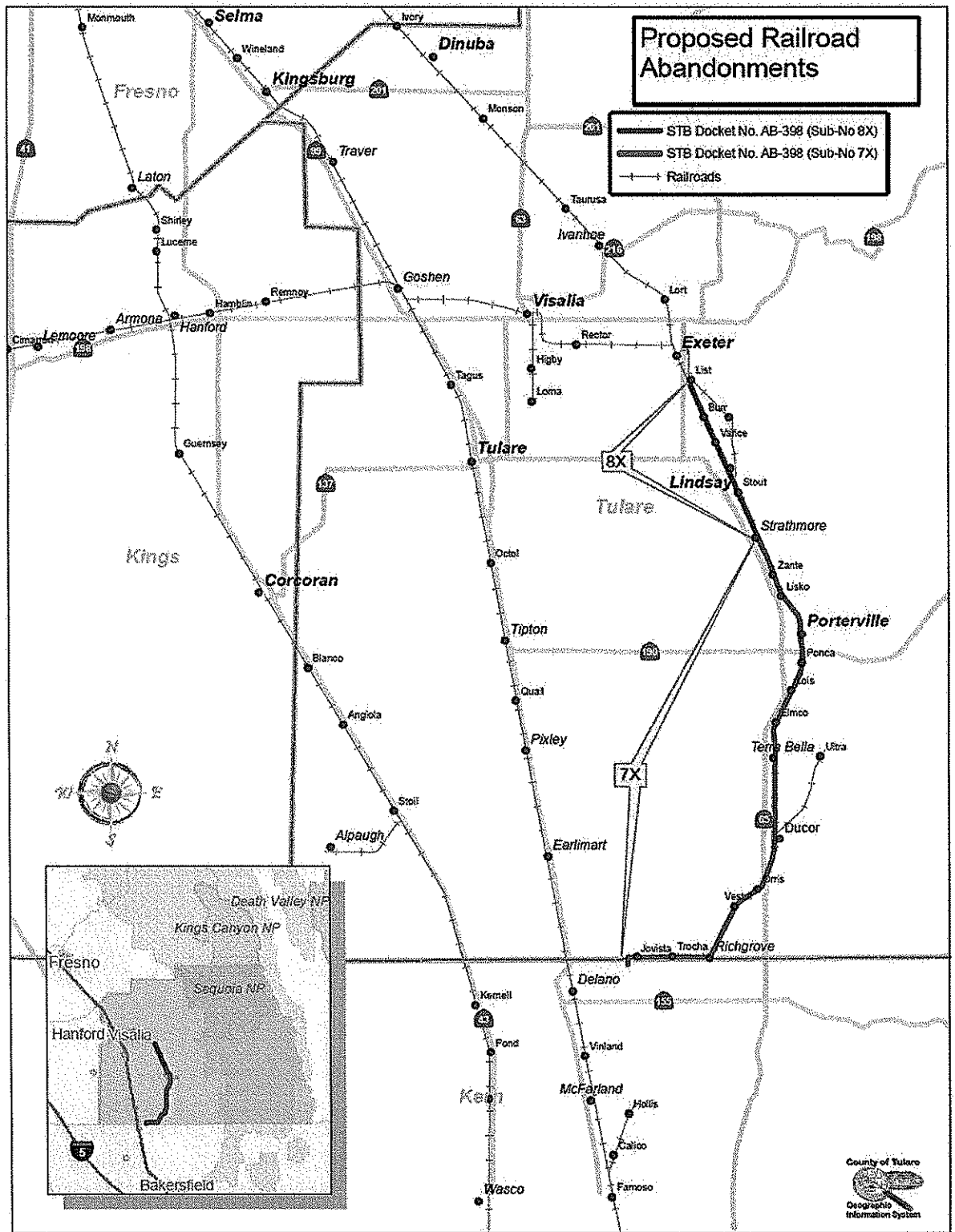
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Appendix A – Map of Proposed Rail Abandonment



Appendix B – Jovista to List Customer Profiles

Rail Customer Profile – AGG (America Goes Green)

Customer Name:	AGG				
Address:	9600 Road 256, Terra Bella, CA 93270				
Contact /Position:	Max Lee / President				
Phone:	559-535-5778				
Number of Employees:	NA	Gross Profit:	NA		
Business Function:	Recycle agriculture plastics				
Current method of shipping/Why:	NA company is in planning phase				
Preferred method of shipping/Why:	Rail, it will cut costs, also end users are in Midwest and much more can be shipped in 1 rail car than 1 truck				
Amount spent on shipping annually:	NA company has not started shipping				
Number of shipments annually:	NA company has not started shipping				
Shipping capacity truck to rail car:	3 trucks to 1 rail car				
Has rail been used in past/Cost savings of rail:	NA company has not started shipping				
If line was available and reliable would rail be used:	Yes				
Notes:	AGG is a company that will begin recycling ag plastics and turning the plastic into pellets that will be shipped to the Midwest and turned back into plastic products. Max projects about 2 to 3 shipments into the plant and about 20 rail car shipments out per month. The operation will be set up at the current Tuff Stuff facility.				

Rail Customer Profile - Britz Fertilizer Inc.

Customer Name:	Britz Fertilizer Inc.			
Address:	25730 Ave. 96 Terra Bella, CA 93270			
Contact /Position:	Dave Cannella Manager			
Phone:	559.535.4012			
Number of Employees:	NA	Gross Profit:	Not Provided	
Business Function:	Agricultural Fertilizer and Pest Control Company			
Current method of shipping/Why:	Truck, because SJVR does not provide service.			
Preferred method of shipping/Why:	Rail, because they have access to a spur line. Rail is a lower cost of shipping for them to receive fertilizer input supplies because they can buy in bulk and buy from suppliers who are further away that can ship by rail.			
Amount spent on shipping annually:	Not provided			
Number of shipments annually:	20 to 35 railcars (inbound)			
Shipping capacity truck to rail car:	Varies			
Has rail been used in past/Cost savings of rail:	Yes.			
If line was available and reliable would rail be used:	Yes			
Notes:	The company has other plants in Bakersfield, Firebaugh, Fresno, Parlier, Hanford, Madera, Santa Maria, Stockton, Tulare, Five Points, and Trader.			

Rail Customer Profile - Ducor Aggregate & Hot Mix

Customer Name:	Ducor Aggregate & Hot Mix			
Address:	6950 Old Stage Rd. Ducor, CA 93218			
Contact /Position:	John Lewis, Manager			
Phone:	559.805.3404			
Number of Employees:	NA	Gross Profit:	NA	
Business Function:	Crush gravel to make asphalt, ballast rock (trains), landscape rock			
Current method of shipping/Why:	Truck. Distance from operational rail line and his distance to haul to buyers is short.			
Preferred method of shipping/Why:	Rail shipping allows them to ship rocks to further distances at lower cost than truck.			
Amount spent on shipping annually:	\$2.8 million. Small amount relative to how many trucks shipped annually because his trucks only go short distances.			
Number of shipments annually:	28,333 truck loads			
Shipping capacity truck to rail car:				
Has rail been used in past/Cost savings of rail:	No			
If line was available and reliable would rail be used:	Yes			
Notes:	<p>Parent company is Dessert Aggregate.</p> <p>No rail spurs to quarry, so he must ship the rock 7 miles to nearest rail yard in Ducor.</p> <p>One of their customers is Union Pacific Railroad. They purchase gravel for repairing railroad lines.</p>			

Rail Customer Profile - Hit Products Corporation
 (Rail spur is not on track that is being abandoned would not be affected by abandonment.)

Customer Name:	Hit Products Corporation			
Address:	556 S. Mirage Ave Lindsay, CA 93247			
Contact /Position:	Paul Cordua Manager			
Phone:	559.562.5975			
Number of Employees:	NA	Gross Profit:	NA	
Business Function:	Irrigation Systems for large scale agriculture users.			
Current method of shipping/Why:	Truck because of late delivery with rail shipping, difficulty getting unloaded and additional fees for demurrage.			
Preferred method of shipping/Why:	Truck because of speed of delivery			
Amount spent on shipping annually:	They only receive supplies, so the seller pays for the shipping costs.			
Number of shipments annually:	NA			
Shipping capacity truck to rail car:	NA			
Has rail been used in past/Cost savings of rail:	Hit Products used rail about 5 years ago when one supplier would send them 4-5 cars per year when 200K lbs. of product was shipped at a time.			
If line was available and reliable would rail be used:	Yes, but only if supplier demanded it.			
Notes:	Hit Products built a rail spur to their Lindsay plant off of a line that is not east of the line to be abandoned. They would not be impacted if the west line was abandoned.			

Rail Customer Profile - Nutrient Technologies

Customer Name:	Nutrient Technologies			
Address:	1092 E. KammAve., P. O. Box 903, Dinuba, CA 93618			
Contact /Position:				
Phone:	559-595-8090			
Number of Employees:	NA	Gross Profit:		
Business Function:	Specialty Fertilizer			
Current method of shipping/Why:	Truck. That's what is available to them. No spur available for using rail.			
Preferred method of shipping/Why:	Truck			
Amount spent on shipping annually:	\$ 200,000			
Number of shipments annually:	1200 tons per year (1 truck = 30tons)			
Shipping capacity truck to rail car:				
Has rail been used in past/Cost savings of rail:	No.			
If line was available and reliable would rail be used:	Would consider it in the broad sense, but it is not practical due to the absence of a spur. Warehouse has rail access however, and they could use about 5-10 cars.			
Notes:	When they acquired the business, this was of interest to them, but they don't feel that their business growth has warranted the need for building a spur and using rail.			

Rail Customer Profile - Orange Belt Supply Co.

Customer Name:	Orange Belt Supply Co.			
Address:	25244 Road 204, Lindsay CA 93247			
Contact /Position:	Ed Murray			
Phone:	559-562-2574			
Number of Employees:	NA	Gross Profit:		
Business Function:	Crop Protection, Fertilizers, etc.			
Current method of shipping/Why:	Truck. No spur available for using rail. It costs \$250,000 to build spur; cost savings provided by cheaper shipping would not be able to .			
Preferred method of shipping/Why:	Truck			
Amount spent on shipping annually:	\$ 200,000			
Number of shipments annually:	1200 tons per year			
Shipping capacity truck to rail car:				
Has rail been used in past/Cost savings of rail:	No.			
If line was available and reliable would rail be used:	No, because the cost associated with building the spur would outweigh cost savings associated with rail shipping.			
Notes:	Under current business growth they would not build spur.			

Rail Customer Profile – Paul Pugh

Customer Name:	Paul Pugh			
Address:				
Contact /Position:	Paul Pugh			
Phone:	559-359-0240			
Number of Employees:	NA	Gross Profit:	NA	
Business Function:	Manufacture railroad ballasts and concrete casings			
Current method of shipping/Why:	NA			
Preferred method of shipping/Why:	Rail			
Amount spent on shipping annually:	NA			
Number of shipments annually:	NA			
Shipping capacity truck to rail car:	NA			
Has rail been used in past/Cost savings of rail:	NA			
If line was available and reliable would rail be used:	Yes, about 3 cars in and out per day			
Notes:	Paul did not want to divulge information about his potential business opportunities, however the expense of rail shipments as well as not having a rail option have caused him to miss out on business opportunities in the past. He feels that the ability to ship products via rail is absolutely necessary for the future of Tulare County. As he sees movement toward making the rail a viable option for shipping he should be contacted to discuss number of cars he would ship per month/year.			

Rail Customer Profile – Porterville Rock and Recycle

Customer Name:	Porterville Rock and Recycle			
Address:	14200 Rd. 284, Porterville Ca. 93257			
Contact /Position:	Mitch Brown / Owner			
Phone:	559-781-6389			
Number of Employees:	NA		Gross Profit:	NA
Business Function:	Base Rock, Boulders, Cobblestone, Fill Dirt, Plaster, Plaster Sand; Recycle, Rock & Stone, Sand, Stone			
Current method of shipping/Why:	Truck it is all that is available			
Preferred method of shipping/Why:	Rail, cost savings, product is heavy which forces many truck shipments			
Amount spent on shipping annually:	NA			
Number of shipments annually:	NA			
Shipping capacity truck to rail car:	4 trucks for 1 rail car			
Has rail been used in past/Cost savings of rail:	No. Current freight rate for trucking is \$35 per hour. Costs have been estimated at about \$35 per ton trucking where rail would cost about \$17 per ton. Factor in it takes 4 trucks to ship the amount of 1 rail car.			
If line was available and reliable would rail be used:	Yes			
Notes:	Porterville Rock and Recycle is in the final stages of receiving a permit for a new rock quarry that they will control for the next 600 years. It is estimated that when this quarry is being mined they could ship 5,000 rail cars per year conservatively. There are many business opportunities that are surfacing, as well as the potential to open an asphalt plant in Visalia. This will not only grow the business financially but there would be an increase in employees needed as they would look to operate 24 hours a day. Mining the quarry in the day and loading rail cars at night.			

Rail Customer Profile - The Roastery

Customer Name:	The Roastery			
Address:	23489 Divizich Ave, Ducor, CA 93218			
Contact /Position:	Laura Mejia /shipping Manger			
Phone:	(559) 534-2535			
Number of Employees:	20+	Gross Profit:	NA	
Business Function:	Manufacturing Salted and Roasted Nuts and Seeds			
Current method of shipping/Why:	They do not arrange the shipping., each client does his/her own shipping. They only provide the product, and the clients handle the shipping from their side.			
Preferred method of shipping/Why:	From their observation, they have found that most of clients would prefer trucking because they buy products in small bulks, so this method would be cheaper than rail.			
Amount spent on shipping annually:	NA			
Number of shipments annually:	NA			
Shipping capacity truck to rail car:	NA			
Has rail been used in past/Cost savings of rail:	Rail has been used only twice, in a situation where the clients wanted us to handle the shipping for them. Based on their requested, shipping would be done via rail.			
If line was available and reliable would rail be used:	If the clients wanted it then yes			
Notes:				

Rail Customer Profile - Sierra Citrus

Customer Name:	Sierra Citrus			
Address:	715 E Tulare Rd. Lindsay CA			
Contact /Position:	Martin Alvarado & Tommy Florez			
Phone:	(559) 562-2577			
Number of Employees:	100-200 (varying on season)	Gross Profit:		
Business Function:				
Current method of shipping/Why:	Truck only.			
Preferred method of shipping/Why:	Truck – when shipping to east coast, rail cannot guarantee shipment within certain amount of days. The perishable products that they ship require them to ship via truck			
Amount spent on shipping annually:				
Number of shipments annually:	150 trucks /week (depending on season) – about 4,000 – 5000 trucks to the east coast.			
Shipping capacity truck to rail car:				
Has rail been used in past/Cost savings of rail:	No.			
If line was available and reliable would rail be used:	No, due to the perishable nature of their products.			
Notes:				

Rail Customer Profile – Sierra Forrest Products

Customer Name:	Sierra Forrest Products				
Address:	9000 Road 234, Terra Bella, CA 93270				
Contact /Position:	Doug Hanson/Sales Manager				
Phone:	559-535-4893				
Number of Employees:	NA	Gross Profit:	NA		
Business Function:	Manufactures rough, sawed or planed lumber				
Current method of shipping/Why:	Trucks				
Preferred method of shipping/Why:	Rail, weight issues, also opens up markets and business opportunities				
Amount spent on shipping annually:	NA				
Number of shipments annually:	About 180 truck shipments out				
Shipping capacity truck to rail car:	3 trucks to 1 rail car				
Has rail been used in past/Cost savings of rail:	Rail was used in past				
If line was available and reliable would rail be used:	Yes				
Notes:	Based on what the current business is doing they would ship about 5 or 6 rail cars per month. However, rail opens up other business opportunities that are currently not cost effective. Example wood chips could be shipped to Oregon paper mills in the amount of 30 cars per month. There are other similar business opportunities however they are currently not being explored because there is no functional rail line. If there was a functional cost effective rail system the company would be able to grow their business into new markets.				

Rail Customer Profile - Suntreat Packing

Customer Name:	Suntreat Packing				
Address:	391 Oxford Ave, Lindsay CA				
Contact /Position:	Mike Robert/Shipping Manager				
Phone:	(559) 562-4991				
Number of Employees:	150-200	Gross Profit:	50 mill in sales		
Business Function:	Citrus Packing				
Current method of shipping/Why:	Truck. Customer usually pays shipping; the trucking method is usually requested by the receiving party.				
Preferred method of shipping/Why:	Truck				
Amount spent on shipping annually:	\$ 200,000				
Number of shipments annually:	1200 tons per year (1 truck = 30tons)				
Shipping capacity truck to rail car:					
Has rail been used in past/Cost savings of rail:	They currently do use Railex about 5-10 times per week, but only at the customer's request.				
If line was available and reliable would rail be used:	No, even if rail went away business wouldn't be affected.				
Notes:					

Rail Customer Profile – Tuff Stuff Products

Customer Name:	Tuff Stuff Products			
Address:	9600 Road 256, Terra Bella, CA 93270			
Contact /Position:	Max Lee / President			
Phone:	559-535-5778			
Number of Employees:	NA	Gross Profit:	NA	
Business Function:	Manufacture industrial supplies/containers			
Current method of shipping/Why:	Truck is the only method available			
Preferred method of shipping/Why:	Combination of truck and rail, some customers cannot be shipped to via rail because they are not near a rail system			
Amount spent on shipping annually:	NA			
Number of shipments annually:	NA			
Shipping capacity truck to rail car:	3 trucks to 1 rail car			
Has rail been used in past/Cost savings of rail:	No has not been available			
If line was available and reliable would rail be used:	Yes			
Notes:	Tuff Stuff moved to their current location because they thought rail would be available to use for shipping. They would take about 3 to 5 rail shipments in and out of finished goods per month. See AGG customer profile as this is a new business being started by Max Lee that will have more rail possibility.			

Rail Customer Profile – Tulare Frozen Foods

Customer Name:	Tulare Frozen Foods			
Address:	650 W. Tulare Rd. , Lindsay, Ca. 93247-1433			
Contact /Position:	Jim Fikkert			
Phone:	559- 853-8776 -- email: jfikkert@tularefoods.com			
Number of Employees:	NA	Gross Profit:	NA	
Business Function:	Sanitary Food Containers, Except Folding			
Current method of shipping/Why:	Truck			
Preferred method of shipping/Why:	NA			
Amount spent on shipping annually:	NA			
Number of shipments annually:	NA			
Shipping capacity truck to rail car:	NA			
Has rail been used in past/Cost savings of rail:	NA			
If line was available and reliable would rail be used:	Yes			
Notes:	<p>Were not able to have informative conversation with Jim. The rail has the potential to create new business opportunities for TFF and for them to grow their business, size of facility, employees, and increase sales. They do want the possibility to use rail but a number of rail cars shipped per year was not given.</p> <p>A previous study done by Chuck Littlefield projected them to use 300 carloads per year</p>			

Rail Customer Profile - Viking Ready Mix Co Inc

Customer Name:	Viking Ready Mix Co Inc			
Address:	11099 Old Friant Rd, Fresno, CA 93730-0808			
Contact /Position:	Christina/ Receptionist			
Phone:	(559) 434-1550			
Number of Employees:	300+	Gross Profit:	NA	
Business Function:	Ready-Mixed Concrete			
Current method of shipping/Why:	The company has multiple locations across the San Joaquin Valley. They only deliver the ready mix concrete by cars/trucks to the customers whether individuals or companies in the same area. They do not use any type of rail shipping because they deliver their products to customer in the same city/town.			
Preferred method of shipping/Why:	cars/trucks			
Amount spent on shipping annually:	NA			
Number of shipments annually:	NA			
Shipping capacity truck to rail car:				
Has rail been used in past/Cost savings of rail:	No. this option does not apply to the business.			
If line was available and reliable would rail be used:	No			
Notes:				

Appendix C – 2002 SJVR Shippers List

SJVR Shippers

Exeter Subdivision (8-05-2002)

There are several bright spots on the Exeter Sub. The City of Sanger is aggressively soliciting new business due to high unemployment and the recent closing of a Super Kmart. They have set aside land with utilities already installed designed for industrial development. We were successful in relocating MC Truss from Fresno onto a part of this property. They have broken ground and we have already installed an 850-ft industrial track. Operations are expected to begin about June 2002. We expect to receive about 10 car loads per month to begin with. Also located in Ivory on a cleared timber mill site, we have relocated Richard Best Trucking who receives small lots of grain products which are used to feed the extensive dairy business in the Tulare/Kings County area. Growth is expected with better than 300 car loads this year with property available to grow this business and has potential for cross-docking too. Fresh perishable business lost to BNSF and UP cross-docking operations due to our only operator shutting down will soon reopen at a new location with a competitor taking over the original cross-dock facility. There are some vacant citrus packing sheds along our right of way with little potential here due to their age and suitability for potential industry. However with favorable federal and state grant money available for rural areas and unemployment, there is some opportunity based on local city or county support. The GBC works against us from Fresno out to Sanger and should be eliminated.

The Porterville Sub carries the lowest tons per mile of any of the subdivision and covers one of the longest runs from any SJVR yard. We had initiated a surcharge of \$900 per car to cover cost due to a lack of business in June of 2000. The main reasons for business to decline was poor inconsistent service some due to the loss of Sierra Forest business during Pacific Rim economic collapse in 1999 and a devastating freeze to the citrus crop. We rescinded this surcharge on January 31, 2002 in an effort to renew enthusiasm for rail service due to an interest expressed by Sierra Forest Products and Cannella Chemical. Since that time there have been some queries as to loading ballast and other rock products at Ultra using the property owned by Cannella. Potential for this new business could be anywhere between zero to 500 car loads per year at this time. There are two rock quarries to access from and cross-dock to the rail. Cross-docking is a very viable option in securing this business

Company Name	Station	Commodity	GBC	C/L's
Smurfit-Stone Container Div	Fresno	Paper	200	407
Vopac	Fresno	Chemicals	200	138
Allan Company	Fresno	Waste	200	85
Anderson Clayton	Fresno	Cotton	200	0
Cribari Vineyards	Fresno	Alcohol	200	33
Hodges Building Material	Fresno	Roofing	200	26
Holt Lumber	Fresno	Lumber	200	73
Lyons Magnus	Fresno	Juice	200	0
Pitt DesMoines	Fresno	Steel	200	170
Silvas Oil Co.	Fresno	Chemicals	200	7
Williamette Industries	Sanger	Paper	200	743
Toter Industries	Sanger	Resins	200	100
M. C. Truss	Sanger	Lumber 200	New	start-up
J. R. Wood	Sanger	FzFruit	200	16
GK Tech (General Cable)	Sanger	Resins	200	1
Golden State Vintners	Lac Jac	Juice		1
Golden State Feed	Reedley	Grain		51
Tom Cypress	Dinuba	Logs		1
Tony Guerrero cold Storage	Clotho	Grapes	200	0
Sun Pacific	Neil	Citrus		2
RBT	Ivory	Grain		285
Cal By-Products	Ivory	Grain		0
Best Agri Marketing	Ivory	Grain		0
Sequoia Orange	Exeter	Citrus		0
Waterman Industries	Exeter	Coke		17
Mayflower Fruit	Exeter	Citrus		158
Keith Brown Lumber	Exeter	Lumber		12
Gardengate Foods	Exeter	Citrus		143
Covenant Convoy	Exeter	Autos		0
Central Valley Cartage	Exeter	Autos		16
Bowsmith	Exeter	Resins		15
Amigo Foods	Exeter	Citrus		5
A&K	Exeter	Steel		5
Cal Citrus Packing	Lindsay	Citrus		0
Cal Citrus Products	Lindsay	Juice		0
Cal Citrus Pulp	Lindsay	Food Prods		3
Harvest Container	Lindsay	Paper		74
HIT Products	Lindsay	Resin		0
Lindsay Fruit	Lindsay	Citrus		0
LoBue Brothers	Lindsay	Citrus		0
NDS	Lindsay	Resin		53
Sierra Citrus	Lindsay	Citrus		0
Suntreat Growers	Lindsay	Citrus		2
Valley Foods	Lindsay	Food Prods		2
Copeland Lumber	Porterville	Lumber		0
Sierra Forest	Terra Bella	Lumber	290	0
Cannella Chemical	Ultra	Fertilizers		21
Cal Valley Citrus	Vance	Citrus		0
Pavich Family Farms	Elmco	Citrus		0
JR Simplot -J	Jovista	Fertilizers		0
Total Car Loads				2665

Appendix D - Tulare County GIS Terms of Use



RESOURCE MANAGEMENT AGENCY

5861 SOUTH MOONEY BLVD.
VISALIA, CA. 93277
PHONE (559) 733-6281
FAX (559) 730-2653

Britt L. Kuzel	Engineering
William Hoyle	Cons. & Per. Services
John P. Biv	Treasurer/Officer
George Flanagan	Planning
Paul Cooper	Support Services
Doger Hunt	Administrative Services

HENRY NASH, DIRECTOR

MICHAEL D. ELZEY, ASSOCIATE DIRECTOR

May 13, 2009

To whom it may concern:

The data released to you by the Geographic Information System Division of the Tulare County Resource Management Agency is only a representation of features on the earth compiled by computer program from raw data obtained from different sources and is not necessarily, in whole or in part, based upon any physical recording, study or survey, professional or otherwise, of the covered property. This information is not intended as a substitute for a field survey by a licensed professional or any other use or application that requires legal or engineering accuracy. The County of Tulare makes no guarantee or warranty as to the quality, accuracy or suitability for use for any purpose, including any purpose you may have described in your request. By accepting the data released to you, you expressly waive any liability or claims for damages against the County for any mistakes, errors, omissions or misrepresentations which may exist or occur from the data provided in this response to your request.

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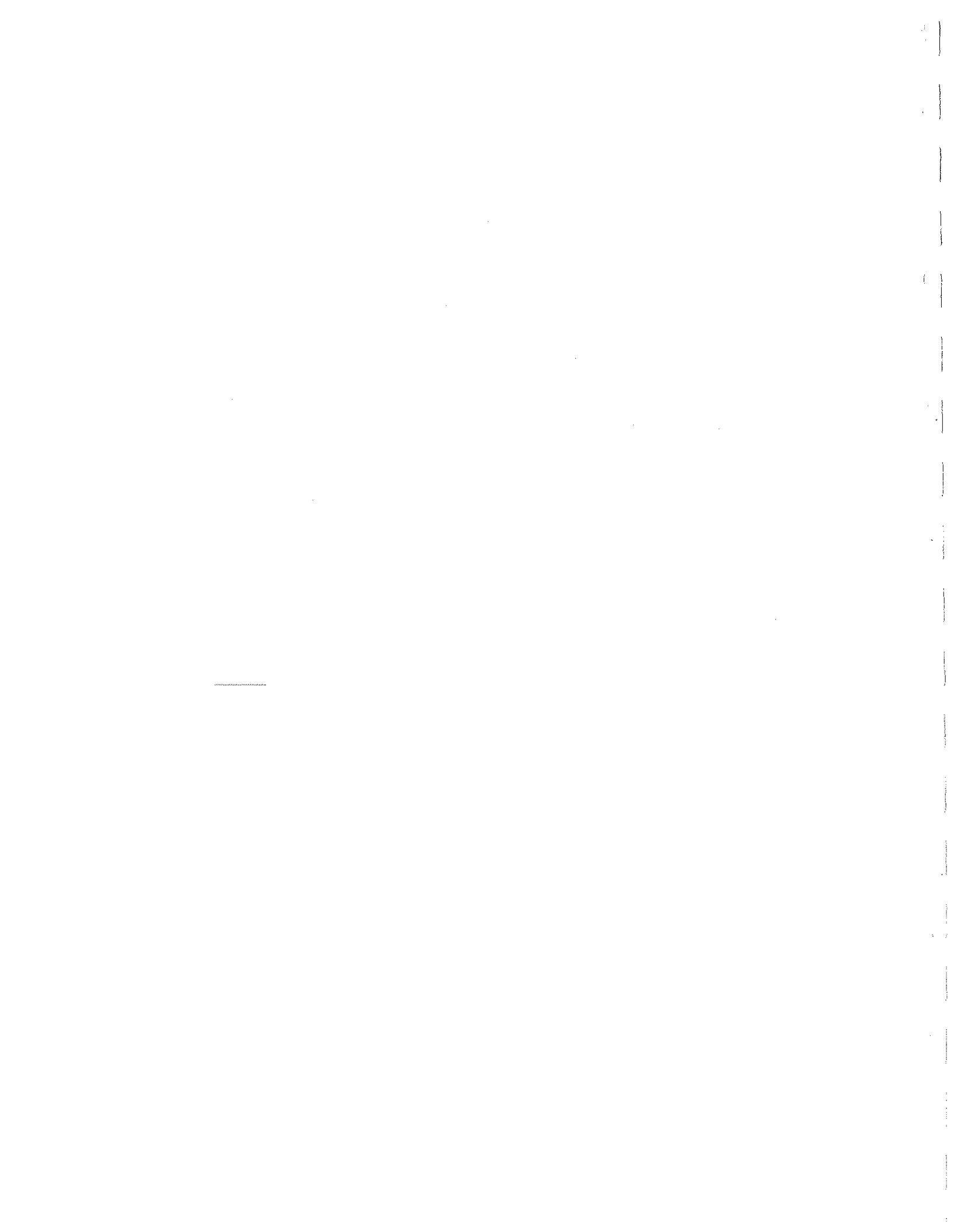
Acceptance and use of this data implies agreement with these terms.

Sincerely,

Mark Clark
GIS Coordinator
Tulare County RMA

Appendix E - Businesses from GIS Search

SUM AREA	APN Dash	sTLCCS3	CODE AND D	M1 OWNER
136943.322900000000	338-040-011	Urb:Indy:Storage Yard	3500 Warehouse StorageYard LumberYard	AGRI CEL INC
419297.458900000000	141-080-005	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	AMARILLO GEAR COMPANY
1428950.794400000000	269-050-037	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	BECKMAN COULTER INC
63856.800000000000	017-201-004	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	BOB J BARKER COMPANY INC
215031.909800000000	338-270-013	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	CALPINE CONTAINERS
788616.764200000000	199-040-032	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	CHAMPION HOME BUILDERS CO
848651.517400000000	012-250-016	Urb:Industrial (Ag Related)	4500 Canneries Wineries Saw Mills	COMMUNITY RENEWABLE ENERGY SERVICES
235426.865700000000	205-200-030	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	CORDUA PAUL M (Hit Products Corporation of California)
1023110.526400000000	012-260-067	Urb:Industrial (Ag Related)	4500 Canneries Wineries Saw Mills	DINUBA TIMBER INDUSTRIES
113706.328000000000	012-250-056	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	DURAND-WAYLAND MACHINERY INC
15148.676700000000	247-160-033	Urb:Indy:Storage Yard	3500 Warehouse StorageYard LumberYard	ENNIS COMMERCIAL PROPERTIES LLC
156862.838700000000	260-300-013	Urb:Indy:Storage Yard	3500 Warehouse StorageYard LumberYard	GILMAR ENTERPRISES
1071350.935300000000	133-040-025	Urb:Indy:Storage Yard	3500 Warehouse StorageYard LumberYard	INTERNATIONAL PAPER COMPANY
34339.606200000000	302-210-029	Urb:Indy:Storage Yard	3500 Warehouse StorageYard LumberYard	LEFFINGWELL AG SALES & CHEMICAL CO
29130.959300000000	205-220-013	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	LO BUE BROS INC
1154267.501300000000	338-030-010	Urb:Industrial (Ag Related)	4500 Canneries Wineries Saw Mills	MUNGER KEWEL & JANIE
219909.243600000000	030-120-080	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	NUTRIENT TECHNOLOGIES INC
319602.989500000000	141-080-023	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	ORANGE BELT SUPPLY COMPANY
487579.229600000000	017-030-010	Urb:Indy:Storage Yard	3500 Warehouse StorageYard LumberYard	PATTERSON LOGISTICS SERVICES INC
224101.949400000000	339-070-018	Urb:Industrial (Ag Related)	4800 Dehydrating Plant	RICHGROVE ALMOND INC
830687.572200000000	017-030-005	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	RUIZ FOODS PRODUCTS INC
559892.848400000000	320-122-016	Urb:Industrial (Ag Related)	4500 Canneries Wineries Saw Mills	SIERRA FOREST PRODUCTS
254170.840200000000	138-010-036	Urb:Industrial (Storage Yard)	3800 Batch_Plant Sand&Gravel Concrete	SOUTH VALLEY MATERIALS INC
856884.782500000000	338-070-069	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	STYROTEK INC
427276.813400000000	129-010-016	Urb:Industrial (Ag Related)	4800 Dehydrating Plant	SUNSHINE RAISIN CORP
33837.475200000000	205-134-019	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	SUNTREAT INVESTMENT INC
1033478.140100000000	135-200-042	Urb:Industrial (non-Ag)	4100 Light_Mfg. General_Mfg.	SVENHARDS PARTNERSHIP
885324.423200000000	321-160-031	Urb:Industrial (Ag Related)	4800 Dehydrating Plant	THE ROASTERY
5805070.601300000000	047-040-026	Urb:Industrial (Ag Related)	4500 Canneries Wineries Saw Mills	VENTURA COASTAL LLC
220457.704000000000	243-210-051	Urb:Industrial (Storage Yard)	3800 Batch_Plant Sand&Gravel Concrete	VIKING READY MIX CO INC
1869811.441100000000	269-130-008	Urb:Indy:Storage Yard	3500 Warehouse StorageYard LumberYard	WAL-MART STORES EAST LP



City of Visalia Agenda Item Transmittal

Meeting Date: August 3, 2009

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Update on Mooney Boulevard Improvements including Cal Trans project, City Intersections (Walnut and Whitendale) and Street Tree Project by CSET and the Urban Tree Foundation.

Deadline for Action: None

Submitting Department: Community Development Department, Engineering

Contact Name and Phone Number: Manuel Molina 713-4491, Adam Ennis 713-4323, Chris Young 713-4392

Department Recommendation: Staff recommends that City Council accept the update of the Mooney Boulevard Improvements.

Background:

The Mooney Boulevard improvements consist of widening the State Highway between Packwood Creek to the south and State Highway 198 to the North. There are three separate projects that will ultimately be a part of the overall Mooney Boulevard improvements. The first part is the Cal Trans Widening which will widen the roadway from 4 lanes (two each direction) to six lanes (three each direction). The widening will include improving the intersections at Tulare Avenue, Beech Avenue and Sunnyside Avenue, with dual left-turns at Tulare Avenue and Beech Avenue and single left-turns at Sunnyside Avenue, larger curb radii, upgraded wheel chair ramps and new bus turnouts. This portion of the project will also modify the widths of the medians, lanes, shoulders and sidewalks. The project was awarded at \$10,196,000.

The second part of the improvements is the City's portion of the improvements and consists of improving the intersections at Whitendale and Walnut. The improvement of these intersections includes widening Whitendale and Walnut on the east and west sides of Mooney Boulevard so that they will receive the new dual left-turn lanes on Mooney Boulevard and increase the capacity of the intersections per the City's Circulation Element. The Walnut intersection will also include the undergrounding of low voltage electrical and communication lines and placing the high voltage lines on 85 foot tall steel poles. The new undergrounding district will also prohibit future overhead lines within the district. The engineers estimate for both projects is about \$4,300,000, including the utility undergrounding.

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

_____ 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.

The third portion of the improvements will be the addition of about 450 street trees along the sides of the roadway. CSET currently has a grant for \$100,000 to provide and plant the trees. The grant funding is currently available and must be spent within two years. The Urban Tree Foundation will be directing the work during this portion of the project. The trees will be located on the adjacent properties directly behind the sidewalk and will require an easement or right-of-entry from the property owners to place the trees on the adjacent properties. The City will be responsible for maintenance of the trees. The irrigation lines have been installed with the Cal Trans project currently underway therefore the remaining work would include improvement of tree wells, installing bubblers and planting the trees.

Status Summary:

The Cal Trans project began July 2008 and is currently underway. The majority of the work along the west side of the roadway has been completed with a few areas requiring additional work. Work has also begun on the east side of the roadway and will continue until all of the work on both sides of the roadway is complete. Concurrently with the work on the sides of the roadway, the intersections at Tulare, Beech, and Sunnyside Avenues are also being improved with completion in early October 2009. Work will then begin on the median which will take approximately one month and will be completed in late October 2009. The final stage of the project will be placing an asphalt overlay which should be completed around mid November 2009 in an attempt to complete the project prior to the holiday season. Currently, the new street lights installed along the west side of the roadway south of Beech Street are in operation. The remaining street lights will be in operation as Southern California Edison provides power. The contractor will continue to maintain the existing median by cleaning out all debris and watering and maintaining the existing vegetation until the existing median is replaced.

The City's portion of the project has been in design over the last year and is now progressing into the construction stage. The Whitendale intersection plans and specifications have been approved by Cal Trans, right-of-way has been obtained, and the encroachment permit process has been completed. The project is set to advertise August 6, 2009. Construction is anticipated to take about 90 to 120 working days which would result in completion of this intersection by the end of January 2010. However, the paving portion of the project could be delayed due to cold weather conditions and may be done in early spring. An alternative to this schedule would be to start the bidding process at the end of November 2009 and start construction in early January 2010 with completion of the project by the end of April 2010. This schedule would allow for the paving operations to occur in warmer weather and avoid additional construction on Mooney Boulevard during the 2009 holidays.

Revisions to the Walnut intersection plans and specifications are currently being completed and are anticipated to be approved for construction by Cal Trans by end of August 2009. Earlier this year revisions to the design of this intersection, and revisions to the right-of-way acquisition, had to be made due to a major change in the location of the overhead high voltage lines being designed by Southern California Edison (SCE). The original overhead design was planned to be on the south side of Walnut Avenue and was nearly complete at the end of last year when SCE discovered that the lines could not be placed on the south side of Walnut Avenue due to the new lines being located over the Union Bank building. Based on these changes the City began revising the design of the intersection and then adjustment of right-of-way acquisition to allow for placement of the overhead high voltage lines on the north side of Walnut Avenue. Currently, there is one revised right-of-way acquisition to be completed to allow for the revised overhead line location. The time frame for this acquisition is unknown at this time, but could take up to seven months. Staff will make every effort to minimize this time frame. The

undergrounding construction work is anticipated to take up to twelve weeks once right-of-way is acquired. The intersection construction work is anticipated to take 90 to 120 working days once the undergrounding is completed. Work in the intersection will be performed concurrently as much as possible to provide the earliest possible completion date.

Plans for the street tree portion of the project have been completed. This portion of the project is anticipated to begin once construction crews for the other two portions of the improvements are demobilized from the site. The tree installation portion of the project is anticipated to take approximately 2 to 3 months, but will be dependent upon the acquisition of easements/right-of-entries from adjacent property owners.

Prior Council/Board Actions: Approved Mitigated Negative Declaration – March 2002

Committee/Commission Review and Actions:

Alternatives: None

Attachments: Exhibit # 1 – Project Location Sketch

Recommended Motion (and Alternative Motions if expected): I move to accept the update of the Mooney Boulevard Improvements.

Financial Impact

Funding Source:

Account Number: 1241-9270 (Walnut Avenue) and 1241-9252 (Whitendale)

Budget Recap:

Total Estimated cost:	\$4,300,000	(Whitendale & Walnut Intersections Only)
New Revenue:	\$0	
Amount Budgeted:	\$4,300,000	
New funding required:		New Personnel:
Council Policy Change:	Yes ___ No <u>X</u>	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior: Mitigated Negative Declaration March 2002
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

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

City of Visalia Agenda Item Transmittal

Meeting Date: August 3, 2009

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Update on Rule 20A Utility
Undergrounding Districts

Deadline for Action: None

Submitting Department: Community Development Department,
Engineering Division

Contact Name and Phone Number:

Adam Ennis– Engineering Services Manager, 713-4323
Chris Young-Assistant Community Develop. Director, 713-4392

Department Recommendation

Accept the update on Rule 20A Utility Underground Districts and provide direction to staff regarding the top 5 priority undergrounding projects.

Summary

The formation of Underground Utility Districts (UUDs) causes the removal of existing overhead electrical, telephone and cablevision lines and the prevention of future overhead utilities within the formed district. The California Public Utility Commission requires that the utility companies set aside funds to cover the cost to convert certain overhead facilities to underground facilities. These funds are proportioned between the types of UUDs and allocations to each City/County. There are three types of Utility Underground Districts (UUD) which can be formed, Rule 20A, Rule 20B and Rule 20C. The primary difference between the UUDs is the method of funding. Rule 20A UUDs are paid for totally out of the funds set aside for undergrounding by the utility company. The Rule 20B UUDs are paid partially by funds set aside by the utility company with the remainder funded by the entity requesting the undergrounding (either local agency or developer). The Rule 20C UUDs are paid for totally by the party requesting the undergrounding. The funds set aside for the Rule 20A UUDs are separate from any other funding and are only used on UUDs requested by the local agency they are allocated to.

The general process to form a district is the city proposes a project to Southern California Edison (S.C.E.) to see if they concur and if the proposed UUD meets the required criteria. Once S.C.E. and the City reach agreement a project is defined with specific limits, the City provides an estimated cost to convert users from overhead to underground services (S.C.E. pays for the first 100 ft. onto a site not including panel box conversion), S.C.E. prepares an estimated time

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 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.

frame and cost for the project to be designed and completed, city staff takes a resolution forming the district to council, individual owners are notified of the estimated cost to convert and the City assists with the conversion of individual services (costs can be rolled to taxes). Typically, S.C.E. estimates a minimum of 1 year to design and construct a district for their part. It can take longer depending on how quickly a district is formally created by the City and the amount of work to be done.

The City of Visalia has participated in forming UUDs in the past with 15 separate UUDs formed since 1969. Currently, a UUD has been formed along Dinuba Boulevard from Houston Avenue to Riverway Avenue. A portion of the UUD from Riggan Avenue to Shannon Parkway was completed through a developer Rule 20B district. The other portions of this planned UUD are currently being pursued to completion under a Rule 20A district. The City of Visalia, based on information provided by S.C.E., currently accumulates yearly funds of about \$208,000/year in the Rule 20A fund. As of this year (2009) the City has a current Rule 20A account balance of \$1.79 Million. Additionally, S.C.E. will allow the City to mortgage out 5 years of anticipated Rule 20A funds ($5 \times \$208,000 = \1.04 Million). These mortgaged funds would be in addition to the current account balance giving the City a total of \$2.83 Million available for Rule 20A UUD's. These fund balances are in addition to the current \$1.6 Million budgeted for the remaining Dinuba Boulevard UUD.

A county-wide underground committee was in place in the early 1990's that oversaw projects within the county including individual cities. In the past, the County has used some of its available funds to help cover specific City of Visalia projects. Therefore, depending on the scope and location of a particular project additional county funding may be available.

Exhibit #1 shows a list of potential future underground districts, the SCE criteria satisfied and the estimated order of magnitude costs. The staff recommended top 5 projects are shown prioritized in the top portion of the table and are shown on a vicinity map on Exhibit #2. Potential future projects are listed in the bottom portion of the table in no particular order. The order of magnitude cost estimates are intended to provide a relative basis for determining whether or not the City has sufficient funds in the SCE Rule 20A program to do particular projects or to create a priority list based on available funds. The order of magnitude cost estimates are not detailed cost estimates for the projects and are intended for preliminary planning only.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: None

Attachments: Exhibit # 1 – Priority List of Undergrounding Districts
Exhibit # 2 – Vicinity Map of Top 5 Priority Projects

Recommended Motion (and Alternative Motions if expected): I move to accept the update on Rule 20A Utility Underground Districts and provide direction to staff regarding the top 5 priority undergrounding projects.

Financial Impact

Funding Source:
Account Number:

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No X
Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No X
Review and Action: Prior:
Required:

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

ACTION

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Lawrence Segrue



VICE CHAIRPERSON:
Adam Peck

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

MONDAY JULY 27, 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 7:01

4. CHANGES TO THE AGENDA – No changes

7:01 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.

Consent Calendar approved (Peck, Salinas) 4-0 Soltesz absent

- Time Extension for Variance No. 2008-07

7:02 TO 7:04

6. PUBLIC HEARING– Andy Chamberlain continued from 07/13/09

Motion to continue to a date uncertain was approved (Salinas, Lane) 3-0-1 Peck abstained, Soltesz absent

- a. Conditional Use Permit No. 2009-30: is a request by Visalia/Noble Associates LLC to allow a 25, 872 square foot specialized educational facility for University of Phoenix in the PA (Professional Administrative Office) Zone. The site is located at 4045 W. Noble Avenue (APN: 087-080-038, 039, 040, 041)
- b. Variance No. 2009-08: a request by Visalia/Noble Associates LLC to allow approximately 288 to 360 square feet of building signage for the University of Phoenix in the PA (Professional Administrative Office) Zone. The site is located at 4045 W. Noble Avenue (APN: 087-080-038, 039, 040, and 041)

7:04 TO 8:38

Approve as recommended with the addition of condition #14 to the resolution regarding time limits on outdoor noise/lighting generating activities (Peck, Salinas) 4-0 Soltesz absent

Open: 7:19
Close: 7:50

Spoke:

- 1. Dennis Whistler
- 2. Cynthia Moccio
- 3. Jim Wood
- 4. Bob Brown

Break:
8:38 TO 8:50

7. PUBLIC HEARING –Paul Bernal

Conditional Use Permit No. 2008-46: A request by Grace Community Church to develop a Campus with a sanctuary, Sunday school, fellowship and administration buildings, including an outdoor amphitheater, and lighted soccer and baseball fields in the R-1-6 (single family residential) zone. The 29.38 acres site is located at the northwest corner of Lovers Lane and K-Road (APN: 126-110-061)

8:50 TO 8:56

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

Open:8:53
Close: 8:55

Spoke:

- 1. Steve Sparshott
- 2. Joe Reynolds

8. PUBLIC HEARING – Paul Bernal

Conditional Use Permit No. 2009-31 is a request by Vern Phan to construct a 2,702 square foot two-story convenience store in the C-C (Convenience Commercial) zone. The site is located at 920 West Murray Street (APN: 093-243-009 & 010).

8:56 TO 9:00

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

Open: 8:58
Close: 8:59

Spoke:

- 1. Dolphus Pierce, II

9. PUBLIC HEARING – Paul Scheibel

Conditional Use Permit No. 2009-26: A request by San Joaquin Accident and Medical Group, Inc. to allow an orthopedic office in a 1,564 sq. ft. portion of an existing office building in the C-R (Regional Retail Commercial) zone. The site is located at 1441 South Mooney Boulevard (APN: 095-160-082).

9:00 TO 9:14

Motion to Continue to August 10, 2009 was approved (Salinas, Peck) 3-1 Segrue voted no, Soltesz absent

Spoke:

- 1. Darlene Mata

10. PUBLIC HEARING – Paul Scheibel

- a. General Plan Amendment No. 2008-02: A request by Paul Ridenour and Greg Nunley to amend the General Plan land use designations from RLD (Low Density Residential) and RHD (High Density Residential) to CSO (Shopping / Office Commercial), PAO (Professional/ Administrative Office), and RHD (Residential High Density) on 19.93 acres. The site is located generally on the southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017
- b. Change of Zone No. 2008-03: A request by Paul Ridenour and Greg Nunley to change the zoning designations from R-1-6 (Single-Family Residence, 6,000 sq. ft. minimum lot size) and R-M-3 (Multi-family Residential; 1,500 sq. ft. minimum site area per unit) to P-C-SO (Planned Shopping/Office Commercial), P-PA (Planned Professional/Administrative Office), and R-M-3 (Multi-family

residential zone, 1,500 sq. ft. minimum site area per unit) on 19.93 acres. The site is located generally on the southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017

- c. Tentative Subdivision Map No. 5540: A request by Greg Nunley for the Oakwood Ranch 2 & Professional Center to create 20 lots for a mix of multi-family residential and office development, and two common areas. The site is located generally on the southwest corner of Demaree Street and Houston Avenue. APNs: 077-660-001 (portion), 077-660-003, -018, 077-090-015 (portion), and 077-090-016 (portion)
- d. Conditional Use Permit No. 2008-18: A request by Paul Ridenour to develop a self-storage facility with caretaker unit totaling 206,272sq.ft. on 10.8 acres. The site is located generally on the northwest corner of Goshen Ave. and Demaree St. APNs: 077-660-001, 077-090-015, -016, -017
- e. Conditional Use Permit No. 2008-19: A request by Greg Nunley for a planned mixed-use development consisting of 13 units totaling 56 multi-family residences on 3.72 acres, and eight salable lots and two commercial lots for office buildings totaling 49,045sq. ft. on 4.35 acres. The site is located generally on the southwest corner of Demaree Street and Houston Avenue. APNs: 077-660-001 (portion), 077-660-003, -018, 077-090-015 (portion), and 077-090-016 (portion)

9:14 TO 9:14

11. 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, AUGUST 10, 2009
CITY HALL COUNCIL CHAMBERS, 707 WEST ACEQUIA**

9:14 TO 9:14

Motion to Adjourn (Segrue, Peck) 4-0 Soltesz absent

City of Visalia Agenda Item Transmittal

Meeting Date: 08/03/09

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

Agenda Item Wording: Approval of a Mutual Aid Agreement between the College of the Sequoias Community College District Police Department and the Visalia Police Department.

Deadline for Action: N/A

Submitting Department: Police Department

Contact Name and Phone Number: Lt. Steve Puder, ext. 4036,
Chief Bob Carden, ext. 4215

Department Recommendation: The Visalia Police Department is requesting City Council approval to initiate the attached Mutual Aid Agreement with the College of the Sequoias Community College District.

Summary/background: Education Code section 67381 requires the City Police and District Police to enter into a written agreement relating to operational responsibility for the investigation of Part 1 violent crimes and to delineate the specific geographical boundaries of each party's operation responsibility. The attached Mutual Aid Agreement between the Visalia Police Department and College of the Sequoias Community College District Police complies with the Education Code requirements, along with complying with the Police Department's existing operational procedures.

The previous Mutual Aid Agreement between the Visalia Police Department and College of the Sequoias Community College District Police was dated July 23, 1999.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions:

Alternatives: Not approve the attached proposed Mutual Aid Agreement between the Visalia Police Department and College of the Sequoias Community College District Police.

Attachments: Proposed Mutual Aid Agreement between the Visalia Police Department and College of the Sequoias Community College District Police.

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.

Recommended Motion (and Alternative Motions if expected):

I move to authorize the approval of the proposed Mutual Aid Agreement between the Visalia Police Department and College of the Sequoias Community College District Police.

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: 08/03/09

Agenda Item Number (Assigned by City Clerk):

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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 CM
(Initials & date required)

Finance SP 7/9/09
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.

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I move to authorize the approval of the proposed Mutual Aid Agreement between the Visalia Police Department and College of the Sequoias Community College District Police.

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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:

**AGREEMENT FOR LAW ENFORCEMENT SERVICES
AND MUTUAL AID
by and between the
CITY OF VISALIA, POLICE DEPARTMENT
And
COLLEGE OF THE SEQUOIAS COMMUNITY COLLEGE DISTRICT POLICE**

This Agreement is between the City of Visalia, Police Department and the College of the Sequoias Community College District Police Department (“District Police”).

WHEREAS, on August 11, 1998 the California Legislature passed the Kristin Smart Campus Safety Act of 1998 establishing Education Code section 67381. This Act requires the City Police and District Police to enter into a written agreement relating to operational responsibility for the investigation of Part 1 violent crimes and to delineate the specific geographical boundaries of each party’s operation responsibility; and

WHEREAS, College of the Sequoias Community College District is a separate governmental agency from the City of Visalia. The District Police Department is a fully POST certified State Law Enforcement Agency operating under Penal Code section 830.32 and Education Code section 72330. The Kristin Smart Campus Safety Act of 1998 “reaffirms that campus law enforcement agencies have the primary authority for providing police or security services, including the investigation of criminal activity, to their campuses.” (Educ. Code section 67381(a));

NOW, THEREFORE, the parties recognize that both the Visalia Police Department and District Police have a mutually supportive relationship and an interest in providing a safe and secure environment for the citizens within the college community, the parties agree to enter into this contract on the following terms and conditions:

I. JURISDICTION

The District Police has primary jurisdiction over all properties owned, operated, controlled, or administered by the community college (Educ. Code section 72330(a).) The maps labeled Attachment “A” and Attachment “B” identifies the boundaries of the College of the Sequoias Community College campus covered by this MOU and is incorporated into this Agreement by reference. This agreement is limited solely to the one campus and campus farm.

II. OPERATIONAL HOURS

The District Police will provide regular uniformed patrol coverage every calendar day during the following operational hours:

College of the Sequoias

Monday through Friday: 0600 – 2400

&

Saturday through Sunday: 0600 - 2200

every calendar day.

These hours can change to meet the needs of the college district or District Police.

Any change in operational hours will be immediately communicated in writing by the District Police to Visalia Police Department

“Non operational hours” are those outside the regular uniformed patrol hours by the District Police as described above.

III. INITIAL RESPONSE DURING OPERATIONAL HOURS

A. Operational hours

Except as provided in sections IV and V below, the District Police will provide response to all calls for service during operational hours described below, as provided for under section 72330(a) Education Code “... to enforce the law on or near the campus of the community college and on other grounds or properties owned, operated, controlled, or administered by the community college or by the state acting on behalf of the community college....” After initial response, the District Police will assess the situation arising from an incident on/within the boundaries of the College of the Sequoias campus, and the District Police will call for assistance from Visalia Police Department if the need arises based on the incident. Staffing levels and/or expertise and/or the type of incident may necessitate that assistance.

- 1) As the District Police Department serves college sites in jurisdictions other than that of Visalia Police Department, and the District Police may be on calls at those locations, Visalia Police Department, upon request, and upon their availability will respond to in progress calls at locations as referenced to in Attachments A and B. District Police shall respond in a timely manner and assume control of any investigation.
- 2) The Visalia Police Department may call upon District Police to assist with calls for services when they determine the necessity.

B. Non-Operational hours

Except as provided in sections IV and V below, Visalia Police Department will provide initial response and report incidents occurring during the non-operational hours of the District Police, subject to circumstances of the incident reported and staffing being taken into consideration to determine if response is warranted. If, upon such initial response, Visalia Police Department determines that an investigation is warranted, Visalia Police Department shall provide the initial investigation. The follow-up responsibility of these initial reports and the initial investigation (if any) will be the responsibility of Visalia Police Department, with the District Police providing assistance upon request of the Visalia Police Department

Visalia Police Department will notify the District Police of any major crimes against persons or property which occur on the College of the Sequoias campus. The notification shall be done as soon as possible after the Visalia Police Department has been advised of this occurrence.

IV. INCIDENTS REQUIRING VISALIA POLICE INVESTIGATION

A. Type of Incident

This section governs when any of the following crimes have occurred, have been alleged to have occurred, or when any communication is received concerning crimes of the following nature:

1. Homicide
2. Officer Involved Shooting
3. Explosive Devices
4. Rape
5. Aggravated Assault
6. Robbery
7. Traffic Collision resulting in death or great bodily injury

B. Initial Response, Notification and Investigation

1. Operational Hours

(a) The District Police shall provide an initial response to incidents on the College of the Sequoias campus during operational hours. The District Police will immediately notify the Visalia Police Department of the suspected crimes listed in Section IV(A) and of the District Police's response to assure the Visalia Police Department's response is simultaneous, or immediately after dispatch.

(b) The Visalia Police Department shall take the lead investigative role in all crimes listed in Section IV(A), and upon request, shall be supported in that investigation by the District Police. The Visalia Police Department will conduct the investigation into the crimes listed in Section IV(A) unless the Visalia Police Department and the District Police agree that the District Police should continue the investigation without further assistance from the Visalia Police Department.

2. Non-Operational Hours

The Visalia Police Department will provide initial response at the College of the Sequoias campus during non-operational hours and will conduct the investigation of the incident. The Visalia Police Department will be responsible for the preliminary investigation and any follow up for the incident. The Visalia Police Department will determine if the assistance or expertise of the District Police is needed, and upon request by the Visalia Police Department, the District Police will respond to take on the investigation.

V. NOTIFICATION OF EVENTS

The Visalia Police Department shall notify the appropriate individual(s) when they respond to incidents that occur on campus during non-operational hours, and the incident falls under the specified crimes as provided in section IV(A) above. The Visalia Police Department shall notify the District Police as soon as possible when they have responded to an incident that is listed in section IV(A) above.

VI. TRAFFIC ENFORCEMENT

A. On Campus

Traffic enforcement on the College of the Sequoias campus is the responsibility of the District Police. Traffic enforcement on the public streets bordering the campus is the responsibility of the Visalia Police Department. Although nothing in this agreement precludes District police from enforcing laws around the campus property.

B. Special Events

On streets immediately adjacent to the college campus, traffic matters directly related to the special events occurring on the college campus will be the responsibility of the District Police and may be delegated to the Visalia Police Department with prior notification and mutual agreement.

VII. OFFENSE REPORTING PROCEDURES

- A. Both parties will have full responsibility for the reporting of their respective investigations and associated statistics. The responsibility for reporting the respective cases will be determined by the primary investigative agency.

The District Police will be responsible for the reporting of its respective investigations and associated statistics. The Visalia Police Department shall supply all reports to the District Police that are required to comply with the Cleary Act reporting requirements. The District Police will maintain its current use of required systems for reporting such as CLETS and CJIC. If necessary, a copy of the report may be forwarded to the Office of the Visalia Police Department for inclusion into the records system.

- B. For the College of the Sequoias campus, the District Police will make all appropriate notifications following the computer entries as may be required by statute, law or customary procedure and agrees to hold the Visalia Police Department harmless for failure to make such notifications as may be required by law. It is also inclusive of the District Police's responsibility to notify the Visalia Police Department in a timely manner when such computer entries need to be updated or withdrawn.
- C. Reports taken by either party will be made available to the other without charge if required for investigation or complaint.
- D. Each party recognizes its individual obligation to supply information as required under the California Public Records Act.

VIII. NON-EMERGENCY REPORTS

During non-operational hours, the Visalia Police Department should document crimes or incidents that are required by law to be documented immediately by obtaining necessary information from the reporting parties. Otherwise, the reporting parties who wish to have a non-emergency report documented will be referred to the District Police to have the report completed during regular operational hours.

IX. COMPENSATION FOR LAW ENFORCEMENT SERVICES PROVIDED BY VISALIA POLICE DEPARTMENT

The Visalia Police Department shall be reimbursed for expenses incurred in the performance of assistance to the District Police to the extent that the District Police is reimbursed by the State of California and/or Federal Government as a result of expenditures in these types of investigations.

Further, expenditures that are not reimbursed by the State of California and/or the Federal Government, and in the event, Visalia Police Department Crime Scene Technicians are unavailable to respond to process the crime scene, the Visalia Police Department would request the assistance of the Tulare County Sheriffs Department for crime scene processing. If this were to occur, the College of the Sequoias agrees to reimburse the Visalia Police Department for expenses incurred for these services at the rate of \$93.25 per hour during normal operational hours and the rate will be \$107.78 per hour during off duty hours. These are actual costs which the Visalia Police Department will have to pay the Tulare County Sheriff's Department..

Normally the Department of Justice and/or Federal Bureau of Investigation Labs provide expert witnesses to testify in court proceedings for Part 1 criminal cases. Should it be necessary to have evidence processed by a private sector lab and the Tulare County District Attorney's Office does not assume the expenses, these expenses would be billed to the College of the Sequoias.

X. DISSEMINATION OF AGREEMENT

This agreement will be incorporated into the operations manual of the District Police. This agreement shall be provided to the appropriate staff personnel of the Office of the Visalia Police Department. As mandated in Education Code section 67381, this agreement is available for public viewing and will be filed with the Legislative Analyst for the State of California.

XI. TELEPHONE NUMBERS

A. DISTRICT POLICE DEPARTMENT

- Emergency (559) 730-3999
- Chief (559) 730-3862
- Office (559) 730-3831
- Secured Fax (559) 730-3898

B. CITY OF VISALIA, POLICE DEPARTMENT

- Business (559) 713-8116
- Fax (559) 713-4809
- Records (559) 713-4222

XII. AMENDMENTS

Amendment to the terms and conditions of this Agreement shall be effective only upon mutual agreement in writing by the parties. The Visalia Police Department, Chief of Police is designated the authority on behalf of the Visalia Police to execute those Amendments that have no budgetary implication.

XIII. TERM AND EXTENSION OF TERM

The term of this Agreement shall be from July 1, 2009 to August 31, 2012. This agreement may be extended for one (1) additional term of two (2) years provided that this Agreement is still mandated by Education Code section 67381. The Chief of Police, Visalia Police Department is designated the authority on behalf of the city to execute the extension if there is no budgetary implication.

XIV. MUTUAL RELEASE

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the College of the Sequoias Community College District and the Parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the Visalia Police Department and the District Police Department agree that pursuant to Government Code section 895.4 each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of other parties hereto, their

officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such other parties under this Agreement.

XV. WRITTEN NOTICES

All written notices required by this Agreement shall be deemed given when in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to other party at the address set forth below or at such other address as the party may designate in writing in accordance with this section:

Chief Bob Masterson
College of the Sequoias Community College District Police Department
915 So. Mooney Blvd.
Visalia, California 93277

Chief Bob Carden
Visalia Police Department
303 So. Johnson St
Visalia, California 93277

District Police Department

Visalia Police Department

Bob Masterson
Bob Masterson, Chief of Police
College of the Sequoias District Police

Bob Carden, Chief of Police
Visalia Police Department

Dated: 6/08/09

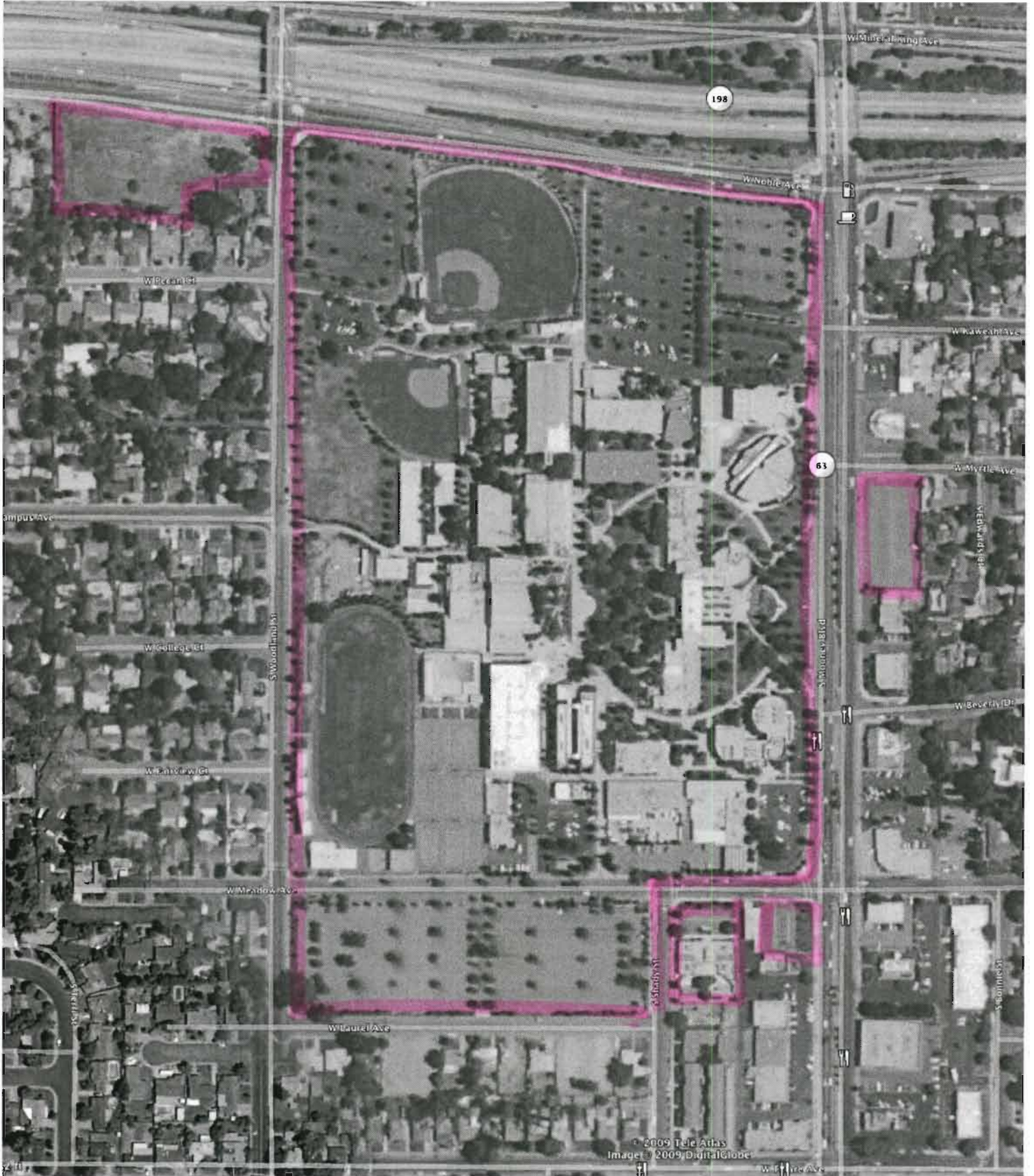
Dated: _____

College of the Sequoias Community College District

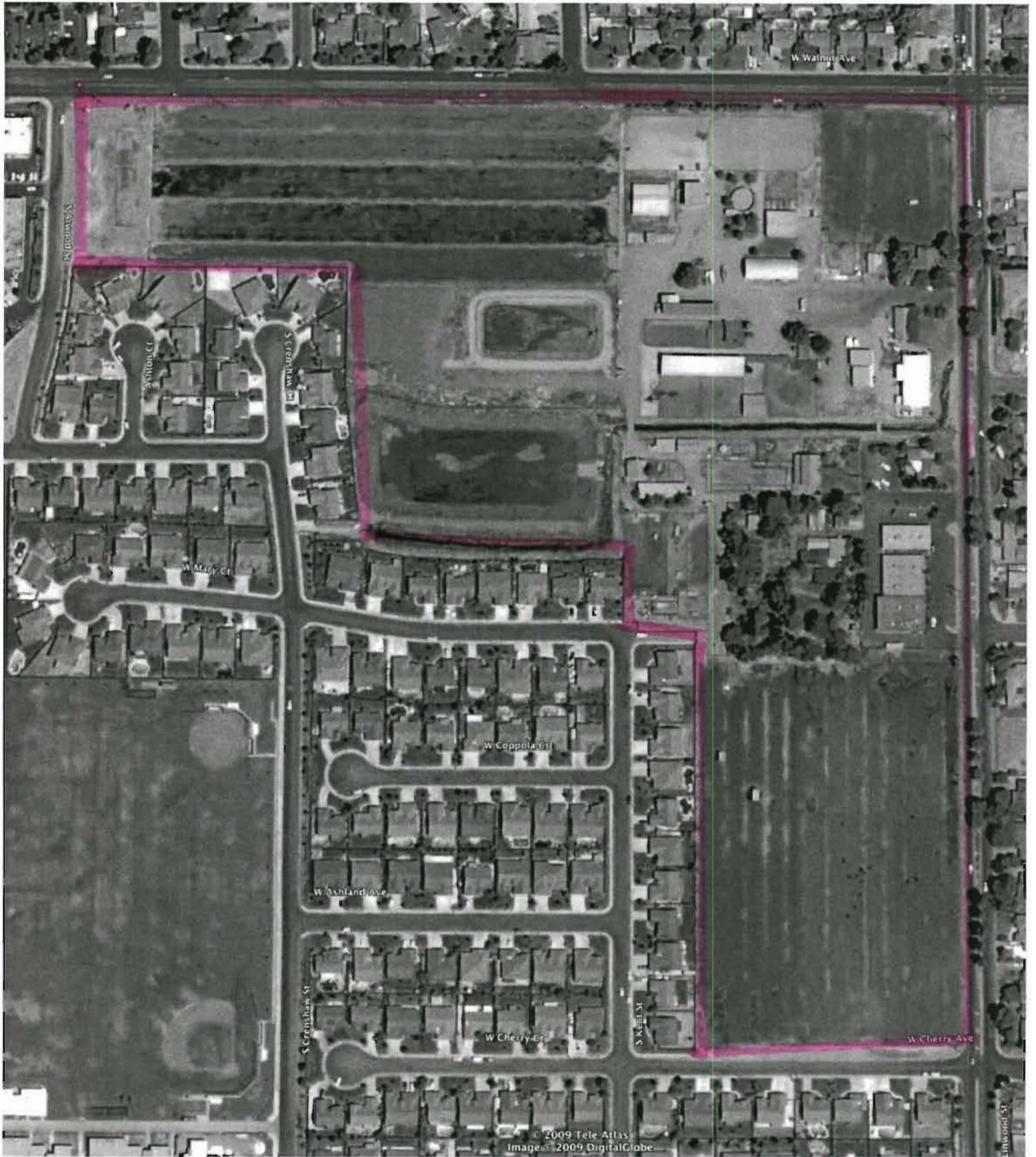
William Scroggins
William Scroggins, District President

Dated: 6/8/09

Attachment A – Map of boundaries of the College of the Sequoias Campus
Attachment B – Map of boundaries of the College of the Sequoias Farm



"A"



"B"

City of Visalia Agenda Item Transmittal

Meeting Date: August 3, 2009

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

Agenda Item Wording: Request authorization to file a notice of completion for the Acequia Avenue Two-Way Traffic Conversion Project, Project # 3011-00000-720000-0-8056 (Final Cost \$556,097.49)

Deadline for Action: none

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Adam Ennis, Engineering Services Manager - 713-4323

Department Recommendation

The City staff recommends that authorization be given to file a notice of completion for the Acequia Avenue Two-Way Traffic Conversion Project (Project 3011-00000-720000-0-8056).

Summary

The project was located along Acequia Avenue, between Conyer Street and Santa Fe Street. It included the installation of a new signal at Willis Street, and the modification of existing signals at West Street, Locust Street, and Court Street. It also included a slurry seal, upgrades to existing curb returns, and re-striping of the entire street. The work was done to convert Acequia Avenue from a one-way street, to a two way street. The striping included lane stripes, bike lane stripes, and parking space T-marker striping. Portions of the existing curb were also painted.

The construction work for the project was completed by Cruco Construction Group Inc., at a final cost of \$556,097.49. The awarded contract amount for the construction was \$550,446.00.

There were five approved change orders totaling \$5,651.49 applied to this project (approximately 1.0% of the award amount). The approved changes were:

1. Provide labor and material for premium work hours in front of the post office (between Court and Locust). The work hours were for work after the standard work day, during the evening. It was necessary to complete this work after hours to prevent conflicts with pedestrian and vehicle activities related to the US Post Office. This change order also included work related to the development of a scaled, detailed, drafted traffic control plan. The detailed traffic control plan was necessary to ensure that adequate traffic control was provided in this high traffic and pedestrian area. The detailed plan was prepared in accordance with new City of Visalia requirements, which were adopted after the award of the Construction Contract.

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 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.

Total Cost of Change Order #1: \$2,500.00

2. This change order deleted eight (8) ADA ramps that were included in the original construction contract. It was necessary to remove the ramps due to the configuration of the storm drain system along Acequia. The existing storm drain system consists of half-round pipes located at each corner of the intersections, which transmit water to storm drains. Installation of the new ramps would have required that the existing storm drain system be removed and replaced (upgraded). This would result in a substantial increase in cost and time. Since replacement of the ramps was not critical to the conversion of Acequia to 2-way, the item was deleted.

Total Cost of Change Order #2: (\$20,000) credit

3. Change order #3 added twenty-one (21) detectable warning surfaces to various pedestrian crossing areas along Acequia. These detectable warning surfaces provide a yellow tactile area (truncated domes) that alerts sight impaired pedestrians that they are about to enter traffic. It was decided that adding these surfaces would be valuable to sight-impaired pedestrians, particularly since Acequia was to be converted from a one-way street to a two-way street. Installation of these detectable warning surfaces has helped to upgrade the intersections toward meeting the current ADA requirements.

Total Cost of Change Order #3: \$13,125.00

4. Change Order #4 included several striping revisions to Acequia Avenue. The revisions were completed in response to public comments received after the conversion and staff observation of new traffic patterns. The revisions included such items as changing curb painting, providing additional striping for parking areas near Church Street, and stop bar locations.

Total Cost of Change Order #4: \$2,639.25

5. Change Order #5 includes the miscellaneous items that were needed during construction to keep the project on schedule. Included in this change order are additional hours for Traffic Control due to an early conversion schedule; additional traffic control signage requested by City staff; removal and disposal of existing concrete foundations located at the intersection with Willis Street (which were discovered during construction) welding of a mast arm, and additional electrical equipment that was supplied during the start-up process.

Total Cost of Change Order #5: \$7,387.24

Prior Council/Board Actions: The City Council Awarded the Construction Contract at the September 2, 2008 meeting.

Committee/Commission Review and Actions: The City of Visalia Planning Commission voted to recommend approval of the General Plan Amendment # 2008-01 by the City Council, at the June 23, 2008 meeting.

Alternatives: None

Attachments: Exhibit #1 - Location Map
Exhibit #2 – Ownership disclosure for contractors and consultants

Recommended Motion (and Alternative Motions if expected): I hereby move to authorize filing the notice of completion for the Acequia Avenue Two-Way Traffic Conversion (Project 3011-00000-720000-0-8056).

Financial Impact

Funding Source:

Account Number: 3011-00000-720000-0-8056

Budget Recap:

Total Cost:	\$800,000	New Revenue:	\$
Amount Budgeted:	\$1,250,000	Lost Revenue:	\$
New funding required:	\$00,000	New Personnel:	\$
Council Policy Change:	Yes _____	No	<u>X</u>

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior: Negative Declaration 2008-28
Required:

NEPA Review:

Required? Yes No
Review and Action: Prior:
Required:

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

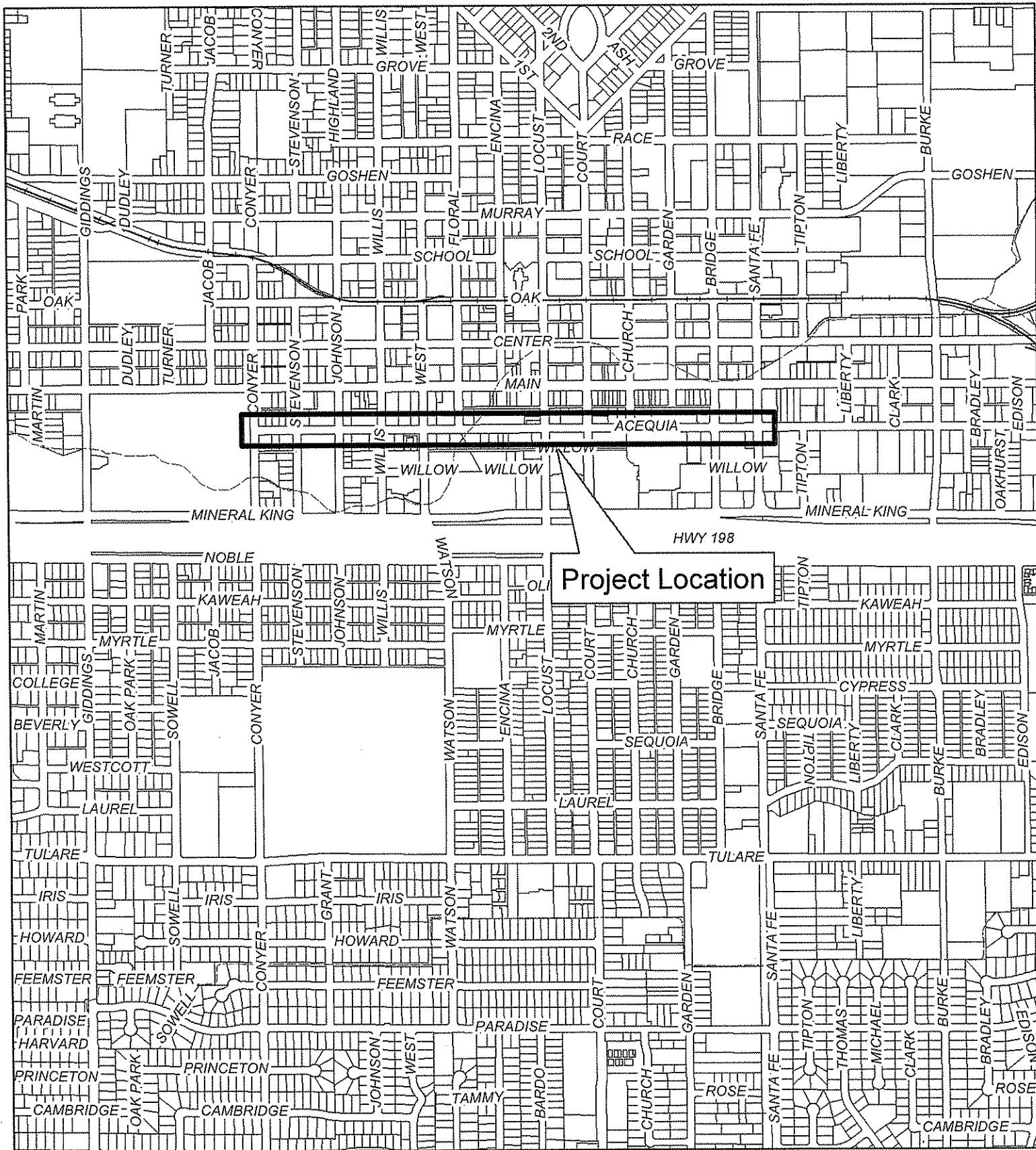


Exhibit No 1
Acequia Avenue Two-way Conversion
Location Map



Scale: 1"=1000'



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

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

Firm Name Cruco Construction Group

Firm Address 2443 Foundry Park Ave., Fresno, CA 93706

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:

Dave Cruce, COO

Keith Puett, President

Mike Kuhl, Vice President

Dawn Kuhl, Secretary

Laura Puett, Treasurer

Submitted by: Name **Rebecca Keenan**

Date **August 3, 2009**

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 3, 2009

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

Agenda Item Wording: Approve the Cooperation Agreement between the City of Visalia and the Visalia Parks & Recreation Foundation.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

Contact Name and Phone Number: Vincent Elizondo, 713-4367

Department Recommendation:

That the City Council approve the Cooperation Agreement between the City of Visalia and the Visalia Parks and Recreation Foundation.

Background Information:

In 1985, the Visalia Parks and Recreation Foundation was formed for the purpose of assisting and promoting public parks and recreation and for community enhancement for the City of Visalia.

Historically, the Foundation has had roughly 18 to 22 volunteer Board Members that carry out the mission of the Foundation. In an effort to be more effective, the City has funded a part-time Executive Director to work with the Board to accomplish their various goals. The two most recent Executive Directors were Leslie Caviglia and Thora Guthrie.

The City funding comes from an annual payment of \$30,000 to the Foundation, paid quarterly. The funding is allocated in the general fund budget of the Parks and Recreation Department. The funding has been in place for the past 8 years.

After Ms. Guthrie resigned from her position in the Spring of 2008, the Foundation initiated a competitive recruitment process to hire a new Executive Director. In November of 2008, the Foundation hired their new Executive Director Carol Lefson.

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.

As part of this process, it was determined that it would be more appropriate for the new Executive Director to have an employment contract directly with the Foundation --- as opposed to a contract with the City (which was the past practice). Furthermore, it was determined that the Foundation should have a "Cooperative Agreement" with the City outlining its mission and objectives in serving the City, and how the Executive Director would work to accomplish the plan.

Over the years, the Foundation has raised millions of dollars in cash or in-kind contributions for various Parks and Recreation Department programs or services. Examples include corporate sponsorships for the new Visalia Riverway Sports Park; the construction of the Leathers, Inc. playground project at Riverway --- now called the Jim Byrd Playground; the dog parks in Plaza Park and Seven Oaks Park; various improvement projects in parks and along the riparian areas adjacent to our waterways.

More recently, the Foundation, with the assistance of community volunteers and City staff, coordinated the annual Fourth of July Fireworks show at the Giant Chevrolet Mineral King Bowl. The Foundation has been raising monies for this annual event for many, many years.

As part of the new agreement, the Foundation will provide the City with annual accountability reports. This will include an annual presentation to both the Parks and Recreation Commission and the Visalia City Council. This provides the Commission and the Council with the ability to assess the overall effectiveness of the Foundation in serving the City and the community.

The proposed agreement is for five years, which can be renewed annually thereafter for a term of up to ten years. However, Section 9 of the agreement stipulates that either party can terminate the agreement providing the other party receives a written 60 day notice.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Attachments: Proposed Cooperation Agreement

Recommended Motion (and Alternative Motions if expected):

That the City Council approve the Cooperation Agreement between the City of Visalia and the Parks and Recreation Foundation.

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)*

7/10/09

COOPERATION AGREEMENT

THIS AGREEMENT is made and entered into, in duplicate as of the _____, pursuant to a minute order adopted by the City Council of the City of Visalia at its meeting held on the _____ (“Effective Date”), by and between the Visalia Parks and Recreation Foundation, a California nonprofit corporation, with a mailing address at P.O. Box 1032, Visalia, CA. 93279, hereinafter referred to as “Foundation”, and the City of Visalia, a municipal corporation of the State of California, hereinafter referred to as the “City”.

WITNESSETH:

WHEREAS, the services provided to the community by the City of Visalia Parks and Recreation Department can be expanded and improved with the assistance of private individuals and organizations; and

WHEREAS, increasing public awareness of City Parks and Recreation Department services can cause greater public benefit to be derived from them; and

WHEREAS, Foundation was incorporated in April, 1985 for the purpose of assisting and promoting public parks and recreation and for community enhancement in the City of Visalia; and

WHEREAS, Foundation needs to provide for staff and equipment to assist in undertaking its programs to enhance the benefits of City’s Parks and Recreation Department services to the public; and

WHEREAS, City is empowered to contract with Foundation in accordance with the terms and conditions set forth herein to render such services; and

WHEREAS, Foundation is duly incorporated pursuant to the California Nonprofit Public Benefit Corporation Law and is authorized by law to provide the services contemplated by this Agreement; and

7/10/09

NOW, THEREFORE, in consideration of the above premises City and Foundation do hereby agree to the following:

1. TERM OF CONTRACT.

The term of this Agreement shall commence on the date of its execution by the City Manager of the City of Visalia and shall remain in effect for a term of not less than five (5) years and to be renewed annually thereafter for a term of up to 10 years unless and until terminated pursuant to the applicable terms hereof.

2. FOUNDATION'S RESPONSIBILITIES:

Foundation shall provide the following services:

A. Solicit, receive and distribute donations and grants of materials, services and funds, or assist in such efforts by the City, for the improvement of the parks and recreation services of the City, provided that, in no event, may Foundation solicit, receive, accept or distribute any donations or grants in the name of the City of Visalia or its Department of Parks and Recreation without the prior written approval of the City.

B. Administer donated and granted funds obtained with approval of City and designated for future use for community enhancement and improvement of parks and recreation services of the City.

C. Prepare and provide to City an annual report on or before March 1 of each year of the agreement Term. The report shall include a list of Foundation's objectives, efforts and achievements, for both completed and ongoing projects. The report shall include a financial status section which details the receipts and expenditures related to cooperative projects. The report will be presented by Foundation's Executive Director to the Visalia City Council and Visalia Parks and Recreation Commission at meetings designated by the Director of Parks and Recreation.

D. All projects and project related records, whether City initiated or Foundation initiated, are subject to audit by City and any granting agency

7/10/09

responsible for funding all or a portion of such projects. In furtherance of this right, Foundation shall maintain all project related records for a minimum of four years, or as specifically required by relevant grant provisions, whichever is longer.

3. CITY'S RESPONSIBILITIES.

A. City will assist Foundation in providing the aforementioned services by providing staff support, temporary and occasional use of space, materials, equipment, postage and mail handling services on an as-needed basis to the extent that they are available and at a level to be determined by the Director of Parks and Recreation or his/her designee.

B. Foundation's use of resources provided by the City shall be scheduled by and subject to the approval of the Director of Parks and Recreation or his/her designee.

C. City will pay to Foundation the sum of \$30,000 annually for the express purpose of employing Foundation's Executive Director. Said sum may be increased, at the City's discretion. In determining whether to do so, the City may consult the Consumer Price Index (CPI) for the most recent 12 month period for All Urban Consumers in U.S. City Average as published by the US Department of Labor, Bureau of Labor Statistics. Said sum shall be payable to an account established by Foundation restricted solely to the purpose of paying payroll and payroll related taxes if the Executive Director is determined to be an employee of the Foundation, or to an independent contractor who serves in such capacity at the behest of the Foundation. The payments shall be made to this purpose restricted account in quarterly installments, and shall require proof by the Foundation that it has secured the services of an Executive Director (or President/CEO, as the case may be), for no less than 20 hours per week. The Executive Director shall be an employee or independent contractor of the Foundation, and shall have no employment relationship with the City.

7/10/09

D. City will provide an office space, computer and phone service for the use of the Foundation's Executive Director. Said space will be agreed upon by City and Foundation and shall be adequate to house the records of Foundation and be suitable for meeting with the public.

E. City shall have no duty, obligation or liability of any kind to Foundation, to Foundation's employees, officers, agents, vendors or subcontractors, or to anyone or party whatsoever, to make any payment except as provided by this Agreement.

4. PAYMENT OF COSTS INCURRED BY CITY ON BEHALF OF FOUNDATION.

A. City, in no event, may solicit, receive, accept or distribute any donations or grants nor create costs in the name of Foundation without the prior written approval of Foundation.

B. In the event City and Foundation agree that City shall incur costs for a Foundation project for which Foundation agrees to reimburse City, the City shall determine the method of billing for and payment of such costs, subject to approval by Foundation.

5. PROJECT AGREEMENTS

A. City and Foundation will enter into a separate agreement ("Project Agreement") for each project pertaining to the City indicating the specific responsibilities of City and Foundation. No project shall be undertaken until each such agreement has been executed by the President of the Foundation and the City's Parks and Recreation Director. The Project Agreement shall at a minimum identify project budgets, respective funding responsibilities, fundraising mechanisms that are available and acceptable (for example, naming rights, sales price, schedules, where applicable), project scope, and respective responsibilities for administration of physical construction of projects where applicable (including, whether volunteer labor will be a component of the project, who will be responsible for such labor, and

7/10/09

how the value of such labor will be accounted for). The Project Agreement shall follow the form as attached as Exhibit C herein, which may be altered or amended as mutually agreed upon by Parties herein.

B. A Project Agreement shall be entered into for the following general types of projects that entail: i) the physical construction by the Foundation or by the City of new facilities or amenities; ii) fundraising and obtaining of private donations which will be paid to the City to offset the specific cost of prior facilities or construction projects and the collection and distribution of same; iii) the joint underwriting and planning of cooperative fundraising events or programs, the net proceeds of which will be used in Foundation activities for an identified benefit to the City; iv) the joint underwriting and planning of a community-wide event; or v) the obtaining of a grant from a third party source for a cooperative project. Neither the City nor the Foundation shall undertake any of the above noted activities without first entering into a Project Agreement which details the agreed approach.

C. Foundation shall prepare a donation agreement for any donation or pledge that carries naming rights for the donor, or for any donation of \$10,000 or more for a City facility or project. Such naming rights or donation agreement shall identify the project for which such donated funds shall be used, should reference the appropriate Project Agreement, and shall be executed by the Foundation, the donor and the City, and is subject to approval by the City Council and consistent with the Facility Naming requirements contained in Visalia Municipal Code section 12.06.020, as amended, and regulations promulgated in accord therewith.

6. FOUNDATION INITIATED PROJECTS

Foundation may initiate projects to be incorporated into existing City parks and recreation areas. However, said projects will be subject to express City approval (in the form of a Project Agreement as required herein) with the understanding that such projects will become the property of the City with all right, title, interest and responsibility for same becoming the City's upon completion. A separate agreement

7/10/09

will be drafted for each such project and said project may not be undertaken before execution of said agreement by parties herein.

7. NAMING RIGHTS

A. City policy allows naming rights for City-owned property to be granted only upon payment of specified amounts as determined by City and such designated funds are to be paid to the Foundation and are to be used for projects as determined by the City. City shall be responsible for determining the required donation amounts for the respective naming rights, pursuant to City ordinance and policy (See V..M.C.§12.06.020 and regulations adopted in accord therewith) .

B. The funds available for City identified projects shall be the total donated amount, less the actual costs to the Foundation for signage or other conditions of the donation and less a 10% administrative fee to be retained by the Foundation and used to support its activities in furtherance of its general purpose.

8. CONFLICT OF INTEREST.

Foundation and its agents and employees shall comply with all applicable federal, state and City laws and regulations governing conflict of interest. To this end, Foundation will make available to its agents and employees copies of all applicable federal, state and City laws and regulations governing financial disclosure and conflict of interest.

9. TERMINATION.

City or Foundation may terminate this Agreement at any time during the term of this Agreement subject only to providing the other party sixty (60) days' written notice which shall be served as provided in Paragraph 20 of this Agreement. All operations under this Agreement shall cease on and after the sixtieth (60th) day following service of notice of termination, and the obligations under this Agreement shall cease on that date, except said obligation that accrued prior to the termination date which shall be fulfilled in accord with the Agreement.

7/10/09

10. USE OF SERVICES.

This Agreement is founded on the premise that the program contemplated is for the purpose of furthering the objectives recited herein and that the services provided under this Agreement are within the power of City and Foundation to provide. In the event that program monitoring discloses that said services are not being used for that purpose or that City or Foundation has adopted or amended its Bylaws or amended its Articles of Incorporation with the result that, as determined by the Director of Parks and Recreation and/or the President of Foundation, Foundation's or City's policies or programs conflict with the purposes of this Agreement, Parties may immediately terminate this Agreement, and neither shall be entitled to further services.

11. PROGRAM ADMINISTRATION.

This Agreement will be administered jointly by the Department of Parks and Recreation of the City and the President and/or Board of the Foundation. City's Agreement Coordinator shall be its Director of Parks and Recreation or his/her designee. That person shall have the authority to administer City's obligations under this Agreement on behalf of the City. Foundation's Agreement Coordinator shall be its President or his/her designee. That person shall have the authority to administer Foundation's obligations under this Agreement on behalf of Foundation.

12. INDEMNIFICATION/INSURANCE.

Indemnification: City and Foundation agree to indemnify, defend, protect and hold harmless each other, their agents, officers, employees and volunteers (the "Indemnified Parties") from and against any and all liability, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, except those stemming from the active negligence and/or willful misconduct of the Indemnified parties, including, but not limited to, bodily injury, death, personal injury, or property damage arising from or connected with each parties obligations, operations, or its services hereunder.

7/10/09

Insurance – Liability: Throughout the term of this Agreement, at Foundation’s sole cost and expense, Foundation shall keep or cause to be kept in force, for the mutual benefit of City and Foundation, comprehensive broad form general public liability insurance against claims and liability for personal injury, death, or property damage arising from the activities carried out pursuant to the Agreement and any Project Agreement, providing protection for bodily injury or death to any one person, at least \$1,000,000 for any one accident or occurrence, and at least \$1,000,000 for property damage. Also, at Foundation’s sole cost and expense, Foundation shall keep or cause to be kept in force, workers’ compensation insurance as required by law.

Insurance – General Requirements: All insurance required by express provision of this Agreement shall be carried only in responsible insurance companies licensed to do business in the State of California. All such policies shall be non-assessable and shall contain language, to the extent obtainable, to the effect that (1) any loss shall be payable notwithstanding any act or negligence (except active negligence or willful misconduct) of City that might otherwise result in a forfeiture of the insurance, (2) the insurer waives the right of subrogation against City and against City’s agents and representatives and the City waives the right of subrogation against Foundation and against Foundation's agents and representatives, (3) the policies are primary and noncontributing with any insurance that may be carried by City, (4) they cannot be canceled or materially changed except after 30 calendar days written notice by the insurer to City or City’s designated representative identified in Paragraph 20 of this Agreement, and (5) City shall be named an additional insured. Foundation shall furnish City with binders representing all insurance required by

7/10/09

this Agreement. Foundation may effect for its own account any insurance not required under this Agreement. Foundation may provide by blanket insurance covering the activities and any locations affected by this Agreement. Foundation shall deliver to City, in the manner required for notices, copies or certificates of all insurance policies required by this Agreement, together with evidence satisfactory to City of payment required for procurement and maintenance of the policy, within thirty (30) calendar days after the execution of this Agreement and at least 30 calendar days before expiration or other termination of an existing policy.

If Foundation fails or refuses to procure or to maintain insurance as required by this Agreement or fails or refuses to furnish City with required proof that the insurance has been procured and is in force and paid for, City shall have the right at City's election and on 5 days' notice, to procure and maintain such insurance.

13. ASSIGNMENT.

This Agreement, or any provision hereof or any right or obligation arising hereunder, is not assignable by either party in whole or in part, without the express written consent of the other party.

14. BINDING EFFECT.

All of the provisions of this Agreement and any amendment thereto shall extend to and be binding upon and inure to the benefits of the successors of the respective parties.

15. NONDISCRIMINATION AND CIVIL RIGHTS COMPLIANCE.

A. Parties hereby certify and agree that they will comply with Title VI of the Civil Rights Act of 1975, Title IX of the Education Amendments of 1975, Title IX of the Education Amendments of 1972, where applicable, and Title 43, Part 17 of the Code of Federal Regulations, Subparts A and B, to the end that no persons shall, on the grounds of race, creed, color, national origin, political affiliation, marital status,

7/10/09

sex, age, or handicap, be subjected to discrimination under the privileges and use granted by this Agreement or under any project, program or activity supported by this Agreement.

B. Parties certify and agree that all persons employed thereby, are and shall be treated equally without regard to or because of race, creed, color, national origin, political affiliation, marital status, sex, age or handicap and in compliance with all federal and state laws prohibiting discrimination in employment, including, but not limited to, the Federal Civil Rights Act of 1964; the Unruh Civil Rights Act; the Cartwright Act; and the State Fair Employment Practices Act.

C. Parties certify and agree that subcontractors, bidders and vendors thereof are and shall be selected without regard to or because of race, creed, color, national origin, political affiliation, marital status, sex, age or handicap.

D. All employment records, subject to lawful privileges and protections of employee information, shall be open for inspection and re-inspection at any reasonable time during the term of this Agreement for the purpose of verifying the practice of non-discrimination by Foundation in the areas heretofore described.

E. If either Party finds that any of the above non-discrimination provisions have been violated, the same shall constitute a material breach of contract upon which either Party may determine to cancel, terminate or suspend this Agreement.

16. RELIGIOUS PROSELYTIZING AND PARTISAN PROPAGANDIZING.

Services under this Agreement will be used exclusively for performance of the work required under this Agreement and no services made available under this Agreement shall be used to promote any religious or partisan activities.

17. COMPLIANCE WITH LAWS.

The parties agree to be bound by all applicable federal, state and local laws, ordinance, and directives insofar as they pertain to the performance of this Agreement.

7/10/09

18. GOVERNING LAW.

This Agreement shall be construed in accordance with and governed by the laws of the State of California.

19. SEVERABILITY.

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision.

20. NOTICE.

Any notice or notices required or permitted to be given pursuant to this Agreement may be personally served on the other party by the party giving such notice, or may be served by certified mail, postage prepaid, return receipt requested.

All notices to City shall be sent addressed to the following:

City of Visalia - Director of Parks and Recreation
345 N. Jacob Street
Visalia, CA 93291

All notices to Foundation shall be sent addressed to the following:

President of Visalia Parks and Recreation Foundation
P.O. Box 1032
Visalia, Ca. 93279

21. WAIVERS. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach.

22. CONSTRUCTION. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code Section 1654 shall not apply to address and interpret any uncertainty.

23. NO THIRD PARTY BENEFICIARIES INTENDED. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

24. EXHIBIT AND RECITALS. The Recitals and any Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

7/10/09

25. ATTORNEY'S FEES. If any action, proceeding, or arbitration arising out of or relating to this Agreement is commenced by any party to this Agreement the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, reasonable attorneys' fees, costs and expenses incurred in the action, proceeding, or arbitration by the prevailing party.

26. FURTHER ASSURANCES. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.

27. EFFECTIVE DATE. This Agreement shall become effective as of the date of approval by the City Council of the City of Visalia.

28. ENTIRE AGREEMENT/MODIFICATION. This Agreement represents the entire Agreement between the City and Foundation as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

IN WITNESS WHEREOF, Parties hereto have caused these presents to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures. By their signatures, each party represents that they are authorized to sign the Agreement and bind the respective signing party.

CITY:
City of Visalia

FOUNDATION:
Visalia Parks and
Recreation Foundation

By: _____
Steve Salomon, City Manager (Date)

By: _____
President (Date)

EXHIBITS.

Exhibit A: Foundation's Articles of Incorporation

Exhibit B: Foundation's Bylaws

Exhibit C: Form Project Agreement

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 3, 2009

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

Agenda Item Wording: Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 08-09-62 (Houston Avenue Widening Project, Santa Fe / Ben Maddox Way – Project No. 9026) in the amount of \$1,833,013.00, to the low bidder, “Jim Crawford Construction Company, Inc.”.

Deadline for Action: August 21, 2009

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Adam Ennis, Engineering Services Manager - 713-4323
Greg Dais, Associate Engineer – 713-4164

Department Recommendation: Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 08-09-62 (Houston Avenue Widening Project, Santa Fe / Ben Maddox Way - Project No. 9026) in the amount of \$1,833,013.00, to the low bidder, “Jim Crawford Construction Company Inc.”.

SUMMARY

The project improvements will include street improvements (pavement, curb & gutter, sidewalk, and street lights) for the widening of Houston Avenue from Santa Fe to Ben Maddox Way, a roundabout at Santa Fe, and signal modifications at Burke Street and Ben Maddox Way. Other improvements include a storm drain line extension south to Douglas Avenue, and the reconstruction of the existing pond at the south end of the former Soroptimst Park. All the necessary utility relocations have been made and all the right-of-way acquisitions have been completed.

Due to possible paving delays during the winter months, the “Caltrans Compensation Adjustments for Asphalt Price Index Fluctuations” was added to this contract to cover the cost in asphalt price fluctuations exceeding 10 percent. This fluctuation adjustment could increase or decrease the cost of the asphalt (paving) portion of the bid depending on the construction schedule due to weather conditions.

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 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.

Project Award

On July 24, 2009, the City opened eleven (11) bids submitted for the Houston Avenue Widening Project, Santa Fe / Ben Maddox Way. The award of the bid is based on the low bidder. The results of the bid opening are as follows:

	Contractor	Location	Bid Amount
1.	Jim Crawford Const. Co., Inc.	Clovis	\$1,833,013.00
2.	Emmett's Excavation, Inc.	Clovis	\$1,874,092.03
3.	Halopoff & Sons, Inc.	Porterville	\$1,970,231.06
4.	*Lee's Paving, Inc.	Visalia	\$2,023,960.10
5.	Bush Engineering, Inc.	Hanford	\$2,065,622.25
6.	*Cruco Construction	Visalia	\$2,069,762.25
7.	Granite Construction Co.	Fresno	\$2,077,366.00
8.	Glen Wells Const. Co., Inc.	Visalia	\$2,270,621.74
9.	*Dunn's Sand, Inc.	Visalia	\$2,289,586.93
10.	*Whitaker Construction	Paso Robles	\$2,892,446.50
11.	** Seal Rite Paving & Grading	Clovis	**

*Indicates corrected math error.

** One item left blank in bid proposal. City attorney ruled non-responsive bid. Bid was rejected.

The Engineer's Estimate for construction was \$3,131,538.50.

The Jim Crawford Construction Company, Inc. was the low bidder. The contractor's subcontractors list is attached. This contractor is currently the paving and earthwork contractor on the Plaza Drive project for the Plaza Business Park. The company has also completed projects in the City of Visalia in the past including Shannon Ranch Subdivision for Centex Homes (2004-2006). They have also completed projects in the City of Fresno including; Cooper River Subdivision for Copper River Development (2005); Water Treatment Facility for the City of Fresno (2004); overlay project for the City of Fresno (2009). They have completed projects in the City of Reedley in the past including; Hawthorne Heights Subdivision for D.R. Horton (2007); Reedley Industrial Park for the City of Reedley (2001). Staff has checked references to confirm that these projects were completed satisfactorily.

Financial Summary:

This is a multi-funded project with \$3,257,221 available.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Do not award contract.

Attachments:

- Exhibit #1 – Location Map,
- Exhibit #2 – Houston Avenue Widening Bid Opening Spreadsheet
- Exhibit #3 – Contractor Disclosure Statement
- Exhibit #4 – Contractor List of Subcontractors

Recommended Motion (and Alternative Motions if expected): I move to award a construction contract and authorize the City Manager to execute an agreement for RFB No. 08-09-62 (Houston Avenue Widening Project, Santa Fe / Ben Maddox Way – Project No. 9026) to the low bidder, Jim Crawford Construction Company, Inc., in the amount of \$1,833,013.00.

Financial Impact:

Funding Source:

Account Number: 3011-9026

Budget Recap:

Total Estimated cost:	\$1,833,013.00	New Revenue:	\$
Amount Budgeted:	\$3,257,221.00	Lost Revenue:	\$
New funding required:		New Personnel:	\$
Council Policy Change:	Yes _____	No	<u>X</u>

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior: Initial Study and Mitigated Negative Declaration, completed June 1999

Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:

Required:

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

Copies of this report have been provided to:



Houston Avenue Improvement Project



Scale: 1"=800'



CITY OF VISALIA Disclosure Contractors and Consultants

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES

Firm Name JIM Crawford Const Co Inc.
Firm Address 1184 Hoblitt Ct Vis 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:

JIM Crawford Sr - 50% owner
Joyce Crawford 50% owner CFO
JIM Crawford Jr - president
Marshall Crawford - vice president
Shelly Crawford CEO

7/27/09
Date

Shelly Crawford
Signature
Shelly Crawford - CEO
Print Name & Title

Date

Signature

Print Name & Title

SECTION 9. SUBCONTRACTORS

In accordance with the provisions of Section 8-1.01 of the Standard Specifications, each Bidder shall list below the name and location of place of business of each subcontractor who will perform a portion of the contract work in an amount in excess of one-half of one percent (0.50%) of the total contract price. In each instance, the nature and extent of the work to be sublet shall be described.

The General Contractor to whom the contract is awarded will not be permitted, without the written consent of the Engineer, to substitute any person as subcontractor in place of the subcontractor designated in the original bid, or to permit any subcontract to be assigned or transferred, or to allow it to be performed by anyone other than the original subcontractor. The Engineer may consent to the substitution of another person as subcontractor, if the original subcontractor, after having reasonable opportunity to do so, shall fail or refuse to execute, when said written contract is based upon the conditions of the general contract and complies with the subcontractor's written bid.

The failure of the Contractor to specify a subcontractor for any portion of the contract work in excess of one-half of one percent of the total contract price shall be deemed to indicate that the Contractor intends to perform such portion himself. The subletting or subcontracting of work for which is in excess of one-half of one percent (0.50%) of the total contract price, will be allowed only with the written consent of the Engineer.

Name of Subcontractor License Number Class of License(s)	Street Address of Office, Mill or Shop	Description of work to be performed (also show Bid Schedule Item No.)
Graham Concrete #700186 C-8	1323 Dayton - Clovis	Concrete - partial (30-38) (8, 11-20, 28, 39)
Todd Engineering #900465 C-30	3322 Vassar - Visalia	Underground - partial
Kroeker, Inc #621864 A, C1, C21	4627 Chestnut - Fresno	Clearing + Demolition - partial (3)
Fence Corp Inc #866544 C13, B	1250 Backerpark - Fresno	Fence - Partial
Safety Striping Service #308669 C32A	6868 Ave 305 - Goshen	Striping
Medco Electric Inc #749018 C-10	2135 E Front St - Selma	electrical
Safety Network #787285 C21	2361 Larkin - Fresno	Traffic Control - partial
McClard Masonry Const #427642 C-29	108 S. Harris - Hanford	CMU Wall - partial

PROJECT NO.: 3011-00000-720000-0-9026

PROJECT TITLE: HOUSTON WIDENING & HOUSTON-SANTA FE ROUNDABOUT

ITEMS	UNIT	QTY	ENGINEERS ESTIMATE		Jim Crawford Const. Co., Inc., Clovis		Emmett's Excavation, Inc. Clovis		Halopoff & Sons, Inc. Porterville		Lee's Paving, Inc. Visalia	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
BASE BID												
1 SWPPP Preparation and Water Pollution Control	L.S.	1	\$ 10,000.00	\$ 10,000.00	\$ 4,500.00	\$ 4,500.00	\$ 8,000.00	\$ 8,000.00	\$ 5,000.00	\$ 5,000.00	\$ 13,000.00	\$ 13,000.00
2 Mobilization & Demobilization	L.S.	1	\$ 13,000.00	\$ 13,000.00	\$ 20,000.00	\$ 20,000.00	\$ 35,000.00	\$ 35,000.00	\$ 40,000.00	\$ 40,000.00	\$ 55,000.00	\$ 55,000.00
3 Clearing and Grubbing	L.S.	1	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 31,000.00	\$ 31,000.00	\$ 97,675.50	\$ 97,675.50	\$ 50,000.00	\$ 50,000.00
4 Traffic Control System	L.S.	1	\$ 55,000.00	\$ 55,000.00	\$ 30,000.00	\$ 30,000.00	\$ 54,000.00	\$ 54,000.00	\$ 24,000.00	\$ 24,000.00	\$ 50,000.00	\$ 50,000.00
5 Construction Area Signs	L.S.	1	\$ 3,000.00	\$ 3,000.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00	\$ 1,750.00	\$ 1,750.00	\$ 4,200.00	\$ 4,200.00
6 Roadway Excavation and Earthwork	L.S.	1	\$ 491,000.00	\$ 491,000.00	\$ 110,000.00	\$ 110,000.00	\$ 120,000.00	\$ 120,000.00	\$ 89,564.00	\$ 89,564.00	\$ 250,000.00	\$ 250,000.00
7 Concrete Highway Removal	L.S.	1	\$ 154,955.00	\$ 154,955.00	\$ 19,000.00	\$ 19,000.00	\$ 20,000.00	\$ 20,000.00	\$ 21,000.00	\$ 21,000.00	\$ 18,000.00	\$ 18,000.00
8 Abandon Structures and Pipes	L.S.	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 6,500.00	\$ 6,500.00	\$ 11,000.00	\$ 11,000.00
9 Asphalt Concrete (Type B)	Ton	6187	\$ 90.00	\$ 556,830.00	\$ 89.00	\$ 426,903.00	\$ 69.45	\$ 429,687.15	\$ 74.70	\$ 462,168.90	\$ 65.40	\$ 404,629.80
10 Class 2 Aggregate Base	Ton	13157	\$ 38.00	\$ 499,966.00	\$ 15.00	\$ 197,355.00	\$ 15.00	\$ 197,355.00	\$ 20.93	\$ 275,376.01	\$ 17.60	\$ 231,563.20
11 6" Storm Drain Pipe	L.F.	30	\$ 25.00	\$ 750.00	\$ 26.00	\$ 780.00	\$ 27.00	\$ 810.00	\$ 29.23	\$ 876.90	\$ 25.00	\$ 750.00
12 12" Storm Drain Pipe	L.F.	55	\$ 40.00	\$ 2,200.00	\$ 32.00	\$ 1,760.00	\$ 37.00	\$ 2,035.00	\$ 85.27	\$ 4,689.85	\$ 30.00	\$ 1,650.00
13 12" Storm Drain Pipe, w/pavement	L.F.	113	\$ 60.00	\$ 6,780.00	\$ 58.00	\$ 6,554.00	\$ 90.00	\$ 10,170.00	\$ 73.97	\$ 8,358.61	\$ 55.00	\$ 6,215.00
14 15" Storm Drain Pipe, Include Shoring, Sheeting, and Bracing	L.F.	700	\$ 50.00	\$ 35,000.00	\$ 29.50	\$ 20,650.00	\$ 40.00	\$ 28,000.00	\$ 33.58	\$ 23,506.00	\$ 28.00	\$ 19,600.00
15 15" Storm Drain Pipe w/paving, Include Shoring, Sheeting, and Bracing	L.F.	253	\$ 70.00	\$ 17,710.00	\$ 58.00	\$ 14,674.00	\$ 76.00	\$ 19,228.00	\$ 72.02	\$ 18,221.06	\$ 55.00	\$ 13,915.00
16 18" Storm Drain Pipe, Include Shoring, Sheeting, and Bracing	L.F.	540	\$ 65.00	\$ 35,100.00	\$ 37.00	\$ 19,980.00	\$ 46.00	\$ 24,840.00	\$ 36.25	\$ 19,575.00	\$ 35.00	\$ 18,900.00
17 18" Storm Drain Pipe w/paving, Include Shoring, Sheeting, and Bracing	L.F.	1183	\$ 85.00	\$ 100,555.00	\$ 58.00	\$ 68,614.00	\$ 82.00	\$ 97,006.00	\$ 73.00	\$ 86,359.00	\$ 55.00	\$ 65,065.00
18 30" Storm Drain Pipe, Include Shoring, Sheeting, and Bracing	L.F.	566	\$ 118.00	\$ 66,788.00	\$ 58.00	\$ 32,828.00	\$ 78.00	\$ 44,148.00	\$ 59.97	\$ 33,943.02	\$ 55.00	\$ 31,130.00
19 30" Storm Drain Pipe w/paving, Include Shoring, Sheeting, and Bracing	L.F.	10	\$ 138.00	\$ 1,380.00	\$ 84.00	\$ 840.00	\$ 124.00	\$ 1,240.00	\$ 140.17	\$ 1,401.70	\$ 100.00	\$ 1,000.00
20 48" Storm Drain Manhole	Each	8	\$ 3,600.00	\$ 28,800.00	\$ 2,600.00	\$ 20,800.00	\$ 3,300.00	\$ 26,400.00	\$ 3,232.46	\$ 25,859.68	\$ 2,500.00	\$ 20,000.00
21 60" Storm Drain Manhole	Each	2	\$ 4,500.00	\$ 9,000.00	\$ 5,300.00	\$ 10,600.00	\$ 4,600.00	\$ 9,200.00	\$ 4,893.08	\$ 9,786.16	\$ 5,000.00	\$ 10,000.00
22 GO Type Drainage Inlet	Each	9	\$ 3,850.00	\$ 34,650.00	\$ 4,700.00	\$ 42,300.00	\$ 3,000.00	\$ 27,000.00	\$ 975.00	\$ 8,775.00	\$ 4,500.00	\$ 40,500.00
23 Adjust Existing Manholes	Each	21	\$ 634.00	\$ 13,314.00	\$ 720.00	\$ 15,120.00	\$ 425.00	\$ 8,925.00	\$ 375.00	\$ 7,875.00	\$ 1,500.00	\$ 31,500.00
24 Conc. Block Retaining Wall	L.F.	288	\$ 50.00	\$ 14,400.00	\$ 36.00	\$ 10,368.00	\$ 80.00	\$ 23,040.00	\$ 28.75	\$ 8,280.00	\$ 85.80	\$ 24,710.40
25 Wood Retaining Wall	L.F.	14	\$ 15.00	\$ 210.00	\$ 168.00	\$ 2,352.00	\$ 175.00	\$ 2,450.00	\$ 150.00	\$ 2,100.00	\$ 150.00	\$ 2,100.00
26 Chain Link Fence including gates	L.F.	478	\$ 25.00	\$ 11,950.00	\$ 27.00	\$ 12,906.00	\$ 27.00	\$ 12,906.00	\$ 26.24	\$ 12,542.72	\$ 29.50	\$ 14,101.00
27 Pond Grading	C.Y.	29453	\$ 5.50	\$ 161,991.50	\$ 5.00	\$ 147,265.00	\$ 3.76	\$ 93,071.48	\$ 5.07	\$ 149,326.71	\$ 4.65	\$ 136,956.45
28 Storm Drain Outfall Structure	Each	1	\$ 6,000.00	\$ 6,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,800.00	\$ 7,800.00	\$ 14,820.15	\$ 14,820.15	\$ 11,100.00	\$ 11,100.00
29 Pond Chain Link Fence including gates	L.F.	1246	\$ 25.00	\$ 31,150.00	\$ 24.00	\$ 29,904.00	\$ 19.00	\$ 23,674.00	\$ 23.10	\$ 28,782.60	\$ 24.50	\$ 30,527.00
30 Driveway Approach	S.F.	4032	\$ 6.50	\$ 26,208.00	\$ 4.50	\$ 18,144.00	\$ 5.50	\$ 22,176.00	\$ 4.65	\$ 18,748.80	\$ 5.00	\$ 20,160.00
31 Sidewalk	S.F.	17110	\$ 5.50	\$ 94,105.00	\$ 3.80	\$ 65,018.00	\$ 3.40	\$ 58,174.00	\$ 3.91	\$ 66,900.10	\$ 3.50	\$ 59,885.00
32 Stamped Concrete	S.F.	4891	\$ 10.50	\$ 51,355.50	\$ 7.00	\$ 34,237.00	\$ 6.20	\$ 30,324.20	\$ 7.83	\$ 38,296.53	\$ 10.50	\$ 51,355.50
33 Cobblestone Stamped Concrete	S.F.	436	\$ 18.00	\$ 7,848.00	\$ 7.00	\$ 3,052.00	\$ 14.00	\$ 6,104.00	\$ 8.10	\$ 3,531.60	\$ 10.50	\$ 4,578.00
34 6" Median Curb	L.F.	1638	\$ 12.50	\$ 20,475.00	\$ 13.00	\$ 21,294.00	\$ 17.50	\$ 28,665.00	\$ 12.68	\$ 20,769.84	\$ 16.00	\$ 26,208.00
35 Roundabout Median Curb	L.F.	437	\$ 12.50	\$ 5,462.50	\$ 13.00	\$ 5,681.00	\$ 20.80	\$ 9,089.60	\$ 22.46	\$ 9,815.02	\$ 16.00	\$ 6,992.00
36 Barrier Curb & Gutter	L.F.	1618	\$ 18.00	\$ 29,124.00	\$ 15.00	\$ 24,270.00	\$ 20.70	\$ 33,492.60	\$ 15.90	\$ 25,726.20	\$ 14.00	\$ 22,652.00
37 Infill Barrier Curb & Gutter	L.F.	1652	\$ 18.00	\$ 29,736.00	\$ 17.00	\$ 28,084.00	\$ 19.50	\$ 32,214.00	\$ 15.23	\$ 25,159.96	\$ 14.00	\$ 23,128.00
38 Handicap Ramp and Sidewalk at Curb Return	S.F.	3685	\$ 7.00	\$ 25,795.00	\$ 6.00	\$ 22,110.00	\$ 7.00	\$ 25,795.00	\$ 5.80	\$ 21,373.00	\$ 5.75	\$ 21,188.75
39 4" Sanitary Sewer Lateral	L.F.	146	\$ 45.00	\$ 6,570.00	\$ 15.00	\$ 2,190.00	\$ 46.00	\$ 6,716.00	\$ 56.14	\$ 8,196.44	\$ 15.00	\$ 2,190.00
40 Signing, Striping, and Marking	L.S.	1	\$ 67,800.00	\$ 67,800.00	\$ 20,000.00	\$ 20,000.00	\$ 27,000.00	\$ 27,000.00	\$ 23,900.00	\$ 23,900.00	\$ 23,900.00	\$ 23,900.00
41 4" Irrigation Conduit	L.F.	32	\$ 15.00	\$ 480.00	\$ 15.00	\$ 480.00	\$ 33.00	\$ 1,056.00	\$ 12.50	\$ 400.00	\$ 30.00	\$ 960.00
42 Ben Maddox / Houston - Traffic Signals, Highway Safety Lighting and Electrical System	L.S.	1	\$ 230,000.00	\$ 230,000.00	\$ 158,000.00	\$ 158,000.00	\$ 154,000.00	\$ 154,000.00	\$ 147,630.00	\$ 147,630.00	\$ 122,150.00	\$ 122,150.00
43 Burke / Houston - Traffic Signals, Highway Safety Lighting and Electrical System	L.S.	1	\$ 33,000.00	\$ 33,000.00	\$ 21,000.00	\$ 21,000.00	\$ 15,000.00	\$ 15,000.00	\$ 13,702.50	\$ 13,702.50	\$ 15,700.00	\$ 15,700.00
44 Replace Survey Monument	Each	3	\$ 700.00	\$ 2,100.00	\$ 1,000.00	\$ 3,000.00	\$ 500.00	\$ 1,500.00	\$ 775.00	\$ 2,325.00	\$ 500.00	\$ 1,500.00
45 Install Street Light conduit & pull boxes	L.S.	1	\$ 79,800.00	\$ 79,800.00	\$ 75,000.00	\$ 75,000.00	\$ 50,000.00	\$ 50,000.00	\$ 48,058.50	\$ 48,058.50	\$ 43,650.00	\$ 43,650.00
46 Relocate wrought iron fence and brick pillars	L.S.	1	\$ 6,000.00	\$ 6,000.00	\$ 1,900.00	\$ 1,900.00	\$ 4,100.00	\$ 4,100.00	\$ 7,584.00	\$ 7,584.00	\$ 10,650.00	\$ 10,650.00
BASE BID TOTAL				\$ 3,131,538.50		\$ 1,833,013.00		\$ 1,874,092.03		\$ 1,970,231.06		\$ 2,023,960.10

PROJECT NO.: 3011-00000-720000-0-9026

PROJECT TITLE: HOUSTON WIDENING & HOUSTON-SANTA FE ROUNDABOUT

ITEMS	UNIT	QTY	ENGINEERS ESTIMATE		Bush Engineering, Inc. Hanford		Crucro Construction Visalia		Granite Construction Co. Fresno		Glen Wells Const. Co., Inc. Visalia	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
BASE BID												
1 SWPPP Preparation and Water Pollution Control	L.S.	1	\$ 10,000.00	\$ 10,000.00	\$ 2,000.00	\$ 2,000.00	\$ 12,500.00	\$ 12,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
2 Mobilization & Demobilization	L.S.	1	\$ 13,000.00	\$ 13,000.00	\$ 50,000.00	\$ 50,000.00	\$ 115,000.00	\$ 115,000.00	\$ 10,000.00	\$ 10,000.00	\$ 50,000.00	\$ 50,000.00
3 Clearing and Grubbing	L.S.	1	\$ 45,000.00	\$ 45,000.00	\$ 60,000.00	\$ 60,000.00	\$ 42,000.00	\$ 42,000.00	\$ 75,000.00	\$ 75,000.00	\$ 142,000.00	\$ 142,000.00
4 Traffic Control System	L.S.	1	\$ 55,000.00	\$ 55,000.00	\$ 40,000.00	\$ 40,000.00	\$ 47,000.00	\$ 47,000.00	\$ 60,000.00	\$ 60,000.00	\$ 100,000.00	\$ 100,000.00
5 Construction Area Signs	L.S.	1	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,800.00	\$ 1,800.00	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00
6 Roadway Excavation and Earthwork	L.S.	1	\$ 491,000.00	\$ 491,000.00	\$ 166,000.00	\$ 166,000.00	\$ 108,000.00	\$ 108,000.00	\$ 212,329.00	\$ 212,329.00	\$ 161,000.00	\$ 161,000.00
7 Concrete Highway Removal	L.S.	1	\$ 154,955.00	\$ 154,955.00	\$ 20,000.00	\$ 20,000.00	\$ 60,000.00	\$ 60,000.00	\$ 30,000.00	\$ 30,000.00	\$ 25,000.00	\$ 25,000.00
8 Abandon Structures and Pipes	L.S.	1	\$ 10,000.00	\$ 10,000.00	\$ 30,000.00	\$ 30,000.00	\$ 13,000.00	\$ 13,000.00	\$ 20,000.00	\$ 20,000.00	\$ 10,500.00	\$ 10,500.00
9 Asphalt Concrete (Type B)	Ton	6187	\$ 90.00	\$ 556,830.00	\$ 71.00	\$ 439,277.00	\$ 71.00	\$ 439,277.00	\$ 70.00	\$ 433,090.00	\$ 65.00	\$ 402,155.00
10 Class 2 Aggregate Base	Ton	13157	\$ 38.00	\$ 499,966.00	\$ 18.00	\$ 236,826.00	\$ 17.50	\$ 230,247.50	\$ 19.00	\$ 249,983.00	\$ 24.30	\$ 319,716.10
11 6" Storm Drain Pipe	L.F.	30	\$ 25.00	\$ 750.00	\$ 30.00	\$ 900.00	\$ 35.50	\$ 1,065.00	\$ 140.00	\$ 4,200.00	\$ 26.25	\$ 787.50
12 12" Storm Drain Pipe	L.F.	55	\$ 40.00	\$ 2,200.00	\$ 35.00	\$ 1,925.00	\$ 28.00	\$ 1,540.00	\$ 165.00	\$ 9,075.00	\$ 31.50	\$ 1,732.50
13 12" Storm Drain Pipe, w/pavement	L.F.	113	\$ 60.00	\$ 6,780.00	\$ 110.00	\$ 12,430.00	\$ 52.50	\$ 5,932.50	\$ 165.00	\$ 16,645.00	\$ 57.75	\$ 6,525.75
14 15" Storm Drain Pipe, include Shoring, Sheeting, and Bracing	L.F.	700	\$ 50.00	\$ 35,000.00	\$ 40.00	\$ 28,000.00	\$ 30.00	\$ 21,000.00	\$ 70.00	\$ 49,000.00	\$ 29.40	\$ 20,580.00
15 15" Storm Drain Pipe w/paving, include Shoring, Sheeting, and Bracing	L.F.	253	\$ 70.00	\$ 17,710.00	\$ 115.00	\$ 29,095.00	\$ 60.00	\$ 15,180.00	\$ 70.00	\$ 17,710.00	\$ 57.75	\$ 14,610.75
16 18" Storm Drain Pipe, include Shoring, Sheeting, and Bracing	L.F.	540	\$ 65.00	\$ 35,100.00	\$ 40.00	\$ 21,600.00	\$ 33.25	\$ 17,955.00	\$ 60.00	\$ 32,400.00	\$ 36.75	\$ 19,845.00
17 18" Storm Drain Pipe w/paving, include Shoring, Sheeting, and Bracing	L.F.	1183	\$ 85.00	\$ 100,555.00	\$ 115.00	\$ 136,045.00	\$ 59.00	\$ 69,797.00	\$ 75.00	\$ 88,725.00	\$ 57.75	\$ 68,318.25
18 30" Storm Drain Pipe, include Shoring, Sheeting, and Bracing	L.F.	566	\$ 118.00	\$ 66,788.00	\$ 55.00	\$ 31,130.00	\$ 61.50	\$ 34,809.00	\$ 65.00	\$ 36,790.00	\$ 57.75	\$ 32,686.50
19 30" Storm Drain Pipe w/paving, include Shoring, Sheeting, and Bracing	L.F.	10	\$ 138.00	\$ 1,380.00	\$ 130.00	\$ 1,300.00	\$ 87.50	\$ 875.00	\$ 105.00	\$ 1,050.00	\$ 84.00	\$ 840.00
20 48" Storm Drain Manhole	Each	8	\$ 3,500.00	\$ 28,000.00	\$ 4,000.00	\$ 32,000.00	\$ 3,100.00	\$ 24,800.00	\$ 4,000.00	\$ 32,000.00	\$ 2,625.00	\$ 21,000.00
21 60" Storm Drain Manhole	Each	2	\$ 4,500.00	\$ 9,000.00	\$ 5,500.00	\$ 11,000.00	\$ 4,150.00	\$ 8,300.00	\$ 4,500.00	\$ 9,000.00	\$ 5,250.00	\$ 10,500.00
22 GO Type Drainage Inlet	Each	9	\$ 3,850.00	\$ 34,650.00	\$ 3,000.00	\$ 27,000.00	\$ 3,000.00	\$ 27,000.00	\$ 3,500.00	\$ 31,500.00	\$ 4,725.00	\$ 42,525.00
23 Adjust Existing Manholes	Each	21	\$ 634.00	\$ 13,314.00	\$ 800.00	\$ 16,800.00	\$ 500.00	\$ 10,500.00	\$ 300.00	\$ 6,300.00	\$ 945.00	\$ 19,845.00
24 Conc. Block Retaining Wall	L.F.	288	\$ 50.00	\$ 14,400.00	\$ 70.00	\$ 20,160.00	\$ 80.00	\$ 23,040.00	\$ 68.00	\$ 19,584.00	\$ 29.33	\$ 8,447.04
25 Wood Retaining Wall	L.F.	14	\$ 15.00	\$ 210.00	\$ 80.00	\$ 1,120.00	\$ 100.00	\$ 1,400.00	\$ 100.00	\$ 1,400.00	\$ 2,362.00	\$ 33,068.00
26 Chain Link Fence including gates	L.F.	476	\$ 25.00	\$ 11,950.00	\$ 25.00	\$ 11,950.00	\$ 25.75	\$ 12,308.50	\$ 22.00	\$ 10,516.00	\$ 27.40	\$ 13,097.20
27 Pond Grading	C.Y.	29453	\$ 5.50	\$ 161,991.50	\$ 5.25	\$ 154,628.25	\$ 4.75	\$ 139,901.75	\$ 2.00	\$ 58,906.00	\$ 7.80	\$ 229,733.40
28 Storm Drain Outfall Structure	Each	1	\$ 6,000.00	\$ 6,000.00	\$ 12,500.00	\$ 12,500.00	\$ 13,500.00	\$ 13,500.00	\$ 9,000.00	\$ 9,000.00	\$ 12,960.00	\$ 12,960.00
29 Pond Chain Link Fence including gates	L.F.	1246	\$ 25.00	\$ 31,150.00	\$ 18.00	\$ 22,428.00	\$ 27.75	\$ 34,576.50	\$ 23.50	\$ 29,281.00	\$ 23.76	\$ 29,604.96
30 Driveway Approach	S.F.	4032	\$ 6.50	\$ 26,208.00	\$ 5.00	\$ 20,160.00	\$ 7.00	\$ 28,224.00	\$ 8.00	\$ 32,256.00	\$ 3.99	\$ 16,087.68
31 Sidewalk	S.F.	17110	\$ 5.50	\$ 94,105.00	\$ 3.25	\$ 55,607.50	\$ 4.75	\$ 81,272.50	\$ 5.00	\$ 85,550.00	\$ 3.36	\$ 57,489.60
32 Stamped Concrete	S.F.	4891	\$ 10.50	\$ 51,355.50	\$ 5.00	\$ 24,455.00	\$ 7.50	\$ 36,682.50	\$ 8.00	\$ 39,128.00	\$ 5.46	\$ 26,704.86
33 Cobblestone Stamped Concrete	S.F.	436	\$ 18.00	\$ 7,848.00	\$ 10.00	\$ 4,360.00	\$ 7.50	\$ 3,270.00	\$ 8.00	\$ 3,488.00	\$ 5.46	\$ 2,380.56
34 6" Median Curb	L.F.	1638	\$ 12.50	\$ 20,475.00	\$ 10.00	\$ 16,380.00	\$ 13.00	\$ 21,294.00	\$ 12.00	\$ 19,656.00	\$ 8.34	\$ 13,660.92
35 Roundabout Median Curb	L.F.	437	\$ 12.50	\$ 5,462.50	\$ 19.00	\$ 8,303.00	\$ 15.50	\$ 6,773.50	\$ 12.00	\$ 5,244.00	\$ 8.34	\$ 3,644.58
36 Barrier Curb & Gutter	L.F.	1618	\$ 18.00	\$ 29,124.00	\$ 12.00	\$ 19,416.00	\$ 18.75	\$ 30,337.50	\$ 15.00	\$ 24,270.00	\$ 10.34	\$ 16,730.12
37 Infill Barrier Curb & Gutter	L.F.	1652	\$ 18.00	\$ 29,736.00	\$ 12.00	\$ 19,824.00	\$ 20.50	\$ 33,866.00	\$ 15.00	\$ 24,780.00	\$ 11.81	\$ 19,510.12
38 Handicap Ramp and Sidewalk at Curb Return	S.F.	3685	\$ 7.00	\$ 25,795.00	\$ 6.50	\$ 23,952.50	\$ 6.00	\$ 22,110.00	\$ 6.00	\$ 22,110.00	\$ 5.81	\$ 21,409.85
39 4" Sanitary Sewer Lateral	L.F.	146	\$ 45.00	\$ 6,570.00	\$ 75.00	\$ 10,950.00	\$ 17.75	\$ 2,591.50	\$ 30.00	\$ 4,380.00	\$ 15.76	\$ 2,299.50
40 Signing, Striping, and Marking	L.S.	1	\$ 67,800.00	\$ 67,800.00	\$ 25,000.00	\$ 25,000.00	\$ 28,250.00	\$ 28,250.00	\$ 23,900.00	\$ 23,900.00	\$ 25,095.00	\$ 25,095.00
41 4" Irrigation Conduit	L.F.	32	\$ 15.00	\$ 480.00	\$ 50.00	\$ 1,600.00	\$ 35.50	\$ 1,136.00	\$ 60.00	\$ 1,920.00	\$ 42.00	\$ 1,344.00
42 Ben Maddox / Houston - Traffic Signals, Highway Safety Lighting and Electrical System	L.S.	1	\$ 230,000.00	\$ 230,000.00	\$ 140,000.00	\$ 140,000.00	\$ 166,250.00	\$ 166,250.00	\$ 125,000.00	\$ 125,000.00	\$ 157,668.00	\$ 157,668.00
43 Burke / Houston - Traffic Signals, Highway Safety Lighting and Electrical System	L.S.	1	\$ 33,000.00	\$ 33,000.00	\$ 13,000.00	\$ 13,000.00	\$ 15,500.00	\$ 15,500.00	\$ 50,000.00	\$ 50,000.00	\$ 21,525.00	\$ 21,525.00
44 Replace Survey Monument	Each	3	\$ 700.00	\$ 2,100.00	\$ 1,000.00	\$ 3,000.00	\$ 900.00	\$ 2,700.00	\$ 500.00	\$ 1,500.00	\$ 500.00	\$ 1,500.00
45 Install Street Light conduit & pull boxes	L.S.	1	\$ 79,800.00	\$ 79,800.00	\$ 46,000.00	\$ 46,000.00	\$ 54,200.00	\$ 54,200.00	\$ 50,000.00	\$ 50,000.00	\$ 75,663.00	\$ 75,663.00
46 Relocate wrought iron fence and brick pillars	L.S.	1	\$ 6,000.00	\$ 6,000.00	\$ 12,500.00	\$ 12,500.00	\$ 3,000.00	\$ 3,000.00	\$ 1,200.00	\$ 1,200.00	\$ 3,832.00	\$ 3,832.00
BASE BID TOTAL				\$ 3,131,538.50		\$ 2,065,622.25		\$ 2,069,762.25		\$ 2,077,366.00		\$ 2,270,621.74

PROJECT NO.: 3011-00000-720000-0-9026

PROJECT TITLE: HOUSTON WIDENING & HOUSTON-SANTA FE ROUNDABOUT

ITEMS	UNIT	QTY	ENGINEERS ESTIMATE		Dunn's Sand, Inc. Visalia		Whitaker Construction Paso Robles		Seal Rite & Grading Clovis	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
BASE BID										
1 SWPPP Preparation and Water Pollution Control	L.S.	1	\$ 10,000.00	\$ 10,000.00	\$ 22,800.00	\$ 22,800.00	\$ 15,000.00	\$ 15,000.00	Non-responsive Bid	\$ -
2 Mobilization & Demobilization	L.S.	1	\$ 13,000.00	\$ 13,000.00	\$ 27,500.00	\$ 27,500.00	\$ 100,000.00	\$ 100,000.00		\$ -
3 Clearing and Grubbing	L.S.	1	\$ 45,000.00	\$ 45,000.00	\$ 44,000.00	\$ 44,000.00	\$ 220,000.00	\$ 220,000.00		\$ -
4 Traffic Control System	L.S.	1	\$ 55,000.00	\$ 55,000.00	\$ 126,500.00	\$ 126,500.00	\$ 110,000.00	\$ 110,000.00		\$ -
5 Construction Area Signs	L.S.	1	\$ 3,000.00	\$ 3,000.00	\$ 1,650.00	\$ 1,650.00	\$ 3,600.00	\$ 3,600.00		\$ -
6 Roadway Excavation and Earthwork	L.S.	1	\$ 491,000.00	\$ 491,000.00	\$ 220,000.00	\$ 220,000.00	\$ 165,000.00	\$ 165,000.00		\$ -
7 Concrete Highway Removal	L.S.	1	\$ 154,955.00	\$ 154,955.00	\$ 82,500.00	\$ 82,500.00	\$ 34,000.00	\$ 34,000.00		\$ -
8 Abandon Structures and Pipes	L.S.	1	\$ 10,000.00	\$ 10,000.00	\$ 3,850.00	\$ 3,850.00	\$ 4,000.00	\$ 4,000.00		\$ -
9 Asphalt Concrete (Type B)	Ton	6187	\$ 90.00	\$ 556,830.00	\$ 77.00	\$ 476,399.00	\$ 86.00	\$ 532,082.00		\$ -
10 Class 2 Aggregate Base	Ton	13157	\$ 38.00	\$ 499,966.00	\$ 24.20	\$ 318,399.40	\$ 25.00	\$ 328,925.00		\$ -
11 6" Storm Drain Pipe	L.F.	30	\$ 25.00	\$ 750.00	\$ 19.80	\$ 594.00	\$ 40.00	\$ 1,200.00		\$ -
12 12" Storm Drain Pipe	L.F.	55	\$ 40.00	\$ 2,200.00	\$ 42.90	\$ 2,359.50	\$ 100.00	\$ 5,500.00		\$ -
13 12" Storm Drain Pipe, w/pavement	L.F.	113	\$ 60.00	\$ 6,780.00	\$ 74.80	\$ 8,452.40	\$ 95.00	\$ 10,735.00		\$ -
14 15" Storm Drain Pipe, Include Shoring, Sheeting, and Bracing	L.F.	700	\$ 50.00	\$ 35,000.00	\$ 29.70	\$ 20,790.00	\$ 55.00	\$ 38,800.00		\$ -
15 15" Storm Drain Pipe w/paving, Include Shoring, Sheeting, and Bracing	L.F.	253	\$ 70.00	\$ 17,710.00	\$ 64.90	\$ 16,419.70	\$ 95.00	\$ 24,035.00		\$ -
16 18" Storm Drain Pipe, Include Shoring, Sheeting, and Bracing	L.F.	540	\$ 65.00	\$ 35,100.00	\$ 35.20	\$ 19,008.00	\$ 60.00	\$ 32,400.00		\$ -
17 18" Storm Drain Pipe w/paving, Include Shoring, Sheeting, and Bracing	L.F.	1183	\$ 85.00	\$ 100,555.00	\$ 69.30	\$ 81,981.90	\$ 100.00	\$ 118,300.00		\$ -
18 30" Storm Drain Pipe, Include Shoring, Sheeting, and Bracing	L.F.	566	\$ 118.00	\$ 66,788.00	\$ 58.30	\$ 32,997.80	\$ 105.00	\$ 59,430.00		\$ -
19 30" Storm Drain Pipe w/paving, Include Shoring, Sheeting, and Bracing	L.F.	10	\$ 138.00	\$ 1,380.00	\$ 125.40	\$ 1,254.00	\$ 560.00	\$ 5,600.00		\$ -
20 48" Storm Drain Manhole	Each	8	\$ 3,500.00	\$ 28,000.00	\$ 2,777.50	\$ 22,220.00	\$ 3,100.00	\$ 24,800.00		\$ -
21 60" Storm Drain Manhole	Each	2	\$ 4,500.00	\$ 9,000.00	\$ 4,310.90	\$ 8,621.80	\$ 3,400.00	\$ 6,800.00		\$ -
22 GO Type Drainage Inlet	Each	9	\$ 3,850.00	\$ 34,650.00	\$ 2,090.00	\$ 18,810.00	\$ 3,600.00	\$ 32,400.00		\$ -
23 Adjust Existing Manholes	Each	21	\$ 634.00	\$ 13,314.00	\$ 385.00	\$ 8,085.00	\$ 1,000.00	\$ 21,000.00		\$ -
24 Conc. Block Retaining Wall	L.F.	288	\$ 50.00	\$ 14,400.00	\$ 60.26	\$ 17,354.88	\$ 155.00	\$ 44,640.00		\$ -
25 Wood Retaining Wall	L.F.	14	\$ 15.00	\$ 210.00	\$ 176.00	\$ 2,464.00	\$ 280.00	\$ 3,920.00		\$ -
26 Chain Link Fence including gates	L.F.	478	\$ 25.00	\$ 11,950.00	\$ 17.60	\$ 8,412.80	\$ 30.00	\$ 14,340.00		\$ -
27 Pond Grading	C.Y.	29453	\$ 5.50	\$ 161,991.50	\$ 6.00	\$ 176,718.00	\$ 6.50	\$ 191,444.50		\$ -
28 Storm Drain Outfall Structure	Each	1	\$ 6,000.00	\$ 6,000.00	\$ 13,750.00	\$ 13,750.00	\$ 15,000.00	\$ 15,000.00		\$ -
29 Pond Chain Link Fence including gates	L.F.	1246	\$ 25.00	\$ 31,150.00	\$ 17.60	\$ 21,929.60	\$ 25.00	\$ 31,150.00		\$ -
30 Driveway Approach	S.F.	4032	\$ 6.50	\$ 26,208.00	\$ 6.05	\$ 24,393.60	\$ 10.00	\$ 40,320.00		\$ -
31 Sidewalk	S.F.	17110	\$ 5.50	\$ 94,105.00	\$ 3.85	\$ 65,873.50	\$ 6.00	\$ 102,660.00		\$ -
32 Stamped Concrete	S.F.	4891	\$ 10.50	\$ 51,355.50	\$ 7.70	\$ 37,660.70	\$ 7.00	\$ 34,237.00		\$ -
33 Cobblestone Stamped Concrete	S.F.	436	\$ 18.00	\$ 7,848.00	\$ 13.20	\$ 5,755.20	\$ 15.00	\$ 6,540.00		\$ -
34 6" Median Curb	L.F.	1638	\$ 12.50	\$ 20,475.00	\$ 9.90	\$ 16,216.20	\$ 18.00	\$ 29,484.00		\$ -
35 Roundabout Median Curb	L.F.	437	\$ 12.50	\$ 5,462.50	\$ 11.00	\$ 4,807.00	\$ 22.00	\$ 9,614.00		\$ -
36 Barrier Curb & Gutter	L.F.	1618	\$ 18.00	\$ 29,124.00	\$ 15.40	\$ 24,917.20	\$ 20.00	\$ 32,360.00		\$ -
37 Infill Barrier Curb & Gutter	L.F.	1652	\$ 18.00	\$ 29,736.00	\$ 14.30	\$ 23,623.60	\$ 20.00	\$ 33,040.00		\$ -
38 Handicap Ramp and Sidewalk at Curb Return	S.F.	3685	\$ 7.00	\$ 25,795.00	\$ 4.95	\$ 18,240.75	\$ 12.00	\$ 44,220.00		\$ -
39 4" Sanitary Sewer Lateral	L.F.	146	\$ 45.00	\$ 6,570.00	\$ 23.10	\$ 3,372.60	\$ 55.00	\$ 8,030.00		\$ -
40 Signing, Striping, and Marking	L.S.	1	\$ 67,800.00	\$ 67,800.00	\$ 26,290.00	\$ 26,290.00	\$ 30,000.00	\$ 30,000.00		\$ -
41 4" Irrigation Conduit	L.F.	32	\$ 15.00	\$ 480.00	\$ 11.00	\$ 352.00	\$ 20.00	\$ 640.00		\$ -
42 Ben Maddox / Houston - Traffic Signals, Highway Safety Lighting and Electrical System	L.S.	1	\$ 230,000.00	\$ 230,000.00	\$ 154,660.00	\$ 154,660.00	\$ 93,000.00	\$ 93,000.00		\$ -
43 Burke / Houston - Traffic Signals, Highway Safety Lighting and Electrical System	L.S.	1	\$ 33,000.00	\$ 33,000.00	\$ 14,355.00	\$ 14,355.00	\$ 29,000.00	\$ 29,000.00		\$ -
44 Replace Survey Monument	Each	3	\$ 700.00	\$ 2,100.00	\$ 2,063.60	\$ 6,190.80	\$ 500.00	\$ 1,500.00		\$ -
45 Install Street Light conduit & pull boxes	L.S.	1	\$ 79,800.00	\$ 79,800.00	\$ 50,347.00	\$ 50,347.00	\$ 195,000.00	\$ 195,000.00		\$ -
46 Relocate wrought iron fence and brick pillars	L.S.	1	\$ 6,000.00	\$ 6,000.00	\$ 6,710.00	\$ 6,710.00	\$ 9,000.00	\$ 9,000.00		\$ -
BASE BID TOTAL				\$ 3,131,538.50		\$ 2,289,586.93		\$ 2,892,446.50	\$ -	\$ -

City of Visalia Agenda Item Transmittal

Meeting Date: August 3, 2009

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

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 a final additional amount of \$56,500, using State Park Bond Act monies and CDBG funds.

Deadline for Action: August 3, 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 a final additional amount of \$56,500, using State Park Bond Act monies and CDBG funds.

Discussion:

At the City Council meeting of June 15, 2009, City staff was authorized to expand the scope of the Village Park – Wittman Center renovation project by an additional \$57,500. The projects that were approved by the Council included 1) the installation of new playground equipment (\$30,000); 2) the installation of landscaping and certain irrigation improvements (\$20,000); and 3) the installation of new evaporative (swamp) coolers (\$7,500).

At that meeting, City staff suggested some additional projects that could be completed with the remaining funds allocated for the project. PROTEUS, Inc. employee Juan Guerrero, the on-site manager at the Wittman Center in Village Park, addressed the Council and suggested some additional project ideas for using the balance of the funding. Council directed City staff to meet with PROTEUS to develop an expenditure plan for the remaining funds.

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.

Since that time, the City and Mr. Guerrero have met, and agreed upon the following improvements based on the final available funding of roughly \$56,500.

1. **Renovation of the outdoor basketball concrete slab (\$38,500 estimate).**
2. **New picnic tables (\$3,500)**
3. **New park signage (\$4,500)**
4. **New shade shelter for the center entrance (\$10,000)**

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.

The highly competitive bid by Atkins left an account balance of roughly \$114,000 that could be utilized for additional project work. On June 15, 2009, the Council expanded the scope of the project by an additional \$57,500 so that additional CDBG and State grant funds could be utilized for additional project improvements. The projects that were approved include the following:

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.

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

- Architect (\$30,000)
- Project Manager (\$20,000)
- Misc. (\$7,000)

Construction \$ 224,000

- Atkins Contract (\$190,000)
- Alt. Add Items (\$17,000)
- Unanticipated (\$10,000)
- Change Orders (\$6,500)

Total Project Expenses \$ 281,000

Projected Project Balance \$ 114,000

Additional project scope approved by the City Council on June 15, 2009:

- **Playground equipment** \$ 30,000
- **Additional landscaping & irrigation** \$ 20,000
- **Two evaporative (swamp) coolers** \$ 7,500

Updated Project Balance After June 15, 2009 \$ 56,500

Recommended additional project scope to the Council on August 3, 2009:

- **Renovation of the outdoor basketball courts** \$ 38,500
- **New picnic tables** \$ 3,500
- **New park signage** \$ 4,500
- **New shade shelter for center entrance** \$ 10,000

Project balance after August 3, 2009 if approved by Council \$ 0

General Project Description:

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:

June 15, 2009, Council authorized increasing the scope of the project by an additional \$57,500.

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 expected):

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 a final amount of \$56,500.

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: August 3, 2009

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

Agenda Item Wording: Authorization for the City Manager to accept and appropriate a grant award for \$351,363.00 from the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program (JAG).

Deadline for Action: August 3, 2009

Submitting Department: Police

Contact Name and Phone Number: Chief Bob Carden, ext. 4215; Chuck Hindenburg, ext. 4250

Department Recommendation: It is recommended that the City Council authorize the City Manager to accept and appropriate a grant award for \$351,363.00 from the FY 09 Recovery Act JAG Program; and to approve the expenditure of the FY 09 Recovery Act JAG Program funds for the purposes outlined in Attachment 1.

Summary/background: This JAG Program is authorized by the American Recovery and Reinvestment Act of 2009 with the stated purpose of preserving and creating jobs and promote economic recovery.

The County of Tulare and constituent cities were eligible for a disparate joint allocation of \$1,170,879. 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 prosecution or incarceration that arise for Part 1 violent crimes reported by the geographically constituent unit. The City of Visalia's eligible individual allocation was \$410,949; however, the units of local government within the disparate jurisdiction must agree upon an allocation process. As the result of several meetings of the eligible parties an equitable allocation was agreed upon with the City of Visalia receiving \$351,363.00.

The JAG application was due on May 18, 2009, but a joint Memorandum of Understanding had to be completed and signed by all parties prior to submission.

The Visalia Police Department will use JAG monies to:

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____

Finance _____

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

City Mgr _____

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

- 1) Purchase equipment and supplies essential for operations of Administration, Patrol, Traffic, Investigations, SWAT, District Commanders, Special Enforcement Bureau, and Violent Crime;
- 2) Develop a Gang Strategic Plan; and
- 3) Preserve three contracted positions: DA Witness Coordinator, DA Prosecution Assistant, and Probation Officer.

The City of Visalia is projecting a 5.7 million dollar General Fund deficit in 2009/10. Rather than undergoing lay-offs, Council had determined that operational expenses would be scrutinized and operational expenses in the form of purchases would be frozen or cut. These grant expenditures will replace, without supplanting, certain General Fund monies that have been identified as budget-balancing cuts.

The police department has stringent safety equipment standards. The equipment affected by the cuts is essential for the safe and efficient operation of the department and must be purchased. Failure to do so could call into question prudent safety practices in possible future litigation. In utilizing the requested funds, the department is able to preserve jobs by reducing the need to purchase the essential equipment out of the City's General Fund.

The police department currently contracts for two personnel from the D.A.'s office to act as liaison and perform paralegal functions for the department. Similarly, the department contracts for one probation officer who is assigned to the Special Enforcement Bureau to work directly in the effort to control the gang problem within the city. Rather than eliminating these valuable assets, grant funding has been designated to retain these positions while reducing monetary impact to the General Fund.

Should future developments in the economy indicate that better use could be made of the funds, a modification of the spending plan can be requested through a grant amendment notice.

Federal funds received will be paid in a single block grant of \$1,170,879 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 cities and county general funds for costs of equipment and personnel. The project start period is March 1, 2009, and there is a statutory 4-year period within which to spend funds. There is no local match requirement.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: Refuse the designated grant money.

Attachments:

- (1) List of approved expenditures for the FY 09 Recovery Act JAG Program funds.
- (2) Memo from County of Tulare Office of the District Attorney announcing the approval of the grant for the Visalia Police Department.

Recommended Motion (and Alternative Motions if expected): I move that the City Council authorize the City Manager to accept and appropriate a grant award for \$351,363.00 from the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program (JAG) for the intended expenditures.

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: August 3, 2009

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

Agenda Item Wording: Request that the City Council authorize the City Manager to execute a project improvement agreement and reimbursement agreement with the Diocese of Fresno Education Corporation for the necessary street and other related improvements located at the southeast corner of Akers Street and Caldwell Avenue (APN 119-070-071)

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Ken McSheehy, Associate Engineer - 713-4447

Department Recommendation:

Akers and Caldwell are both designated as arterial roadways in the Circulation Element of the City's General Plan. The developer is being required to make the appropriate roadway improvements (described below) to meet the City's standards for arterial streets. A portion of the cost of these roadway improvements (\$798,607.23) is being funded by (and is available in) the City's Traffic Impact Fee (TIF) Fund. The total cost of all of the improvements is \$1,041,819.66. The remaining \$243,212.43 (for project related roadway improvements) is being funded by the developer. This project will provide two travel lanes (in both directions on Caldwell Avenue, east of Akers Street), and appropriate traffic signal modifications. A raised median will be constructed on Akers Street (from the intersection, to 650 feet south of Caldwell Avenue). Caldwell Avenue will be striped for four lanes (with turn pockets) from Akers Street to Linwood Street.

Staff recommends that City Council authorize the City Manager to execute the project improvement and reimbursement agreements. This project constructs the public improvement for the 19-acre parcel located at the SE corner of Akers Street and Caldwell Avenue. The conditional use is for the development of approximately 19-acres for a new church, parish hall and school that teaches grades K thru 8.

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.

Summary/background:

All bonds, cash payments, project improvement and reimbursement agreements are in possession of the City as follows: 1) An executed project agreement; 2) Faithful Performance Bond in the amount of \$794,224.48 and Labor and Material's Bond in the amount of \$388,570.27; 3) Cash payment of \$5792.00 for plan check and inspection 4) An executed reimbursement agreement in the amount of \$798,607.23.

Engineering staff reviews all reimbursement agreements. Staff then brings unexecuted reimbursement agreements to the City's Development Reimbursement Review Committee (DRRC) for review. Any reimbursement agreements over \$100,000 are then forwarded to the Council for approval and a request for authorization for the City Manager to execute the agreements is requested.

Prior Council/Board Actions:

Planning Commission approved conditional use permit 2008-40 on November 24, 2008.
Development Reimbursement Review Committee approved the reimbursement on July 8, 2009.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

- Location Map
- Reimbursement Agreement
- Project Improvement Agreement

Recommended Motion (and Alternative Motions if expected):
I move to authorize the City Manager to execute the reimbursement agreement and the project improvement agreement with the Diocese of Fresno Education Corporation.

Environmental Assessment Status

CEQA Review: Notice of Determination (negative declaration) filed on 12/10/08

NEPA Review: N/A

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 3, 2009

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

Agenda Item Wording: Authorization to file a Notice of Completion for Parking Lot No. 45 at 409 E. Murray Avenue located generally between Bridge Street and Santa Fe Street. (Project No. 6111-00000-720000-0-9695)

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Greg Dais, Associate Engineer - 713-4164

Department Recommendation: Staff recommends that the City Council authorize the filing of a Notice of Completion for Parking Lot No. 45 at 409 E. Murray Avenue located generally between Bridge Street and Santa Fe Street (Project No. 6111-00000-720000-0-9695).

Department Discussion: The City purchased this property (located on the south side of Murray Avenue between Bridge Street and Santa Fe Street) on June 20, 2006. The existing house located on the property was removed in March of 2007. The project consisted of constructing a parking lot on the vacant lot (see attached vicinity map). Parking In-lieu funds were used to fund construction of the project. The parking lot construction added eighteen (18) standard parking stalls, three (3) compact stalls and one (1) handicap accessible stall. Construction involved stripping the vacant parcel, relocating/reconstructing an existing wood fence along the west property line, constructing a concrete block wall along the east property line and installing the parking lot and alley improvements (paving, landscaping, lighting, striping, curbing, etc.).

One of the primary goals of this project was to provide additional public parking in the area. The Family Health Care Network, Delta Nursing & Rehabilitation Center, Buckman-Mitchell Insurance, Mission Care Group Facilities and Dave's Automotive Shop are businesses in the area that will benefit from the new parking lot.

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.): 3 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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This project incorporated a number of environmentally sensitive design features such as :

1. The parking lot was constructed with pervious concrete (instead of the typical asphalt cement). Pervious concrete pavement is a unique and effective material that helps meet growing environmental demands. By capturing rainwater and allowing it to seep into the ground, pervious concrete is instrumental in recharging groundwater, reducing storm water runoff, and meeting U.S. Environmental Protection Agency (EPA) storm water regulations. The use of pervious concrete is among the Best Management Practices (BMP) that are recommended by the EPA.
2. The Pervious concrete is white in color, which reflects sunlight and resists heat absorption, thereby reducing the “heat sink” effect.
3. The parking lot lighting is powered by solar panels (with a battery backup). This is the City’s first application of solar lighting for traffic areas. This application of solar powered lighting will enable City staff to determine its efficiency with a goal of possibly widening the uses and applications of solar panels and solar powered lighting.
4. To reduce water consumption, landscaping has been limited to trees, with water efficient irrigation using solar powered irrigation controls.

At the March 2, 2009 City Council meeting a contract was awarded to Serna Construction, Inc. in the amount of \$81,375.44. A total of one change order at a cost of \$ 1,603.25 (2% of awarded contract amount) was necessary to complete the project. The change order was reviewed and approved by the Change Order Committee. The change order approved entailed the following work:

Change Order #1- Temporary Fence and Anti-Graffiti Coating-

The temporary fence was needed between the existing residence and the parking lot while the block wall was being constructed. The anti-graffiti coating was added to the block wall.

The project has been completed by the contractor (Serna Construction, Inc.) at a final cost of \$82,978.69. The awarded contract amount was \$81,375.44. As stated above, there was one change order in the amount of \$1,603.25, making the total cost of this project \$82,978.69. The City “charged” the contractor for four items related to the project. The first charge was for liquidated damages totaling \$2,500.00 (\$100.00 per day for 25 days). The second charge was for three compaction retests in the amount \$195.00. The third charge was for one pervious concrete water retest in the amount of \$632.00. The fourth charge was for three asphalt coring tests in the amount of \$932.00. All of these charges were deducted from the last progress payment to the contractor. The final amount paid to the contractor was \$78,719.69.

Alternatives: None suggested

Attachments: Exhibit “A” location map.

Recommended Motion (and Alternative Motions if expected):

I move to authorize the filing of a Notice of Completion for the Parking Lot #45, 409 E. Murray Avenue project, Project No. 6111-00000-720000-0-9695

Financial Impact

Funding Source:

Account Number: 6111-00000-720000-0-9695

Budget Recap:

Total Estimated cost: \$82,978.69	New Revenue: \$
Amount Budgeted: \$100,000	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes____ No__X	