



Regular Meeting Agenda Visalia City Council



Mayor: Bob Link
Vice Mayor: Amy Shuklian
Council Member: Warren Gubler
Council Member: Mike Lane
Council Member: Steve Nelsen

Monday, April 19, 2010

Visalia Convention Center, 303 E. Acequia, Visalia CA 93291

Work Session 4:00 p.m.

Closed Session 6:00 p.m. (or immediately following Work Session)

Regular Session 7:00 p.m.

4:00 p.m. WORK SESSION AND ACTION ITEMS (as described)

1. Presentation by citizens group regarding the placement and size of retail food stores throughout the City. **Receive public comment.**
2. Update on California Water Service Company's rate increase application process, and authorization to request Assemblymember Connie Conway to introduce legislation requiring more local involvement in the CPUC rate process. **Receive public comment.**
3. Authorization of economic stimulus actions for the City of Visalia. **Receive public comment**
4. Visalia Police Department overview. **Receive public comment**
5. Review of select Capital Improvement Program budgets (Parks, Storm Sewer, and Wastewater) for 2010/11 & 2011/12. **Receive public comment.**

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

6:00 p.m. CLOSED SESSION (immediately following Work Session)

6. Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case
7. Public Employee Performance Evaluation (G.C. Section 54957)
Title: City Manager

7:00 p.m. CALL TO ORDER REGULAR SESSION

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Floyd Westbrook, Visalia Christian Ministries

SPECIAL PRESENTATIONS/RECOGNITION

ITEMS OF INTEREST

PUBLIC COMMENTS - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council.*

This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Regular or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at the time the Public Hearing is opened for comment.

In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (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. **CONSENT CALENDAR** - *Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*
 - a) Authorization to read ordinances by title only.
 - b) Authorization to file a Notice of Completion for Pheasant Ridge 3B, a subdivision (containing 12 single family lots), located on the west side of Roeben Street, approximately ¼ mile south of Riggins Avenue.
 - c) Authorization to place a lien for \$16,428.36 on real property located at 2503 E Goshen Avenue. **Resolution 2010-16 required.**
 - d) Authorization for the City Manager to enter into a 3-year contract for audit services with Brown Armstrong Accountancy Corporation for \$175,500 with an option to renew for two additional years.
 - e) Authorization to solicit bids for the Valley Oaks Golf Course Irrigation Project.
 - f) Authorize the City manager to execute an agreement with Agee Construction, Inc. and award a construction contract in the amount of \$418,663 to complete a portion of the Packwood Creek Trail Project between County Center and near Stonebrook east of Mooney Blvd. (Project # 3011-72-9915).
 - g) Authorize the City Manager to execute an agreement, in the amount of \$219,100 with Provost and Prichard Consulting Group of Visalia to prepare engineering plans, specifications, and cost estimate for the design of the "Santa Fe All Purpose Trail" between Tulare Avenue and Avenue 272 (Project No. 3011-8117).

- h) Award bid for the construction of a new universally ADA accessible playground system at Recreation Park (located at Center and Jacob St.) to DL Construction for the base amount of \$330,000 plus alternative additives 1 & 2 in the amount of \$11,800 for a total contract award of \$341,800.
- i) Authorization for the City Manager to negotiate final details and sign the Task Agreement with the National Park Service to operate the fourth season of the internal Sequoia Shuttle service.

REGULAR ITEMS AND PUBLIC HEARINGS - *Comments related to Regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Mayor.*

- 9. Consider proposed Zoning Code amendment to amend portions of Zoning Ordinance Chapter 17.48 pertaining to signage and promotional medium for subdivisions.
- 10. Consider request by the Tulare County Association of Governments (TCAG) to execute an amended Joint Powers Agreement with Tulare County and the other seven cities in the County to modify the powers of the TCAG.
- 11. Discussion and direction regarding Hazardous Materials Team funding options; authorization to terminate existing Hazardous Materials Response contracts with Tulare County, Kings County and individual cities and renegotiate a new contract; direction to draft Visalia-only fee ordinance.
- 12. Authorization to award the contract for design of a new Animal Control Facility (ACF) to WLC Architects, Inc. for an amount not to exceed \$475,000.
- 13. **PUBLIC HEARING** - Five-Year Consolidated Plan, Strategic and Citizens Participation Plans, the Analysis of Impediments and 2010/11 Action Plan for the use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnership Funds administered by the City of Visalia's Housing and Economic Development Department.

CLOSED SESSION REPORT (if any)

Upcoming Council Meetings

- Monday, April 26, 2010, 5:00 p.m. Joint Work Session City Council/Parks and Recreation Commission, Convention Center, 303 E. Acequia
- Thursday, April 29, 2010, 6:00 p.m. Town Hall Meeting, St. Mary's Parish Hall, 506 N. Garden
- Monday, May 3, 2010, 4:00 p.m. Work Session; Regular Session 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.

The City's newsletter, Inside City Hall, is published after all regular City Council meetings. To self-subscribe, go to http://www.ci.visalia.ca.us/about/inside_city_hall_newsletter.asp. For more information, contact Community Relations Manager Nancy Loliva at nloliva@ci.visalia.ca.us.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Presentation by citizens group to the Council regarding the placement and size of retail food stores throughout the City.

Deadline for Action: None

Submitting Department: Community Development Department

Contact Name and Phone Number:

Mike Olmos, Assistant City Manager, 713-4332
Andrew Chamberlain, Senior Planner, 713-4003

Department Recommendation: That after Council hears the presentation from the citizens group and other interested parties, staff requests that the City Council provides any comments or direction it deems appropriate. Staff is providing the following two alternatives for its consideration:

- 1) That potential changes to the standards and criteria for grocery store size and locations should be referred to the General Plan Update Review Committee (GPURC) for "special consideration" during the General Plan Land Use Element Update process. Staff feels that this is a community wide public policy and land use issue that needs to be addressed in the context of the General Plan Update. Referring this issue to the GPURC will allow the committee to review this issue and to incorporate analysis and recommendations of other interested parties, staff, and the City's General Plan Update (GPU) consultant.
- 2) Determine that the issue does not warrant review beyond that given all the retail uses during the General Plan Land Use Element Update.

Summary/Background: Retail food stores are allowed uses in several City retail zoning districts. "Exhibit C" presented by the citizen's group refers to a one-mile separation policy for certain retail uses. The one-mile restriction in the City's Zoning Code refers only to Neighborhood Centers (NC) and not all shopping districts. Currently, a grocery store in a NC may be located within one-mile of other grocery stores with a different zoning designation. Jim Watt (a local food consultant) working with a group of local grocers and other concerned citizens has prepared a proposal (Exhibit "C") that seeks to limit the size and location of grocery stores in the City. Their proposal would limit the size to 55,000 square feet and locations to one-mile intervals throughout the City.

The group's proposal cites the potential for grocery stores over 55,000 square feet to capture a disproportionate share of grocery sales in market areas, whereby the risk of small grocery store

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.): 30Min.

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.

closures increases. The citizen's group believes that the loss of small neighborhood type grocery stores reduces the ability of neighborhoods to walk or have shorter vehicle trips for grocery needs. They believe that this may result in impacts to related neighborhood services which typically locate with a grocery store.

The group's concern is on the heels of recent small grocery store closures (Young's Market at Demaree and Walnut) and new and/or proposed stores up to 95,000 square feet in Community Commercial (Winco at Caldwell and Chinowth) and 72,000 square feet in Neighborhood Commercial centers (Lovers Lane and Walnut).

Grocery Stores and the Neighborhood Commercial Zone: Grocery stores are permitted uses in three zones; Neighborhood Commercial (NC), Community Commercial (CC), and the Commercial Shopping Office (CSO) Zones. The Zoning Ordinance provides one-mile minimum separation for Neighborhood Commercial (NC) centers only. This separation standard does not apply to other commercial zones or the existing grocery stores located in them.

The current one-mile separation standard for only Neighborhood Commercial (NC) zoned centers allows for the marketplace to provide retail grocery services to the public in a variety of locations throughout the City, some of which are closer than the one-mile separation between NC zoned centers. Any significant changes in location policies for an individual use which is found throughout the community in several different zone districts should be considered within the context of the Land Use Element Update. This update will include an analysis based upon data specific to Visalia and include an analysis of many land uses and their interrelationships to each other toward the goal of creating desired land use patterns for neighborhoods and the City as a whole.

Other Interested Parties: Staff recommends that the City Council provide an opportunity for Mr. Watt and other interested parties to address the Council on this matter.

Prior Council/Board Actions:

- None

Committee/Commission Review and Actions:

- None

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):
1) That potential changes to the standards and criteria for grocery store size and locations should be referred to the General Plan Update Review Committee (GPURC) for "special consideration" during the General Plan Land Use Element Update process.
2) Determine that the issue does not warrant review beyond that given all retail uses during the General Plan Land Use Element Update.

Environmental Assessment Status

CEQA Review:

NEPA Review:

Attachments

Exhibit "A" – General Plan Policies for Neighborhood and Community Centers

Exhibit "B" – Zoning Ordinance Excerpts for Convenience, Neighborhood, and Community Commercial Zones

Exhibit "C" – Proposed Zoning Ordinance Amendment – Attorney Jim Watt - representative

Exhibit "A"

EXISTING GROCERY STORE POLICIES AND ZONING STANDARDS

The General Plan Land Use Element provides the following policy for grocery stores:

3.1 EMPLOYMENT & POPULATION GROWTH

Objectives

- A. Maintain Visalia's role as the regional commercial and industrial center for Tulare, Kings and southern Fresno counties.
- B. Promote diversity in Visalia's economic base to increase the stability of jobs and fiscal revenues.

- 3.5.6 Designate Neighborhood Centers for shopping centers with a major grocery store as an anchor and supporting businesses which serve the surrounding residential areas. Locations shall be at one corner of arterial intersections on sites of approximately 10 acres in area. Centers shall be located no closer than approximately one mile from other General Plan-designated neighborhood centers, from existing Grocery stores, or from General Plan-designated community centers.

The center's scale and site design must be compatible with the surrounding residential area with emphasis on access, circulation, parking, signage, noise, and landscaping. Where possible, these facilities should be planned and integrated into neighborhoods as part of a planned unit development.

In the event that competing applications are made for a neighborhood center at a designated intersection, only one application shall be approved for a period of time not to exceed 24 months. If the applicant does not perform as specified by the city Council, the Council may extend the original proposal or may declare the original proposal void. If, at some future date, an application for development of a corner designated for neighborhood commercial development has not been filed and the Commission and Council find that the needs of the neighborhood are not being provided, the exclusive designation on one corner may be reviewed to consider designation of an alternative corner.

(Revised 6/17/96 - Resolution No. 96-66)

- 3.5.8 Develop Community Centers for community-scale shopping with a wide range of commercial goods and services. Uses in the Community Centers shall be of community-, neighborhood-, or convenience-level draw only. No uses which are primarily of a regional draw or uses which would compete with Core Area uses shall be permitted. Locations shall be limited to arterial intersections which have connections to freeway access and adequate north-south and east/west circulation. General locations for community centers are as follows:

Exhibit "A"

1. Northeast, northwest or southeast corner of Riggin and Highway 63.
2. Demaree and Caldwell.
3. Lovers Lane between the Parkway and Caldwell. (Reserve)
4. Northeast corner of Demaree and Riggin. (Reserve)

Community Centers shall be developed as part of a Specific Plan for each of these areas. Each such Specific Plan shall designate the layout of improvements and land uses, development phasing and architectural standards. Specific phases or land uses which are found to be competitive with regional retail or Core Area land uses shall not be permitted or be designated for implementation in a time period which would conflict with other commercial and office development goals.

General guidelines for development shall be 20-30 acres of community-level retail and ancillary facilities, and up to 10 acres of Garden offices for each quadrant of the community served. Supporting facilities shall include up to 20 acres of multi-family residential development and a minimum of 20-30 acres for institutional facilities (churches, senior residential) facilities, to be integrated into Community Center commercial area with public art and open space. The precise distribution of uses shall be determined at the time of development of a specific plan for the Community Center.

A new zone shall be created to facilitate the development of the Community Center commercial area to ensure compatibility with the adjacent neighborhood and to ensure that the center does not conflict with regional retail or core area development objectives.

Intersections at Community Centers shall be developed with high landscaping, setback, and architectural standards to minimize negative impacts on the surrounding neighborhood.

- 3.5.14 In order to provide for integration of convenience level and neighborhood level commercial uses into neighborhoods, require design measures which encourage pedestrian traffic, and de-emphasize use of walls as buffers which create barriers to pedestrian access and which are not visually pleasing.

Exhibit “B”

The Zoning Ordinance includes the following standards in the Neighborhood Commercial zone for grocery stores:

"Shopping center" means two or more attached uses which are located on same property and jointly use ancillary facilities.

"Shopping center, major" means two or more uses located upon a site of ten acres or more with the major tenant occupying thirty thousand (30,000) square feet or more.

- E. P-C planned commercial zone:
 - 1. P-C-C planned convenience commercial zone,
 - 2. P-C-N planned neighborhood commercial zone,
 - 3. P-C-CM planned community commercial zone (specific plan required),
 - 4. P-C-SO planned shopping/office commercial zone,
 - 5. P-C-DT planned central business district retail zone,
 - 6. P-C-R planned regional retail commercial zone,
 - 7. P-C-H planned highway commercial zone,
 - 8. P-C-S planned service commercial zone;

17.18.010 Purposes.

- A. The several types of commercial zones included in this chapter are designed to achieve the following:
 - 1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons which they serve in a manner consistent with the general plan;
 - 2. Maintain the central business district (CBD - Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as Visalia's traditional, medical, professional, retail, government and cultural center;
 - 3. Maintain Visalia's role as the regional commercial center for Tulare, Kings and southern Fresno counties;
 - 4. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
 - 5. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
 - 6. Maintain Visalia's role as the regional retail- ing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
 - 7. Maintain commercial land uses which are responsive to the needs of shoppers,

maximizing accessibility and minimizing trip length;

8. Ensure compatibility with adjacent land uses.

17.18.010-B

1. Planned Convenience Commercial Zone— (P-C-C). The purpose and intent of the planned convenience commercial zone district is to provide for the continued use, expansion and new development of commercial areas with personal and convenience goods and services that are generally needed on a daily basis for immediate residential areas. These areas, generally of three acres or less, are to be master planned and designed of a scale, building mass and landscaping consistent with the surrounding residential buildings and integrated into the neighborhood for easy pedestrian and vehicle access. Site lighting, delivery areas, and signing are to be designed so as not to intrude into adjacent residential properties.
2. Planned Neighborhood Commercial Zone— (P-C-NC). The purpose and intent of the planned neighborhood commercial zone district is to provide sites within residential areas that are of sufficient size to support a grocery store and drug store as major anchors, with supporting retail/commercial uses and services for residents of adjacent neighborhoods. New centers, generally up to ten acres, are to be designed with an emphasis on access and circulation to the neighborhoods and emphasis on compatibility with the surrounding neighborhood regarding noise, lighting, scale and building mass, privacy, signage and parking.
3. Planned Shopping/Office Zone— (P-C-SO). The purpose and intent of the planned shopping/ office zone district is to provide areas for a wide range of neighborhood and community level retail commercial and office uses. This district is intended to provide for the transition from service and heavy commercial uses where they exist in this district to retail and office and to provide areas for neighborhood goods and services where shopping centers may not be available.

Exhibit “B”

EXHIBIT C (FROM CONSULTANT)

Proposed Ordinance Amending Title 17 of the Municipal Code to Require That New Major Grocery Stores Be Located At Least One Mile From Existing Major Grocery Stores, And Limiting Major Grocery Stores To Under 55,000 square feet

Planning Report

Background

In 1996, the City of Visalia adopted General Plan Policy 3.5.6, providing that neighborhood commercial centers anchored by a major grocery store be located no closer than 1 mile from other General-Plan designated neighborhood centers, existing grocery stores, or from General Plan-designated community centers. The purpose of the policy was to provide convenient neighborhood grocery shopping, and to minimize the negative impacts that could result from cannibalization within the City's grocery market, especially urban blight and decay resulting from grocery store closures. However, Policy 3.5.6 does not define "major grocery store," and is otherwise ambiguous in terms of its application.

Various academic and industry studies published in recent years indicate that because of the frequency of shopping trips required to meet daily food and convenience needs, major grocery stores that are dispersed throughout an area can lead to fewer vehicle trips and vehicle miles traveled ("VMT"), and encourage more walking and biking. Major grocery stores also provide needed customer traffic and economic vitality to the commercial areas surrounding them, and, if a grocery store closes, the resulting loss of customer traffic often causes neighboring retailers to close as well, leading to urban decay and blight.

Need For Ordinance

Recently, several grocery chains and big box stores have announced plans and/or submitted applications to open new or expanded grocery stores in Visalia. All of these proposals are for stores offering a selection of merchandise in buildings much greater than existing grocery stores and therefore drawing from a trade area much greater than a neighborhood serving grocery store. Many of these planned grocery stores are also less than 1 mile from existing General Plan-designated neighborhood centers, existing grocery stores, and General Plan-designated community centers. It is unclear whether and how General Plan Policy 3.5.6 will be applied to these proposals.

Recent experience in Visalia supports the conclusion that unregulated supermarket development can result in over-storing and lead to store closings. When the Albertson's supermarket at Noble Avenue and Demaree Road relocated in 2004, it s

existing 30,000 square foot store closed and remains vacant. The larger Albertson's followed by an even larger 95,000 square foot Winco in 2007 resulted in the closure of the 37,000 square foot Vons supermarket on Noble Avenue and Chinowith Road. The Longs Drug Store in the Vons-anchored shopping center closed shortly thereafter, leaving a largely vacant and blighted center.

Academic and industry studies, as well as recent experience in Visalia also indicate that large-scale grocery outlets, especially those greater than 55,000 square feet in size, can capture a disproportionate share of existing grocery sales in the market area, creating a risk of store closures across a broader section of the community.¹ For example, when the 95,000 square foot WinCo Foods store opened at Caldwell Avenue and Demaree Road in 2007, the existing 55,000 square foot Foodsco at Mooney Boulevard and Caldwell Avenue closed, and remains un-tenanted and a 27,000 square foot Young's Market located one mile north of WinCo is slated to close in March 2009.

Given the current economic climate of slow growth, the available grocery expenditures are unlikely to increase significantly in the foreseeable future, suggesting that any new major grocery store will largely cannibalize sales from existing grocery retailers in the City. These impacts are magnified if a new major grocery store locates too close to an existing similar store, thereby exacerbating the possibility of store closures and resulting urban decay. Additional store closures would add to the glut of large retail space currently on the market as a result of the economic slowdown. Examples include the aforementioned vacant supermarkets and the recently closed former Costco, Home Base, Mervyns and Circuit City.

Other shopping centers have significant vacancies as well, including the Food-4-Less center on Dinuba Blvd. and the Vons, Youngs and former Albertson's centers discussed above. In addition, still other shopping centers remain only partially built-out, such as the CVS center at Demaree Road and Houston Avenue and the Lowes at Demaree Road and Riffin Avenue. While the recent closing of the 50,000 square foot sporting goods store in the Target center at Dinuba Blvd and Riffin Avenue will be replaced by a Vallarta Market, this replacement could lead to the closure of an existing supermarket, resulting in a vacancy trade-off.

Experiences in Other Jurisdictions

Many cities and counties in California have adopted ordinances prohibiting or tightly regulating large-scale retailers including major grocery stores. Examples of jurisdictions that have acted to regulate large retailers and grocery outlets include Turlock, Stockton, Santa Maria, Livermore, Oakland, and Alameda County.

¹ See, e.g., Institute of Transportation Engineers (ITE), *Trip Generation* (8th ed. 2008); Bay Area Economic Forum, January 2004, *Supercenters and the Transformation of the Bay Area Grocery Industry*.

Legal challenges to these and similar regulations resulted in state appellate courts finding them to be legitimate land use planning regulations consistent with local government police power, for the purposes of preserving a municipality's downtown vitality. See *Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273; see also *Hernandez v. City of Hanford* (2007) 41 Cal.4th 279.

General Plan Consistency Analysis

The proposed ordinance is consistent with the Visalia General Plan and otherwise serves to implement and effectuate several of its Objectives, Goals, and Policies, as follows.

GOAL 3: DIVERSIFY AND IMPROVE THE VISALIA PLANNING AREA'S ECONOMY

3.5 COMMERCIAL LAND DEVELOPMENT AND LAND USE

Objectives

- A. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties.
- B. Ensure the continued viability of Visalia's existing commercial areas.
- C. Promote comprehensively planned, concentric commercial areas to meet the needs of Visalia residents and its market area.
- D. Create and maintain a commercial land use classification system (including location and development criteria) which is responsive to the needs of shoppers, maximizing accessibility and minimizing trip length.

Implementing Policies

- 3.5.2 Ensure that commercial development in residential areas serves the needs of the area and includes site development standards which minimize negative impacts on abutting properties.

3.5.6 Designate Neighborhood Centers² for shopping centers with a major grocery store as an anchor and supporting businesses which serve the surrounding residential areas. Locations shall be at one corner of arterial intersections on sites of approximately 10 acres in area. Centers shall be located no closer than approximately one mile from other General Plan-designated neighborhood centers, from existing Grocery stores, or from General Plan-designated community centers.

The center's scale and site design must be compatible with the surrounding residential area with emphasis on access, circulation, parking, signage, noise, and landscaping. Where possible, these facilities should be planned and integrated into neighborhoods as part of a planned unit development.

In the event that competing applications are made for a neighborhood center at a designated intersection, only one application shall be approved for a period of time not to exceed 24 months. If the applicant does not perform as specified by the city Council, the Council may extend the original proposal or may declare the original proposal void. If, at some future date, an application for development of a corner designated for neighborhood commercial development has not been filed and the Commission and Council find that the needs of the neighborhood are not being provided, the exclusive designation on one corner may be reviewed to consider designation of an alternative corner.

Proposed Ordinance

The proposed ordinance, attached as **Exhibit A**, would amend relevant sections of the Municipal Code to clarify the definition of a "Major Grocery Store" and to specify the permitted locations for these Major Grocery Stores. The ordinance would define a Major Grocery Store as containing between 20,000 square feet of **selling** area and 55,000 square feet of **gross** building area of supermarket type merchandise. The purpose of placing a floor of 20,000 square feet of **selling** area is to limit the amount of

² The Land Use Element defines "Neighborhood Center" as follows:

"Neighborhood Center: Shopping centers with a major grocery store and drug store as anchors and supporting businesses which serve surrounding residential areas. Locations are to be at one corner of arterial intersections at two-mile intervals on sites up to 10-acres or on existing strip commercial areas. Center scale and design must be compatible with the surrounding residential area with emphasis on access, circulation, parking, signage, noise and landscaping. Where possible these centers should be planned and integrated into neighborhoods as part of planned unit developments.

space devoted to supermarket-type-merchandise by big box retailers, while the 55,000 square feet of **gross** building area would place a ceiling on the size of freestanding grocery stores.

The proposed ordinance would allow any store with less than 20,000 square feet of **selling** area to locate in any commercially zoned area in Visalia. Because the definition focuses on **selling** area, it could allow some freestanding grocery stores to be much larger because the storage and support areas are not included in the square footage. It would also allow maximum flexibility for smaller format stores like Trader Joe's and Fresh & Easy. The size limitation of 55,000 **gross** square feet for freestanding grocery stores would prevent a single store from dominating a market area leading to potential store closures, customer inconvenience and significant traffic impacts. The re-defined Major Grocery Stores would be allowed, provided and new store are spaced at least one mile from any existing stores. The foregoing condition would not apply to any existing undeveloped Neighborhood designated commercial locations.

CEQA Analysis

The proposed General Zoning Code Text Amendment is exempt from the provisions of the California Environmental Quality Act ("CEQA") under the following sections of the CEQA Guidelines:

- Section 15061(b)(3) Review for Exemption.
- Section 15305 Class 5 Minor Alterations in Land Use Limitations
- Section 15308 Actions by Regulatory Agencies for Protection of the Environment.

Section 15061(b)(3) states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA. The subject proposed ordinance does not result in the approval of any development project nor does it directly or indirectly impact the physical environment.

The project is also exempt under Section 15305, Class 5 Minor Alterations in Land Use Limitations, and Section 15308, Actions by Regulatory Agencies for Protection of the Environment. Even if the proposed ordinance were not exempt from CEQA, no additional environmental review would be required under the provisions of Section 15183 of the CEQA Guidelines for the following reasons: (1) the ordinance is consistent with the City's General Plan; (2) the City previously certified an Environmental Impact Report EIR for the General Plan; (3) adoption of the ordinance would have no significant effects which were not analyzed in the General Plan EIR and specifically would have no impacts meeting any of the criteria set forth in subdivisions (b)(1) through (b)(4) of Section 15183; and (4) pursuant to subdivision (e) of Section 15183 all feasible

mitigation measures set forth in the General Plan EIR have been or are being undertaken.

Conclusion

The proposed ordinance provides much needed clarification and consistency to Planning Staff and prospective applicants seeking entitlements for major grocery stores in the future. It is consistent with and implements the intent of long-standing General Plan policies seeking to provide convenience goods shopping to local neighborhoods and minimize the closure of existing neighborhood serving grocery stores resulting urban decay impacts. At the same time it will provide greater flexibility for smaller format grocery stores while providing the opportunity for conditional use permit review of large-scale grocery stores that seek to expand into Visalia in the future. It is a lawful exercise of the City's police power as California appellate courts have affirmed.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Update on California Water Service Company's rate increase application process, and authorization to request Assemblymember Connie Conway to introduce legislation requiring more local involvement in the CPUC rate process.

Deadline for Action:

Submitting Department: Administration

Contact Name and Phone Number: Leslie Caviglia, 713-4317, Kim Loeb, 713-4530

Department Recommendation:

Staff recommends that the City Council direct staff to continue to monitor Cal Water's rate increase application process, attend the first day of the California Public Utilities Commission (CPUC) Evidentiary Hearing, and report back to Council with recommendations on what information should be submitted by the City to the CPUC as part of the final decision process.

Additionally, staff recommends that the City Council consider requesting Assemblymember Connie Conway to introduce legislation requiring public hearings in each district a water company operates in, e.g., the Visalia District.

Summary:

California Water Service Company has filed an application with the California Public Utilities Commission (CPUC) to increase rates in the Visalia District by more than 60% over the next three years. The CPUC Division of Ratepayer Advocates (DRA) has filed an analysis of Cal Water's request, and in the initial review, suggested a more modest request of 18.6% in the first year and approximately 2.5% in the following two years. Cal Water has refuted much of DRA's analysis, and is arguing through written testimony filed with the CPUC, that much of their original request is still valid.

Cal Water held a single public meeting in Visalia in November 2009 regarding the proposed rate increase. Advertising was not sufficient to engage the public's attention and only three citizens were in attendance in addition to City staff and a local newspaper reporter. Although Cal Water's rate cases are different for each of its 26 districts, the CPUC held only four Public Participation Hearings across the state regarding Cal Water's rate cases. The closest hearing 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.): _____

Review:

**Dept. Head LBC
(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.

Visalia was 100 miles away in Kernville. Literally thousands of pages of technical documents have been filed pertaining to Cal Water's rate increase application. Two weeks of Evidentiary Hearings before an Administrative Law Judge are scheduled to begin in San Francisco on April 26. Clearly, the process is not conducive for active participation by the City, much less by citizens.

This is the first time that Staff has endeavored to be engaged with a utility rate case. Staff filed a motion for the City to become a party to the proceedings which was granted. As the briefs and rebuttal briefs have been filed over the past couple of weeks, it has become clear that in order to have a meaningful role in a utility rate case Evidentiary Hearing process, specialized legal counsel, a significant financial commitment, and a concerted effort by staff are all required.

It is staff's intention to continue to monitor Cal Water's rate increase application process, attend the first day of the Evidentiary Hearing, and report back to Council with recommendations on what information should be submitted by the City to the CPUC as part of the final decision process.

Additionally, staff recommends that the City Council consider requesting Assemblymember Connie Conway to introduce legislation requiring the CPUC to conduct public hearings in each district a water company operates in (e.g., the Visalia District) to provide better access for participation by local governments and citizens.

Background:

California Water Service Company (Cal Water) has submitted an application to the California Public Utilities Commission (CPUC) to increase its rates in the Visalia District by more than 60% over the next three years. Cal Water proposes to increase its rates by 21.1% in 2011, 21.3% in 2012, and 21.3% in 2013. Cal Water last increased its rates in its Visalia District by 27.4% in 2008, 20.4% in 2009, and 4.6% in 2010.

In its current General Rate Case application, Cal Water identified the following explanation of its primary annual cost increases in the Visalia District:

1. An increase in rate base of \$4.3 million for capital investment including addition of a utility plant and upgrades to aging infrastructure.
2. Increased payroll expense of \$1.4 million including expanded payroll of corporate office administrative and district staff.
3. Increased district benefits costs of \$753,000 for health care, pension, and retiree health care costs.
4. Other general operations prorated expenses of \$398,000 exclusive of payroll, benefits, ad valorem taxes, and payroll taxes.
5. Increased conservation budget of \$374,000 (subsequent request increased to more than \$500,000 above 2008 budget).

As part of its review process, the CPUC Division of Ratepayer Advocates (DRA) reviewed Cal Water's application in detail and provided analysis and recommendations to the CPUC in several reports. Based on its analysis, DRA recommended that the CPUC authorize Cal Water to raise its rates by 18.6% in 2011, with increases in 2012 and 2013 based on inflation and rate base increases (estimated by CPUC at approximately 2.5% each year).

DRA's recommendations are based on higher projected sales, lower estimates of operation and maintenance expenses, lower estimates of administrative and general expenses, lower plant additions, and lower rate base than those submitted by Cal Water.

Regarding plant additions (capital expenditures), DRA's recommends a number of projects be deferred or approved for Advice Letter treatment (a less formal process for review of each project, however, detailed analyses and forecasts must be submitted to the CPUC). Part of Cal Water's rate case is for flat-to-meter conversion, however, DRA found that Cal Water had mistakenly double counted the budget for 2009 conversions resulting in a \$3.5 million error.

DRA recommends a significantly lower conservation budget than requested by Cal Water and cites several reasons for this recommendation. Cal Water and DRA both anticipate that Cal Water will meet much of its stated conservation goal of working towards 20% per capita demand reduction by 2020 as mandated by the state 20x2020 program in 2011 through 2013 through its flat-to-meter conversion program (these costs are not part of the conservation budget). Neither Cal Water nor DRA addressed conservation measures specific to Visalia to address the groundwater overdraft condition.

DRA states it has "advocated in the past for more outcomes-oriented approaches to conservation planning – that is, selecting activities to meet a specified savings target rather than requesting an arbitrary conservation budget." However, Cal Water is just starting work on specific conservation programs which it anticipates will be completed in November 2010. For the current general rate case, Cal Water requested an arbitrary conservation budget.

Cal Water's requested conservation budget of \$671,900 for 2011 is more than four times the 2009 budget of \$155,508. Cal Water's 2008 conservation budget was \$56,788. DRA concludes that Cal Water has historically under spent its conservation budget in the Visalia District. DRA recommends a conservation budget of \$209,670 for 2011. DRA further recommends establishing a one-way balancing account for each of Cal Water's districts to track conservation expenses so that any unspent funds will be returned to ratepayers. Additionally, DRA recommends that Cal Water comply with detailed reporting requirements for its conservation programs.

Cal Water has filled rebuttals disputing many of the DRA's claims. DRA and Cal Water are still arguing the facts regarding the proposed rate increase.

Cal Water held a single public meeting in Visalia in November 2009 regarding the proposed rate increase. Advertising was not sufficient to engage the public's attention and only three citizens were in attendance in addition to City staff and a local newspaper reporter. Although Cal Water's rate cases are different for each of its 26 districts, the CPUC held only four Public Participation Hearings across the state regarding Cal Water's rate cases. The closest hearing to Visalia was 100 miles away in Kernville. Literally thousands of pages of technical documents have been filed pertaining to Cal Water's rate increase application. Two weeks of Evidentiary Hearings before an Administrative Law Judge are scheduled to begin in San Francisco on April 26. Clearly, the process is not conducive for active participation by the City, much less by citizens.

On March 23, 2010, the City of Visalia filed a motion for party status to Cal Water's General Rate Case proceedings citing concerns that a rate increase of 60% over the next three years will have a significant negative impact on residential and commercial ratepayers during the current economic downturn. The purpose of requesting party status is so that the City is granted the ability to participate in all conferences and hearings associated with the proceedings with

the ability to present evidence and testimony and be provided copies of all filings. The City was granted party status by the Administrative Law Judge on March 26, 2010. For similar reasons, the City of Salinas requested party status on March 26, 2010.

This is the first time that Staff has endeavored to be engaged with a utility rate payer case. It is not unlike the process that the City underwent as part of the Southern California Edison transmission line application process. As the briefs and rebuttal briefs have been filed over the past couple of weeks, it has become clear that in order to have a meaningful role in a utility rate case Evidentiary Hearing process, specialized legal counsel, a significant financial commitment, and a concerted effort by staff are all required. The difference in a rate case is the involvement of the Division of Ratepayer Advocates (DRA) and the analysis of the entire application by this state organization. DRA's main statutory role is to "obtain the lowest possible rate for service consistent with reliable and safe service levels."

It is staff's intention to continue to monitor Cal Water's rate increase application process, attend the first day of the Evidentiary Hearing, and report back to Council with recommendations on what information should be submitted by the City to the CPUC as part of the final decision process.

While in San Francisco for the beginning of the Evidentiary Hearing, it is staff's intent to meet with representatives from the CPUC Public Advisor's Office. This office's mission is to provide procedural information and advice to individuals and groups who want to participate in formal CPUC proceedings. They are also supposed to keep the CPUC informed of barriers that prevent effective public participation. City staff has made numerous attempts to obtain information and advice from this office through both phone and email, with no results. In fact, it was not until staff contacted the Administrative Law Judge directly that useful information was forthcoming. It is staff's intent to discuss how difficult it is for a local governmental agency to participate in CPUC processes, especially in this economic environment. It is even harder for individual citizens to be involved, especially when public hearings are not conveniently located.

Additionally, staff recommends that the City Council consider requesting Assemblymember Connie Conway to introduce legislation requiring the CPUC to conduct public hearings in each district a water company operates in (e.g., the Visalia District) to provide better access for participation by local governments and citizens.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to approve the staff recommendation to continue to monitor Cal Water's rate increase application process, attend the first day of the Evidentiary Hearing, and report back to Council with recommendations for what information should be submitted by the City to the CPUC as part of the final decision process; and to instruct staff to contact Assemblymember Connie Conway regarding the possibility of introducing legislation requiring the CPUC to conduct public hearings in each district a water company operates in to provide better access for participation by local governments and citizens.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Discussion of possible stimulus actions the City of Visalia might take.

Deadline for Action:

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, x4474

Department Recommendation: Staff would recommend the following proposals with an effective date as of May 1, 2010, without retroactivity:

- 1) Decrease impact fees if the ENRCCI index decreases or leave impact fees unchanged for 2010/11.
- 2) Until December 31, 2010, defer all impact fees until close of escrow or December 31, 2011, whichever comes first for projects with impact fees greater than \$10,000.
- 3) Continue to offer the 5 year impact fee financing for industrial projects secured by a lien against real property.
- 4) Until December 31, 2010, offer a 5 year financing of transportation impact fees for all commercial projects in the same manner that industrial projects are provided a 5 year impact fee financing, if the project is completed by December 31, 2011 and has fees greater than \$10,000.
- 5) Assign an individual as a departmental ombudsman to assure that projects are being processed timely.
- 6) Expedite commercial and large residential subdivisions (projects in excess of \$1,000,000).
- 7) Review and right size all impact fees as appropriate
- 8) For large events with over 1,000 room nights in Visalia that are contracted and held before December 31, 2011 provide a 50% Transient Occupancy Tax (TOT) rebate to the organizing committee..
- 9) Participate in the CaliforniaFIRST energy efficiency and solar energy low-interest financing program for Visalians. This program provides low-cost property assessed financing for individuals and businesses to install solar energy and/or energy efficiency projects in their buildings.
- 10) Implement the real estate sign revisions as recommended by the HBA in their attached letter.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Staff does not recommend funding the following:

Previous staff proposals no longer recommended

- 1) Put building permits and business licenses on-line
- 2) Provide an on-line tracking of permit processing
- 3) For residential development completed by December 31, 2010, offer a silent second financing of the park impact fees in excess of \$3,000.

Chamber of Commerce proposals not recommended

- 4) A sales tax give-back for local purchases, a \$30 gift certificate for each \$300 spent;
- 5) A sales tax rebate for new car purchases; nor
- 6) A waiver of all impact fees except for Police and Fire Facilities.

Background

On March 15, 2010, the City Council considered a report on potential actions the City could take to improve the local economy. The report provided options from Staff and proposals from the Chamber of Commerce.

Council directed that the staff take the report and present it to the Citizens Advisory Committee (CAC). The CAC was then to provide feedback to the City Council on their view of the merits of a potential stimulus package.

The CAC met on March 22, 2010 in excess of three hours on this topic. Their motion that night was to refer the item back to staff and the Chamber to see if a joint recommendation could be achieved.

The CAC met again on April 7, 2010 at their regular meeting and decided to also forward to the Council general comments from the CAC. The comments that were written by individual CAC members are shown in Appendix 1. NOTE: These are individual member comments. The CAC did not endorse a single response to the Council.

Further, staff met representatives of the Chamber of Commerce on March 23, 2010. Based partly on that discussion, staff no longer recommends some items and more proposals have been made designed to allow deferring some impact fees.

Staff also evaluated the Chamber's proposals and developed Chart I, Cost of Chamber Proposals. Staff's analysis of the proposals led to the following conclusions:

Chart I

Cost of Chamber Proposal

<u>Program</u>	<u>How it works</u>	<u>The Cost in Millions - Annually</u>	<u>The Objective</u>	<u>Verifiable</u>	
<i>Build Visalia</i>	<i>Waive all impact fees except for school and public safety facility fees for one year</i>	<i>\$8.00</i>	<i>In FY 2008/09, collected \$6.0 million</i>	<i>25% increase in development or 100 new homes</i>	<i>No. Impact fees are about \$10,700 a home, about \$65 a month in a mortgage payment. The amount seems less than adequate to greatly motivate a new home buyer, if the savings are passed on to the buyer.</i>
<i>Buy Visalia</i>	<i>Provide a \$30 gift certificate for each \$300 spent with local merchants.</i>	<i>\$1.44</i>	<i>\$300 in taxable sales yields \$3 in local sales tax. Many things are not taxable - ie labor, groceries.</i>	<i>Increased sales</i>	<i>No. The savvy shopper would group his or her receipts they already have. There are 40,000 households in Visalia, but the gift card is available to anyone who spends \$300 in Visalia. Visalia draws people from Tulare/Kings Counties and beyond. This area represents over 500,000 people or 160,000 households. If 10 percent of the households apply for 3 gift cards, the costs are as shown. Note, 75% of sales tax is used for public safety.</i>
<i>Drive Visalia</i>	<i>Rebate all the sales tax on new car purchases.</i>	<i>\$1.68</i>	<i>Typical car provides \$265 in local sales tax. Rebate all local car sales tax.</i>	<i>Increased car sales by 40% or 2000 cars</i>	<i>No. Last year, the new car dealers sold about 4800 cars and collected \$1.2 million in sales tax. During the Cash for Clunkers program, a rebate program of \$3,500 to \$4,500, car sales rose 10% in that quarter.</i>

Estimated Cost \$11.12

Subsequently to the City developing the costing chart, some concepts have been raised by the Chamber which might better control the cost of these programs while still encouraging economic activity. In fact, Glenn Morris has suggested that the most effective way to accomplish this task might be to set a budget and let the Chamber recommend a program.

Commenting on the Buy Visalia program, Glenn Morris suggested:

Finally, we continue to believe that it's important that any stimulus program have a broad-based, easily understood public component. We agree that there need to be limits set on the consumer element, but believe that some form of this piece is important to help the entire community feel that they have a stake in this program. One of the options that we would be willing to consider would be to set up the program in such a way that those merchants who chose to participate in the gift-card program would share some of the financial investment. For instance, if we were to

stick with a \$30 gift card, we might structure the program in such a way that the participating merchant is reimbursed for only a portion of the face value, thereby sharing in the cost of the consumer discount. My initial thought would be to structure the deal so that for every \$30 gift card that a merchant honors, they would be reimbursed \$15; if the City's share was \$20, that would leave \$5 per card (\$25,000) to market the program, etc.. Using Eric's example of capping the program at \$100,000, this would allow us to distribute approximately 5,000 cards to individual families. Again, assuming \$300 in qualifying purchases to participate, and an average purchase of \$50 for each card, the total economic impact of the program would be something like \$1,750,000.

Staff Recommendations. The following recommendations are conceptual actions and will probably require refinement by staff to fully implement the concept, if so directed by Council. Most of staff's proposals are designed to assist developers by deferring the payment of impact fees. The proposals become a financing mechanism which should help the developer in a time of tight credit. The potential cost of these proposals is as follows:

- 1) ***Decrease impact fees if the ENRCCI (Engineering New Record Construction Cost Index) comes in negative or leave impact fees unchanged for 2010/11 (Cost: \$360,000).*** Last year, the City did implement a 6.5% ENRCCI increase. The index is currently running at -0.5% this year. If these increases are not implemented again this next year, the City will forgo about \$360,000 in impact fee revenues. (6% of \$6,000,000 of impact fees, the amount collected in FY 2008/09.)
- 2) ***Until December 31, 2010, offer to defer all impact fees until close of escrow or December 31, 2011 (Cost: \$45,000).*** Currently, the City defers impact fee payments until certificate of occupancy. Deferring the fee until close of escrow would allow the developer to pay for these fees from the property's sale, improving the ability to finance projects. The City's lost interest cost is small (loss of interest earning between certificate of occupancy and close of escrow.) Assuming the time difference is 4 months and the cost of funds short-term for the City is 2%, this represents a \$30,000 interest loss plus some administrative cost to lien properties, say \$15,000.
- 3) ***Continue to offer the 5 year impact fee financing for industrial projects secured by a lien against real property.*** The City offers to finance impact fees for industrial property to be paid via the tax roll when secured against real property. Continuing this program offers sizeable assistance to development.
- 4) ***Until December 31, 2010, offer a 5 year financing of transportation impact fees (TIF) for all commercial projects whose TIF fees exceed \$10,000 (Cost: no cost if projects postponed. \$70,000 for each \$1 million deferred if projects are financed.)*** In the same manner that industrial projects are provided a 5 year impact fee financing, Visalia could provide a 5 year financing mechanism if the project is completed by December 31, 2011. Because the City would collect interest at the City's earning's rate, there would be no loss of funds. The only real loss is that without those funds, projects would need to wait until cash was collected. However, if the City decided to proceed ahead and build projects before the cash was collected, the cost would be about \$70,000 for each \$1 million financed.

Transportation Impact fees are recommended here to be deferred because these fees represent significant costs to commercial development due to the assumed large traffic volumes.

- 5) **Assign an individual as a departmental ombudsman to assure that projects are being processed timely.** Although Mike Olmos, Assistant City Manager, Chris Young, City Engineer, and Dennis Lehman, Chief Building Official, try to listen to developers and remove roadblocks, all three are very busy. If the City designated an individual to receive developer calls, determine if processing was occurring timely and be able to bring concerns to management personnel, projects would be less likely to be delayed.
- 6) **Expedite commercial and large residential development projects in excess of \$1,000,000 until December 31, 2010. (Cost: \$30,000).** Because development has been slow, City staff has been reviewing almost all plans. If those plans are sent out, the City offers the private plan checker 75% of the plan check fee. Because City staff can do this work, the City would forgo those revenues which have otherwise support staff activity. However, the plan checks most probably will be completed more quickly.
- 7) **Review and right size all impact fees as appropriate. (Unknown).** Staff should periodically review all impact fees to assure that the fee is appropriate. However, staff believes that the impact fees are probably less than what should be charged because most of the fees were adopted prior to the large land cost increases during the middle of last decade as shown on the table below:

Impact Fees	Ordinance Or update
Civic Center	2005
Transportation	2008
Trunkline Capacity	2001
Treatment Plant	2001
Storm Drainage	2001
Park Acq. And Dev.	2004
Waterways Acq.	2001
Groundwater Mit.	2005
Fire Facilities	2001
Police Facilities	2006

Note: The first number in an ordinance signifies the year the ordinance was adopted.

If Council directs, staff would propose reviewing these fees internally and bringing back preliminary recommendations by the end of May. It should be noted, however, that most of impact fees were developed before 2005, prior to when land costs increased substantially. Further, construction costs, although down, tend to be more than the plan's construction cost assumptions. As a result, a review may suggest that fees should be increased.

If a review suggests that impact fees need to be increased, staff would recommend postponing those increases or phasing in the increases gradually.

8) Large User, Transient Occupancy (Bed) Tax Rebate (Cost: \$30,000). For large events with over 1,000 room nights in Visalia that are contracted and held before December 31, 2011 provide a 50% Transient Occupancy Tax rebate to the organizing committee. If 6 such events occur at the 1,000 room night level at a cost of \$100 a room, the rebate would be \$30,000. The total TOT garnered from 6,000 room nights would be \$60,000. At the \$236 per delegate night spending projection provided in the independent HVS study, the total economic impact to Visalia from 6,000 room nights would be \$1.4 million.

9) Participate in the CaliforniaFIRST energy efficiency and solar energy low-interest financing program for Visalians (Cost: up to \$75,000). This program provides low-cost property assessed financing for individuals and businesses that implement energy efficiency retrofits and/or solar energy systems in their buildings. The City would need to pay between \$15,000 and \$75,000 to participate in the program; staff is investigating options for the lower end of the fee scale, and non-General Fund alternatives for the fee.

This program would enable Visalia property owners to install energy efficiency retrofits and/or solar energy systems which will significantly lower their ongoing energy costs, put contractors to work installing these systems, and help the City to meet AB 32/SB 375 requirements. Staff estimates that the CaliforniaFIRST program would create approximately \$2,700,000 annually in new energy efficiency and solar energy projects in the City and approximately 30 jobs in the growing green-jobs industry as well as trades such as plumbing, electrical, and HVAC.

10) Implement the real estate sign revisions as recommended by the HBA in their attached letter. Because home building is down, the demand for kiosk signs has decreased. The HBA has requested some changes in the City's sign program which staff supports.

Staff believes these proposals will cost the City in excess of \$500,000.

Items not recommended. Staff considered by does not now recommend the following:

- **Put building permits and business licenses on-line** so that permits not requiring multi-page plan submittals may be processed on-line, including an opportunity to make payments for such permits. This upgrade will cost approximately \$100,000 but will decrease the effort required by builders to submit plans and process required paperwork. This enhancement should allow builders the opportunity to focus on building and not permit processing. However, an immediate impact will not occur.
- **Provide an on-line tracking of permit processing**, informing the individual submitting a building permit application as to the status of their submittal. Again, this will provide developers a tool to better use their time for building rather than tracking paperwork. The additional cost of this enhancement is estimated at \$15,000. Again, an immediate impact will probably not occur.
- **For residential development completed by December 31, 2010, offer a silent second financing of the park impact fees in excess of \$3,000. (Cost: between \$170,000 to \$280,000).** These fees would not be due until the original owner sells the property. A lien equal to the required park fees would be levied. The typical house has

\$3,200 in park impact fees. This fund currently has some fund balance, but to finance these fees until the home sells means that for the 7 months the silent second was in place for the 200 to 300 homes that are built in that time, \$600,000 to \$1,000,000 would not be collect. The typical house is resold every 7 years. So that money would not return to the fund for 7 years on average. At a 4% interest rate, that equals \$170,000 to \$280,000.

The rationale for suggesting park fees to be deferred is that currently the Park Impact Fee fund has substantial monies to fund current projects. If monies are delayed, few, if any, projects would be delayed due to the fee deferral. Further, if the Council did wish to pursue this alternative, staff would recommend that the deferral be only for owner-occupied residents. If the home was not owner occupied, the interest rate would retroactively become 7% from the date of lien, per year. This option is not recommended, however, because homes are not viewed as creating ongoing jobs.

As for **Chamber of Commerce Proposals**, staff generally found the proposals too expensive for the City to embrace, potentially \$11 million if fully implemented. Further, the two gift certificate proposals would take money from the General Fund, money that is generally used for Police and Fire services. Therefore, staff could not recommend these proposals. Conversely, the Chamber has suggested that if the City set a budget, they could propose a program.

- 1) **Buy Visalia** proposes to return \$30 to someone who spends \$300 in the community. The value of this proposal hinges on whether or not the \$30 encouragement will generate new sales that would not have occurred otherwise. Little data exists to evaluate the value of such an incentive. However, during the cash for clunkers incentives, incentives of \$3,500 to \$4,500, the City did experience a 10 percent increase in new car sales.

Staff suspects that this incentive would have much less effect, maybe generating an additional 2% in sales. Therefore, for every \$9,000 spent, the City would provide \$900 in incentives to gain \$180 in additional sales (2% of \$9,000). The counter argument is that the program would encourage people to be more upbeat about their community.

If 10% of the 500,000 people in the Tulare-Kings area earned 3 cards each, the cost to Visalia would be \$1.44 million.

- 2) **Drive Visalia** proposes to rebate all the new car sales tax back to the car purchaser, which averages \$250 a car. Staff, again, does not believe that such a program will appreciably change the behavior of individuals. Thus, the City would be giving away all its sales tax that would otherwise be available for General Fund services, mainly Police and Fire. This program could cost the City all its new car sales tax, about \$1,680,000 this past year.
- 3) **Waive all impact fees except police and fire facilities fees.** Impact fees build facilities which support new development. The fees are only needed if development occurs. Without these new facilities, the community's infrastructure is less. Individuals who move into new homes expect the same quality of streets, the same access to parks, and the same level of parkways as individuals who are already here.

If the City waived all these fees for a year, Visalia would have \$8 million less, even in bad times, to construct these needed facilities. As a result, staff has proposed various ways to finance and reduce the impact of these fees for a period of time, instead of

waiving fees. The effort is to lessen the impact without greatly undermining the impact fee program.

Finally, the City Attorney has expressed serious concerns about discontinuing and re-implementing fee programs. There are two main concerns:

- 1) When you waive a fee, you can not collect those waived fees from future development; rather, taxpayers will need to pay for those waived fees in the future.
- 2) When a fee program is suspended, it is probably appropriate to develop the complete fee program again, possibly requiring a new fee study.

Conclusion

The City already has a number of programs which are designed to improve the business process. Businesses have begun again to inquire about bringing their warehouses and factories to Visalia. The worst of the downturn may have already occurred. If so, the City will need to respond to increased community demand for services and infrastructure. As a result, staff has made proposals which should help improve the economic environment while still retaining resources to meet the eventual demand for services and infrastructure. Staff believes that the greatest impact would be in the development of commercial and industrial development, development which tends to produce jobs.

Prior Council/Board Actions: 3/15/10 – Referred item to CAC

Committee/Commission Review and Actions: CAC reviewed stimulus package at a special meeting on 3/22/10. The CAC recommended that Chamber and City continue working on developing a joint recommendation but the CAC provided comments for Council.

Alternatives: Accept any or all of the Chamber and City past proposals.

Attachments: #1 CAC Member comments on the stimulus concepts
#2 HBA Letter dated 4/8/2010
#3 Chamber of Commerce Flyer on potential stimulus program

Recommended Motion (and Alternative Motions if expected): That the City Council:

Direct staff to take steps to implement the following proposals with an implementation dates of May 1, 2010, unless staff needs further direction:

- 1) Decrease impact fees if the ENRCCI index decreases or leave impact fees unchanged for 2010/11.
- 2) Until December 31, 2010, defer all impact fees until close of escrow or December 31, 2011, whichever comes first for projects with impact fees greater than \$10,000.
- 3) Continue to offer the 5 year impact fee financing for industrial projects secured by a lien against real property.
- 4) Until December 31, 2010, offer a 5 year financing of transportation impact fees for all commercial projects in the same manner that industrial projects are provided a 5 year

impact fee financing, if the project is completed by December 31, 2011 and has fees greater than \$10,000.

- 5) Assign an individual as a departmental ombudsman to assure that projects are being processed timely.
- 6) Expedite commercial and large residential subdivisions (projects in excess of \$1,000,000).
- 7) Review and right size all impact fees as appropriate
- 8) For large events with over 1,000 room nights in Visalia that are contracted and held before December 31, 2011 provide a 50% Transient Occupancy Tax (TOT) rebate to the organizing committee..
- 9) Participate in the CaliforniaFIRST energy efficiency and solar energy low-interest financing program for Visalians. This program provides low-cost property assessed financing for individuals and businesses to install solar energy and/or energy efficiency projects in their buildings.
- 10) Implement the real estate sign revisions as recommended by the HBA in their attached letter.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

Attachment #1

Citizen Advisory Committee's individual member comments. NOTE: THESE DO NOT NECESSARILY REPRESENT A CONSENSUS OF THE CAC BUT REPRESENT INDIVIDUAL'S THOUGHTS.

- Find a way to encourage or provide an incentive for redevelopment or renaissance of previously abandoned projects (old Costco, abandoned Main Street buildings, old Vons, etc.)
- Consider the vouchers for cars, cap it out...have the Chamber administer it.
- Consider the buy Visalia program, cap it out...have the Chamber administer it.
- I don't know that putting building permits online will encourage any economic growth. It is something that is a good idea, but I don't see how it will help anyone to decide whether or not to move a project forward and it costs the City money that could be put into use in funding one of the previously mentioned tasks.
- Online tracking...again, this would be a good thing; but would not necessarily provide any economic growth.
- Expedite plan checks. This is a good thing, but would not be a deciding factor on whether or not to move a project forward and will take away from much needed City revenues to pay staff salaries. If this is considered, only outsource plan checks to local Visalia firms.
- Do not increase developer impact fees for 2010/11. I think that this is a given and should not even be considered otherwise.
- Continue to defer impact fees for up to five years for industrial and expand it to commercial and office. I think that this is a good idea and could provide economic incentive to move a commercial or office project forward this year.
- Consider a temporary reduction in fees (maybe 75% or 50%) for only 2010 for only commercial, office, industrial, or existing residential neighborhoods that are currently completed. I think it would be detrimental to encourage additional greenfield growth and infrastructure extensions to projects that are not already under construction or constructed. The main idea would be to give people a kick start to maybe pull permits on land that has already been improved. If no one pulls permits, then no harm no foul. If it encourages people to pull permits, then it creates jobs and property values. Since, the properties being developed are already ones that are most likely hampering property values in that area by being vacant and abandoned. Also, the hard costs for the infrastructure was most likely installed during the high point of the construction market, making it difficult to price the new development significantly lower than the surrounding properties. I am not sure if that makes sense, but I am trying to say that the streets and infrastructure was put in and paid for with 2008 prices; so it would be difficult to sell or rent the new building/house for what it could be if built with 2010 construction values.
- Defer the payment of impact fees until the close of escrow. This is a beneficial idea, but might be hard for the City to track and make good on receiving their money. I would rather just temporarily lower the impact fees and not try to track all the escrow closings for every project in Visalia.

- Consider implementing a Visalia based preference on City projects (other cities do this and it is detrimental to Visalia companies competing else where). I realize that there is a legal component, but if the City of Danville and City of Fresno can do this, then I am sure that there is some legal basis for this. I have attached a RFQ that Fresno states their City policy established in 1994. Visalia's RFP's give 5 points for knowledge of local conditions typically, but that is very subjective and a firm operating in Visalia can have knowledge of local conditions. I realize that construction is low bid, so I am not sure how to encourage that.
- I was very concerned when the Vice President from Mangano reported they are building commercial product nearing \$300 per foot. I commented during the hearing those are similar "all-in" construction costs found in both San Francisco and Los Angeles; I know; I sell these types of buildings in those markets. We simply cannot attract commercial leases that will pay to recapture those levels of capital investment here in Visalia or the SJ Valley at large. Even if you take away 100% of the impact fees, groups such as Mangano are still constructing product well outside of the feasibility range. However, from my experience, developers and builders "do-what-they-do" and companies like Mangano would build, and did build, until they become a burden on the infrastructure; one need only to look at boom and bust cities like Phoenix, Houston and so forth. These are bigger cities but the example is fitting. The "build and hope they will come" "strategy" is a long-standing strategy by developers. Our local developers returned little of their profits during the "boom" years in Visalia and we, as a City and as citizens, should not be expected to subsidize their internal development costs on the other side of a down turned economy from reduced fees.
- Similarly, I was amazed the Chamber of Commerce and Mangano believes the construction of single-family homes, at any price range, will assist in the economic recovery of Visalia.
- Yesterday, April 7, I pulled data from the Tulare County Association of Realtors to take a look at how many homes were sold, and at what levels, for 2010 year-to-date. Without making this e-mail an epistle, TCMLS sales data can be grouped easily into familiar pricing categories; such as \$0k-\$100k, \$100k-\$200k, \$200k-\$300k; and so forth. The data indicates the bulk of sales are below the \$150k pricing level (the greatest preponderance being foreclosed or short-sale homes); with only 11% of homes sold in 2010 being over the \$200k pricing level. For example, in March 2010, only three (3) homes sold priced over \$300,000 in all of Tulare County. And, I am sure, the TCMLS will happily share any of their data to help the City of Visalia make its best decision or to formulate a predictive outcome as to the creation of more vacant residential and commercial product.
- While none of us have a crystal ball as to the particular timeframe for economic recovery; I suggest the burden, and cost, of any further study as to the reduction of impact fees be placed on the beneficiaries of those proposals.
- If you build a home and no one can buy it, what good is the waiving of fees?

City of Visalia
Agenda Item Transmittal

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk): 4

Agenda Item Wording: Visalia Police Department Overview

Deadline for Action: N/A

Submitting Department: Police Department

Contact Name and Phone Number: Chief Colleen Mestas, ext. 4215

Department Recommendation

N/A

Summary/Background

The purpose of this PowerPoint presentation is to provide the City Council with an overview and update of the Department's functions and services provided.

Mission Statement

The Visalia Police Department has been established to preserve the public peace, prevent crime, detect and arrest violators of the law, protect life and property, and enforce criminal laws of the State of California and the Ordinances of the City of Visalia.

Department Overview

The Visalia Police Department is staffed with a total of 207 allocated positions; 143 sworn officer positions and 64 civilian staff positions. Currently, the Department has eight (8) frozen positions; six (6) sworn positions and two (2) non-sworn positions. Additionally, there is another sworn position that is currently underfilled with a Community Service Officer.

In 2009/2010, the Department had an operating budget of \$29.8 million. The Department is divided into two (2) Divisions; the Operations Division and the Operations Support Division.

Operations Division Overview

The Operations Division includes the Patrol Bureau and the Special Enforcement Bureau. The basic function of the Operations Division can be described as the "front-line" or first responders for 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.): 25

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

services for the City of Visalia. A majority of the positions within the Operations Division are uniformed personnel.

Patrol Bureau: The Patrol Bureau is divided into two areas of responsibility, each anchored by a sub-station. The District 1 sub-station is responsible for all police services within the City limits north of SR 198, and the District 2 sub-station is responsible for the areas south of SR 198. The primary function of the Patrol Bureau is to respond to calls for service and perform basic patrol duties, each and every day. In 2009, the Patrol Bureau responded to 120,452 calls for service, up from 119,942 in 2008.

District 1: District 1 is currently staffed by 34 sworn personnel consisting of one (1) District Commander, six (6) Sergeants, one (1) Agent, and 26 Officers. There are also four (4) civilian employees assigned to District 1 who represent the Crime Prevention Unit, Records, and Community Services Officers. Additionally, the Crime Analysis Unit and the Traffic Unit work out of the District 1 sub-station as needed.

District 2: District 2 is currently staffed by 34 sworn personnel consisting of one (1) District Commander, six (6) Sergeants, one (1) Agent, and 26 Officers. There are also four (4) civilian employees assigned to District 2 who represent Parking Enforcement and a Community Services Officer. Additionally, the Crime Analysis Unit and the Traffic Unit work out of the District 2 sub-station, as needed.

Specialty Assignments:

- ***Traffic Unit*** - The Traffic Unit is currently staffed by nine (9) sworn personnel; one (1) Sergeant and eight (8) Officers whose primary responsibility is to enforce traffic laws and investigate traffic collisions.
- ***DUI Unit*** - There are currently six (6) Patrol Officers assigned to a District sub-station who have a collateral duty as a DUI Officer. Their focus is based on the detection and apprehension of those who drive under the influence of alcohol and/or drugs. In 2009, there were 551 arrests for driving under the influence in the City of Visalia.
- ***Commercial Policing Unit*** - There are currently three (3) sworn positions; two (2) Police Officers and one (1) Reserve Officer assigned as Commercial Policing Officers. The primary focus of the Commercial Policing Officer is to build a positive relationship with the business community and to maintain a safe environment for the area served. Each officer is responsible for specific areas which are predominately business based. The locations include Downtown Visalia, Mary's Vineyard, and Mooney Boulevard.
- ***K9 Unit*** - The K9 Unit consists of four (4) Patrol Officers who are assigned a police service dog as their partner and are included as Patrol District staffing. The K9 officers are responsible for responding to high-risk situations. These may include responding to in-progress calls for service, officer needs assistance calls, security at crime scenes, civil disobedience, and disturbance situations. Additionally, one (1) police service dog is trained to detect narcotics. The narcotics trained K9 Team's responsibilities may include assisting the Narcotics Unit and the Gang Suppression Unit, as well as the K9 Officer initiating various drug enforcement activities.
- ***CIT*** - The Crisis Intervention Team consists of 12 Patrol Officers who are assigned to a District Sub-station. Each CIT Officer is trained in crisis intervention techniques. CIT Officers respond to calls for service that present officers with complex issues relating to mental illness. The Officer's focus is to de-escalate the situation which allows for better assessment of the individual. Last year, officers assigned to CIT responded to 444 crisis related incidents.

Special Enforcement Bureau: The function of the Special Enforcement Bureau is to provide uniformed support services to the Department's Patrol Division in the form of specialized efforts aimed at gang suppression, narcotics issues, and critical incident support. The main components of the SEB are the Gang Suppression & Narcotics Units.

- *GSU - The Gang Suppression Unit* is staffed with 11 personnel; one (1) Sergeant, one (1) Agent, nine (9) Officers. Their primary focus is on gang suppression activities. In 2009, the GSU made 426 arrests and seized 38 firearms from gang members.
- *Narcotics Unit* - The Narcotics Unit is staffed with six (6) personnel; one (1) Sergeant, five (5) Officers. Their primary focus is on narcotics suppression and investigations. In 2009, the Narcotics Unit made 105 arrests, served 32 warrants and seized 35 firearms.
- *S.W.A.T.*- The Special Weapons and Tactics Team consists of 21 officers. The Team is responsible for responding to a variety of high-risk critical incidents ranging from high-risk warrant services, barricaded suspects and hostage situations. This duty is not considered a primary assignment.
- *Honor Guard* - The Honor Guard consists of seven (7) officers. The Honor Guard represents the Department at Memorials, Funeral services, and other special events. This duty is not considered a primary assignment.
- *Terrorism Liaison Officers* - The TLOs are the Department's link to Homeland Security and consists of five (5) officers who are responsible for evaluating and disseminating information that is critical to local, state and federal security and act as a liaison with the Sacramento Regional Terrorism Threat Assessment Center. This duty is not considered a primary assignment.

Headquarters Lieutenant: The Headquarters Lieutenant oversees the Property & Evidence function housed at Headquarters and the volunteer services that supplement all Departmental operations.

- *Property & Evidence Unit* - The Property & Evidence Unit is staffed by three (3) civilian personnel. In 2009, this unit received 8,629 new pieces of property & evidence and disposed of 8,725 existing pieces of property & evidence through adjudication. This unit also came into compliance with a POST (Peace Officer Standards & Training) Audit.
- *Explorers Unit* – The Explorers Program is a program facilitated by sworn officers who mentor youth (ages 14 to 20) and provide insight into law enforcement operations as potential future career choices. The Department currently has 20 Police Explorers who participate in competitions throughout the state and who also provide assistance to the Department throughout the year.
- *Reserve Officer Unit* - The Department currently staffs seven (7) Reserve Police Officers who assist sworn officers in various Departmental functions ranging from patrol services, DUI checkpoints, special details, etc.
- *VIPS (Volunteers in Police Services) Unit* - The Department has 65 police service volunteers who provided 8,500 volunteer hours of service to the Department in 2009. The VIPS are instrumental in facilitating Department operations in a variety of capacities and represent the Department at events throughout the year.

Operations Support Overview

The Operations Support Division consists of four (4) Bureaus: Professional Standards, Investigations, Special Services and Support Services. The operations contained within the Support Division are the behind-the-scenes functions that are critical to the overall operation of the Department from dispatching officers, records maintenance and court preparation, in-depth criminal investigations, budget and personnel.

Investigations Bureau: The Investigations Bureau provides support to the Operations Division in the form of follow-up investigations utilizing the expertise of detectives to investigate criminal cases and obtain successful prosecutions.

- ***Violent Crimes Unit*** - The Violent Crimes Unit is staffed with 10 personnel; one (1) Sergeant, one (1) Agent, six (6) Detectives and (2) civilian Investigators. This unit investigates all crimes against persons to include: homicides, robberies, sexual assault, etc. In 2009, the Violent Crimes Unit investigated 1,031 cases. Of those cases, nine (9) were homicides, and the unit solved seven (7) for a 78% clearance rate.
- ***Property Crimes Unit*** - The Property Crimes Unit is staffed by eight (8) personnel; one (1) Sergeant, six (6) Detectives and (1) civilian Investigator. This unit investigates all property crimes to include: burglaries, larceny, identity theft, embezzlements, etc. In 2009, the Property Crimes Unit investigated 721 cases.
- ***TRATT (Tulare County Reduce Auto Theft Team)*** - The Department has assigned one (1) of its Property Crimes Detectives to this county-wide task force supervised by a California Highway Patrol Sergeant. In 2009, this unit reduced auto thefts in the City of Visalia by 25%.
- ***Youth Services Unit*** - The Youth Services Unit is currently staffed by 10 personnel; one (1) Sergeant, seven (7) Youth Service Officers, one (1) PAL Officer and one (1) civilian PAL assistant assigned to Visalia High Schools and Middle Schools. This unit will be reduced to five (5) Officers in summer 2010 who will be assigned to the Visalia Unified High Schools. These officers are responsible for police calls for service on Visalia Unified campus locations. The PAL personnel are responsible for operations of the PAL Center and all PAL associated events aimed at working with at-risk youth in our community.
- ***Crime Lab Unit*** - The Crime Lab is staffed by two (2) full-time civilian personnel and two (2) part-time civilian personnel. This unit is responsible for conducting crime scene investigations, processing of all evidence and providing fingerprint services.
- ***Crime Analysis Unit*** - The Crime Analysis Unit is staffed by six (6) personnel; one (1) civilian supervisor, one (1) full-time civilian office assistant, and four (4) part-time clerks. This unit is responsible for collecting, analyzing and disseminating crime related data to various Department units in an effort to recognize crime patterns, identify criminal suspects and to reduce crime.

Professional Standards Bureau: The Professional Standards Bureau is responsible for managing the administrative operations of the Police Department, to include: personnel, training, payroll, public/ media relations, and policy and procedures.

This Bureau is staffed by two (2) sworn personnel, a Lieutenant and Sergeant, and one (1) civilian. The Bureau works closely with other City Departments such as Human Resources, Risk Management, and the

City Attorney to manage the Department's administrative function. The personnel function of this unit includes hiring of personnel, worker's compensation, benefits management, investigation of personnel complaints, and personnel records management. This unit also oversees the administration of training for the Department to ensure compliance with City, State, Federal and POST training mandates and requirements. Media relations is another component of this unit that is critical to maintaining communication with community members and members of the media.

- *Chaplains Unit* - The Department also has nine (9) volunteer Chaplains who serve the Department and the Community in times of need.

Support Services Bureau: The Support Services Bureau is comprised of the Records Unit and Communications (Dispatch) Unit.

- *Records Unit* - The Records Unit has a total of 19 personnel; 13 full-time, two (2) part-time and four (4) hourly employees. The Records Unit is responsible for maintaining all Departmental records, transcribing dictated narrative reports, preparing DA packages for evaluation and providing front counter assistance.
- *Communications Unit* - The Visalia Police Department Communications Unit is staffed by 21 civilian Dispatch positions. This unit handles the dispatch services for the Visalia Police & Fire Departments, Visalia Animal Control services and the College of the Sequoias Police Department.

Special Services Bureau: The Special Services Bureau is staffed by two (2) personnel; one (1) civilian Special Services Manager and one (1) civilian Police Specialist. The Special Services Manager is responsible for the management of the Department's budget, grants, and Capital Projects. The Special Services Manager also oversees the Department's Explosives Ordinance Disposal (EOD) Unit, a collateral assignment with five (5) certified Bomb Technicians. The Civilian Police Specialist is responsible for managing the Department's facilities and fleet.

Overview of Departmental Activities

Calls for Service

	2008	2009
Police Calls:	112,154	111,003
Fire Calls:	11,013	11,084
SPCA Calls:	7,788	9,450
Total Calls for Service:	130,955	131,537

Records

	2008	2009
Front-Counter Citizen Assists:	16,810	21,190
Submitted Arrest Packages:	4,710	4,564
Transcribed Narratives:	8,712	9,135

Arrests

	2008	2009
Adult Arrests:	5,186	5,269
Juvenile Arrests:	1,583	1,254
Total Arrests:	6,769	6,523

Part 1 Crimes

	2008	2009
Homicides:	10	10
Rape:	48	53
Robbery:	194	185
Assault:	1,609	1,679
Burglary:	1,238	1,261
Larceny/Theft:	3,775	3,348
Auto Theft:	707	528
Total Part 1 Crimes:	7,581	7,064

There was a 6.8% decrease in Part 1 Crimes in 2009 when compared to 2008 with the only increases being in the rape and assault categories.

Traffic Statistics

	2008	2009
Total Collisions	2,320	2,281
Hit & Run Follow-Ups	51	170
Fatal Collisions	6	4
Traffic Citations Issued	10,386	15,665
Parking Citations Issued	13,286	15,101
DUI Checkpoints	12	16
DUI Saturation Patrols	8	22

In 2009, the Visalia Police Department received recognition for our efforts in traffic enforcement from the California Office of Traffic Safety. VPD placed 3rd of 106 entries in the 2008 California Law Enforcement Challenge (CLEC) from law enforcement agencies throughout the state. The CLEC program showcases the enforcement efforts of each agency for a particular calendar year. The statewide seatbelt compliance rate is 95%. Because of our traffic efforts, our drivers have a **97%** compliance rate, increasing the safety of our commuting public. Alcohol-related collisions are down, as a result of our comprehensive approach to DUI enforcement. Through checkpoints, saturation patrols, court sting operations, and warrant sweeps, VPD is working hard to make our community a safe place for our commuting public.

Gangs

	2008	2009
Gang Homicides	8	3
Assaults w/Deadly Weapon	63	41
Shooting at Inhabited Dwelling	63	27
Validated Gang Members	972	1,184

Department Budget / Grants

The operating budget for the Visalia Police Department in FY2009/2010 is \$29.8 million. The largest portion of this budget comes from the City's General Fund at \$26.7 million. Measure T sales tax money accounts for \$3.07 million, and Narcotics Asset Forfeitures provide another \$20,000.

In addition to money appropriated in the FY 2009/2010 budget, the Department also operates various City Council approved grants that are utilized for specific Department programs. These grants include the following: Byrne JAG formula Recovery Act Grant- \$351,363; Byrne JAG Grant- \$99,974; State Citizens Option for Public Safety (COPS)- \$100,000; Office of Traffic Safety (OTS) Avoid Grant-\$35,000; OTS DUI Enforcement and Awareness Program-\$108,000; and Homeland Security Grant- \$150,000.

In FY2009/2010, the Department was able to create budget savings through creative work schedule adjustments, therefore, mitigating the need for substantial overtime use. Additionally, the Department was able to conduct enforcement operations and obtain equipment through the acquisition of grants that are identified above.

Capital Expenditures

Capital expenditures for FY2009/2010 are limited to vehicle replacements from the General Fund at \$993,000 and two new vehicles for two new police officer positions from Measure T in the amount of \$111,000. A multi-funded specialized SWAT armored vehicle (Bearcat) is being funded through Homeland Security, State COPS and Asset Forfeiture funds in the amount of \$312,000.

For the upcoming two-year budget cycle of FY2010/2011 & FY2011/2012, the Department has requested capital expenditures to include: replacement of a Voice Logging System for Dispatch - \$15,424; Sokkia Total Station (Crime Scene Reconstruction System) - \$11,298; replacement vehicle requests-\$363,600 for FY2010/2011; and replacement vehicle requests- \$365,500 for FY2011/2012.

Strategic Plan

The Department is in the final stages of approving a three-year Strategic Plan that will serve as a guide for the Department's operations over the course of the next three years (2010-2013). During this process, the Department identified seven (7) organizational goals as follows:

1. Proactively reduce the City's crime rate with an emphasis on gangs, narcotics and graffiti issues.
2. Preserve and enhance the quality of life while improving safety in Visalia.
3. Augment internal operations to run more efficiently.
4. Continue to develop new partnerships with community organizations and stakeholders to assist in community problem solving efforts.
5. Enhance communications within the Department, City organization and the Community as a whole.
6. Meet employee career development expectations while implementing succession planning & comprehensive on-going training.
7. Aggressively manage the budget through innovative efforts to maintain service levels with fewer resources.

Partnerships

The Department is proud of its strong partnerships that have been developed with a wide array of community stakeholders in order to enhance the level of service provided to the citizens of Visalia. The Department recognizes that it is through partnerships with all aspects of our community that we will be the most effective and efficient in meeting the Department's mission to provide for the public safety of the citizens of Visalia. The following list is an example of the partnerships the Department has developed:

- Tulare County Mental Health (CIT Training)
- Tulare County Sheriff's Office (MAGNET & INET)
- Tulare County Probation (Intense Supervision Project-Gangs)
- Tulare County DA's Office (Gang Suppression Task Force, DA Liaisons)
- Visalia Unified School District (YSOs, Gang Task Force, NYC's, GREAT)
- Proteus, Inc. (NYC's)
- California Highway Patrol (TRATT)
- AVOID 11 Grant (Multiple Tulare County law enforcement agencies)
- Tulare County Board of Supervisors (Tulare County Gang Prevention Task Force)
- Multi-Agency Gang Intervention Task Force (Multiple organizations)
- United Way (First Call Project)
- City of Visalia S.M.A.R.T. Team (Public Works, Code Enforcement, Fire, etc.)
- North Visalia Advisory Committee
- Chief's Hispanic Advisory Committee

Conclusion

The Visalia Police Department continues to provide services to the community that exceed most law enforcement organizations. This is accomplished through innovative ideas and building partnerships. The Department will continue to have a holistic approach that includes non-traditional law enforcement activities, with the hope of improving the quality of life for all of its citizens.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments: PowerPoint Presentation

Recommended Motion (and Alternative Motions if expected): N/A

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Continued review of select FY 2010-11 & 2011-12 Capital Improvement budgets and future Capital Improvement Program (CIP) requests.

Deadline for Action: June 21, 2010

Submitting Department: Administration/Finance Division

Contact Name and Phone Number:

Renee Nagel, 713-4375
Melody Murch, 713-4379

Department Recommendation:

That the City Council accepts the second presentation of the City's Capital Improvement Project (CIP) report and provide direction as appropriate. The Council is scheduled to act upon the CIP budget in June.

Discussion:

This is Council's second opportunity to review a portion of the proposed FY 2010-16 Capital Improvement Program (CIP). The remaining portions of the Capital Improvement Program are scheduled to be brought to Council for review on May 3rd and May 17th.

The CIP includes all projects and equipment purchases costing \$10,000 or more. When possible, Capital Projects are separated from the operating budget, by the use of separate capital funds. This allows a clearer view of capital activities and prevents operating budgets from being artificially inflated by those same capital activities. The operating portions of the CIP funds remaining for review will be brought to Council along with the full operating budget in June.

The Capital Improvement Program presents the two fiscal years 2010/11 and 2011/12 for adoption and appropriation. *Four additional years are shown for planning purposes.*

This allows Council to plan future projects and consider the near term impacts of those decisions. However, only the first two years are proposed for appropriation and deserve greater scrutiny. Amounts included in the final four years will not be appropriated.

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 hr.

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.

It is recommended that Council reviews and either tentatively approves or directs changes to the attached proposed Capital Improvement Program (CIP) budgets for the selected funds. No formal action is required at this time. Staff will return with funds that need to be amended or will make changes to the Capital Improvement Program as Council directs. A final Capital Improvement Program document will be prepared, after the review process is completed, to be adopted with the City's Operating Budget in June 2010.

Tonight's CIP Funds for discussion:

All funds to be reviewed today are independent of the General Fund and their revenues can only be used as designated in each fund. The Funds to be discussed in today's Work Session include:

Table 1: Proposed Funding

Fund Name (Page #)	Fund #	Proposed 2010-11	Proposed 2011-12
Park & Recreational Facilities (Pages 9-11)	1211	\$1,000,000	\$825,000
Measure R Trailways (Pages 12-14)	1132	951,000	875,000
Waterways (Page 15)	1251	200,000	100,000
Storm Sewer Construction (Pages 16-19)	1221	468,000	315,000
Storm Sewer Deficiency (Pages 20-21)	1222	380,000	250,000
Storm Sewer Maintenance (Pages 22-23)	4812	264,050	190,000
Wastewater Trunk Line (Pages 24-25)	1231	1,095,000	3,195,000
Underground Water Recharge (Pages 26-27)	1224	1,110,000	1,060,000
Total Projects		\$5,458,050	\$6,810,000

Fund Analysis:

Below is a description of the Funds and their revenue sources:

Park & Recreational Facilities, Fund 1211 (Pages 9-11): This fund is derived from fees paid by developers of residential property in lieu of providing parks and open space. Funds are to be used only for open space acquisition and providing new parks and recreational facilities. The Park & Recreational Fund has a total of 11 projects in its capital plan and 5 projects are requesting funding in the two-year budget. Phase 3 of the Riverway Sports Park is proposed for funding in the two-year budget and is discussed below. (See Attachment B: Riverway Sports Park Master Plan - Map, page 33.)

Construction of Phase 1 of the Sports Park included 10 soccer fields (three lighted), 2 restroom/concession facilities, three group picnic facilities, an interactive water feature, one traditional playground, a BMX facility, improved parking lots, and a maintenance yard, and was completed in August of 2007. Phase 2 is nearing completion and includes 4 lighted youth baseball fields, a new concession and restroom facility, additional parking facilities, the installation of lights on the BMX track, and the lighting of two existing soccer fields.

Phase 3, which is proposed for funding in 2010-11, will develop improvements to the area just south of the existing BMX area and east of the new baseball fields. Approximately .3 acres will be developed to include a new playground, restrooms/concession, two new small picnic shelters, sidewalk and landscaping improvements. All of these improvements will be in accordance with the adopted park master plan. All phases of this project have been jointly

funded with the General Fund Sports Park Reserve. The Sports Park Reserve was established in 1999 by Council to acquire and develop a Community Sports Park. In addition to reserve funds, the City has received a donation of \$216,952 from the Parks & Recreations Foundation which they have requested be used for this project.

City staff is also investigating the feasibility of additional Phase 3 projects to include the extension of Giddings Avenue north to the new main western entrance into the Sports Park complex. This would be a multi-funded project divided between the Transportation Fund and the park project. Additional improvements would include the development of 600 feet of new roadway inside of the park from the Giddings Avenue main entry point to the improved parking lot supporting the youth baseball complex; and the costs to establish a new parking lot just east of the proposed softball complex. This large parking lot would follow the adopted master plan for the park but would not include any permanent improvements. The parking lot would be laid out with posts and cable on a temporary basis. If Council so directs, these additional items will be included in the Phase 3 project when it is brought back to Council for adoption.

In a policy previously established by the City Council, it is important to note the Park Impact Developer fees can only be used to fund approximately 41% of the Riverway Sports Park project. This is the portion that is attributable to new residential growth in our planning environment. The remaining resources for the park must come from existing sources such as the Sports Park Reserve fund or community donations or sponsorships. After completion of Phase 3, the Park Impact Fee fund will have paid 41 percent of the project to date.

Measure R Trailway, Fund 1132 (Pages 12-14): The Measure R Trailway fund shares a 14% portion of the Measure R revenues with Transit. After funding for Transit, environmental projects and projects in unincorporated areas (Santa Fe gap), the remaining funds are to be used for ballot measure authorized Bike and Pedestrian Trails. Projects are programmed according to the Measure R plan and eligible expenditures are paid to the City on a reimbursement basis. All projects in the proposed 6-year capital plan are included in the current Measure R Expenditure Plan. Of the 14 projects proposed in this capital plan, 9 are proposed for funding during the 2-year budget. Projects included in the proposed 2-year budget will provide the City with an additional 5.4 miles of landscaped all-purpose trails along Visalia's waterways in addition to repaving 5.5 miles of the Goshen bike path. These trails will be handicapped accessible for recreational use by both bicyclists and pedestrians. A map of the Waterways and Trails Master Plan has been included in Attachment C, page 34

Storm Sewer Funds

Every housing unit in the City of Visalia is billed a flat rate of \$2.47 monthly on their utility bill for storm sewer. The revenue from this fee is split into four capital funds as shown below in Table 2, Summary of Storm Sewer Fee.

Table 2: Summary of Storm Sewer Fee

<u>Fee</u>	<u>Fund</u>	<u>Description</u>
0.48	1251	Waterway Acquisition
\$ 0.84	1221	Storm Sewer Construction
0.67	1222	Storm Sewer Deficiency
0.48	1223	Kaweah Lake Enlargement Project
<u>\$ 2.47</u>		

There is also a variable rate which charges each parcel \$.24 per 1,000 sq. ft. This variable fee is deposited to the Storm Sewer Maintenance Fund (4812). The Storm Water Master Plan update will identify additional infrastructure and maintenance needs which should be addressed by the Storm Sewer funds. The first phase of the master plan update, which evaluates the existing sewer system, has been completed. Phase 2 which will plan future storm drain system expansions, identify maintenance activities and analyze storm water development impact fees will be completed in conjunction with the General Plan. A brief discussion of each storm sewer fund follows.

Waterways, Fund 1251 (Page 15): This fund is derived from a combination of monthly storm sewer rates and developer impact fees. This fund receives \$.48 of the \$2.47 monthly storm sewer rate. The funds are restricted for acquisition of development setbacks along waterways designated in the Visalia General Plan, restoration of riparian vegetation and maintenance of the setback areas. The Waterways Fund has a total of 2 projects in its capital plan both of which are proposed for funding in the two-year budget.

Storm Sewer Construction, Fund 1221 (Page 16-19): This fund is derived from Storm Sewer impact fees collected at the time of development and a portion of the monthly storm sewer user fees. This fund receives \$.84 of the \$2.47 monthly storm sewer fee. Funds are to be used only for construction of new storm sewer infrastructure to implement the Storm Sewer Master Plan.

The projects in this fund tend to precede development and as such may require debt financing until fees from their related development are received. This fund is currently projected to have a negative balance of \$405k at the end of 2009/10 due to an unexpectedly large number of developer reimbursements paid during this fiscal year and may require an advance of cash from the General Fund.

When possible, storm basin projects are combined with neighborhood parks. When this is not functional, current landscaping standards for basin projects are set at a minimum level, limited to street frontage trees and mulch. This averages \$30,000 per basin. In conjunction with the Urban Tree Foundation, staff pursues any available grants which might pay the cost of this tree planting around City basins.

The Storm Sewer Construction Fund has a total of 15 projects in its capital plan and 8 projects are proposed for funding in the two-year budget.

Storm Sewer Deficiency, Fund 1222 (Pages 20-21): This fund receives \$.67 of the \$2.47 monthly storm sewer fee. Funds are to be used for construction of storm sewer facilities to correct existing deficiencies as identified in the Storm Sewer Master Plan. The Storm Sewer Deficiency Fund has a total of 5 projects in its capital plan all of which are proposed for funding in the two-year budget. The projects in this fund create storm basins which reduce the potential of flooding.

Kaweah Lake Enlargement Project, Fund 1223: This fund has no new projects requesting approval and has been included for information purposes only. This fund receives \$.48 of the \$2.47 monthly storm sewer rate and was created for the City of Visalia's portion of the Lake Kaweah Enlargement Project. This was a joint project between the City of Visalia, Kaweah Water Conservation District, Tulare County, Kings County, and the Tulare Lake Basin Water Storage District which raised the spillway of Terminus Dam 21 feet to provide an additional 42,600 acre-feet of flood control and irrigation-water supply storage at Lake Kaweah. Completion of this project required a General Fund advance of funds. The balance of this advance is projected to be \$975k at June 30, 2010. The advance is projected to be paid off in approximately 4 years (2014). This fund will continue to pay 27% of maintenance costs on this project for the next 50 years.

Storm Sewer Maintenance Fund, Fund 4812 (Pages 22-23): This fund receives monies generated from storm sewer user fees and includes both operating and capital components. The fees for this fund are collected with the monthly utility bill and each parcel is charged \$.24 per 1,000 sq. ft. Funds are to be used only for operation, maintenance, and improvements, including equipment and vehicle acquisitions related to collection and disposal of storm runoff. The Storm Sewer Fund has a total of 5 projects in its capital plan and 4 are proposed for funding in the two-year budget.

Wastewater Trunk line Construction, Fund 1231 (Pages 24-25): This fund's revenues are derived from Sanitary Sewer and Trunk Line Connection Fees. Funds are to be used only for new sanitary sewer trunk line construction, and not for operation and maintenance.

The Wastewater Trunk line Construction Fund has a total of 5 projects in its capital plan with 4 proposed for funding in the two-year budget. A major project included in the 2-year budget is the North Shirk sewer line extension and the Walnut Avenue Outfall line. The North Shirk sewer line is a 48 inch master plan trunk line which will be extended from School Street to Ferguson Avenue at an estimated cost of \$7.2 million. This trunk line will provide service to areas along Shirk Street North of Walnut to Ferguson Avenue.

Underground Water Recharge, Fund 1224 (Pages 26-27): This fund is derived from a portion of the monthly City utility bill. The fees for this fund are based on the size of the water service line and range from \$.35 to \$39.65 a month. In 2002, City Council adopted the additional fee as part of an agreement with Tulare Irrigation District and Kaweah Delta Water Conservation District for the acquisition of water and other activities to improve groundwater levels and increase the level of groundwater.

The Underground Water Recharge Fund has a total of 5 projects in its capital plan all of which are proposed for funding in the two-year budget.

Summary:

The City's CIP details a six-year plan for the expenditure of funds and the completion of projects (see pages 9-27). Information for the years 2012/13 through 2015/16 is provided for informational and planning purposes and will be revised, updated, and adopted in two year increments.

The attached spreadsheets summarize each fund and also provide a detailed list of the proposed projects. The fund title and number are followed by a brief explanation of the revenue source and general purpose of the fund. Each fund summary shows the beginning cash, operating revenue, operating expenditures, proposed CIP expenditures, and ending cash balance for each of the six years. The next section contains a detailed listing of the proposed CIP projects and a map reference for these projects (pages 28-32). The map reference refers to one of 4 maps of the City of Visalia which divides the City into four quadrants along Demaree and Highway 198 as follows:

Map Quadrants

Using Mooney and 198 as Axis Lines

Northwest	Map A (page 29)
Northeast	Map B (page 30)
Southwest	Map C (page 31)
Southeast	Map D (page 32)

The first letter of the map reference refers to a specific map and projects are then numbered sequentially within the map.

Presentation to Council:

Staff has prepared a Power Point presentation to review the Capital Programs of the various funds which follow in pages 9-27. CIP Project Managers will be available to address Council's questions on proposed projects. In order to assist Council in reviewing the proposed CIP projects, staff would recommend the following:

- Staff will present an overview of projects to be discussed.
- Each page will then be individually reviewed and Council will direct which project should be further explained.
- As appropriate, Council will direct certain items to be brought back for further discussion.

Table 3, Capital Funds to be reviewed by Council in future Work Sessions, is a list of CIP Funds that will be reviewed by Council at the two remaining Work Sessions scheduled for May 3rd and May 17th.

Table 3: Capital Funds to be reviewed by Council in future Work Sessions

<i>Fund #</i>	<i>Fund Title</i>	<i>Fund Manager</i>	<i>Review Date</i>
1111	Gas Tax	Andrew Benelli	05/03/10
1241	Transportation Impact	Chris Young	05/03/10
1611	Transportation	Adam Ennis	05/03/10
1613	Traffic Congestion Relief	Adam Ennis	05/03/10
1131	Measure R Local	Adam Ennis	05/03/10
1133	Measure R Regional	Adam Ennis	05/03/10
0012	Motor Vehicle In-Lieu	Adam Ennis	05/03/10
0011	General Fund	Eric Frost	05/17/10
0013	General Fund Designation -Civic Center	Eric Frost	05/17/10
0014	General Fund Designation -Sports Park	Vince Elizondo	05/17/10
4131	Convention Center	Wally Roeben	05/17/10
5111	Information Services	Mike Allen	05/17/10
1811	CDBG	Ricardo Noguera	05/17/10
1921	Downtown RDA	Ricardo Noguera	05/17/10
5012	Fleet replacement	Andrew Benelli	05/17/10
1051	Police Impact Fund	Chuck Hindenburg	05/17/10
1061	Fire Impact Fund	Danny Wristen	05/17/10
1121	Police Sales Tax	Chuck Hindenburg	05/17/10
1122	Fire Sales Tax	Danny Wristen	05/17/10

Prior Council/Board Actions:

Funds reviewed and tentatively approved by Council at prior meetings (no official action taken):

<i>Fund #</i>	<i>Fund Title</i>	<i>Fund Manager</i>	<i>Review Date</i>
4011	Airport	Mario Cifuentez	04/12/10
4311	Wastewater Treatment Plant	Jim Ross	04/12/10
4411	Solid Waste	Earl Nielsen	04/12/10
4511	Transit	Monty Cox	04/12/10

Committee/Commission Review and Actions:

Alternatives:

Attachments: Attachment A: Summary of proposed Capital Projects by Fund & Maps
Attachment B: Riverway Sports Park Master Plan - Map
Attachment C: Map-Waterways and trails Master Plan

Recommended Motion (and Alternative Motions if expected)

Environmental Assessment Status

CEQA Review:

NEPA Review:

Copies of this report have been provided to:

**Park & Recreational Facilities Fund - 1211
2010/11 - 2015/16 Capital Improvement Program**

This fund is derived from fees paid by developers in lieu of providing parks and open space. Funds are to be used to implement the Parks Master Plan for open space acquisition and providing park and other recreational facilities.

<i>Executive Summary</i>						
	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Beginning Cash For Capital	2,854,900	3,128,000	3,875,900	2,103,400	(400,000)	(5,176,000)
Park & Recreational Impact Fees	808,713	832,974	857,963	883,702	910,213	937,520
Interest Earnings	46,227	75,997	80,899	(15,384)	(199,075)	(410,039)
Operating Expenditures	(10,800)	(11,100)	(11,400)	(11,700)	(12,100)	(12,500)
Capital Expenditures	(571,000)	(150,000)	(2,700,000)	(3,360,000)	(5,475,000)	(6,000,000)
Total Resources Available for Future Projects	3,128,040	3,875,872	2,103,362	(399,982)	(5,175,962)	(10,661,019)

Additional Information:

The Park & Recreational Impact Fees are estimated to decrease 5% in 10/11 due to slowing development. This fund will be hard hit by slowing residential development which is the only type of development required to pay this Impact Fee. The future years beginning with 11/12 are estimated to increase 3% annually.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1	Riverway Sports Park Phase III- Develop Phase III of the Riverway Sports Park project to include the development of hardscape improvements to the area just south of the existing BMX area and east of the new baseball fields. Approximately .3 acres would be developed to include a new playground, restrooms/concession, two new small picnic shelters, sidewalk and landscaping improvements. All of these improvements would be in accordance with the adopted park master plan. (Multi-funded: Project total of \$600k from \$246k Recreation Impact Fees (1211), \$137k Community Sports Park set-aside (0014) and \$217k Parks & Rec Foundation donation (0014).)	Vince Elizondo	3011/New1		B9 Page 30	246,000					
2	Creekside Neighborhood Park/Storm Basin- Develop a 9-acre neighborhood park and storm basin to serve area south of Hwy 198 to Walnut Ave and east of Lovers Ln. Phase 2 (09/10) Develop 5 acres of park improvements to include playground, walking paths, turf and landscape, picnic area and a pump lift station. Phase 3 (11/12) Complete development of park improvements and build local street on west side of park. (Multi-funded: Project total \$1.8m funded with Recreation (1211) \$1.3m (including \$1.2 prior year funding) and Storm Sewer (1221) \$471k (including \$321k prior year funding).)	Vince Elizondo	3011/9413	**	D1 Page 32	175,000	-	-	-	-	-

Park & Recreational Facilities Fund - 1211 (continued)
2010/11 - 2015/16 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
3	Dans Lane Neighborhood Park- Develop a 5 acre park and riparian area to serve neighborhood park demand South of Caldwell, from Mooney Blvd to Demaree. Improvements will include a walking trail, turf play areas, playground equipment, trees for shade, and picnic improvements. (Multi-funded: Project total of \$1.1m funded with Recreation (1211) \$815k (prior years) and \$150k (10/11) and Waterways (1251) \$113k (prior years).)	Vince Elizondo	3011/9579	*	D10 Page 32	150,000					
4	Hillsdale Neighborhood Park- The total area owned by the City is roughly 16 acres a portion of which is located in the 198 setback area. The concept plan includes a 4 acre neighborhood park to be developed on the property. The park would serve the neighborhoods between Shirk and Akers, from Goshen to Highway 198.	Vince Elizondo	3011/9719	*	A5 Page 29		75,000	750,000			
5	Modoc Basin Neighborhood Park- Acquire Modoc Basin to develop a 4-5 acre park along with the basin on Riggins west of Demaree to serve area from Riggins Rd to Pratt Rd and Akers St to Shirk St. Existing subdivisions currently use Modoc basin which is identified in Storm Drain Master Plan as regional basin. Development to occur in 2013/14 including open space, athletic fields. (Multi-funded: Project total \$3.6k from Recreation (1211) \$2.6m and Storm Sewer (1221) \$1m.)	Vince Elizondo/ Doug Damko	3011/9935	--	A4 Page 29		75,000	500,000	2,000,000		
6	SW Neighborhood Park- This is a future 5-6 acre neighborhood park/storm pond. This park will serve the needs of current and future residents south of Highway 198, between Akers and Shirk, north of West Walnut Avenue. The park will feature a walking trail, playground equipment, picnic facilities, and various other park amenities. Fund will be used for acquisition in 2010-11 and development in 2011-12.	Vince Elizondo	9800	*	C4 Page 31			630,000	665,000		
7	Cameron Creek Park & K Road Park/Basin- Locate and acquire site for 6-8 acre neighborhood park and storm basin to serve area from Lovers Lane to Rd 148 and Walnut Ave to Caldwell Ave. (Multi-funded: Project total \$1.5m from Recreation (1211) \$1.1m and Storm Sewer (1221) \$435k.)	Vince Elizondo	3011/8103	--	D2 Page 32			420,000	595,000		
8	Shannon Ranch Pocket Park- Acquire & develop a park located in Shannon Ranch, east of County Center. Due to slowing development, this park has been pushed out to 2012/13.	Vince Elizondo/ Doug Damko	9789	*	TBD			400,000			

**Park & Recreational Facilities Fund - 1211 (continued)
2010/11 - 2015/16 Capital Improvement Program**

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
9	Riverway Sports Park Phase 4- Develop Phase 4 of the Riverway Sports Park project to include four lighted adult and youth softball fields with a concession/restroom and additional parking and picnic amenities. This phase would also include additional irrigation system and a new pump system. (Multi-funded: Project total of \$10m funded with Recreation (1211) \$4m and Sport Park Reserve (0014) \$6m.)	Vince Elizondo	3011/8099	***	B9 Page 30				100,000	3,900,000	
10	Southeast Master Plan Park Acquisition- Acquire 10 to 15 acres for the designated community neighborhood park site and develop first phase. The master plan identifies a 38 acre site with a large grove of Valley Oaks as a park site. This project proposes to acquire and develop a portion of the site with park impact fees and the remainder would be purchased from unspecified funds from fees charged for development.	Vince Elizondo	8104	--	D11 Page 32					1,500,000	1,500,000
11	Multi-Generational Recreation Center- Build a 20,000 sq. ft. space for community events, recreation and educational classes, in an effort to promote health and wellness for both our youth and seniors in one common facility. The facility will be located on a 3-acre site on City owned property just south of the South police precinct. (Multi-funded: Project total of \$9.1m funded with Recreation Facilities (1211) \$4.6m, General Fund (0011) \$1m, and Grant funds \$3.5m.)	Vince Elizondo	3011/8096	--	D12 Page 32					75,000	4,500,000
Total Expenditures						571,000	150,000	2,700,000	3,360,000	5,475,000	6,000,000

*NOTE: Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.

- No Annual Maintenance Costs (or no increase over existing cost)
- * Annual Maintenance cost is \$5,000 or less
- ** Annual Maintenance costs is \$5,000 to \$25,000
- *** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project description
- **** Project will result in savings as described in project description

**Measure R Trailway Fund - 1132
2010/11 - 2015/16 Capital Improvement Program**

The Measure R Trailway fund shares a 14% portion of the Measure R revenues with Transit. After funding for Transit, environmental projects and projects in unincorporated areas (Santa Fe gap), the remaining funds are to be used for ballot measure authorized Bike and Pedestrian Trails.

Executive Summary

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Beginning Balance	0	0	0	0	0	0
Measure R Bike and Trail Revenue	981,000	905,600	2,138,200	1,101,800	32,400	33,000
Operating Expenditures	(30,000)	(30,600)	(31,200)	(31,800)	(32,400)	(33,000)
Capital Expenditures	(951,000)	(875,000)	(2,107,000)	(1,070,000)	0	0
Total Resources Available for Future Projects	0	0	0	0	0	0

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1	Packwood Creek Trail: Santa Fe to Walnut- Acquire 2.3 acres and construct .4 miles of asphalt trail with landscape. Project total of \$1.2m includes \$510k prior year funding for acquisition)	Paul Shepard	8129	--	D5 Page 32			265,000	435,000		
2	Mill Creek Native Plant Bike Trail- Develop a native plant bike trail along Mill Creek in central Visalia from Fairway Drive to Johnson as included in the Measure R plan.	Paul Shepard	8182	--	not incl.	131,000					
3	Reconstruct Goshen Bike Path- Repave 5.5 miles of the Goshen bike path and add more landscaping. Project total of \$600k includes \$450k prior year funding.	Paul Shepard	8130	**	B10 Page 30	150,000					
4	Modoc Ditch Trail: Dinuba Blvd.-Giddings- Riparian ROW and Bike Path along Ferguson- Gong property. Purchase .43 acres of setback between Dinuba and Giddings in conformance with waterway policy and build 3,100 feet of Bike/Pedestrian path. Prior year funding for acquisition and \$100k in 12/13 for construction. (Multi Funded: \$290 total from \$202k (\$190k prior year funding and \$12k in 12/13) Measure R Bike and Trail (1132) and \$88k Congestion Mitigation Air Quality Grant (CMAQ) (1611).)	Paul Shepard	8128	--	B11 Page 30		-	12,000			
5	St Johns Trail: Road 148 to Cutler Park- Purchase 6 acres of riparian ROW and construct trail to continue existing trail from Road 148 to Cutler Park. (Multi-funded: Project total of \$690k from \$270k TEA grant (1611), \$320k Measure R Bike and Trail (1132) and \$100k Waterways (1251).)	Paul Shepard	3011/8041	*	B12 Page 30	320,000					

Measure R Trailway Fund - 1132 (continued)
2010/11 - 2015/16 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
6	Modoc Ditch Trail: Mooney to Demaree- Construct one mile of decomposed granite trails along Modoc Ditch from Mooney Blvd. to Demaree. To improve access for pedestrians, Bicycles and maintenance vehicles. Will reduce maintenance on dirt levees.	Paul Shepard	New2	--	B13 Page 30	170,000					
7	Modoc Ditch Trail: St. Johns Trail to Court St.- Construct a .5 mile asphalt trail along Modoc Ditch that would connect the St. Johns Trail to the existing Modoc Ditch trail at Court St. This will improve trail connectivity.	Paul Shepard	New3	*	B14 Page 30	165,000					
8	Packwood Creek Trail: Caldwell to Cameron Ave- Acquire and develop 2.5 acres of Packwood Creek riparian area. Build a 3,400 ft trail along Packwood Creek. Includes irrigation system and landscaping. Project contingent on receipt of Congestion Mitigation Air Quality (CMAQ) grant (Multi-funded: Project total of \$715k funded from \$184k Measure R (1132) bike and Trail and \$531k CMAQ grant (1611).)	Paul Shepard	9956	*	D6 Page 32	15,000	169,000				
9	St Johns Bike/Pedestrian Trail: Riggins to Dinuba Blvd- Start acquisition of 6 acres of ROW and construct 1.3 miles trail and landscaping along the St. John's River. Will start at Riggins and proceed to Dinuba Blvd.	Paul Shepard	8131	**	B15 Page 30		600,000	900,000			
10	Northern Santa Fe Bike/Pedestrian Trail- Construct 5,400 ft of trail along the Santa Fe alignment from Houston to St. John's Parkway. Project will include landscaping and irrigation. Project total of \$800k funded with CMAQ grant (1611) \$560k and Measure R (1132) bike and trail funds \$240k.	Paul Shepard	301/8118	*	B16 Page 30			240,000			
11	Packwood Creek Trail: Paradise to College- Construct 3,300 feet of trail along Packwood Creek and include signage, benches, irrigation and landscaping. Design 2011/12, Construct 2012/13.	Paul Shepard	8120	*	D7 Page 32		60,000	240,000			
12	Packwood Creek Trail: RR tracks to Cedar- Project will construct approximately 4,280 ft of asphalt trail along Packwood Creek and Walnut Ave. and includes some landscaping and irrigation. Project is contingent upon receipt of Congestion Mitigation Air Quality (CMAQ) grant. Project total of \$400k is funded with Measure R (1132) Bike and Trail funds \$46k and CMAQ grant \$354k.	Paul Shepard	3011/8119	*	D8 Page 32		46,000				

**Measure R Trailway Fund - 1132 (continued)
2010/11 - 2015/16 Capital Improvement Program**

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
13	Packwood Creek Bike/Pedestrian Trail: Lovers Lane to Crumel St.- Acquire 1.1 acres of setback on the north side of Packwood Creek from Lovers Lane to Creekside park and build 1,300 feet of path with landscape.	Paul Shepard	8132	*	D9 Page 32			250,000	235,000		
14	Mill Creek Trail: Lovers Lane to Cain St as shown in the master plan. This section will build 4,000 ft of trail and include landscaping and irrigation. Acquisition to occur in 12/13 with construction in 13/14.	Paul Shepard	9919	*	B17 Page 30			200,000	400,000		
Total Expenditures						951,000	875,000	2,107,000	1,070,000	-	-

NOTE: Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.

- No Annual Maintenance Costs (or no increase over existing cost)
- * Annual Maintenance cost is \$5,000 or less
- ** Annual Maintenance costs is \$5,000 to \$25,000
- *** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project description
- **** Project will result in savings as described in project description

**Waterways Fund - 1251
2010/11 - 2015/16 Capital Improvement Program**

This fund is derived from a combination of monthly storm sewer fees and developer impact fees. This fund receives \$.48 of the \$2.47 monthly fee that is charged through the utility bill. Funds are restricted for acquisition of development setbacks along waterways designated in the Visalia General Plan, restoration of riparian vegetation, and maintenance of the setback areas.

Executive Summary

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Beginning Cash For Capital	254,855	171,870	194,776	231,276	273,076	320,576
Waterways Impact Fee	123,136	126,800	130,600	134,500	138,500	142,700
Waterways Fees	251,432	257,718	264,161	270,765	277,534	284,473
Interest Earnings (Expense)	6,300	8,900	19,100	20,900	23,000	25,300
Operating Expenditures	(12,422)	(12,794)	(13,200)	(13,600)	(14,000)	(14,400)
Setback Maintenance	(251,432)	(257,718)	(264,161)	(270,765)	(277,534)	(284,473)
Capital Expenditures	(200,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)
Total Resources Available for Future Projects	171,870	194,776	231,276	273,076	320,576	374,176

Executive Summary Assumptions:

The Waterways Impact Fees are estimated to decrease 5% in 10/11 due to slowing development. The future years beginning with 11/12 are estimated to increase 3% annually. Waterways Fees are estimated to increase annually by 1.5% (based upon 500-600 new housing units per year) in 10/11-12/13 and 2% (based upon 700 new housing units per year) in 13/14-15/16.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1	Matching funds to developers for development of riparian setbacks. Includes drip irrigation, oak trees and riparian landscaping, paths, signs, and wood chips. In some cases fencing may be required to limit access. (Multi-funded: Waterways (1251) \$786k and Measure R Bike and Trail (1132) \$1.6m.)	Paul Shepard	3011/9756	--	N/A	100,000	100,000	100,000	100,000	100,000	100,000
2	Misc. Asphalt Trail Repairs- Repair tree root damage to asphalt trails to improve pedestrian safety.	Paul Shepard	New1	--	N/A	100,000					
Total Expenditures						200,000	100,000	100,000	100,000	100,000	100,000

NOTE: Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.

- No Annual Maintenance Costs (or no increase over existing cost)
- * Annual Maintenance cost is \$5,000 or less
- ** Annual Maintenance costs is \$5,000 to \$25,000
- *** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project description
- **** Project will result in savings as described in project description

**Storm Sewer Construction Fund - 1221
2010/11 - 2015/16 Capital Improvement Program**

This fund is derived from Storm Sewer impact fees collected at the time of development and a portion of the monthly storm sewer users fees. This fund shares \$.84 of the \$2.47 monthly storm sewer fee with the Wastewater Trunklin construction fund (1231). Funds are to be used only for construction of new storm sewer infrastructure to implement the Storm Sewer Master Plan.

Executive Summary

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Beginning Cash For Capital	(494,000)	(405,800)	(151,300)	(720,900)	(467,700)	(1,303,200)
Storm Sewer Impact fees	161,095	165,900	170,900	176,000	181,300	186,700
Storm Sewer Rate	429,600	436,000	442,500	451,400	460,400	469,600
Interest Earnings	(6,000)	(3,000)	(27,700)	(18,000)	(50,100)	(47,200)
Operating Expenditures	(28,500)	(29,400)	(30,300)	(31,200)	(32,100)	(33,100)
Capital Expenditures	(468,000)	(315,000)	(1,125,000)	(325,000)	(1,395,000)	(500,000)
Total Resources Available for Future Projects	(405,805)	(151,300)	(720,900)	(467,700)	(1,303,200)	(1,227,200)

Additional Information:

The Storm Sewer Impact fees have decreased significantly as a result of decreased housing development. Revenues are estimated to decrease again by 5% in 10/11 and begin growing in 11/12 at a rate of 3% per year as development begins to rebound. Sewer Fees are estimated to increase annually by 1.5% (based upon 500-600 new housing units per year) in 10/11-12/13 and 2% (based upon 700 new housing units per year) in 13/14-15/16.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1	Storm Sewer Master Plan Administration- staff preliminary design and administration of new storm sewer construction projects as identified in the Storm Sewer Master Plan	Chris Tavarez	New1	--	N/A	25,000	25,000	25,000	25,000	25,000	25,000
2	Creekside Neighborhood Park/Storm Basin- Develop a 9-acre neighborhood park and storm basin to serve area south of Hwy 198 to Walnut Ave and east of Lovers Ln. Phase 2 (09/10) Develop 5 acres of park improvements to include playground, walking paths, turf and landscape, picnic area and a pump lift station. Phase 3 (11/12) Complete development of park improvements and build local street on west side of park. (Multi-funded: Project total \$1.8m funded with Recreation (1211) \$1.3m (including \$1.2 prior year funding) and Storm Sewer (1221) \$471k (including \$321k prior year funding).)	Doug Damko	3011/9413	**	D1 Page 32	100,000	50,000				
3	Storm Sewer Oversizing- Construct various storm drain lines. Pays the City's annual cost of reimbursing developers for the design and construction of storm drain lines which implement the Storm Water Master Plan and for the construction of oversized storm drain lines that exceed the standard requirements for development projects.	Doug Damko	9229	--	N/A	100,000	100,000	100,000	100,000	100,000	100,000

Storm Sewer Construction Fund - 1221 (continued)
2010/11 - 2015/16 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
4	Plaza Drive Storm Basin - Acquire additional property for the expansion of an existing basin west of Plaza Drive/North of 198 Hwy. Basin will serve the areas between Hurley & 198 HWY, west of Kelsey street. 10/11 Acquisition, 11/12 Development. Project total of \$338k includes \$178k of prior year funding.	Doug Damko	8106	--	A1 Page 29	80,000	80,000				
5	Riverwood Basin - Install landscaping, fencing, pump station with discharge line, inflow structures and street improvements at the 11-acre Creekside storm/recharge basin located at the southeast corner of Murray Ave. and McAuliff St. Purchase, fencing, excavation and street improvements have been completed. Remaining is lift station and landscaping 10/11. (Multi-funded: Project total of \$536k funded with Storm Sewer (1221) \$176k prior yr & \$13k 10/11, Groundwater Recharge (1224) \$197k and \$150k will be received from the Visalia Water Mangement Committee.)	Doug Damko	3011/9557	--	B4 Page 30	13,000					
6	The Ranch Basin - Install landscaping and irrigation around the Ranch basin (formerly known as Ritchie Basin), located at the southeast corner of Houston Ave and Linwood St. In addition to the standard calwater irrigation connection, a reclaimed water unit and self irrigation system will be installed in this basin. Staff has applied for additional grant funding for this project.	Doug Damko	9430 (GD-39)	*	A2 Page 29	50,000					
7	Lakeside Basin - Install pump station, inflow line, fencing and landscaping at 9.4-acre Lakeside storm basin (S40) located north side of Goshen Ave. between Shirk Street and future Roeben Street. Basin will service area bounded by Shirk St, Akers St, Riggin Ave and Hurley Ave. Will also provide relief for Goshen Ave storm drain line by accepting storm flows from the Goshen line into the basin and pumping it out at reduced rate. 10/11 funding for dirt retention.	Doug Damko	9836 (S40)	--	A3 Page 29	100,000	-	-	-	-	-
8	Storm Water Master Plan Update and Nexus Study - update the City's 1994 plan including development impact fee update. Phase 1 - analysis of current system - complete, Phase 2 Master Plan to be completed by 2011/12. Project total of \$240k includes \$180k of prior year funding.	Doug Damko	9067	--	N/A	-	60,000	-	-	-	-

Storm Sewer Construction Fund - 1221 (continued)
2010/11 - 2015/16 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
9	Modoc Basin Neighborhood Park- Acquire Modoc Basin to develop a 4-5 acre park along with the basin on Riggin west of Demaree to serve area from Riggin Rd to Pratt Rd and Akers St to Shirk St. Existing subdivisions currently use Modoc basin which is identified in Storm Drain Master Plan as regional basin. Development to occur in 2013/14 including open space, athletic fields. (Multi-funded: Project total \$3.6k from Recreation (1211) \$2.6m and Storm Sewer (1221) \$1m.)	Doug Damko / Vince Elizondo	3011/9935	--	A4 Page 29	-	-	1,000,000	-	-	-
10	Hillsdale Storm Basin- Construct permanent storm basin on 16 acres owned by City on Hillsdale just north of Highway 198	Doug Damko	9719	--	A5 Page 29	-	-	-	200,000	-	-
11	Goshen Avenue Trunkline- A storm drain trunk line in Goshen Avenue from Cain Street to Goshen/Virmargo Basin. Will provide drainage for approved private developments/some of the East downtown areas and Goshen Ave runoff from Ben Maddox to Mill creek Parkway. Trunk line terminates at Goshen/Virmargo Basin.	Doug Damko	new4	--	B5 Page 30	-	-	-	-	420,000	-
12	Cameron Creek Park & K Road Park/Basin- Locate and acquire site for 6-8 acre neighborhood park and storm basin to serve area from Lovers Lane to Rd 148 and Walnut Ave to Caldwell Ave. (Multi-funded: Project total \$1.6m from Recreation (1211) \$1m and Storm Sewer (1221) \$620k.)	Don Stone/ Doug Damko	3011/8103	*	D2 Page 32	-	-	-	-	400,000	220,000
13	SW Neighborhood Park/Basin- SW Neighborhood Park/Basin- Acquire land for a basin to serve the area from Hwy 198 to Walnut and Akers to Shirk. Need based on development.	Doug Damko	9800	*	C4 Page 31	-	-	-	-	200,000	-
14	Virmargo Street Trunkline- A storm drain trunk line in Virmargo Street from Houston Ave to Goshen/Virmargo Basin. To provide drainage for 6 approved subdivision projects in area totaling approximately 400 residential lots, the trunk line terminates at Goshen/Virmargo basin. The construction of this project is associated with Eagle Meadows Development, an approved master planned residential site where the proposed pipeline alignment runs through.	Doug Damko	new3	--	B6 Page 30	-	-	-	-	150,000	55,000

**Storm Sewer Construction Fund - 1221 (continued)
2010/11 - 2015/16 Capital Improvement Program**

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
15	Goshen Avenue Forcemain- A force main pipeline with a pump station at Goshen/Virmargo Basin discharging into Jennings Ditch. Basin is categorized as a detention basin. Once more than half of service/tributary area is built out, a pump station with a discharge forcemain will be needed.	Doug Damko	new2	--	B7 Page 30	-	-	-	-	100,000	100,000
Total Expenditures						468,000	315,000	1,125,000	325,000	1,395,000	500,000

Note:
Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.

- No Annual Maintenance Costs (or no increase over existing cost)
- * Annual Maintenance cost is \$5,000 or less
- ** Annual Maintenance costs is \$5,000 to \$25,000
- *** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project description
- **** Project will result in savings as described in project description

**Storm Sewer Deficiency - 1222
2010/11 - 2015/16 Capital Improvement Program**

This fund is derived from a portion of the monthly storm sewer users fees. This fund receives \$.67 of the \$2.47 monthly storm sewer fee. Funds are to be used for construction of storm sewer facilities to correct existing deficiencies as identified in the Storm Sewer Master Plan.

<i>Executive Summary</i>						
	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Beginning Cash	505,100	528,000	609,700	711,400	823,700	947,200
Storm Sewer Fees	326,500	331,400	336,400	343,100	350,000	357,000
Interest Earnings (Expense)	7,800	12,000	27,400	31,700	36,400	41,600
Operating Expenditures	(11,400)	(11,700)	(12,100)	(12,500)	(12,900)	(13,300)
Capital Expenditures	(300,000)	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)
Total Resources Available for Projects	528,000	609,700	711,400	823,700	947,200	1,082,500

Executive Summary Assumptions:

Storm Sewer Fees are estimated to increase annually by 1.5% (based upon 500-600 new housing units per year) in 10/11-12/13 and 2% (based upon 700 new housing units per year) in 13/14-15

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1	Study storm water drainage problems and perform minor repairs to the storm water system.	Doug Damko	9170	--	N/A	100,000	100,000	100,000	100,000	100,000	100,000
2	Developer Reimbursement Storm Sewer Deficiency- Reimburse developers for improvement of existing drainage deficiencies in infill areas with their proposed projects. Does not include new storm drainage that results from new construction.	Doug Damko	8143	--	N/A	100,000	100,000	100,000	100,000	100,000	100,000
3	Replace Storm Sewer Mains- Replace storm sewer mains that are shown to be deteriorating throughout the city. To eliminate flooding caused by rain or nuisance water.	Jim Ross	New1	--	N/A	50,000	50,000	50,000	50,000	50,000	50,000
4	Riverwood Basin- Install landscaping, fencing, pump station with discharge line, inflow structures and street improvements at the 11-acre Creekside storm/recharge basin located at the southeast corner of Murray Ave. and McAuliff St. Purchase, fencing, excavation and street improvements have been completed. Remaining is lift station 08/09 and landscaping 10/11. (Multi-funded: Project total of \$586k from \$189k Storm Sewer (1221)-including \$176k prior year funding, \$50k Storm Sewer Deficiency (1222), \$197k prior year funding from Groundwater Recharge (1224) and \$150k will be received from the Visalia Water Mangement Committee.)	Doug Damko	3011/9557	--	B4 Page 30	50,000	-	-	-	-	-

**Storm Sewer Deficiency - 1222 (continued)
2010/11 - 2015/16 Capital Improvement Program**

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
	Total Expenses					300,000	250,000	250,000	250,000	250,000	250,000
5	Professional services for FEMA evaluation for pursuit of Federal Section 205 funding for constructing identified deficient areas in the storm sewer system and seek solutions to identified deficiencies as related to the Storm Sewer Master Plan	Doug Damko	new	--	N/A	80,000					

NOTE: Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.

- No Annual Maintenance Costs (or no increase over existing cost) *** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project description
- * Annual Maintenance cost is \$5,000 or less **** Project will result in savings as described in project description
- ** Annual Maintenance costs is \$5,000 to \$25,000

**Storm Sewer Operations & Maintenance - 4812
2010/11 - 2015/16 Capital Improvement Program**

This fund includes monies generated from storm sewer user fees. The fees for this fund are collected with the monthly utility bill and each parcel is charged \$.24 per 1,000 sq. ft. Funds are to be used only for operation, maintenance, and improvements, including equipment and vehicle acquisitions related to collection and disposal of storm runoff.

<i>Executive Summary</i>						
	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Beginning Cash Balance	486,600	332,300	268,300	63,200	92,600	487,300
Storm Sewer User fees	1,162,600	1,185,900	1,221,500	1,258,100	1,295,800	1,334,700
Annual Depreciation for Storm Sewer capital replacement	503,800	512,500	517,600	522,800	528,000	533,300
Interest Earnings (Expense)	8,000	8,000	(6,716)	(6,359)	(602)	3,141
Misc Revenues	47,500	47,500	48,000	48,500	49,000	49,500
Operating Expenditures (staff costs, allocations, etc)	(1,612,200)	(1,627,900)	(1,660,458)	(1,693,667)	(1,727,541)	(1,762,091)
Capital Expenditures	(264,050)	(190,000)	(325,000)	(100,000)	250,000	100,000
Total Resources Available for Projects	332,250	268,300	63,227	92,574	487,258	745,850

Note:

The Storm Water rate has not been increased since 2004. Staff is currently evaluating this enterprise for a possible rate increase. If a rate increase is needed, the City could be balloting users during calendar year 2010.

Executive Summary Assumptions:

The Storm Sewer User Fees are estimated to increase annually 3% based on growth.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1	Lift Pump Repair/Replacement- Provide repair or replacement of sanitary and storm lift pumps. Repair pumps that are rebuild able. Replace older pumps that have exceeded their useful life with more efficient units. (Multi Funded: \$450k Wastewater 4311, \$550k Storm Sewer 4812)	Jim Ross	New7	--	N/A	150,000	125,000	125,000	50,000	50,000	50,000
2	NEW SPRAY TRUCK - 1/2 ton 4x4 reg. cab, flat bed, skid mounted weed spraying equipment.- Spray equipment is currently mounted on a trailer making access to some maintenance areas impossible. Heavy duty truck will carry spray equipment to access these areas.	Brian Vanciel	9223 task New6	*	N/A	49,050					
3	Storm Catch Basin Repairs- Repair catch basins that are found to be deficient throughout the cities storm system.	Jim Ross	New4	--	N/A	40,000	40,000	25,000	25,000	25,000	25,000
4	Manhole Repairs- Repair and raise manholes throughout the cities storm and sanitary system. (Multi Funded: \$150k Wastewater 4311, \$150k Storm Sewer 4812)	Jim Ross	New3	--	N/A	25,000	25,000	25,000	25,000	25,000	25,000

**Storm Sewer Operations & Maintenance - 4812 (continued)
2010/11 - 2015/16 Capital Improvement Program**

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
5	Water Screens Waterways- Install water screens on ditch culverts through out the water ways system. This will include electrical hookups, concrete work and any other materials to install screens at multiple locations.	Jim Ross	New5	--	N/A	-	-	150,000	-	150,000	-
Total Expenses						264,050	190,000	325,000	100,000	250,000	100,000

Note:
 The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.
 -- No Annual Maintenance Costs (or no increase over existing cost) *** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project description.
 * Annual Maintenance cost is \$5,000 or less **** Project will result in savings as described in project description
 ** Annual Maintenance costs is \$5,000 to \$25,000

**Wastewater Trunk Line Construction Fund - 1231
2010/11 - 2015/16 Capital Improvement Program**

This fund's revenues are derived from Sanitary Sewer and Trunk Line Connection Fees. Funds are to be used only for new sanitary sewer trunk line construction, and not for operation and maintenance. This fund also receives a portion of the monthly storm sewer users fees, sharing \$.84 of the \$2.47 monthly storm sewer fee with the Storm Sewer Construction fund (1221).

Executive Summary

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Beginning Cash For Capital	3,349,300	3,752,200	2,078,300	561,400	2,327,000	2,980,200
Sanitary Sewer and Trunk Line Connection Fees	1,285,245	1,323,802	1,363,516	1,404,421	1,446,554	1,489,951
Sewer Master plan Fees	487,800	497,600	507,600	517,800	528,200	538,800
Interest Earnings (Expense)	55,500	30,700	8,300	34,400	44,000	21,200
Bond Principal/Interest Expense	(316,600)	(316,600)	(261,500)	(55,800)	(44,900)	(44,900)
Operating Expenditures	(14,000)	(14,400)	(14,800)	(15,200)	(15,700)	(16,200)
Capital Expenditures	(1,095,000)	(3,195,000)	(3,120,000)	(120,000)	(1,305,000)	(3,535,000)
Total Resources Available for Future Projects	3,752,245	2,078,302	561,416	2,327,021	2,980,154	1,434,051

Additional Information:

The Sanitary Sewer/Trunkline Connection fees have decreased significantly as a result of decreased housing development. Revenues are estimated to decrease by 5% in 10/11. Connection fees are projected to begin increasing again in 11/12 at a rate of 3% annually through 15/16. Sewer Master Plan Fees are estimated to increase annually by 1.5% (based upon 500-600 new housing units per year) in 10/11-12/13 and 2% (based upon 700 new housing units per year) in 13/14-15/16.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1	North Shirk sewer line extension. This project will extend the 48 inch line in Shirk Ave from School St to Goshen Ave and Goshen Ave to Ferguson Ave/Sunnyview Ave. The 48 inch line is a master plan trunk line that will provide service to areas along Shirk St north of Walnut Ave extending to Ferguson Ave. Total cost of project is \$7.2m which includes \$227k prior year funding.	Adam Ennis	9741	*	A5 Page 29	1,000,000	3,000,000	3,000,000			
2	Reimburse developers for sanitary sewer- additional costs incurred when constructing the required sanitary sewer with development. The additional cost is the difference between the "development requirement" and the requirement to accommodate for future development in the area.	Doug Damko	9318	--	N/A	75,000	75,000	100,000	100,000	100,000	100,000
3	Preliminary engineering and design work necessary to provide developers and engineers with adequate information to construct master planned sewer lines with proposed development projects.	Doug Damko	9234	--	N/A	20,000	20,000	20,000	20,000	20,000	20,000

**Wastewater Trunk Line Construction Fund - 1231 (continued)
2010/11 - 2015/16 Capital Improvement Program**

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
4	Sewer lift station near SR 198 (south side) and Plaza Drive- upgrade from two 1800 gpm pumps to four 2500 gpm pumps. The existing pumps will need to be upgraded to manage growth within the northwest portion of the City.	Andrew Benelli	8148	*	C5 Page 31		100,000				
5	Avenue 276 Trunk Line- Extend the trunk line from Santa Fe St to Ben Maddox Way and from Ben Maddox to Lovers Lane along Visalia Parkway. The trunk line extension will service the area south of Caldwell. This project dependant upon South East Master Plan approval to annex land. Total cost of project is approximately \$4.6m.	Adam Ennis	9993	*	D4 Page 32					1,185,000	3,415,000
Total Expenditures						1,095,000	3,195,000	3,120,000	120,000	1,305,000	3,535,000

Note:

The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.

-- No Annual Maintenance Costs (or no increase over existing cost)

* Annual Maintenance cost is \$5,000 or less

** Annual Maintenance costs is \$5,000 to \$25,000

*** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project desc

**** Project will result in savings as described in project description

In August 2002 the Wastewater Funds received a Bond for \$9.5M for the expansion of the Treatment Plant and to install and extend major arterial trunklines. The bond is to be paid back over a 15 year period at a 4% interest rate. Below is a breakout of each Funds portion of the bond:

Wastewater Trunkline Construction (1231 Fund): \$3.5M

Sewer Connection (1232 Fund): \$3.5M

Wastewater Treatment Plant (4311 Fund): \$2.5M

**Underground Water Recharge - 1224
2010/11 - 2015/16 Capital Improvement Program**

This fund is derived from a portion of the monthly City utility bill. The fees for this fund are based on the size of the water service line that range from \$.35 to \$39.65 a month. In 2002, City Council adopted the additional fee as part of an agreement with Tulare Irrigation District and Kaweah Delta Water Conservation District for the acquisition of water and other activities to improve groundwater levels and increase supply of water to the City.

Executive Summary

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Beginning Cash For Capital	991,430	471,400	1,100	2,600	6,000	6,200
Ground Water Recharge Fees	232,669	236,159	239,701	243,297	246,946	250,650
Ground Water Extraction Fee	487,041	494,347	501,762	509,288	516,928	524,682
Ground Water Annexation Fee	5,718	5,889	6,066	6,248	6,436	6,629
Interest Earnings	7,000	-	100	200	200	500
Operating Expenditures	(142,449)	(146,722)	(151,124)	(155,658)	(160,328)	(165,137)
Capital Expenditures	(1,110,000)	(1,060,000)	(595,000)	(600,000)	(610,000)	(610,000)
Total Resources Available for Future Projects	471,409	1,072	2,605	5,975	6,182	13,523

Additional Information:

The Ground Water Recharge Fees are estimated to increase annually by 1.5% (based upon 500-600 new housing units per year) in 10/11-12/13 and 2% (based upon 700 new housing units per year) in

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1	Acquire land for future groundwater recharge basins- To acquire properties that can be used as recharge facilities, acquisitions have to be done in coordination with the different irrigation district in order to secure water rights.	Andrew Benelli	9886	--	N/A	830,000	780,000	335,000	340,000	350,000	350,000
2	Groundwater Flow Monitoring & Monitoring wells - Joint project with Visalia Water Management (a committee that consists of COV, KDWCD, Calwater and it manages the expenditures of prop 218 funds). The additional monitoring wells will be determined upon the completion of the Groundwater Model, the model is currently under review by KDWCD.	Andrew Benelli	9883	--	N/A	10,000	10,000	10,000	10,000	10,000	10,000
3	Purchase water rights and water supply for ground water recharge.	Andrew Benelli	9558	--	N/A	100,000	100,000	100,000	100,000	100,000	100,000
4	Construct groundwater recharge facilities and/or contribute to enlarging of storm drain ponds or convert them to detention ponds to be used for groundwater recharge, current Projects in the list : Park Place Basin (Caldwell& Pinkham) , Blain Property Basins(1&2)(Mineral King east of McAuliff).	Andrew Benelli	8146	--	D3 Page 32	150,000	150,000	150,000	150,000	150,000	150,000

**Underground Water Recharge - 1224 (continued)
2010/11 - 2015/16 Capital Improvement Program**

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
5	Groundwater Management Plan- drafting of a Groundwater Management Plan by a qualified consultant. Includes estimated costs associated with developing plan (\$50,000) and staff time (\$20,000).	Kim Loeb	8144	--	N/A	20,000	20,000	-	-	-	-
Total Expenditures						1,110,000	1,060,000	595,000	600,000	610,000	610,000

Note:

Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.

- No Annual Maintenance Costs (or no increase over existing cost) *** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project desc
- * Annual Maintenance cost is \$5,000 or less **** Project will result in savings as described in project description
- ** Annual Maintenance costs is \$5,000 to \$25,000

Directory of Map Points

Maps located on Pages 31-34

Map Point	Project/Description	Fund	Fund Description
A1	Plaza Drive Storm Basin	1221	Storm Sewer
A2	Ranch Basin	1221	Storm Sewer
A3	Lakeside Basin	1221	Storm Sewer
A4	Modoc Basin Neighborhood Park	1211 1221	Parks Storm Sewer
A5	North Shirk sewer line extension	1231	Wastewater Trunkline
A5+	Hillsdale Neighborhood Park	1211 1221	Parks Storm Sewer
B4	Riverwood Basin	1221 1222	Storm Sewer Storm Deficiency
B5	Goshen Avenue Trunkline	1221	Storm Sewer
B6	Virmargo Street Trunkline	1221	Storm Sewer
B7	Goshen Avenue Forcemain	1221	Storm Sewer
B9	Riverway Sports Park	1211	Parks
B10	Reconstruct Goshen Bike Path	1132	Measure R
B11	Modoc Ditch Trail: Dinuba Blvd. to Giddings	1132	Measure R
B12	St. John's Trail: Road 148 to Cutler Park	1132	Measure R
B13	Modoc Ditch Trail: Mooney to Demaree	1132	Measure R
B14	Modoc Ditch Trail: St. John's Trail to Court St.	1132	Measure R
B15	St. John's Trail: Riggin to Dinuba	1132	Measure R
B16	Northern Santa Fe Bike/Pedestrian Trail	1132	Measure R
B17	Mill Creek Trail: Lovers Lane to Cain	1132	Measure R
C4	SW Neighborhood Park	1211 1221	Parks Storm Sewer
C5	Sewer lift station near SR 198	1231	Wastewater Trunkline
D1	Creskide Neighborhood Park/Storm Basin	1211 1221	Parks Storm Sewer
D2	Cameron Creek Park & K Road Park/Basin	1211 1221	Parks Storm Sewer
D3	Groundwater Recharge Facilities	1221	Underground Water Recharge
D4	Avenue 276 Trunk Line	1231	Wastewater Trunkline
D5	Packwood Creek Trail: Santa Fe to Walnut	1132	Measure R
D6	Packwood Creek Trail: Caldwell to Cameron	1132	Measure R
D7	Packwood Creek Trail: Paradise to College	1132	Measure R
D8	Packwood Creek Trail: RR tracks to Cedar	1132	Measure R
D9	Packwood Creek Trail: Lovers Lane to Crumel	1132	Measure R
D10	Dans Lane Neighborhood Park	1211	Parks
D11	Southeast Master Plan Park Acquisition	1211	Parks
D12	Multi-Generational Recreation Center	1211	Parks

Insert Map A

Insert Map B

Insert Map C

Insert Map D



Visalia Community Sports Park
Visalia, California



**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 19, 2010

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Pheasant Ridge 3B, a subdivision (containing 12 single family lots), located on the west side of Roeben Street, approximately ¼ mile south of Riggin Avenue.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:
Chris Young, City Engineer – 713-4392

Department Recommendation: Staff recommends that Council grants authorization to file a Notice of Completion for the Pheasant Ridge 3B subdivision.

Summary/Background: All of the required improvements for this subdivision have been completed and are ready for acceptance by the City Engineer. The subdivision was developed by McMillin Meadows, LLC. McMillin Meadows, LLC submitted a cash deposit in lieu of a maintenance bond in the amount of \$ 34,614.59 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. The completed improvements include landscaping which will be maintained by the City through Landscape and Lighting District No. 05-19.

Prior Council/Board Actions: The final map recording and Landscape and Lighting District formation were approved by Council at the meeting on July 13, 2009.

Committee/Commission Review and Actions: The tentative subdivision map for Pheasant Ridge 3A was approved by Planning Commission on October 25, 2004.

Alternatives: N/A

Attachments: Developer Disclosure Form
Vicinity map.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Recommended Motion (and Alternative Motions if expected):

I hereby move to authorize the filing of a Notice of Completion for Pheasant Ridge 3B subdivision.

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 19, 2010

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

Agenda Item Wording: Authorization to place a lien for \$16,428.36 on real property located at 2503 E Goshen Avenue.
Resolution 2010-16

Deadline for Action: None

Submitting Department: Housing and Economic Development Department

Contact Name and Phone Number:
Ricardo Noguera, HEDD Director, 713-4190
Tracy Robertshaw, Code Enforcement Officer, 713-4187

Department Recommendation: Approval of request to lien property located at 2503 E Goshen Avenue, Visalia. The City will be reimbursed when the property is sold.

Summary/background:

In May 2009, the Visalia Fire Department responded to a structure fire at a single family residence, located at 2503 East Goshen Avenue in Visalia.

As a result of the fire, Building Official, Dennis Lehman determined that the residence sustained extensive damage and was a complete loss which required securing and eventual demolition.

Once the structure was determined to be dangerous and substandard the title to the property was clouded with the Tulare County Recorder's Office to prevent the property from being sold in a substandard condition.

As a result of the property owner's failure to rehabilitate or demolish the property following the fire, the property owner, Ervin Wurscher was sent a 30-Day Formal Notice and Order to Abate Dangerous Building on May 21, 2009, directing him to provide a plan of repair or demolition. **The property was determined to be an "Attractive Nuisance" which constituted a hazard and danger to the citizens of the City of Visalia.**

The property owner responded and requested an extension until June 22, 2009 to comply with our requests.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Mr. Wurscher failed to meet his extended deadline and did not contact our office. An additional notice was sent on September 23, 2009, advising of possible fines for non compliance. Mr. Wurscher responded to the second notice and was advised that the property was an "Attractive Nuisance" and needed to be abated. Mr. Wurscher indicated that the property was not insured at the time of the fire and that he did not have the necessary financial resources to rehabilitate or demolish the residence as required.

OWNERS CONSENT

Mr. Wurscher agreed to allow the City to abate the parcel and place a lien on the property to recover City costs incurred for the demolition of the residence, and for the clearing of the parcel.

On January 7, 2010, Ervin Wurscher met with Combination Building Inspector Doug Elliott and entered into a consensual "Agreement to Enter Property and Demolish Substandard Buildings" on his parcel.

The parcel does not have a mortgage or any liens attached to it.

Although this abatement occurred at the property owners' request and with the property owners' consent pursuant to Visalia Municipal Code Section 1.13.060 F 5, it is necessary for the City Council to review and authorize a special assessment or lien of the property.

The lien amount of \$16,428.36 was established based on the following incurred costs associated with the abatement of the property:

- **Compliance Inspection/Cost Recovery \$157.78**
- **Demolition and Abatement \$14,777.09**
- **10% Administrative Fee, \$1,493.49**

Prior Council/Board Actions: None

Committee/Commission Review and Actions:

Alternatives: Leave the title to the property clouded but, do not place a lien on the property.

Attachments:

1. Resolution 2010-16
2. Agreement to Abate notarized contract
3. Photographs of fire damaged residence and cleared lot
4. Location Map
5. Report and Assessment

Recommended Motion (and Alternative Motions if expected): Staff proceeds with placing a lien on the real property at 2503 East Goshen Avenue in Visalia for the abatement of the property. **Resolution 2010-**

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2010-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA CONFIRMING THE
REPORT OF THE CHIEF BUILDING OFFICIAL
REGARDING ASSESSMENTS OF ABATEMENT COST AT 2503 EAST GOSHEN IN THE
CITY OF VISALIA FOR WHICH A FIRE DAMAGED UNINHABITABLE SINGLE FAMILY
DWELLING HAS BEEN ABATED AND POSED A THREAT TO THE HEALTH AND SAFETY**

WHEREAS, the properties in the City of Visalia described by assessor parcel number and street address in Exhibit "A" were determined to be in violation of the Visalia Municipal Code which prohibits maintaining open and abandoned dilapidated structures which constitute public nuisances: and

WHEREAS, notices and orders of the City of Visalia Building Division, as provided in Chapter 8.40.010 of the Visalia Municipal Code, were provided to the recorded owners of the aforementioned properties; and

WHEREAS, the properties in question were duly posted as provided in Chapter 1.13.030B (3) (a) of the Visalia Municipal Code; and

WHEREAS, the property owner consented to the City abatement and lien of the property for City abatement costs incurred

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

1. That the Chief Building Official caused work to be performed by contractors for removal of public nuisances and submitted and filed with the City Clerk a Report and Assessment List which described the costs incurred by the City to abate such public nuisances and which is attached hereto as Exhibit "A", and made a part hereof by this reference.

2. The costs incurred and described in the Report and Assessment list, attached hereto as Exhibit "A" are hereby confirmed.

3. The cost of Abating and Removing a substantial threat to public health & safety as described in Exhibit "A", are hereby made a lien and special assessment against said properties and the Chief Building Official is directed to notify the property owner of and record the lien created herein as required under Government Code Section 38773.1(b) - (c).

4. That the City Attorney is hereby authorized to commence any action necessary for collecting the sum due including foreclosure on the lien established herein as provided for in Government Code Section 38773.1 (c).

5. That the property owner named in said Exhibit "A" may pay, or cause to be paid, the charges stated therein at the office of the Finance Department, 707 W. Acequia, Visalia, California, at any time prior to the time the lien is imposed under Government Code Section 38773.1 and Visalia Municipal Code Section 8.40.020.

PASSED AND ADOPTED: STEVEN M. SALOMON, CITY CLERK

STATE OF CALIFORNIA)

COUNTY OF TULARE) ss.

CITY OF VISALIA)

I, Steven M. Salomon, City Clerk of the city of Visalia, certify the foregoing is the full and true Resolution 2010- passed and adopted by the Council of the City of Visalia at a regular meeting held on April 19, 2010.

Dated: STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy City Clerk



Agreement to Enter and Demolish Substandard Buildings

This agreement is entered into between Ervin Wurscher, ("Owner") the owner of the real property located at 2503 E Goshen Ave., Visalia California, 93292, and the CITY OF VISALIA ("City"). A legal description of the property is attached to this Agreement as Exhibit "A" and made a part hereof.

WHEREAS, on May 13, 2009, a fire occurred at the property causing major damage and there has been no effort to remove the remaining parts of the structure or repair it; and

WHEREAS, the property, in its present condition, is unsafe to occupy, it is structurally unsound, is obviously vacant, unsightly, and due to damage from the elements, is unsuitable for repairs; and

WHEREAS, the building on the property is in violation of multiple sections of the City of Visalia Municipal Code; and

WHEREAS, the City has inspected the property numerous times and prepared two notices since the file requesting the Owner take action. The City has expended \$1,079.87 in inspection costs, boarding fees; and

WHEREAS, the Owner lacks sufficient financial resources to pay for the repair or the removal of the building; and

WHEREAS, the City wishes to remove the hazardous condition and is willing to do so with the permission of the Owner and upon the Owner agreeing that the costs of demolition will be recorded as a lien against the property.

NOW THEREFORE, for valuable consideration, including the covenants contained herein, the parties agree as follows:

1. The City agrees to prepare a demolition plan for the structure on the real property, obtain all required permits, and carry out the demolition plan.
2. The Owner agrees that the City may enter the property to carry out all actions necessary to demolish the structures, and that all costs incurred by the City in preparing and carrying out the demolition plan will be recorded as a lien against the property owed to the City.



In addition to the costs of demolition, the Owner agrees that the City will bill the owner \$1,079.87, the amount representing the present inspection and boarding fees owed by the Owner to the City. No other encumbrances will be assessed by the City against the property, and Owner will not be subject to further penalty or citation for failing to abate the nuisance described herein.

3. The Owner agrees that after the date this Agreement is signed the City will have an unconditional right of entry over the property for any purpose related to preparing for or carrying out the demolition of the structures. The City will not be required to obtain prior notice from the Owner before entering the property; although the City agrees to notify the Owner in writing of the structure demolition date at least five business days before the scheduled demolition date.

4. The Owner agrees it has received adequate notice concerning intent of the City to enter onto the property and demolish the structure. The owner hereby expressly acknowledges that he agrees with the City that the structure is unsafe, that he is unable to repair or demolish the property and that he is giving the City his express permission to enter onto the property and demolish the structure. The Owner is hereby waiving any right to appeal the demolition by the City available under applicable, federal, state, or local law and waiving the right to appeal the right of the City to file a lien for costs incurred after the building is demolished.

5. The City agrees to keep records of all costs incurred in demolishing the building pursuant to Municipal Code Section 15.44.090. After the demolition is completed the City will file a copy of these costs with the City Clerk and present these costs to the Visalia City Council. Pursuant to Municipal Code Section 15.44.100, the City Clerk shall post a copy of the report containing these costs at City Hall, 707 W. Acequia Ave., Visalia, CA 93291, together with a notice containing the time and place when the report on the costs will be heard by the City Council. The City will also mail Owner a copy of these costs with the notice of hearing. The Owner may appear at the hearing to object to any costs listed in the report.

6. The costs of demolition approved by the City Council, with the inspection fees listed above, shall be provided to the Department of Neighborhood Preservation, wherein the Owner may make payments to the City.

7. The City agrees to waive its right to assess the Owner penalties for violating Visalia Municipal Code ordinances if such violations are related to the condition of the real property after the 2009 fire. Notwithstanding this waiver, after the structure on the property is demolished the property owner will be responsible for keeping the property free from all trash, debris, and dead vegetation as required by the Visalia Municipal Code or other applicable laws. Failure to maintain the property in the future may result in subsequent code enforcement action by the City that will be separate from this Agreement.

8. The City will be responsible for providing all necessary insurance for all City employees or agents that are present on the property for the purpose of preparing the property for demolition and for carrying out the demolition. The City agrees to hold Owner harmless for any liability incurred by the City, their agents, or contractors, arising from or related to demolition activities

9. This agreement constitutes the entire, final and binding understanding between the parties hereto. No other statement or representation, written or oral, express or implied, has been received or relied upon in the settlement. All prior discussions, statements, and negotiations made or which have occurred prior to the date of this Agreement shall be deemed merged into this

Agreement and the documents referred to herein, and shall not be used for any other purpose whatsoever.

10. Each party enters into this Agreement knowingly and voluntarily, in the total absence of any fraud, mistake, duress, coercion, or undue influence, and after careful thought and reflection upon the settlement and this Agreement and accordingly by signing this document and the documents referred to herein, each signifies full understanding, agreement and acceptance.

11. The parties agree to perform further acts and to execute any further documents that may be reasonably necessary to carry out the provisions of this Agreement.

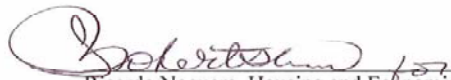
12. If any party or parties commence any legal proceeding against any other party with respect to any of the terms and conditions of this agreement, the non-prevailing party or parties will pay the prevailing party or parties all expenses of those proceeding, including reasonable attorney's fees and costs.

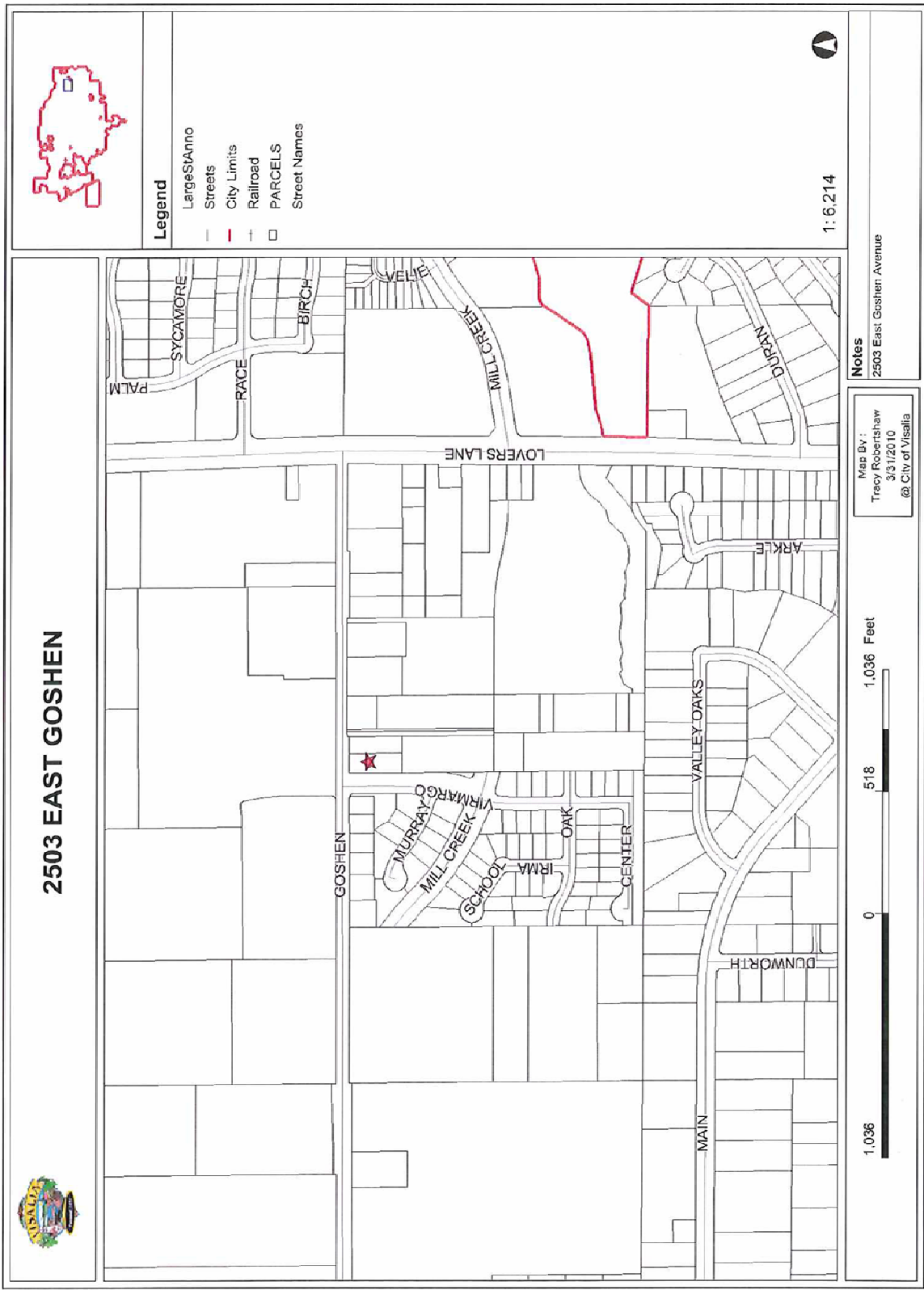
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date opposite their respective signatures and notary acknowledgements are attached.

DATED: January 7, 2010


Ervin Wurscher

DATED: January 7, 2010


Ricardo Noguera, Housing and Economic
Development Director - City of Visalia







REPORT AND ASSESSMENT LIST

Date: March 31, 2010

Property Address: 2503 E Goshen Avenue

Assessor Parcel Number: 098-060-033

DESCRIPTION OF WORK COMPLETED BY CITY	COST OF WORK	REVENUE	TOTAL
Compliance Inspection/Cost Recovery	157.78		157.78
Demolition & Abatement	14,777.09		14,777.09
10% Finance Charge	1,493.49		1,493.49
TOTAL BALANCE OWED	16,428.36		16,428.36



 Signature

City of Visalia Agenda Item Transmittal

Meeting Date: April 19, 2010

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

Agenda Item Wording: Authorize the City Manager to enter into a three-year contractual agreement with Brown Armstrong Accountancy Corporation of Bakersfield for a total amount of \$175,500 as the City's independent financial auditors, to perform the annual auditing and accounting services associated with the City of Visalia Comprehensive Annual Financial Report and the Redevelopment Agency of the City of Visalia for the fiscal years ending June 30, 2010; 2011; and 2012; with an option to renew for two additional years.

Deadline for Action:

Submitting Department: Finance Department

Contact Name and Phone Number:

Eric Frost,	Admin Services Director	713-4474
Danielle Dew,	Financial Analyst	713-4598

Recommendation:

Staff recommends that the City Council authorize the City Manager to enter into a three year contractual agreement with Brown Armstrong Accountancy Corporation, as the City's independent financial auditors, to perform the annual auditing and accounting services associated with the fiscal years ending June 30, 2010; 2011; and 2012; for the City of Visalia and the Redevelopment Agency of the City of Visalia (RDA) with an option to renew for two additional years.

The contract amount for each year is:

June 30, 2010	\$	58,500
June 30, 2011	\$	58,500
June 30, 2012	\$	58,500
Total	\$	<u>175,500</u>

The current audit fee is \$72,700 annually.

Background Information:

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Periodically the City needs to evaluate its continuing contracts and review the providers of various services. The scope of work for the independent auditors for the City includes auditing the Comprehensive Annual Financial Report (CAFR) for the City and related Single Audit, and auditing the Redevelopment Agency of the City. Also included in the proposal is preparing the State Controller's report, the Management Letter Report to the City Council, and the Report on Internal Controls to the City Council as well as other auditing tasks such as performing procedures and issuing an opinion on the City's compliance with Proposition 4 appropriation limit requirements (Gann Limitations).

The City had contracted with the independent auditors, Brown Armstrong Accountancy Corporation, for the past six years. It was time for the City to review the contract, and issue a Request for Proposal (RFP).

On February 22, 2010, a request for proposal (RFP) was issued to receive proposals from qualified and experienced firms of certified public accountants (CPA) for conducting the Comprehensive Annual Financial Audit of the City's financial records to express an opinion on the City's general purpose financial statements and supplemental financial schedules.

Proposals were solicited by advertising in the Visalia Times Delta, posting the request for proposal on Bid-Net, and e-mailing proposal notices to CPA firms. The RFP closed on March 26, 2010, and the City received eight proposals. None of the proposers have an office in Visalia nor Tulare County.

Each proposal was evaluated by a committee of three staff members. The committee selected the top three firms to be interviewed. The top three firms were:

- Brown Armstrong Accountancy Corporation from Bakersfield
- Caporicci & Larson from Los Angeles
- Mayer Hoffman McCann P.C. from Bakersfield

After selecting the top three firms, the cost evaluation portion of the proposals for only the top three firms were opened. That cost proposal information is compiled and presented below in Table I.

**Table I
Top 3 Firms Cost Proposal Information**

Firm	Proposed Hours	Calculated Cost/Hour	FY 2010	FY 2011	FY 2012	Additional Software	Total
Brown Armstrong	720	\$ 81	\$58,500	\$58,500	\$58,500	\$ -	\$ 175,500
Caporicci & Larson	650	\$ 85	\$55,000	\$55,000	\$55,000	\$21,000 *	\$ 186,000
Mayer Hoffman McCann	640	\$ 109	\$69,492	\$70,186	\$70,888	\$ -	\$ 210,566

Last year's audit cost was \$72,700. The submitted cost for each of the top three firms is a reduction in the yearly fee.

* - Additional software costs were not included in the cost proposal, but were identified during the interview process.

As part of the evaluation process, the committee rated each firm using the following criteria:

- Merit of Proposal / Presentation 15 Points
- Knowledge and Expertise 25 Points
- Record of Past Performance 30 Points
- Cost as a Total Maximum Fee 30 Points
- Total Available Points 100

The average numerical scores for the top three firms (maximum Total Score = 100) and ranking by the committee, based on the above criteria, which includes the costs submitted by the firms, is compiled and presented below in Table II.

**Table II
Top 3 Firms Average Scores and Ranking**

Firm	Technical Score	Cost Score	Total Score	Rank
Brown Armstrong	67.0	27.0	94.0	1
Caporicci & Larson	54.7	30.0 *	84.7	2
Mayer Hoffman McCann	51.3	22.3	73.7	3

All three firms were qualified in government finance and auditing, and would be able to complete the auditing service requirements. Based on the above scores, reviewing the proposals, and interviewing the top three firms, the Finance Department recommends Brown Armstrong Accountancy Corporation as being the most qualified firm to provide the Financial Auditing Services required by the City of Visalia. Brown Armstrong has been the independent auditors for the last six years, they have proposed 70 hours more to be spent on the City's audit, they support the software that the City of Visalia uses to compile the CAFR, and they will be able to hit the ground running due to their staff's experience with the City of Visalia.

Alternatives: Council could select Caporicci & Larson of Los Angeles. The City has been with Brown Armstrong for six years. It is helpful, although not mandatory, to have the City change audit forms periodically. Each firm will see things differently with their audit. Although staff agrees with this view, the City has also had a recent change in staff responsibilities which will also cause the City to do things differently.

Funding:

General Fund - Estimated Cost:	\$ 149,400
Redevelopment and Special Revenue:	<u>\$ 26,100</u>
Total Estimated Cost:	<u><u>\$ 175,500</u></u>

Prior Council/Board Actions: April 6, 2009 Council approved the use of Brown Armstrong, CPA firm to complete the fiscal year 2008 – 09 City audit, for a maximum fee of \$77,200, the same fee as fiscal year's 2007 – 08 audit.

* - Caporicci & Larson scored higher for cost because additional software costs were not included in the cost proposal, but were identified during the interview process.

Committee/Commission Review and Actions: None.

Attachments: None.

Recommended Motion (and Alternative Motions if expected): Authorization for the City Manager to enter into a three-year contractual agreement with Brown Armstrong Accountancy Corporation for a total amount of \$175,500 as the City's independent financial auditors, to perform the annual auditing and accounting services associated with the City of Visalia Comprehensive Annual Financial Report and the Redevelopment Agency of the City of Visalia for the fiscal years ending June 30, 2010; 2011; and 2012; with an option to renew for two additional years.



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: April 19, 2010

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

Agenda Item Wording: Authorization to solicit bids for the Valley Oaks Golf Course Irrigation Project.

Deadline for Action:

Submitting Department: Parks & Recreation

Contact Name and Phone Number: Jeannie Greenwood,
Recreation Manager (559) 713-4042

Department Recommendation:

City staff recommends Council authorization to solicit bids for the Valley Oaks Golf Course Irrigation Project. This authorization reaffirms Council's prior decision to fund this project with a general fund loan that will be paid back to the City through the existing Capitol Improvement Surcharge Program.

Summary/background:

At the December 15, 2007 City Council meeting, Council approved the replacement of the irrigation system for the Valley and Oaks courses and appropriated \$1.7 million for said project.

In May, 2008, the City hired Russell D. Mitchell & Associates for irrigation design for this project.

On January 20, 2009, Council authorized the City to enter into an agreement with CourseCo to manage the irrigation project.

Midway through 2009, as irrigation plans were being finalized, we were informed of the City's intent to supply treated water to the golf course site to be used for irrigation. Based on this new information, the project was delayed as we determined the impacts of using this treated water. Ultimately, it required the re-design of certain aspects of this project.

The re-design work has been completed and bid documents are completed. City staff would like to put this project out to bid as soon as possible and have the project start at the end of the summer.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty 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 existing irrigation system is outdated and in need of replacement.
 - Replacement will save the City on-going maintenance costs associated with the constant repair of the current system. The table below reflects the last three fiscal years of maintenance costs to repair the existing irrigation system.

Type of Maintenance	FY 2006-07	FY 2007-08	FY 2008-09	Total
Pipes & Heads	\$12,596	\$13,418	\$11,807	\$37,821
Electrical Parts	\$2,048	\$5,894	\$3,254	\$11,196
Misc.	\$0	\$1,716	\$2,740	\$4,456
Labor	\$26,000	\$26,000	\$26,000	\$78,000
Total	\$40,644	\$47,028	\$43,801	\$131,473

- The course is an asset to the City that must be adequately maintained, as irrigation problems occur, we see dry/dead areas and damage to turf. The success of the golf course is directly related to the playing conditions, customers will simply go to other courses if our course is not well maintained, green and in an acceptable playing condition.
- Maintenance of the current system is labor intensive. This pulls maintenance staff away from other maintenance issues and can have a negative impact on the course's playing condition, appearance and use.
- This project fits with the City's plans to expand the waste water treatment facility. The City is dedicating millions of dollars to the expansion of the waste water treatment facility with the ultimate goal of utilizing treated water for irrigation, thus conserving water use. By upgrading the irrigation system with the modifications necessary to utilize treated water, this facility will be ready to accept treated water when this larger City project is completed.
- In these tough economic times, this project makes sense due to the following:
 - We are experiencing a good bid environment with the majority of bids coming in an average of 30% below architect's estimate. In a project of this size, a 30% savings would mean a \$510,000 savings to the City.
 - This project will create jobs and help to stimulate our local economy.
 - The golf course is a good investment - Since the City switched to contract course management we have seen the course cover its operational expenses and pay down debt. The table below shows progress made towards debt since CourseCo's management. From 2000 through 2008, \$999,847 has been paid

towards the principal of this loan. In addition, interest rates are currently lower than in recent years. This will allow the course to make greater strides on paying down principal.

BOND PAYOFF:	2000	2001	2002	2003	2004	2005	2006	2007	2008
BEGINNING BALANCE	3,325,000	3,497,426	3,323,291	3,155,003	3,100,506	3,184,159	3,154,837	2,980,613	2,943,012
PRINCIPAL PAID	-	(174,135)	(168,288)	(54,497)	(58,331)	(29,322)	(174,224)	(37,600)	(303,440)
INTEREST ACCRUED	172,426	218,865	224,712	165,008	166,353	212,376	123,036	154,490	132,494
INTEREST PAID	-	(218,865)	(224,712)	(165,008)	(166,353)	(212,375)	(123,036)	(154,490)	(132,494)
ADJ. PER COUNCIL					141,984				
ENDING BALANCE	3,497,426	3,323,291	3,155,003	3,100,506	3,184,159	3,154,837	2,980,613	2,943,012	2,639,573

- Through December, 2009, golf course revenues were 1% higher than during the same period last year and the course had not experienced a significant decline in rounds played, a sign that the golf business in Visalia is remaining steady. Since then, we have experienced a significant number of rainy days that has had an impact on rounds for this year. The month of February was down 19% in rounds and 12% in revenues compared to the same month the prior year. Our year to date numbers (thru February) indicate that we've only seen a total of a 4% decrease in rounds and a 1% decrease in total revenues compared to the prior year. Barring the wet weather, the course most likely would have seen a significant increase in numbers compared to last year.
- We have a Capitol Improvement Surcharge in place to ensure that funds are dedicated to paying debt incurred by capitol projects. The table below represents the course's 8 year history of paying down Capitol Improvement Project loans from the General Fund.

	2000	2001	2002	2003	2004	2005	2006	2007	2008
BEGINNING	-	447,012	662,357	777,100	754,726	480,807	751,751	585,802	505,072
Additional Loan	440,605	289,698	126,567	-	-	424,529	-	120,920	-
Principal Paid		(74,353)	(11,824)	(22,374)	(131,935)	(153,585)	(165,949)	(201,650)	(250,815)
Interest Accrued	6,407	38,253	49,016	40,668	25,570	26,531	26,738	21,005	19,105
Interest Paid		(38,253)	(49,016)	(40,668)	(25,570)	(26,531)	(26,738)	(21,005)	(19,105)
Adjustment					(141,984)				
ENDING	447,012	662,357	777,100	754,726	480,807	751,751	585,802	505,072	254,257

- The General Fund Loan for this project will be paid to the City at a rate that is 1% higher than the City's portfolio rate; the City receives a higher rate of return on this investment than it would receive by leaving the funds in the bank.

Valley Oaks Golf Course is an asset to Visalia. It is heavily used not only by the public golf enthusiast but also by the high school golf teams and many non-profit organizations who utilize golf tournaments as a way to raise funds.

Staff is recommending that this project move forward as soon as possible. Please let me know if you have any questions related to this project. The replacement of this outdated irrigation system is critical to golf course operations and the course's ability to generate revenues and pay down existing debt.

Prior Council/Board Actions:

December, 2007	Council approved Valley Oaks Golf Course Irrigation Project
May, 2008	Authorization was given to enter into a contract for architectural services.
January, 2009	Council authorized the City to enter into a contract with CourseCo to provide project management for the irrigation project.

Recommended Motion (and Alternative Motions if expected):

Council authorizes City Staff to solicit bids for the Valley Oaks Golf Course Irrigation Project. This authorization confirms Council's decision to fund this project with a General Fund Loan that will be paid back to the City through the existing Capitol Improvement Surcharge Program.

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: April 19, 2010

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

Agenda Item Wording: Authorize the City Manager to execute an agreement with Agee Construction, Inc., and award a construction contract in the amount of \$418,663.00 to complete a portion of the Packwood Creek Trail Project between County Center and near Stonebrook east of Mooney Blvd. (Project number 3011-72-9915).

Deadline for Action: May 7, 2010, is 30 days after bid opening. However, this project is partially funded with a Federal Transportation Enhancement (TE) grant which has a deadline of April 30, 2010, to award the construction contract. To award after April 30, would mean that the City of Visalia could lose the grant and the project would require extra local funds.

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young – City Engineer, 713-4392
Michael Carr – Senior Transportation Planner, 713-4595

Department Recommendation: Authorize the City Manager to execute an agreement with Agee Construction, Inc., and award a construction contract in the amount of \$418,663.00 to complete the Packwood Creek Trail Project.

Summary: The project consists of building a paved Class I bike/pedestrian path with landscaping improvements, signage and trail amenities such as signs, benches, and drinking fountains. It will also complete the northeast corner improvements at Cameron and County Center adding curb, gutter and sidewalk as well as a handicap ramp to access the trail.

After award of the TE grant in late 2004, the environmental documents were approved at the end of 2005, and a final piece of property needed for the path was acquired by the City in 2007. In 2008, a contract was awarded to have bid documents (plans, specifications and estimates) prepared by a consultant – RRM Design Group of San Luis Obispo. Those were completed in the fall of 2009. City staff obtained authorization to proceed with construction of the trail from the State in March of 2010.

Background: The Packwood Trail project is an element of the City of Visalia’s approved Bike Plan Update. In 2004, the City of Visalia was awarded a Transportation Enhancement Grant to construct a Bike path on the land between Cameron Avenue and the Packwood Creek extending from County Center Street to east of the old Costco property, where the creek angles

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 CY 4/9/10
(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.

north toward Caldwell Avenue. The trail will loop around a tree at the east end for now, but is planned to extend adjacent to the creek to Caldwell at a future date.

On April 7, 2010, the deadline to submit bids, City staff opened six (6) bids submitted for the project; bid results were as follows:

	Contractor	Total Bid
1.	Agee Construction Corp. (Clovis, CA)	\$ 418,663.00
2.	Elite Landscaping Inc. (Clovis, CA)	\$ 434,000.00
3.	Dawson-Mauldin Const. (Huntington Beach, CA)	\$ 437,800.00
4.	Lee's Paving, Inc. (Visalia, CA)	\$ 449,700.15
5.	American Paving Co. (Fresno, CA)	\$ 515,265.00
6.	Dunn's Sand. Inc. (Visalia, CA)	\$ 528,987.25

Agee Construction Corporation has submitted the lowest responsive bid, and is staff's recommendation to be awarded the contract. Agee Construction has previous experience working with the City of Visalia as the prime contractor for the Santa Fe Overpass and, to date, and has done an exemplary job.

The Engineer's estimate for the construction was prepared by the design consultant. The total estimate was \$635,081.00. Since there is federal funding involved, this is a Prevailing Wage Project. In addition to the federal TE grant in the amount of \$195,000, the project is utilizing Measure R funds that were earmarked for bike and pedestrian projects in the City of Visalia as local matching funds and to augment the trail amenities. The total budget for this project is \$464,868, which includes on-site testing and project administration.

Prior Council/Board Actions:

At the June 1, 2004 meeting, the City Council authorized City staff to apply to the Tulare County Association of Governments for TE grant funding for the Packwood Creek Trail project.

On December 15, 2008, the City Council awarded the contract to prepare plans, specifications, and estimates for the Packwood Creek Trail project to RRM Design Group of San Luis Obispo, CA.

Committee/Commission Review and Actions: None.

Alternatives: Do not award contract.

Attachments:

- Exhibit A – Location Map
- Exhibit B – Contractor Disclosure Statement

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to execute an agreement with Agee Construction, Inc., and award a construction contract in the amount of \$418,663.00 to complete a portion of the Packwood Creek Trail Project.

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior: Categorical Exemption approved Nov. 30, 2005
Required:

NEPA Review:

Required? Yes No Categorical Exclusion approved Nov. 30, 2005

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:

City of Visalia Agenda Item Transmittal

Meeting Date: April 19, 2010

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

Agenda Item Wording: Authorize the City Manager to execute an agreement in the amount of \$ 219,100.00 with Provost & Pritchard Consulting Group of Visalia to prepare engineering plans, specifications, and cost estimate for the design of the "Santa Fe All Purpose Trail" between Tulare Avenue and Avenue 272 (Project No. 3011-8117).

Deadline for Action: April 19, 2010

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young - City Engineer, 713-4392
Bill Carr - Project Coordinator, 713-4633.

Department Recommendation: Staff recommends that the City Council authorize the City Manager to execute an agreement between the City and Provost & Pritchard Consulting Group (in the amount of \$219,100.00) to prepare engineering plans, specifications, and a construction cost estimate for the Santa Fe All Purpose Trail between Tulare Avenue and Avenue 272 (Project No. 3011-8117).

Summary: In February 2006, the City adopted the Visalia Bikeway Plan update. As stated in the Bikeway Plan, the Bicycle Advisory Committee listed as their highest priority project a Class 1 path along Santa Fe Street from Tulare Avenue to Avenue 272. South of Avenue 272, Tulare County has plans to construct a Bike path south to the Tulare City Limits connecting to a path within Tulare. Eventually, this trail will be linked from the City of Visalia thru to the City of Tulare.

Background: In 2005, the City received a Transportation Enhancement Account (TEA) grant to utilize the abandoned Santa Fe railroad right-of-way south of Tulare Avenue as the location of a new bicycle/pedestrian trail/path. The path would be twelve feet wide and paved with asphalt. It would run south from Tulare Avenue until reaching the railroad spur (approximately 200 ft. north of K Avenue). It would then cross to the east side of the tracks and continue south all the way to Avenue 272, running between the tracks and Santa Fe Street. The project includes the landscaping with trees and shrubs and the installation of an irrigation line. The path will be striped and signed. It will require bridges over three creeks.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 2 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

In February, the Request for Proposals were advertised seeking proposals to prepare design plans, specifications, and a construction cost estimate for an all purpose trail along for this project. Representatives from seventeen firms attended the March 3rd pre-proposal meeting. A total of ten firms actually submitted proposals.

The following three firms were “short listed” for further consideration by an “oral interview board”.

- Mark Thomas & Co. of Fresno / Walnut Creek
- Peters Engineering of Clovis
- Provost & Pritchard Group of Visalia/Fresno

The oral interview board selected Provost & Pritchard as the consultant for the project. After the consultant was selected by the interview panel, staff then opened the cost proposals of the two highest rated firms that were interviewed. The proposal costs were as follows:

Provost & Pritchard Group of Visalia/Fresno	\$ 219,100.00
Peters Engineering of Clovis	\$ 462,021.00

Provost & Pritchard is a local firm with offices in Visalia, Fresno, Clovis, Bakersfield, and Oakdale. They have successfully completed many design, survey and construction management projects for the City of Visalia. It is staff's opinion, that the work proposed by Provost & Pritchard will provide the City with a comprehensive set of plans, specifications, and engineer's estimate that will meet the needs of the City

Prior Council Actions: June 7, 2004, Council authorized the City to apply for Transportation Enhancement Act (TEA) funding through T.C.A.G. for the Santa Fe Trail. May 7, 2007, Council authorized the City Manager to sign a program supplement to the Measure R Cooperative Agreement for Measure R Expenditures, which included funding for constructing the Santa Fe Trail from Tulare Avenue to Avenue 272.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: 1) Ownership Disclosures for all five Consultants working on project.
2) Location Map

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to execute an agreement in the amount of \$ 219,100.00 with Provost & Pritchard Consulting Group of Visalia to prepare engineering plans, specifications, and cost estimate for designing the Santa Fe All Purpose Trail between Tulare Avenue and south of Caldwell Avenue (Project No. 3011-8117).

CEQA Review: Mitigated Negative Declaration # 2005-131 adopted as part of the 2006 Visalia Bikeway Plan Update.

NEPA Review: Categorical exclusion pending Cal/Trans approval.

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: April 19, 2010

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

Agenda Item Wording: Award contract for the construction of a new universally ADA accessible playground system at Recreation Park (located at Center and Jacob St.) to DL Construction, Fresno for the base amount of \$330,000 plus Alternative Additives 1 & 2 in the amount of \$11,800 for a total contract award of \$341,800

Deadline for Action: April 19, 2010

Submitting Department: Parks & Recreation

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

Department Recommendation: Staff recommends that the Council award a contract for the construction of a new universally ADA accessible playground system at Recreation Park (located at Center and Jacob St.) to DL Construction, Fresno for the base amount of \$330,000 plus Alternative Additives 1 & 2 in the amount of \$11,800 for a total contract award of \$341,800

Background Information: This project will consist of removing an old dilapidated conventional playground in Recreation Park and replacing it with a new universally accessible playground. Its' purpose will be to provide playground amenities for physically disabled youth in our community.

Several years ago, a planning committee was formed made up of disabled citizens, parents of disabled children, and interested citizens. The purpose of the committee was to recommend a comprehensive playground system for the disabled. Their duties included recommending specific playground pieces and reviewing preliminary and final layout plans leading to a final recommendation for improvements.

The Parks and Recreation Commission also reviewed and approved the final drawings. The project will consist of concrete flatwork, various pieces of play apparatus, a swing for a wheelchair bound youth, a rubberized play surface, sand play, landscaping and security lighting. The existing playground equipment which no longer meets current installation and safety requirements will be removed and disposed of.

Project Bids & Funding:

City staff conducted a competitive bid process to renovate the Recreation Park playground system. The project was advertised for bids on February 18th and 23rd and bids closed on March 26, 2010. The City received seven (7) proposals from qualified firms. The summary of bids is outlined on the next page.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

This CIP project was approved by the Council as part of the City's 2008-10 CIP plan. The project was budgeted for \$476,000 and was multi-funded with funds coming from the City's Park Developer Impact Fee program (Fund 1211) for \$225,000; RZH State Park Bond Act Funds from Proposition 40 in the amount of \$251,000. The account number for this project is 3011-0-72-0-8021.

A summary of bids are as follows:

Contractor	Base Bid	Add Alt 1	Add Alt 2	Grand Total
DL Construction, Fresno	330,000	10,800	1,000	\$341,800
Elite Landscaping, Clovis	370,100	20,900	500	\$391,500
Hobbs Construction, Clovis	446,458	16,500	2000	\$464,958
Steve Donali Construction, Fresno	455,000	12,000	500	\$467,500
BMV Construction, Fresno	463,665	16,000	900	\$480,565
Lee's Paving, Visalia	471,000	8,000	600	\$479,600
Sierra Range, Visalia	474,556	6,300	400	\$481,256

The two alternative project additions included in the project are outlined below. As a reminder, City Purchasing procedures require the City to award a contract based on the base bid submittal. The favorable bidding conditions allowed the project budget to include these items:

Alternate Additive No. 1: This item will allow the removal of additional flatwork concrete and associated base material along the perimeter of the playground allowing for a uniform walkway around the playground. Originally due to budget concerns only a portion was to be removed and replaced and a portion of the old was to remain.

Alternate Additive No. 2: This item replaces fifteen (15) gallon trees with 24" boxed sized trees allowing for a greater survival rate from potential breakage due to vandalism.

Several of the references listed were contacted including cities and school districts. The main areas of interest included their quality of workmanship, history of completing projects on time, evidence of any lingering disputes or outstanding claims, and their ability to work with clients in a congenial and cooperative manner. Staff received good remarks from all agencies contacted.

The engineer's estimate for this project was projected at \$475,000.

Prior City Council Actions: None.

Committee/Commission Review and Actions: Final plan reviewed and approved by the Visalia Parks and Recreation Commission.

Attachment:

Recommended Motion (and Alternative Motions if expected):

Staff recommends that City Council award the contract to DL Construction of Fresno, for new playground improvements at Recreation Park for the base bid amount of \$330,000, plus alternate additive 1-2 in the amount of \$11,800 for a total contract amount of \$341,800.

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

Summary for RFB-09-10-38

PROJECT: UNIVERSALLY ACCESSIBLE PLAYGROUND-REC.PARK

Subject: OPENING
 Location: CHW- Main Conf. Room

Meeting Date: 3/26/10
 Meeting Time: 3:00 PM

Contractor:		Lump Sum
DL Construction	Fresno, CA	\$ 330,000 ⁰⁰ / ₁₀₀
BIMY Const Group	Fresno, CA	\$ 463,665 ⁰⁰ / ₁₀₀
Hobbs Const	Clavis, CA	\$ 446,458 ⁰⁰ / ₁₀₀
Steve Douali Const	Fresno, CA	\$ 455,000 ⁰⁰ / ₁₀₀
Elite Landscape	Clavis, CA	\$ 370,100 ⁰⁰ / ₁₀₀
Sierra Range Const	Visalia, CA	\$ 474,556 ⁰⁰ / ₁₀₀

Witness: <u>[Signature]</u>	Witness: <u>[Signature]</u>
Witness: <u>[Signature]</u>	Witness: <u>[Signature]</u>
Witness: <u>[Signature]</u>	Witness: <u>[Signature]</u>
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Witness: <u>[Signature]</u>	Witness: <u>[Signature]</u>
Witness: <u>[Signature]</u>	Witness: _____

Pg 1 of 2



CITY OF VISALIA Summary for RFB-09-10-38

PROJECT: UNIVERSALLY ACCESSIBLE PLAYGROUND-REC.PARK

Subject: OPENING
Location: CHW- Main Conf. Room

Meeting Date: 3/26/10
Meeting Time: 3:00 PM

Contractor:	Lump Sum	
<i>Lees Paving Inc</i>	<i>Visalia CA</i>	<i>\$ 471,000 ^{est}</i>
Contractor:	Lump Sum	
Contractor:	Lump Sum	
Contractor:	Lump Sum	
Contractor:	Lump Sum	
Contractor:	Lump Sum	
Contractor:	Lump Sum	
Contractor:	Lump Sum	

Witness: <u><i>[Signature]</i></u>	Witness: <u><i>[Signature]</i></u>
Witness: <u><i>[Signature]</i></u>	Witness: <u><i>[Signature]</i></u>
Witness: <u><i>[Signature]</i></u>	Witness: <u><i>[Signature]</i></u>
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Witness: <u><i>[Signature]</i></u>	Witness: _____

Pg. 2 of 2

City of Visalia Agenda Item Transmittal

Meeting Date: April 19, 2010

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

Agenda Item Wording: Authorization for the City Manager to negotiate final details and sign the Task Agreement with the National Park Service to operate the fourth season of the internal Sequoia Shuttle service.

Deadline for Action: April 19, 2010.

Submitting Department: Administration – Transit Division

Contact Name and Phone Number:

Monty Cox 713-4591

Department Recommendation: It is recommended that the City Council authorize the City Manager to negotiate final details and sign the Task Agreement with the National Park Service, which is needed to operate the fourth season of the internal Sequoia Shuttle service.

Summary/background: The City of Visalia and the officials at the Sequoia Kings Canyon National Park (NPS) are prepared to operate the Sequoia Shuttle the same as during the first three successful seasons. The City and NPS worked for several years to implement a shuttle service that included a Gateway shuttle from the Valley floor to the National Park, operated directly by the City of Visalia; and, an internal park shuttle, operated by the City of Visalia through a cooperative agreement with the NPS.

In the process of working on the internal shuttle, it was determined that one of the obstacles to the internal shuttle was the cost; and that the City could provide the service at a significantly lower cost than if the NPS contracted separately for the service. This was made more evident when considering there could be some economies of scale and shared resources if the Gateway and internal shuttles were operated by a single agency. In 2004 Council authorized staff to work with the NPS on an agreement for the City to operate the internal shuttle, if it was found mutually beneficial; and, in March 2007, Council approved the Cooperative Agreement and Task Agreement between the City and NPS for this purpose. In May 2008 Council approved the Task Agreement for the second season, and in April 2009 Council Approved the Task Agreement for the 2009 season.

The Cooperative Agreement is a multi-year document that will remain in effect as long as the City and the NPS mutually agree to continue the service. Each year the National Parks will negotiate a new Task Agreement. The current Task Agreement, which includes specific details and expectations regarding the operation of the internal shuttle, and which may change from year to year, is effective May 1, 2010 and extends through October 15, 2010. The NPS will reimburse the

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 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.

City of Visalia in five equal monthly payments totaling the actual cost for the City to provide the service. In 2007 the seasonal amount was \$660,315 and in 2008 it totaled \$669,655. For the 2009 season it totaled \$ 689,407 and for the 2010 season it is estimated that approximately \$933,403 will be needed to operate the internal shuttle. This amount is significantly higher than previous years due to the NPS request for an additional extended route to Dorst Creek campground and an extended season to September 20. In addition to changes in the routes, the NPS requested some adjustments to the route schedules; however, the majority of the agreement remained the same as in 2007, 2008 and 2009.

Service to the Sequoia Kings Canyon National Park was implemented in May 2007. The service ran Memorial Day weekend through Labor Day weekend for all seasons. Below are the statistics for the past three seasons.

Ridership Summary

	<u>2007</u>	<u>2008</u>	<u>2009</u>
External Route	5,302	5,449	5,585
Internal Routes	<u>136,136</u>	<u>147,508</u>	<u>181,523</u>
Total	141,438	152,957	187,108

Prior Council/Board Actions:

February, 2004 - Council approved a contract with Moore and Associates to develop an operating and marketing plan for a Gateway Shuttle.

December, 2004 – The Council was updated on discussions with the NPS and discussed the possibility of a jointly operated internal/Gateway Shuttle.

2004- Entered into a Memorandum of Understanding with the National Park Service.

May 16, 2005 - Council was updated on the progress regarding both the proposed shuttle within SEKI and the Gateway Shuttle, as well as the proposed fee increase that is needed to fund the internal shuttle.

March, 2007 – Council approved Cooperative and Task Agreements for the 2007 season.

May 19, 2008 – Council approved the Task Agreement for the 2008 season.

April 4, 2009 – Council approved the Task Agreement for the 2009 season.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Task Agreement

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to negotiate final details and sign the Task Agreement with the National Park Service which is needed to operate the fourth season of the Sequoia Shuttle service.

Financial Impact

Funding Source:

Account Number:

Budget Recap:

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

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action: Prior:
Require:

NEPA Review:

Required? No
Review and Action: Prior:
Require:

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

Copies of this report have been provided to:

TASK AGREEMENT
Between
THE UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SEQUOIA AND KINGS CANYON NATIONAL PARKS
And the
CITY OF VISALIA

ARTICLE I – BACKGROUND AND OBJECTIVES

Cooperative Agreement number H8552060003 was entered into by and between the Department of the Interior, National Park Service, Sequoia and Kings Canyon National Parks (NPS), and the City of Visalia (City) for the cooperative participation of both agencies to operate a shuttle system serving the Park visitors at the Giant Forest area of Sequoia National Park. Unless otherwise specified herein, the terms and conditions as stated in the aforementioned Cooperative Agreement will apply to this Task Agreement.

ARTICLE II – STATEMENT OF WORK

A. The City agrees to:

1. Service Operation – provide a shuttle service operated over designated routes per attachments #1 and #2 in compliance with approved operating schedules and times. The NPS reserves the right to make route and schedule changes as necessary during any operating season. Any revisions of the established schedule will be reviewed by NPS and the City for any additional or deletion of compensation as presented by this Agreement and reasonable time will be allowed for the City to comply with any scheduled adjustments. Schedule changes shall be made only through the NPS Agreements Technical Representative (ATR) and with in recognition of the City’s transportation fleet capabilities and staff available.

In the event of emergency situations, such as dangerous weather or accidents, the City may modify routes and schedules as they deem appropriate, or as directed by the ATR. This information must be immediately relayed to the ATR. In the event of a missed scheduled time point the ATR will be notified immediately.

The City shall be solely responsible for the operation of the equipment.

2. COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS - All services performed by the City, pursuant to this Agreement, shall be performed in accordance and full compliance with all applicable federal, state, or local statutes, and any rules or regulations promulgated there under.
 - This cooperative agreement is financed in part with funding received under Section 3021 of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act – A Legacy for Users of 2005 (SAFETEA-LU) and codified at 49 USC 5329. All activities, expenditures, and reports must comply with the Alternative Transportation in Parks and Public Lands Program, Requirements for Recipients of FY 2006 Funding, July 25, 2006.

3. General - the City will be responsible for supplying all personnel, vehicles, materials and supplies necessary for the successful operation of the shuttle that are not specified within this Agreement as being provided by NPS. The City shall include the names and resume of the General Manager and the field supervisors for performance of the on-site work. If these people are replaced during the term of this Agreement NPS will be notified.
4. Personnel - the City shall provide trained, courteous bus drivers and support staff including mechanics, dispatchers, supervisors, and service workers in sufficient numbers to carry out the terms of this Agreement.

Prior to the commencement of service the City shall include a detailed organization chart specifying the relationship and number of personnel by position to be used in the shuttle system and to include the name and resume of the primary supervisory for performance of the on-site work. If this person is replaced during the term of this Agreement NPS will be notified.

(a) The Primary Supervisor shall:

- Be experienced in managing transit and/or shuttle operations.
- Be the City's primary representative having the City's full authority to act on all matters pertaining to the performance of services required under this Agreement.
- Or the designee will be on-call whenever the City's resources in the Park are performing work.
- Report personnel injuries, and/or hazardous conditions to the Agreements Technical Representative (ATR) within 24 hours of knowledge of the incident.
- Ensure that all required reports are submitted to the NPS on time.

(b) Shuttle Drivers shall meet the same requirements that are enumerated in the following sections contained in the City's September 1, 2003 "AGREEMENT BETWEEN THE CITY OF VISALIA AND MV TRANSPORTATION". The following sections are adopted as a part of this agreement:

- 2.8 Employee Selection and Supervision
- 2.9 Training of Drivers and Operations Personnel
- 2.10 Driver's Responsibilities
- 2.11 Uniforms
- 2.13 Road Supervision

Shuttle Drivers are expected to be safe, courteous and reliable at all times. They also will be trained in useful knowledge about the Park and its operations. To assist with this NPS will provide personnel for eight (8) hours of annual training on these topics as part of the City's training curriculum. The City will include an eight (8) hour NPS orientation developed by NPS staff relating to park issues, resources, history, customer service, etc, prior to the start of the service period. Shuttle drivers are employed primarily as transportation providers and not tour guides; information provided to park visitors will be to encourage them to use visitor services provided by the Park. This training will enable drivers to provide basic, accurate information to questions from visitors in a courteous manner.

The City shall maintain a system of records to meet California's Department of Transportation (CADOT) regulations regarding personnel records for driving time, and for on-duty time of all shuttle drivers.

(c) Mechanics shall:

- Be at least 18 years of age.

- Have a high school or equivalency diploma, and are able to speak, read and write the English language.
- Meet the minimum physical standards as described in the Federal Motor Carrier Safety Regulations, Title 49 of the Code of Federal Regulations.
- Meet the minimum experience requirements of the City for working on diesel engines and shuttles of the type, or of similar type, to those in use under this Agreement.

(d) The City shall have in force and shall cover all expenses associated with Substance Abuse Policy and Guidelines that complies with the Federal Highway Administration Regulation 49 CFR, Part 382 and shall meet the requirements enumerated below that are currently in effect in the City's September 1, 2003 "AGREEMENT BETWEEN THE CITY OF VISALIA AND MV TRANSPORTATION". The following section is adopted as a part of this agreement:

- 14.1 Drug and Alcohol Testing
5. Personnel Relations - the City will provide for hiring, training, discipline and all other relations with personnel dedicated to this service. Personnel policies and procedures that must be in place include, but are not limited to:
 - Non-Discriminatory Practices in Hiring (EEO, ADA, and Title VI policies)
 - Quality assurance
 - Customer service
 - Park Information (to be provided by NPS)

The City will provide written policies and procedures governing personnel conduct. A personnel handbook with these policies and procedures must be submitted to NPS ATR for approval at least 30 days prior to the start of service, and prior to the start of personnel training.

6. Visitor Relations – the City is responsible to assist the NPS in responding to visitor inquiries, comments, and complaints within 72 hours of receipt of such and a copy of each response must be submitted to the ATR. More serious complaints, such as those involving safety or visitor injuries, will be responded to immediately including contacting the ATR in the most expeditious manner.
7. Equipment and Supplies – The city is responsible for purchasing and maintaining all maintenance facility equipment, replacement parts, computer hardware and software, telephones, office equipment, and all other equipment and/or supplies necessary for this service except those facilities and equipment provided by NPS as stated in this Task Agreement.
8. Vehicle Provisions –The City shall provide and maintain all shuttles and any other type of vehicle, including but not limited to, maintenance repair vehicles necessary for the accomplishment of this Agreement to be utilized in the provision of this services for this Agreement.

(a) The City must provide a fleet of eight (8) vehicles for revenue service of the following type:

- Five (5) thirty-five foot standard transit buses, diesel powered, air conditioned, with a wheelchair lift or ramp (Lift U, Ricon or equivalent) and two (2) tie-down positions, a bicycle rack and no more than ten (10) years. To be used only on Route 1. See attachment #1.
- Three (3) “cut-away” vehicles, twenty-five (25) feet or less, sixteen (16) passenger capacity, diesel or gasoline powered, air conditioned, with a wheelchair lift or ramp (Lift U, Ricon or equivalent) and two (2) tie down positions, a bicycle rack and no more than five (5) years old. To be used on Route 1 or 2. See attachments # 1 and #2.

(b) The City shall provide a detailed description of all revenue vehicles the City intends to utilize to provide this service. At a minimum, the following information must be provided: length, width, height, wheel base, ground clearance, turning radius, floor height, axle weight ratings, gross vehicle weight, seating capacity, size of windows, combined seating and standing capacity, diagram of seating arrangement, location of wheel chair lifts, bike racks, location of exhaust pipe, fuel type, age of vehicle, VIN and current mileage on vehicle. The City shall submit photos of proposed vehicles. The specific vehicles to be used in the service must be identified in advance and be available for inspection by NPS within thirty (30) days of commencement of this Task Agreement. The City must agree to replace any vehicle deemed unfit for service by NPS.

The City shall not, without notification to NPS, change, substitute, or withdraw any City-provided revenue vehicle from service under this Agreement.

At a minimum, the shuttles shall meet the following specifications:

- The revenue service vehicles must be free of exterior and interior damage and graffiti.
- Shuttles must have windows and be equipped with functional air conditioning and heating devices.
- Heating and cooling systems shall be maintained and used to ensure that the passenger compartment temperature is comfortably maintained.
- Shuttle busses shall be painted as designated by the NPS. NPS may provide decals for application to the vehicles by the City.
- The City must supply brackets and signs on the shuttles to identify routes by names. There shall be a passenger-side and front-side sign on each bus, indicating route. The City is responsible for production and placement of the signs.
- All mechanical, electrical, fluid, air and/or hydraulic systems shall be maintained in a safe, operating condition.
- All repairs shall comply with all local, State and Federal regulations and manufacturer’s requirements.
- Shuttles must meet USDOT, OSHA and CADOT safety standards. Should an insufficient number of shuttles be available, the City shall provide replacement shuttles at the City’s expense.
- Shuttles must meet ADA requirements, such that they are able to accommodate physically challenged riders.
- Shuttles must off-load on the right side of the vehicle.
- Shuttles must include interior railing for standees to hold onto.
- Shuttles must be equipped with an interior PA (public address) system.
- Idling of diesel and gasoline busses will be in accordance with the California Air Resources Board except that a bus may idle for up to 5 minutes (versus 10 minutes) prior to passenger boarding, or when passengers are onboard.

- Any vehicle that the NPS determines is not sufficiently clean, or has an unsuitable appearance, shall not be utilized and will be replaced by the City.
- All shuttles must pass the California Highway Patrol safety inspection.

(c) The City is responsible for fueling, servicing and cleaning all vehicles in accordance with NPS guidelines and shall meet the requirements enumerated below that are currently in effect in the City's September 1, 2003 "AGREEMENT BETWEEN THE CITY OF VISALIA AND MV TRANSPORTATION". The following sections are adopted as a part of this agreement:

- 3.1 Maintenance - General
- 3.17 Vehicle Towing
- 3.18 Emissions Control Programs
- 3.20 Daily Vehicle Servicing
- 3.21 Daily Driver's Inspection
- 3.22 Vehicle Cleaning

(d) The City must maintain up-to-date files on each revenue service vehicle. Each vehicle file must contain, at a minimum:

- Make
- Model
- VIN
- Serial number/fleet number, if applicable
- License number
- Date received
- Work orders
- Fuel use
- Mileage and hours in service
- Major component change-out
- Radio serial number

Vehicle files must be available upon request by NPS.

9. Communication Equipment - The City shall provide appropriate communication equipment to monitor the service, ensure quality and respond to on-vehicle situations and/or emergencies. Each revenue service vehicle must be equipped with a two-way communication device that can be monitored by the shuttle supervisory personnel. A list of specific units and type of equipment to be used must be provided to NPS 30 days prior to commencement of this service. The equipment must be functioning on each revenue service vehicle when in revenue service.

The shuttle drivers, in keeping with appropriate radio protocol, must use the vehicle communication systems for all communications. An operational safety check of the radios will occur at the beginning and ending of each shift prior to the bus coming into or going out of service.

10. Accident Protocol – Any of the Shuttle Service staff that are involved with, or witness to, an accident (regardless of how minor) must immediately contact, first NPS Law Enforcement, and second the NPS ATR in the most expeditious manner possible.

11. Safety Program – The City shall develop, maintain and implement a written Documented Safety Program to be submitted to and approved by the ATR prior to commencement of work under this Agreement. Start of work will NOT occur without receipt of the City's program. The City shall meet the requirements enumerated below that are currently in effect in the City's September 1, 2003 "AGREEMENT BETWEEN THE CITY OF VISALIA AND MV TRANSPORTATION". The following section is adopted as a part of this agreement:

- 2.12 Safety Program

In the event of an emergency or natural disaster, the City shall make available, to the maximum extent possible, the shuttle bus transportation and communications services and facilities covered by this cooperative agreement to assist the NPS in ameliorating such incidents. To the extent the NPS requires the City to provide such emergency services and facilities; the City shall be relieved of the obligation to fulfill the duties and responsibilities to operate the regular shuttle bus schedule herein contained.

12. Insurance - the City must provide the following insurance coverage during the effective dates specified in Article III of this Agreement:

- **Auto Liability** - \$3,000,000 Combined Single Limits
- **General Liability** - \$5,000,000
To include Personal Injury Liability
- **Employer's Liability**
 - \$1,000,000 - Bodily Injury by Accident, Each Accident
 - \$1,000,000 - Bodily Injury by Disease, Policy Limit
 - \$1,000,000 - Bodily Injury by Disease, Each Employee
- **Workers Compensation** - Limits as established and required by the State of California
- **Excess Liability** - \$15,000,000

Each policy shall have a certificate evidencing the insurance coverage that list the United States as an Additional Insured. The insurance company shall provide an endorsement to notify the NPS Contracting Officer thirty (30) days prior to the effective date of cancellation or termination of the policy or certificate; or modification of the policy or certificate which may adversely affect the interest of the Government in such insurance. The City shall furnish the Contracting Officer with a copy of an acceptable insurance certificate prior to beginning the work

B. NPS agrees to:

1. General – NPS will be responsible for facilitating the work of the city, quality assurance, infrastructure maintenance and repair, fuel provision, route structure and schedule development, and creating passenger information materials.
2. Visitor Interpretive Information – NPS is responsible for development and purchase and supply of interpretive information, including scheduling information posting at bus stop kiosks, and at other key visitor facilities such as food service facilities, lodges and campgrounds, and in brochures. NPS is also responsible for development and purchase and supply of interpretive information at kiosks and key visitor facilities, within the buses and by formal and informal oral presentations by interpretive rangers greeting shuttle passengers at key locations that explains the history of the restoration of the Giant Forest Sequoia grove and why the shuttle bus service was designed as a key component of that restoration effort and how the shuttle benefits the Sierra Nevada ecosystem and particularly

the Giant Forest. NPS will also develop and provide interpretive information in the buses on other key park and NPS system issues.

3. Administrative Facilities - an office for dispatch and administration of these shuttle services will be provided at the "Old Gas Station" located next to the Lodgepole Visitors Center. The office will include a telephone line and space for one office.

Within 30 days after the completion of this Task Agreement the office at the "Old Gas Station" must be free of all Shuttle related items unless otherwise agreed to by mutual consent

4. Parking - Personnel and vehicle parking will be provided at the "Old Gas Station" located next to the Lodgepole Visitors Center. There is space for eight (8) buses and fifteen (15) personnel vehicles.
5. Maintenance Facility - NPS shall make available one bay on the lower level of the Red Fir Maintenance Facility for minor maintenance of the bus fleet. The bays contain:
 - Electrical system and service
 - Fluorescent lighting
 - Parts storage area
 - Heating system and service
 - Water system and service
 - Underground utility lines
 - A portable toilet with hand wash facility

There is adequate space at the Red Fir facility for storage of a small amount of tires, batteries, tools, and parts storage.

The City will have shared access to the bays and is expected to keep them clean and safe during use. The NPS will be responsible for any maintenance to the building structure or systems at the bays.

Within 30 days after the completion of this Task Agreement the bays and Maintenance Facility must be free of all Shuttle related items unless otherwise agreed to by mutual consent.

6. Trailer Pads – Four (4) trailer pads will be reserved for the City at the established, current, rate. These pads will be located at Clover Creek trailer area and will include electrical and sewer hookups.
7. Bus Wash Facilities - Vehicles can be washed in the existing wash bay at Lodgepole Maintenance Facility by hand or the City may propose another method of cleaning the vehicles.
8. Fuel Facility and Infrastructure - At no cost to the City, NPS shall provide gasoline and diesel storage tanks adequate for the daily operation of NPS internal Giant Forest shuttle. NPS will provide the fuel for only the revenue and support vehicles used to provide this shuttle service within the park. The fuel may not be used for any purpose other than to fuel transit vehicles. The shuttle operators are responsible for fueling all vehicles under their control and maintaining records and security according to policy and procedures defined by NPS.

NPS will be responsible for any maintenance to the fuel pumps and tanks. It also will be responsible for leak detection for the fuel operation. The City is expected to utilize the

pumps safely and accurately at all times in accordance with the operating instructions. The City will be responsible for any liability associated with a fuel spill caused by their personnel.

9. Fuel – NPS will provide both gasoline and diesel as necessitated by the designated schedules and routes in attachments #1 and #2 for the revenue and support vehicles. NPS will provide a monthly report on the quantity of fuel used by the shuttle operation for the city's review. This fuel will be limited to a maximum of 12,500 gallons of diesel and 5,000 gallons of gasoline and only for the duration of this Agreement. The City will reimburse NPS for any additional fuels used by the City at the end of this Task Agreement.
10. Roadway Improvements - NPS will be responsible for all parking lot and road maintenance and repair as it determines necessary and as funds become available.
11. Bus Stop Infrastructure - NPS will be responsible for the purchase, design, installation, maintenance and repair of bus stop signs and passenger waiting areas. City will assist NPS in monitoring and reporting on bus stop condition, cleanliness and safety issues. Any deficiencies should be reported immediately to the designated NPS ATR.
12. Passenger Information - Marketing will be created and coordinated by NPS. All promotional and passenger information materials will be designed and produced by NPS. The City may assist and cooperate with the development and distribution of these materials.
13. Training – NPS will provide City personnel up to eight (8) hours of annual orientation training developed by NPS staff relating to park issues, resources, history, customer service, etc. The City shall ensure that all personnel who deal with the Park visitors attend to insure integrated and collaborative information and services are provided by bus operators and park rangers to bus passengers/park visitors.
14. Route Structure and Schedules – NPS will perform the planning functions for this service in cooperation with the City. This includes developing the route structure, schedules, stop locations and other service logistics. The City shall provide patronage and service reports as direct by NPS. The City is expected to provide input and suggestions on service issues.
15. Radio – NPS will provide one handheld Park radio for use by the Operations Manager in order to relay emergency or urgent messages from the shuttle drivers to Park Dispatch.

C. Technical Specifications

1. Service Period for 2008 will be to operate daily starting May 21st, through September 1st. in accordance with the attached schedules #1 and # 2.

ARTICLE III – TERM OF AGREEMENT

This Task Agreement will become effective May 1st, 2008 and extend through October 15th, 2008.

ARTICLE IV – MODIFICATION

This Task Agreement may be modified only by a written instrument executed by both parties.

ARTICLE V – KEY OFFICIALS

A. For NPS:

Dean Butterworth, Agreement Technical Representative
Sequoia and Kings Canyon National Parks
47050 Generals Highway
Three Rivers, CA 93271
Phone: 559-565-4430
dean_butterworth@nps.gov

Fred Picavet, Contracting Officer
47050, Generals Hwy
Three Rivers, CA 93271
559-565-3180
fred_picavet@nps.gov

B. For the City:

Gamaliel Anguiano, Transit Analysis
City of Visalia
425 E. Oak Ave. Suite 101
Visalia, CA 93291
Phone: 559-713-4100
ganguiano@ci.visalia.ca.us

Monty Cox, Transit Manager
City of Visalia
425 E. Oak Ave. Suite 101
Visalia, CA 93291
Phone: 559-713-4100
mcox@ci.visalia.ca.us

Leslie B. Caviglia, Deputy City Manager
City of Visalia
425 E. Oak Ave. Suite 101
Visalia, CA 93291
Phone: 559-713-4317
lcaviglia@ci.visalia.ca.us

C. Communications – The City will address all communiqué relating to Article II, Statement of Work to NPS ATR and all other questions relating to this Task Agreement will be address to NPS Contracting Officer.

D. Changes in Key Officials - Neither NPS nor the City may make any permanent change in a key official without written notice to the other party reasonably in advance of the proposed change. The notice will include a justification with sufficient detail to permit evaluation of the impact of such a change on the scope of work specified within this Agreement. Any permanent change in key officials will be made only by modification to this Agreement.

ARTICLE VI – AWARD AND PAYMENT

A. Financial Assistance – The total financial assistance provide by NPS to the City will be \$669,655 “as specified in Article VI, D, below”, for operating the shuttle system in accordance with the Statement of Work as described in Article II of this Agreement.

Any changes to this Statement of Work that may warrant an adjustment to the amount of funds assistance will be negotiated in good faith by both parties.

B. Appropriations - The chargeable appropriations for this Task Agreement is 8557-0801-623 and 8550-FTA2-454.

D. Payment – The City must submit a Standard Form (SF) 270, Request for Advance or Reimbursement as a request for payment must be submitted to the Contracting Officer along with the monthly report on the fifteenth day of each month May through September. A standard City invoice may be submitted with the SF 270. The Request for Advance or Reimbursements will be submitted as follows:

- May 15, 2008 \$133,931
- June 16, 2008 \$133,931
- July 15, 2008 \$133,931
- August 15, 2008 \$133,931
- September 15, 2008 \$133,931

ARTICLE VII – REPORTS AND DELIVERABLES

These reports and deliverables must be presented to the ATR as follows:

A. To be submitted prior to commencement of services of this Task Agreement:

1. Personnel Organizational Chart – Article II A, 4
2. Personnel Handbook – Article II A, 5
3. Shuttle Fleet Description with photos – Article II A, 8
4. Communications Equipment Specifications – Article II A, 9
5. Safety Program – Article II A, 11
6. Certificate of Insurance – Article II A, 12

B. To be submitted monthly:

1. Shuttle Program Assessment Report. This report shall include at a minimum the following:

- Revenue and total vehicle miles and hours by route and total, both year-to-date and monthly.
 - Total passenger boardings by route and total, daily, monthly and year-to-date
 - Once each month, on a day designated by NPS, the City will conduct a detailed boarding and alighting survey of passengers
 - Passengers per revenue hour and per revenue mile, monthly and year-to-date
 - A sample of on time performance measured by observation of buses operating past all posted time points with a random sample of 15% of all scheduled trips by time point each month. The definition of on time performance is 0 minutes early and no more than 5 minutes late at the posted time point, monthly and year to date
 - Number of missed trips, monthly and year to date.
 - Visitor comments, complaints and commendations, monthly and year-to-date.
 - Number of visitor comments and complaints answered monthly and year-to-date.
 - Fleet performance report as shown in Attachment #3
 - Number of accidents/incidents categorized by type and preventability, monthly and year to date
 - An assessment of transit system efficiency/deficiencies
 - A monthly narrative of the significant events for the month. Examples of items include exceptional crowding at loading points, items of concern in operations, numbers of particular repairs or inspections made, drivers' suggestions for improved operations, etc.
2. Request for Advance or Reimbursement, Form SF-270
As directed in Article VI D, this will be submitted along with the monthly report on the fifteenth day of each month May through September.
- C. To be submitted by October 15, 2008:
1. A Financial Status Report, SF269 – Cooperative Agreement H855206003, Article IX B
 2. An Annual Performance Report - Cooperative Agreement H855206003, Article IX B
- D. To be submitted upon request:
1. Revenue Service Vehicle File – Article II A, 8(d)

ARTICLE VIII – ATTACHMENTS

The following documents are attached and made a part of this Task Agreement:

1. Route Schedule #1 – Wuksachi, Lodgepole, Sherman Tree, Giant Forest Museum
2. Route Schedule #2 – Giant Forest Museum, Moro Rock, Crescent Meadow
3. Fleet Performance Report #3
4. SF – 270, Request for Advance or Reimbursement.

ARTICLE IX – SIGNATURES

IN WITNESS WHEREOF, The parties hereto have executed this Task Agreement on the dates(s) set forth below.

For the National Park Service:

Craig C. Axtell, Superintendent

Date

Leo R. Guillory,
Chief of Contracting and Procurement

Date

For the City:

Steve Salomon, City Manager

Date

ATTACHMENT #1

ROUTE 1

Route 1: Giant Forest Museum to Wuksachi Village									
Giant Forest Museum	Lower Sherman Tree	Upper Sherman Tree	Lodgepole Camp Ground	Lodgepole Visitor Center	Wuksachi Village	Lodgepole Visitor Center	Upper Sherman Tree	Lower Sherman Tree	Giant Forest Museum
					9:20 AM	9:30 AM	9:40 AM	9:45 AM	9:55 AM
					9:40 AM	9:50 AM	10:00 AM	10:05 AM	10:15 AM
9:20 AM	9:30 AM	9:35 AM	9:45 AM	9:50 AM	10:00 AM	10:10 AM	10:20 AM	10:25 AM	10:35 AM
9:40 AM	9:50 AM	9:55 AM	10:05 AM	10:10 AM	10:20 AM	10:30 AM	10:40 AM	10:45 AM	10:55 AM
10:00 AM	10:10 AM	10:15 AM	10:25 AM	10:30 AM	10:40 AM	10:50 AM	11:00 AM	11:05 AM	11:15 AM
10:20 AM	10:30 AM	10:35 AM	10:45 AM	10:50 AM	11:00 AM	11:10 AM	11:20 AM	11:25 AM	11:35 AM
10:40 AM	10:50 AM	10:55 AM	11:05 AM	11:10 AM	11:20 AM	11:30 AM	11:40 AM	11:45 AM	11:55 AM
11:00 AM	11:10 AM	11:15 AM	11:25 AM	11:30 AM	11:40 AM	11:50 AM	12:00 PM	12:05 PM	12:15 PM
11:20 AM	11:30 AM	11:35 AM	11:45 AM	11:50 AM	12:00 PM	12:10 PM	12:20 PM	12:25 PM	12:35 PM
11:40 AM	11:50 AM	11:55 AM	12:05 PM	12:10 PM	12:20 PM	12:30 PM	12:40 PM	12:45 PM	12:55 PM
12:00 PM	12:10 PM	12:15 PM	12:25 PM	12:30 PM	12:40 PM	12:50 PM	1:00 PM	1:05 PM	1:15 PM
12:20 PM	12:30 PM	12:35 PM	12:45 PM	12:50 PM	1:00 PM	1:10 PM	1:20 PM	1:25 PM	1:35 PM
12:40 PM	12:50 PM	12:55 PM	1:05 PM	1:10 PM	1:20 PM	1:30 PM	1:40 PM	1:45 PM	1:55 PM
1:00 PM	1:10 PM	1:15 PM	1:25 PM	1:30 PM	1:40 PM	1:50 PM	2:00 PM	2:05 PM	2:15 PM
1:20 PM	1:30 PM	1:35 PM	1:45 PM	1:50 PM	2:00 PM	2:10 PM	2:20 PM	2:25 PM	2:35 PM
1:40 PM	1:50 PM	1:55 PM	2:05 PM	2:10 PM	2:20 PM	2:30 PM	2:40 PM	2:45 PM	2:55 PM
2:00 PM	2:10 PM	2:15 PM	2:25 PM	2:30 PM	2:40 PM	2:50 PM	3:00 PM	3:05 PM	3:15 PM
2:20 PM	2:30 PM	2:35 PM	2:45 PM	2:50 PM	3:00 PM	3:10 PM	3:20 PM	3:25 PM	3:35 PM
2:40 PM	2:50 PM	2:55 PM	3:05 PM	3:10 PM	3:20 PM	3:30 PM	3:40 PM	3:45 PM	3:55 PM
3:00 PM	3:10 PM	3:15 PM	3:25 PM	3:30 PM	3:40 PM	3:50 PM	4:00 PM	4:05 PM	4:15 PM
3:20 PM	3:30 PM	3:35 PM	3:45 PM	3:50 PM	4:00 PM	4:10 PM	4:20 PM	4:25 PM	4:35 PM
3:40 PM	3:50 PM	3:55 PM	4:05 PM	4:10 PM	4:20 PM	4:30 PM	4:40 PM	4:45 PM	4:55 PM
4:00 PM	4:10 PM	4:15 PM	4:25 PM	4:30 PM	4:40 PM	4:50 PM	5:00 PM	5:05 PM	5:15 PM
4:20 PM	4:30 PM	4:35 PM	4:45 PM	4:50 PM	5:00 PM	5:10 PM	5:20 PM	5:25 PM	5:35 PM
4:40 PM	4:50 PM	4:55 PM	5:05 PM	5:10 PM	5:20 PM	5:30 PM	5:40 PM	5:45 PM	5:55 PM
5:00 PM	5:10 PM	5:15 PM	5:25 PM	5:30 PM	5:40 PM	5:50 PM	6:00 PM	6:05 PM	6:15 PM
5:20 PM	5:30 PM	5:35 PM	5:45 PM	5:50 PM	6:00 PM	6:10 PM	6:20 PM	6:25 PM	6:35 PM
5:40 PM	5:50 PM	5:55 PM	6:05 PM	6:10 PM	6:20 PM	6:30 PM	6:40 PM	6:45 PM	6:55 PM
6:00 PM	6:10 PM	6:15 PM	6:25 PM	6:30 PM	6:40 PM				

ATTACHMENT #2

ROUTE 2

Dep. Giant Forest Museum	Moro Rock	Crescent Meadow	Arr. Giant Forest Museum
9:30 AM	9:37 AM	9:43 AM	9:56 AM
9:45 AM	9:52 AM	9:58 AM	10:11 AM
10:00 AM	10:07 AM	10:13 AM	10:26 AM
10:15 AM	10:22 AM	10:28 AM	10:41 AM
10:30 AM	10:37 AM	10:43 AM	10:56 AM
10:45 AM	10:52 AM	10:58 AM	11:11 AM
11:00 AM	11:07 AM	11:13 AM	11:26 AM
11:15 AM	11:22 AM	11:28 AM	11:41 AM
11:30 AM	11:37 AM	11:43 AM	11:56 AM
11:45 AM	11:52 AM	11:58 AM	12:11 PM
12:00 PM	12:07 PM	12:13 PM	12:26 PM
12:15 PM	12:22 PM	12:28 PM	12:41 PM
12:30 PM	12:37 PM	12:43 PM	12:56 PM
12:45 PM	12:52 PM	12:58 PM	1:11 PM
1:00 PM	1:07 PM	1:13 PM	1:26 PM
1:15 PM	1:22 PM	1:28 PM	1:41 PM
1:30 PM	1:37 PM	1:43 PM	1:56 PM
1:45 PM	1:52 PM	1:58 PM	2:11 PM
2:00 PM	2:07 PM	2:13 PM	2:26 PM
2:15 PM	2:22 PM	2:28 PM	2:41 PM
2:30 PM	2:37 PM	2:43 PM	2:56 PM
2:45 PM	2:52 PM	2:58 PM	3:11 PM
3:00 PM	3:07 PM	3:13 PM	3:26 PM
3:15 PM	3:22 PM	3:28 PM	3:41 PM
3:30 PM	3:37 PM	3:43 PM	3:56 PM
3:45 PM	3:52 PM	3:58 PM	4:11 PM
4:00 PM	4:07 PM	4:13 PM	4:26 PM
4:15 PM	4:22 PM	4:28 PM	4:41 PM
4:30 PM	4:37 PM	4:43 PM	4:56 PM
4:45 PM	4:52 PM	4:58 PM	5:11 PM
5:00 PM	5:07 PM	5:13 PM	5:26 PM
5:15 PM	5:22 PM	5:28 PM	5:41 PM
5:30 PM	5:37 PM	5:43 PM	5:56 PM

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Proposed Zoning Code amendment to amend portions of Zoning Ordinance Chapter 17.48 pertaining to signage and promotional medium for subdivisions.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number:

Paul Scheibel, AICP, 713-4369
Alex Peltzer, 627-1000

Department Recommendation:

The Community Development Department recommends the Council authorize amendments to Zoning Ordinance Chapter 17.48 pertaining to onsite and offsite signage subdivisions. This amendment would expand signage and advertising opportunities for residential subdivisions as described in this report. Staff further recommends that Council consider relaxing current sign enforcement activities to enable the proposed signage opportunities to be utilized immediately as a stimulus measure while the formal ordinance is being processed.

The purpose of the proposed Zoning Code amendment would be to grant additional marketing tools to subdivision developers during the current economic downturn. The Home Builders Association ("HBA"), on behalf of the subdivision development industry, has requested additional signage opportunities not presently allowed under the zoning ordinance, and cites an urgent need to get additional signage opportunities in place during the late Spring and early Summer timeframe, which the HBA believes to be the most crucial time period for attracting the home buying public to new subdivision locations.

Summary/Background:

This document last revised: 4/15/10 4:09:00 PM

Page 1

File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\4-19-2010\Item 9 Urgency Ordinance Subdivision Signs.doc

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 30

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(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.

During the height of the last residential building boom, the City experienced a proliferation of non-compliant subdivision signs, human sign spinners, and temporary signs along the City's main roads. The City responded to the problem through a code enforcement program, and with the adoption of the kiosk sign program (Ordinance 2006-14).

The City's successful signage enforcement program and kiosk sign program were effective in gaining general compliance with the signage provisions, and has had the effect of removing much of the non-compliant signage that generated the City's actions. The economic downturn, led in large part by the housing slump, also contributed to the noticeable absence of illegal signage for subdivisions.

It is expected that increased activity will return to the new subdivision industry when the general economy and home buying market return to a degree of normalcy. To help spur activity, the HBA has requested, on behalf of its members in the subdivision development industry, that the City grant some degree of relief from the signage and advertising restrictions that are currently in effect. These requests are itemized in a letter dated April 8, 2010 from the HBA.

Attracting customer traffic to new subdivisions is challenging because the subdivisions are located in residential parts of the City away from main thoroughfares. By contrast, subdivisions located near commercial magnets such as the shopping centers or along main arterial roads experience much more customer traffic as similar subdivisions located in more remote residential neighborhoods. Consequently, the subdivision development industry believes that there is a strong need to provide additional commercial signage, above and beyond the directional signage currently provided by the kiosk signs, to attract the interest and guide potential homebuyers to the subdivision destination.

During recent discussions with the HBA, previous issues regarding excessive signage and lack of sign management were discussed. The previous signage proliferation was unacceptable and difficult to control during the housing boom. However, strictly adhering to the current signage provisions presents an untenable burden on the housing industry under present economic circumstances. The HBA believes that their proposal is a reasonable middle ground that would help remedy their near term challenge of attracting customer traffic and interest with their subdivisions, to the benefit of both themselves and the City.

Analysis:

Staff has coordinated with the proponents in finalizing the particulars of their request. Staff generally concurs with the proponents' requests and rationale, except where specifically noted below. An item by item analysis of the requests that staff endorses is provided below:

Onsite Promotional Activities: Staff recommends that the proponents be allowed wide latitude to include devices and activities to promote and activate their subdivision locations. This recommendation is tempered by two provisions: 1- That all such activities be conducted within the private property of the subdivision site; and 2- that any such devices and activities not produce noise or visible glare offsite of the subdivision.

If these provisions are approved, it is anticipated that the proponents will introduce unique vehicles (fire trucks, uniquely painted vans, etc.), balloons and blimps, banners attached to perimeter walls, human spinners and the like, all allowable only within the confines of their subdivision locations. All of these have been seen previously in conjunction with subdivision promotional activities. The difference now would be their limitation to within the confines of the subdivision location. Also, artificial lighting, and reflective glare producing devices would not be allowed by this provision. Similarly, no noise producing activities that could affect adjacent streets or residences would be allowed.

Offsite Signage: Staff recommends that up to four offsite signs, with each sign not to exceed two faces not exceeding 32 sq.ft. (4-foot by 8-foot) per sign face, be allowed to be placed offsite in a location on private property to be determined at the discretion of the subdivision developer. These offsite signs would not be allowed in any public right-of-way. The responsibility for securing the right to locate such signs on private property would rest with the subdivider. The subdivider would be required to secure a sign permit for each sign to ensure that it is in compliance with these requirements. This will allow the proponents to have a fixed but reasonable number of signs available for the purpose of directing potential visitors from high traffic corridors to the subdivision site.

A-Frame Signs: Staff recommends that a maximum of four portable signs with a copy area not to exceed 12 sq.ft. per face be allowed in the public right of way (sidewalk or mow strip) within 1,500 feet of the entrance of the subdivision. The signs would be allowed only during the hours the sales office at the subdivision is open for business, and would have to be placed and retrieved each business day (presumably by the sales staff). This would have the effect of providing final directional signage to the subdivision site, and would demonstrate that sales staff is onsite and available to provide their services to customers visiting the site. An encroachment permit would be required to employ this provision, and could be readily monitored and controlled through that simple permit process.

Provisions NOT Recommended for Inclusion in the Zoning Code Amendment:

Timeline: The HBA has requested that these changes be adopted through use of an urgency ordinance procedure available to municipalities who desire to modify their zoning ordinance. Specifically, Section 65858 of the California Government Code provides that the legislative body of a city may enact an urgency interim ordinance prohibiting uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body or planning department is considering or studying or intends to study within a reasonable time. Staff, in consultation with the City Attorney's office, believes the proposal is beyond that limited purpose for which an urgency ordinance to the Zoning Code may be enacting. The urgency amendment procedure authorized by Government Code Section 65858 was not intended to be used to create new permissive regulations. Government Code Section 656858 allows an urgency ordinance to *prohibit* an activity, which would otherwise be allowed under current zoning regulations, to maintain the status quo because a new plan is being contemplated and developed that could be in conflict with the activity being prohibited by the urgency ordinance. The statute also requires that the City make certain findings that the prohibitions it is enacting through the urgency ordinance are necessary to promote the health, safety and welfare of the community. None of the proponents' requests meet the foregoing criteria; they all ask to allow

activities which are already prohibited, and beyond the scope of what is allowed by the statute.

If some or all of the above requests to modify the Zoning Code are authorized, the Council could also direct staff to immediately relax enforcement as it relates to those activities, while the Zoning Code amendment is being processed, so that the proponents could begin implementing them immediately to take advantage of the allowances in conjunction with the anticipated increase in potential customer traffic that has historically been seen as the school year ends and the weather improves.

Small Weekend Directional Signs: These are not advised to be allowed for two reasons: First, These signs typically proliferate in the public right of way. They frequently are blown or pulled down and end up discarded in the street. Also, they are not durable or costly so they are often simply left in place beyond the time they were intended for use. Staff would contend that the portable A-frame signs will adequately serve the intended purpose of the weekend signs, but with less likelihood of the predicted problems with the weekend signs.

The second reason for not recommending these signs is the difficulty in controlling their spread. Other commercial interests will seek to claim similar privileges as the temporary weekend signs. Small portable signs have been used in the past for retail advertisements and to announce shows and events. Often, the signs will advertise sales or events in other communities.

Human Directional Signs: The human directional signs cannot be recommended (except at the subdivision site, as previously discussed). Staff finds that this activity serves as a distraction to motorists and pedestrians. Also, it would be difficult to enforce this restriction on other commercial activities on the City's streets if allowed for this commercial activity.

For the reasons provided above, staff and the City Attorney's office are recommending the Council consider the foregoing plan to process a Zoning Code amendment, which would be initiated immediately upon approval.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: The City Council may:

1. Approve the plan to amend the Zoning Code with amended allowances other than those recommended by staff (either with more or fewer allowances);
2. Reject the plan to amend the Zoning Code in its entirety;
3. Take no action at this time.

This document last revised: 4/15/10 4:09:00 PM

Page 4

File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\4-19-2010\Item 9 Urgency Ordinance Subdivision Signs.doc

Attachments: Copy of letter from Home Builders Association dated 4/8/10

Recommended Motion (and Alternative Motions if expected):

Move to approve the plan to amend portions of Zoning Ordinance Chapter 17.48 pertaining to promotional signage for subdivisions

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:
Home Builder's Association
Visalia Chamber of Commerce Governmental Affairs Committee
Owners of Kiosk Signs located in the City of Visalia (three entities)

This document last revised: 4/15/10 4:09:00 PM

Page 6

File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\4-19-2010\Item 9 Urgency Ordinance Subdivision Signs.doc

City of Visalia Agenda Item Transmittal

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Request by the Tulare County Association of Governments (TCAG) to execute an amended Joint Powers Agreement with Tulare County and the other seven Cities in the County to modify the powers of the TCAG.

Deadline for Action: N/A

Submitting Department: Community Development/Administration

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Staff recommends that the City Council not approve the amended joint powers agreement based on concerns regarding the proposed inclusion of items **j) “To acquire, maintain, and dispose of real or personal property”** and **p) “To enter into joint powers agreements....”** to the list of powers to be assigned to the Tulare County Association of Governments (TCAG). To address these concerns, staff further recommends that Council authorize the Mayor to execute an amended TCAG joint powers agreement that revises Paragraph 15 on page 5 to read as follows:

15) “ A majority of the persons appointed to serve on the governing board of the Association shall constitute a quorum for the transaction of business by the governing board. Any resolution or other official action of the governing board shall be adopted by the votes o a least the number of members which constitute a quorum, less two (2) members; *except that in order to exercise the power to acquire or dispose of real or personal property, or to enter into Joint Powers Agreements, a resolution authorizing the exercise of such power shall be approved by unanimous vote of all governing board members.*” (Recommended staff changes in *italics*).

Discussion

Since its inception, TCAG has not had the power to acquire, maintain, and dispose of real or personal property. TCAG is primarily a regional transportation planning agency, and a conduit for passing of various federal, state, and local transportation funds through to the cities and county. TCAG is not responsible for construction of transportation projects; that responsibility has historically fallen to the individual Cities and County. Any acquisition, maintenance and

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

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.

disposition of real or personal property that is necessary to construct transportation projects is also the responsibility of the Cities and County. Staff believes this practice has worked satisfactorily and is concerned about potential inappropriate activities if TCAG adds this power to its list of duties. Therefore, staff recommends that Council not approve the amended joint powers agreement for TCAG due to the inclusion of item **j)** on page 3 of the draft amended agreement.

TCAG has indicated that the most immediate project for which property acquisition authority requested in item **j)** may be used is the East Side Rail Preservation. The City Council has not discussed or taken a position on the merits of the East Side Rail Preservation project. However, on December 21, 2009, Council did not approve a proposed TCAG amendment to Measure R to provide funding for acquisition of rail lines and equipment for the East Side Rail project. **The recent Measure R amendment for rail funding was rejected by Council because the East Side Rail Preservation project was not included in the list of proposed projects presented to the voters during enactment of the Measure R sales tax program.** Despite Visalia's objection, the County and other cities voted to approve the Measure R amendment for purchase of East Side Rail trackage and equipment. The inclusion of item **j)** to the JPA amendment being proposed at this time will empower TCAG to spend Measure R funds for the East Side Rail trackage and equipment as envisioned in the earlier Measure R amendment rejected by Council. It will also empower TCAG to spend other types of funds or property acquisitions for East Side Rail or other future projects.

Item **p)** would empower TCAG to enter into future joint powers agreements. This would enable TCAG to form associations with other governmental entities to jointly undertake projects or activities. While these associations may have value to the County as a whole, assurances are needed that these associations will benefit the entire County and not serve only a specific area or interest. Therefore, due to absence of appropriate controls for Item **p)**, staff recommends that the joint powers agreement not be approved in its current form.

The revisions to paragraph 15 offered by staff will resolve these concerns about items **j)** and **p)** by mandating that the exercise of either of these powers must be unanimously approved by all members of TCAG's governing board. This means that every City's representative and all 5 County supervisors must agree to all future proposals to acquire or dispose of real or personal property or enter into joint powers agreements. Failure to gain unanimous approval would prohibit these activities from being undertaken. Staff recommends these controls be established to prevent inappropriate use of these powers from occurring.

All other amendments proposed by TCAG in the revised JPA appear appropriate and Staff would recommend that those other changes be supported. However, due to inclusion of items **j)** and **p)** without appropriate controls, staff is recommending that Council not approve the proposed JPA amendment in its current form. If Council agrees with the recommended revisions to paragraph 15, TCAG will be informed that if it incorporates the revised paragraph in the amended JPA, the City will sign the amendment.

Alternative Strategy for East Side Rail Preservation

As an alternative to TCAG taking potential temporary possession of East Side rail improvements, Tulare County and interested cities can form a **joint powers authority** as an independent entity that can purchase and hold rail improvements. A joint powers authority can seek loans and grants and issue bonds to finance its activities. This type of entity could be comprised of Tulare County and East Side cities with direct interest in having the rail line improvements preserved and freight operations re-activated.

As an example, the Cities of Visalia, Lemoore and Huron formed a joint powers authority in 2000 to assemble funding to upgrade the freight capabilities of the Cross Valley Rail Line extending from the City of Huron in the west side of the San Joaquin Valley east through the City of Visalia. The Cross Valley Rail Joint Powers Authority was able to accumulate approximately \$11.3 million in various Federal and State air quality, traffic management, and economic development funds to help upgrade the Cross Valley Rail Line for improved freight operations. When combined with locally generated funds, the total project cost for the completed Cross Valley Rail Project was over \$14.2 million. The CVRJPA is still active and monitors the integrity of the freight rail improvements. The City of Hanford joined the Joint Powers Authority in early 2010.

Background:

The Tulare County Association of Governments was established in May, 1971 by the eight Cities in Tulare County and the County government to serve as a regional transportation planning agency and conduit for transportation, air quality and other regional funding opportunities. The powers of TCAG are established through a joint powers agreement (JPA) executed by the eight Cities and the County. Following the inception of TCAG, the JPA was amended in June 1975 and February 1976. No amendments have occurred since 1976.

TCAG has submitted a proposed JPA amendment to the Cities and County. The JPA amendment is intended to update TCAG's powers and duties by incorporating changes that have occurred or are anticipated to occur in TCAG's operations or activities.

A copy of a memorandum from Ted Smalley, Executive Director of TCAG, and the proposed amended JPA are attached. Mr. Smalley's memo contains a summary of the major changes being proposed. Aside from items **j** and **p**), two other changes are noteworthy and are supported by
City staff:

LAFCO Services: The amended JPA will authorize TCAG to provide staff services for the Local Agency Formation Commission (LAFCO). LAFCO is a county-wide agency whose primary function is to make final decisions on annexations to cities and special districts. Historically, LAFCO staff services have been provided by Tulare County Planning staff. The Executive Director of LAFCO has historically been a senior County planner. The transfer of LAFCO staff responsibility to TCAG is viewed as a positive change by eliminating potential conflict of interests and because TCAG by its structure is broadly representative of the Cities and County as a group.

Van Pool Services: Van pooling has significant benefits for reducing vehicle trips and vehicular air emissions. Demand for van pool services is increasing for farm workers and other employee groups who commute long distances for work, often across multiple counties. Currently, Kings County Association of Governments is providing van pool services in our region. However, service demands have grown and van pool programs are in need of expansion. TCAG is working with councils of governments for Kern, Fresno, Kings and other counties to form a regional joint powers authority for van pool services. To participate in the joint powers authority, TCAG must add "operation of van pool services", including obtaining grants and borrowing funds to purchase and lease vans, to its list of authorized powers. This addition is item **q**) on page 3 of the amended agreement.

Effect of Recommended Action

The City Attorney has been consulted regarding the effect of an action by Council to not approve the amended agreement as recommended by staff. The City Attorney's opinion is that TCAG must receive approval from all nine entities (eight Cities and County) to enable the amended joint powers agreement to go into effect. If Visalia and/or any of the other eight entities will not approve the amended agreement, the amended agreement will not go into effect, and TCAG will continue to operate under the current joint powers agreement as amended in 1976.

As noted earlier, the proposed amended agreement will create authority for TCAG to provide staff services for LAFCO. This change is scheduled to occur on July 1, 2010 and is favored by all the Cities. Because the change is scheduled to occur soon, staff recommends that Council authorize the Mayor to execute an amended joint powers agreement that contains language requiring unanimous governing board approval for invoking powers proposed in item j) pertaining to property acquisition and item p) pertaining to joint powers agreements. This will enable TCAG to consider further amending the joint powers agreement to establish recommended controls on items **j)** and **p)** to enable the LAFCO transfer to occur.

Prior Council/Board Actions: NA

Committee/Commission Review and Actions: NA

Alternatives: Approve the amended joint powers agreement as submitted by TCAG.

Attachments:

1. Memo from Ted Smalley dated March 24, 2010
2. Proposed amended Tulare County Association of Governments Joint Powers Agreement

Recommended Motion (and Alternative Motions if expected): Move to: 1. Not approve the amended TCAG joint powers agreement as currently proposed; and 2. authorize the Mayor to execute the amended joint powers agreement with the recommended revisions to paragraph 15.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

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

Copies of this report have been provided to: NA

MEMORANDUM

TO: TCAG Members

FROM: Ted Smalley, Executive Director

DATE: March 24, 2010

SUBJECT: TCAG Joint Powers Agreement (JPA) Revisions

The Joint Powers Agreement (JPA) originally establishing the Tulare County Association of Governments was executed on May 4th 1971. It was amended in June 1975 and February 1976. Since 1976, terminology and agency practices have changed but the JPA remained the same. At Board direction, staff presented the attached proposed replacement JPA on March 15, 2010. Among other things, the new JPA reflects current practices and terminology, incorporates previous amendments to the original Agreement, allows for the ability to acquire, maintain and dispose of real property, provides authority for the County to provide staff services to the Local Agency Formation Commission (LAFCO) and allows for TCAG to partner in a regional vanpool program.

Below is a summary of the key changes to the current JPA of 2010:

Paragraph 2:

The old JPA designated paragraph 2 as the powers and paragraph 3 as the authority to exercise those powers. The authority to exercise those powers as provided in Paragraph 3 were essentially TCAG powers and so the paragraphs two and three were combined. Also, the Association powers were increased to include: to acquire, maintain, and dispose of real property; contract to provide staff services and facilities to the Tulare County Local Agency Formation Commission (LAFCO); enter into joint powers agreements; and to operate van pool services and related activities.

Paragraph 4:

Paragraph 4 was amended to reflect that TCAG is a separate department in the county system and therefore would not need to contract for staffing with the county. The current paragraph language gives the association authority to employ and contract with personnel and/or consultants. The following language was deleted: “as an alternative to hiring its own employees, the Association shall have the power to contract with the County, a City or any other political subdivision to provide needed services to the Association through employees of such political subdivision.”

Paragraph 14:

Paragraph 14 changes the old term “Executive Secretary” to the current term “Executive Director.”

Memorandum TCAG Joint Powers Agreement (JPA) Revisions

3/24/10

Page 2

Paragraph 15.5:

This paragraph which allows for the option of the governing board to have two Executive Secretaries (currently called Executive Directors) was deleted.

Paragraph 18:

This paragraph was amended to delete the requirement that the Executive Director file an official bond in the amount of \$3,000 with the Association. This is no longer current practice for many years.

Paragraph 19:

The original JPA in 1971 contemplated that the population ratios of the Cities and the County would be based on the 1970 decennial census. In 1974, it was determined that reliance on the State Department of Finance provides updated estimates of the population of the Cities and County on an annual basis would be more accurate. As such, the JPA stated that yearly changes were made to the TCAG By-Laws to adjust consistent with the State Department of Finance figures. The change to Paragraph 19 here is to designate the Overall Work Program (OWP) as the report to be annually changed instead of the By-Laws. This is to reflect current practice.

Paragraph 21:

This paragraph is amended to reflect current practice regarding preparation of the annual budget.

Paragraph 23:

This paragraph changes thirty (30) to sixty (60) days after the close of each fiscal year for an itemized report of all receipts and expenditures which have occurred under the Agreement during the preceding fiscal year, a current practice.

Paragraph 30:

This paragraph was added to assist in approving the JPA and subsequent amendments in the future by providing for the ability to execute documents in counterparts. This will allow the Cities and County to act on matters concurrently instead of attempting to execute the JPA and amendments in sequence.

1 TULARE COUNTY ASSOCIATION OF GOVERNMENTS
2 JOINT POWERS AGREEMENT
3

4 THIS AGREEMENT, dated for convenience as of this ____ day of _____, 2010, by
5 and between the COUNTY OF TULARE, hereinafter referred to as the “County,” and the CITIES
6 OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA,
7 and WOODLAKE, or so many of said Cities as have executed this Agreement, hereinafter
8 collectively referred to as the “Cities”;

9
10 WITNESSETH:

11 WHEREAS, the County and the Cities have recognized that it is desirable to provide a forum
12 for the coordination of governmental activities involving both long-range and functional planning for
13 the Cities and the County, and to develop programs which will assure compatible action between all
14 levels of government within the County for plan implementation; and

15 WHEREAS, the Tulare County Association of Governments, hereinafter referred to as the
16 “Association,” will be a separate entity from the County; and

17 WHEREAS, as of the 4th day of May, 1971, the County and the Cities executed an
18 Agreement (Tulare County Agreement No. 6460) which established the Association, and set forth
19 the powers and duties of the Association; and

20 WHEREAS, the Joint Powers Agreement has been amended from time to time; and

21 WHEREAS, the Association desires to incorporate subsequent amendments to the original
22 Agreement entered into on the 4th day of May, 1971 and make changes to the Agreement to reflect
23 current practices and terminology; and

24 WHEREAS, the Association desires to enter into a joint powers agreement to operate van
25 pool services and related activities; and

26 WHEREAS, current policies of the United States Department of Housing and Urban
27 Development and the United States Department of Transportation require the establishment of an
28

1 areawide organization in order to meet the planning requirements for various capital grant and loan
2 programs; and

3 WHEREAS, the County and the Cities believe that intergovernmental cooperation will
4 promote the general welfare of all of the residents of the County of Tulare; and

5 WHEREAS, the County and the Cities have the power, under section 6500 et seq. of the
6 Government Code, to enter into and carry out the terms and conditions of this Agreement;

7
8 NOW, THEREFORE, BE IT AGREED as follows:

- 9 1) There is hereby created an agency or public entity to be known as the “Tulare County
10 Association of Governments.” As provided by law, said Association shall be a public entity
11 separate from the County and the Cities which are parties to this Agreement.
- 12 2) The Association shall have and may exercise all rights and powers, expressed and implied,
13 necessary to carry out the purposes and intent of the Association, including but not limited to,
14 the following powers:
- 15 a) Review, evaluate and coordinate applications for developmental proposals of areawide
16 significance utilizing either Federal, State or local public sources of funding.
 - 17 b) Assist political subdivisions located in Tulare County in obtaining various forms of
18 governmental assistance by providing advice, counsel and professional direction.
 - 19 c) Designate an appropriate system of areawide comprehensive planning goals and objectives.
 - 20 d) Prepare the necessary plans and studies consistent with comprehensive planning goals and
21 objectives
 - 22 e) Promote public interest in and understanding of the comprehensive planning process within
23 Tulare County.
 - 24 f) Serve as a center for disseminating general planning information of areawide significance to
25 the various local jurisdictions.
 - 26 g) Investigate and prepare recommendations regarding the resolution of conflicts or other
27 circumstances arising from the multiplicity of jurisdictions concerned with comprehensive
28 development.

- 1 h) To make and enter into contracts.
- 2 i) To employ agents and employees.
- 3 j) To acquire, maintain, and dispose of real or personal property.
- 4 k) To accept gifts and grants.
- 5 l) To sue and be sued in its own name.
- 6 m) To incur debts, liabilities, or obligations.
- 7 n) Exercise all of the powers and duties as the agency designated as the Transportation Planning
8 Agency for Tulare County in accordance with section 29530 et seq. of the Government Code,
9 section 99200 et seq. of the Public Utilities Code and all other applicable State laws.
- 10 o) Contract to provide staff services and facilities to the Tulare County Local Agency
11 Formation Commission (LAFCO) or other Tulare County Agencies as approved by the
12 Tulare County Association of Governments Board.
- 13 p) To enter into joint powers agreements pursuant to the Joint Exercise of Powers Act, Chapter
14 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.
- 15 q) To operate van pool services and related activities, including, but not limited to, obtaining
16 grant funds and borrowing funds for purchasing and leasing vans.
- 17 3) It is understood that no debt, liability or obligation of the Association shall constitute a debt,
18 liability or obligation of the County or any of the Cities. Such powers shall be exercised subject
19 only to such restrictions upon the manner of exercising such powers as are imposed upon the
20 County in the exercise of similar powers, as provided in Section 6509 of the Government Code
21 of the State of California.
- 22 4) The Association shall have the authority to employ and contract with personnel and/or
23 consultants to assist in conducting the activities authorized by this Agreement.
- 24 5) It is understood and agreed that such plans as are developed by the Association shall be
25 forwarded to the appropriate Cities and/or to the County for consideration, possible adoption
26 and implementation by such party or parties. Each party to this Agreement agrees that it will
27 give due and appropriate consideration to all such plans developed and forwarded by the
28 Association.

- 1 6) The Association shall be administered by a governing board composed of the following
2 members:
- 3 a) The five (5) members of the Board of Supervisors.
- 4 b) One (1) Councilperson from each City which is a party to this Agreement, appointed by the
5 City Councils of such respective Cities.
- 6 c) Three (3) residents, over the age of 18, of the County to be appointed by a majority vote of
7 the other members of the governing board of the Association listed in subparagraphs (a) and
8 (b) above at a meeting of the governing board.
- 9 7) After this Agreement has been executed by all of the parties, and members of the governing
10 board have been appointed by the respective City Councils, the Chairperson of the Board of
11 Supervisors of the County shall call an organizational meeting to be held by the governing
12 board of the Association. The Chairperson shall cause each member of the governing board to
13 be advised of the time and place for such organizational meeting.
- 14 8) The members of the Board of Supervisors shall be members of the governing board of the
15 Association during their tenure in the office of Supervisor. Each Councilperson appointed by a
16 participating City as a member of the governing board of the Association shall serve on the
17 governing board during their tenure in the office of Councilperson or until replaced by the City
18 pursuant to paragraph (10) below. The three (3) members of the governing board of the
19 Association who are appointed pursuant to subparagraph (c) of paragraph (6) above shall have
20 three year terms, with no at large member expiring in the same year.
- 21 9) The term of office of any member of the governing board of the Association, other than the
22 members of the Board of Supervisors, may be terminated at any time by a majority vote of the
23 body which appointed such member.
- 24 10) When a vacancy occurs on the governing board, the vacancy shall be filled by the appropriate
25 appointing body for the balance of the unexpired term.
- 26 11) Any of the bodies authorized to appoint members of the governing board of the Association,
27 under paragraph (6) above, may appoint an alternate member of the governing board, who shall
28 have the same qualifications as required for the principal member under paragraph (6) above;

1 provided, however, that in the case of the members of the Board of Supervisors, said Board
2 may appoint as alternate members for each of the five (5) Supervisors any persons who are
3 residents of the County. Such alternate member shall participate as a member of the governing
4 board only when the principal member is absent from the meeting. Alternates may attend closed
5 sessions even if the member is present.

6 12) The governing board of the Association shall hold at least one regular meeting each month
7 unless the Board votes to cancel a meeting. The date, time and place of regular meetings shall
8 be fixed by resolution of the governing board and may be changed from time to time. Special
9 meetings may be called pursuant to the procedures set forth in Section 54956 of the
10 Government code. All meetings of the governing board shall be subject to the requirements of
11 the Ralph M. Brown Act.

12 13) The governing board of the Association shall adopt all necessary rules governing the
13 transaction of business at its meetings and the general conduct of the affairs of the Association.

14 14) The officers of the Association shall be a Chair, Vice Chair, Executive Director and such other
15 officers as the governing board may deem necessary. The Chair and Vice Chair shall be elected
16 from among the members of the governing board but the Executive Director need not be a
17 member. Said officers shall be elected in accordance with the rules of the governing board of
18 the Association and shall perform such duties and serve for such terms as specified in the rules
19 adopted by the governing board of the Association.

20 15) A majority of the persons appointed to serve on the governing board of the Association shall
21 constitute a quorum for the transaction of business by the governing board. Any resolution or
22 other official action of the governing board shall be adopted by the votes of at least the number
23 of members which constitute a quorum, less two (2) members.

24 16) The members of the governing board of the Association shall serve without compensation but
25 they shall receive reimbursement for actual and necessary travel expenses incurred in the
26 performance of their duties. Such reimbursement for expenses shall be made in accordance
27 with rules established by the governing board. Travel expenses shall not be allowed for any
28

1 travel outside of the County of Tulare by members of the governing board unless the governing
2 board of the Association approves such travel.

3 17) The County Treasurer and County Auditor of the County of Tulare are hereby designated as
4 Treasurer and Auditor respectively, of the Association, as such, they shall have the powers,
5 duties and responsibilities specified in Section 6505.5 of the Government Code of the State of
6 California.

7 18) In accordance with section 6505.1 of the Government Code, the Executive Director is hereby
8 designated as the person who shall have charge of, handle, and have access to the property of
9 the Association.

10 19) The annual operating costs of TCAG shall be allocated among the parties to this Agreement on
11 the basis of the population ratios of the Cities and the County. The population figures, and the
12 appropriate percentage figures based on such populations, shall be contained in the Overall
13 Work Program (OWP). The population figures will be based on the State Department of
14 Finance certifications, or as updated by actual enumerations. These population figures are
15 revised annually by the State about April of each year. Based on these population figures, the
16 Board of Governors of TCAG will promulgate the percentages to be used by TCAG staff and
17 members in developing the allocation of operating costs for the following fiscal year.

18 20) The annual budget of the Association shall be prepared on a fiscal year basis and the fiscal year
19 of the Association shall be the period from July 1st of each year to and including the following
20 June 30th.

21 21) On or before the 15th day of April of each year, a copy of the proposed budget which has been
22 prepared for the next ensuing fiscal year shall be provided to the County and each of the Cities.
23 The County and each of the participating Cities shall provide written comments on the budget
24 with the governing board of the Association on or before the 1st day of May. Said budget shall
25 be deemed to have been approved when adopted by the TCAG Board in May of each year. The
26 Cities and the County which have representation on the TCAG Board and have given the
27 aforementioned approval of the budget shall thereafter pay their pro rata share of such budget
28 into the County Treasury to the credit of the Association in accordance with the percentages set

1 forth in paragraph (19) above. Each City and the County shall pay one-half (1/2) of such pro
2 rata share into the County Treasury on or before the 30th day of September and the other one-
3 half (1/2) of such pro rata share on or before the 30th day of April.

4 22) In the event that any party to this Agreement refuses to approve an annual budget, in
5 accordance with the provisions of paragraph (21) above, such party shall no longer be a party to
6 this Agreement nor a participant in the program, in accordance with paragraph (27) herein
7 below. Therefore, the remaining parties to this Agreement which have approved the annual
8 budget agree to pay, over and above their regular payment prescribed above, an additional
9 payment to cover the additional amount required because of the withdrawal of the party, such
10 additional payment to be based on the populations of the remaining parties as set forth in
11 paragraph (19) and to be paid at the same times as the regular payments.

12 23) Within sixty (60) days after the close of each fiscal year during which this Agreement remains
13 in effect, TCAG staff upon request shall prepare for distribution to the County and each of the
14 Cities which have been parties to this Agreement during the year, an itemized report of all
15 receipts and expenditures which have occurred under this Agreement during the preceding
16 fiscal year.

17 24) In accordance with section 6505 of the Government Code, an annual audit of the accounts and
18 records of the Association shall be made. The Association shall pay the costs of such audit
19 whether conducted by the County Auditor or an independent auditor.

20 25) This Agreement shall take effect as soon as it has been executed by a sufficient number of the
21 nine (9) political subdivisions which have been designated as potential parties to this
22 Agreement in the heading and signature lines of this Agreement to constitute at least seventy-
23 five percent (75%) of the population of the entire County, based on the population figures in
24 paragraph (19) above. Any City that does not execute this Agreement shall not be a party to this
25 Agreement and shall have no rights and duties whatsoever under this Agreement. Any City
26 which does not become a party to this Agreement prior to the organizational meeting of the
27 governing board of the Association may become a party thereafter, and have all of the rights
28

1 and duties of a party upon executing a copy of this Agreement and filing it with the governing
2 board of the Association.

3 26) If any party to this Agreement does not approve an annual budget of the Association in
4 accordance with paragraph (22) above, then that party shall cease to be a party to this
5 Agreement as of the 30th day of June following such failure to approve the budget and, after
6 said 30th day of June following such failure to approve the budget and, after said 30th day of
7 June, such party shall have no rights or duties under this Agreement and the member or
8 members of the governing board of the Association appointed by that party shall automatically
9 cease to be members on said date. In addition, any party to this Agreement may, on or before
10 June 1st of any year, give written notice to the Association that it is withdrawing from the
11 Association and terminating its rights and duties under the Agreement, at the end of the fiscal
12 year, and such notice shall have the same effect on the 30th day of June thereafter, as mentioned
13 hereinabove. When any party has ceased to be a party to this Agreement, it shall not be entitled
14 to again become a party this Agreement except upon unanimous consent of the remaining
15 parties to this Agreement and upon such terms and conditions as may be imposed by unanimous
16 action of said remaining parties. Each of the parties to this Agreement hereby agrees that if it
17 should in the future withdraw from the Association and give up its rights and duties under this
18 Agreement, as provided hereinabove, and the Association is not dissolved as a result of said
19 withdrawal, then such withdrawing party waives any refund of contributions previously made
20 by such party to the Association and relinquishes to the Association all right, title and interest it
21 may have in any property of the Association.

22 27) This Agreement shall terminate, and the Association shall automatically be dissolved at the end
23 of any fiscal year if, at the end of the fiscal year, the remaining parties to the Agreement have a
24 total population of less than seventy-five percent (75%) of the total population of the entire
25 County, as set forth in paragraph (19) above. However, the governing board of the Association
26 shall remain in existence for the sole purpose of winding up the affairs of the Association and
27 payment of all outstanding debts and obligations of the Association and disposing of the assets
28

1 of the Association. After payment of all outstanding debts and obligations, the funds and
2 property of the Association shall be distributed as follows:

- 3 a) The funds of the Association on hand which were contributed by the parties to the
4 Agreement shall be returned to the participating parties in the same ration as the funds were
5 contributed pursuant to paragraph (19) above.
- 6 b) Any property of the Association, other than money, shall be sold and the proceeds of sale
7 distributed in accordance with the provisions of subparagraph (a) above.
- 8 c) Any unused funds or properties which were contributed to the Association by persons other
9 than the parties to this Agreement shall be returned to the donors and, if the donors do not
10 wish to have such returned, they shall be disposed of in the manner provided in
11 subparagraphs (a) and/or (b) above.

12 28) This Agreement may be amended at any time by a supplemental written agreement executed by
13 all of the parties.

14 29) The Agreement (Tulare County Agreement No. 1761) which was entered into on December 8,
15 1964, between the parties to this Agreement, and was subsequently amended on several
16 occasions, which established a Coordinating Committee on County Development, is hereby
17 terminated, said termination to be effective at the same time that this Agreement is executed by
18 the number of parties required to make this Agreement effective. The Agreement (Tulare
19 County Agreement No. 6460) which was entered into on May 4, 1971, between the parties to
20 this Agreement, and was subsequently amended on several occasions is hereby superseded
21 effective at the same time as this agreement is executed by the sufficient number of the nine (9)
22 political subdivisions which have been designated as potential parties to this Agreement as
23 indicated in paragraph 25 above.

24 30) The County and Cities hereby agree that this Agreement may be executed in counterparts, each
25 of which shall be deemed an original but all of which shall constitute the same Agreement.
26 Notwithstanding the foregoing, the Parties hereby agree that duplicate originals shall be
27 executed so each party may retain a fully executed counterpart of this Agreement.
28

Agenda Item Transmittal

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Discussion/Direction regarding Haz Mat Team funding options; authorization to terminate existing Haz Mat Response contracts with Tulare County, Kings County and individual cities and renegotiate new contract; Direction to draft Visalia-only fee ordinance.

Deadline for Action: April 19, 2009

Submitting Department: Fire Department

Contact Name and Phone Number:
Fire Chief Mark R. Nelson – 713-4218

Department Recommendation: Staff is seeking authorization to terminate the various existing Haz Mat Response Contracts the City currently has with the County of Tulare and County of Kings and re-negotiate new contracts with the seven cities in Tulare County that would require participating agencies to annually pay a proportionate share of the ongoing operational cost of the program. Additionally, Staff seeks authorization to draft an ordinance that would require businesses in Visalia with reportable quantities of a hazardous material to pay an annual fee. Staff would seek input from the industrial community regarding this fee and report back to Council on the feedback received from the local businesses. The fee would be designed to pass on Visalia's proportionate share of the ongoing operational costs to those businesses that benefit from the program. The City of Visalia would offer this ordinance to other cities to help generate fees to pay for the program.

Summary:

The City of Visalia has maintained a Hazardous Materials Response Team ("Haz Mat Team") since 1995, and has made this team available, by contract, to all seven other cities in Tulare County, to the incorporated areas of Tulare County, and to all of Kings County. The current contractual arrangement requires Visalia to provide a Haz Mat Team to respond when called by the contracting entity, or by the Hazardous Materials organizing entity (the County of Tulare or the County of Kings). In exchange, the jurisdiction responsible for the area in which the call is triggered must pay an incident fee to Visalia, which in turn is generally recouped from the private entity that caused the incident. This arrangement has proved to be ineffective in collecting sufficient funds to pay the full ongoing operational costs that the City of Visalia incurs

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time
(Min.):_30_____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(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.

in maintaining an active and available Haz Mat Team. The average annual amount of \$120,000 is borne solely by the City of Visalia for the ongoing operational fees.

City of Visalia Staff has been in discussions with the local agencies, in both Tulare and Kings Counties, with whom Visalia contracts to provide Haz Mat Team services, to address the need for ongoing funding to sustain the Team. After a year of many meetings staff has been informed that Tulare County has elected to not implement either of the options suggested by Visalia to provide for system-wide funding of un-recouped on-going operational costs of the Haz Mat Team, and in fact is no longer interested in the Visalia Fire Department providing Haz Mat Team services. The county will be looking to enter into agreements with the Cities of Fresno and Bakersfield to provide emergency Haz Mat team services for the unincorporated areas. (The County of Kings has decided to create its own Haz Mat Team, and therefore no longer desires to contract with the City of Visalia.)

However, at least some of the incorporated cities in Tulare County do not want to rely on the County of Tulare's approach of seeking agreement from Fresno or Bakersfield and have expressed a desire to continue with an arrangement with Visalia, including the possibility renegotiating the current contracts to provide for payment of a proportionate amount of the un-recouped operational costs of the Haz Mat Team.

With the participation of some of the incorporated cities in Tulare County and despite the decision of the County itself to seek alternative coverage, staff believes that maintaining a Haz Mat Team in Visalia is economically feasible, and recommends instituting changes to the contracts with the cities, and to City ordinances, that are necessary to implement this approach. This also would entail termination of the agreements with Tulare County, Kings County and City of Hanford, which although unfortunate, is unavoidable given the decisions those entities have made.

Background:

There are large amounts of hazardous materials, such as pesticides, fertilizers, petroleum products and military ordnances that travel through both Tulare and Kings Counties via highways and rail, necessitating the need for an emergency response system to be in place. Currently, there is a Haz Mat Agreement (effective March 21, 1995) to address the need for a Hazardous Materials Response Team. The agreement identifies the City of Visalia as the Haz Mat Responder for both Kings and Tulare Counties. The agreement allows for cost recovery when responding to a Hazardous Materials Incident within the City of Visalia, as well as Tulare and Kings Counties. The agreement does not cover the annual operating cost associated with the ongoing maintenance of the Haz Mat Program. Currently, the annual net cost to the City of Visalia is \$120,000. This is the amount not covered by cost recovery revenues nor grants.

In reviewing the data for the Haz Mat Program for the last 4 years, staff has identified three significant areas of concern, they are:

- The low number of reported hazardous material incidents
- Inadequate funding to maintain the program
- Lack of communication between governmental agencies

While the Haz Mat service the City provides is extremely valuable to all, the ongoing cost of the program is not shared equally by all of the agencies; the City bears the entire cost of the program with minimal reimbursements.

There is an average of 100 calls per year for Haz Mat related incidents within the City of Visalia. Of these, there are 5 Haz Mat Team activations as follows (the balance of the Haz Mat calls for service were handled by the on-duty fire units):

- In City responses – 3.75 (per year)
- Out of City responses is 1.25 (per year)

The reported incidents do not reflect the actual numbers of hazardous material releases within the two counties. There have been several incidents outside the city limits that have recently occurred in which no request for service was made. The actual number on average for our population base would be between 50 to 60 Haz mat incidents per year for both counties.

Currently, businesses in Tulare and Kings Counties that store and utilize hazardous materials depend on the service of the Visalia Fire Department Haz Mat Team to respond in the event of a spill or release. The elimination of this program would require Tulare County to develop an alternate plan for Haz Mat response, providing service to the citizens of the eight cities and unincorporated areas in Tulare County. Additionally, if Tulare County decided to develop a new Haz Mat program the startup cost would be approximately \$1 Million.

The Fire Chief and department staff has been working to secure a funding source to cover the ongoing cost associated with maintaining a Haz Mat Response Team since March of 2009. The Visalia Fire Department has been working with local fire departments, Tulare County City Managers Group, Council of Cities, Tulare County Emergency Council and the Tulare County CAO as well as the director of Health Services to try and identify long term funding for the Haz Mat program.

At the May 18, 2009 Council meeting, the Visalia City Council expressly directed the Fire Department to end the Haz Mat Team program if a shared funding arrangement could not be found within the next budget year. Again, at the September 21, 2009 Council meeting, the Visalia City Council directed Staff to seek shared funding of the Haz Mat program (**see attachment A**)

To implement the direction provided by the Visalia City Council, over the last year, the City of Visalia has been participating with local agencies, in both Tulare and Kings Counties, through the Tulare Kings County Fire Chiefs Section, Tulare County Emergency Council and a newly organized Haz Mat subcommittee to address the need for ongoing funding to sustain a local Hazardous Materials Response Team.

On July 23, 2009, Chief Nelson made a presentation to the Tulare County Emergency Council regarding the funding of the Haz Mat Team. The Tulare County Emergency Council is comprised of representatives from all cities in Tulare County and County OES. Typically, local fire and law agencies, city managers, Tulare County Environmental Health and County CAO attend these meetings; the meetings are held quarterly.

During this meeting, several options were discussed about future funding and operations. The outcome was no other local fire agencies were interested in taking over the Haz Mat Program and concluded; if funding could not be secured, the Haz Mat Team responsibilities may be transferred to either Fresno City Fire or Bakersfield City Fire for high level spills or releases.

On January 20, 2010, Visalia Fire Chief met with the Council of Cities and made a presentation on the history of the Visalia Haz Mat Response Team as well as an update on where we were with regard to the funding and continuation of the team **(see attachment B)**.

At the January meeting of the Tulare County Council of Cities, representatives of all eight cities unanimously supported the concept of increasing the CUPA fees paid by businesses that had reportable quantities of hazardous materials. This new fee would help fund the un-recouped ongoing operational cost of the Haz Mat Team. The Council of Cities submitted a letter to the Tulare County Emergency Council outlining the support of this concept **(see attachment C)**.

On January 28, 2009, Tulare County Emergency Council met and discussed several options for providing Haz Mat emergency response, as well as various options to fund a Haz Mat Response Team.

This team approach sought input from all local agencies involved in the program. As a result, consensus was reached regarding the establishment of a subcommittee to be chaired by the Visalia Fire Chief. The Emergency Council directed the subcommittee to address the following two areas:

1. Certified Unified Program Agency (CUPA) Funding
 - a. Feasibility study for adding an operational fee for Haz Mat Response Team
 - b. Evaluating current CUPA fees
 - c. Insuring participation by private companies with reportable quantities of hazardous materials
 - i. Work with local fire department inspection programs to identify private companies (with reportable quantities) who are not currently participating in the CUPA
 - d. Develop incentive program for CUPA users for Haz Mat Response Team fee
 - i. Example: if participating in the Tulare County CUPA, a reduced fee would be charged to the business in the event of an emergency response by the Haz Mat Team
2. Haz Mat emergency response training for all fire departments in Tulare (and Kings County, if participating)
 - a. Establish clear procedures for requesting a Haz Mat Team response

In addition, Visalia Fire Chief recommended the establishment of an Operations Section within Tulare County.

- a. Currently, fire agencies are represented collectively in Tulare County through regularly scheduled meetings which address
 - i. Fire Chiefs - policy
 - ii. Fire investigations
 - iii. Training
- b. Adding an Operations Section would help all fire agencies work collaboratively on such things as operational needs, response models, communications, safety and specialized areas; Haz Mat Response, Terrorism and Confined Space
- c. This newly created section will standardize operations and improve communication while building stronger relationships between agencies

The timeline of this project was approximately four months for completion as the current GAP Funding is in place until June 30, 2010.

The intended results of this committee would have established following:

1. Sustainable funding for Haz Mat Response Team
2. Safer operations for all emergency response personnel
3. Safer communities
4. Liability reduction for all agencies

The following recommendations were made and approved for subcommittee members:

Prevention – Joe Garcia, Tulare County Fire

Training – Darrin Hughes, Visalia Fire

CUPA – Ray Bullick and Larry Dvoskin, Tulare County Environmental Health

Operations – Mike Threlkheld, Tulare City Fire, Mario Garcia, Porterville Fire

Through the numerous meetings of the haz mat subcommittee, a preferred option was identified: it was proposed that a change to the Certified Unified Program Agency (“CUPA”) program that the County of Tulare implements would allow for the costs to be covered through a fee that CUPA could implement. CUPA is a program, mandated by the State of California that provides mandatory annual inspections of any entity that handles hazardous materials, as defined by the state. The CUPA for our area is implemented by Tulare County. A fee is already charged by CUPA to pay for the inspection program itself. It was initially thought that the current fee structure of the CUPA was sufficient to pay for the relatively minor amount of the service Visalia has asked for but has not been provided a detailed accounting of how fees generated within Visalia are spent within the CUPA program. It is possible under state law to increase this fee for the purpose of paying for the un-recouped on-going operational costs of the Haz Mat Team responsible for responding to incidents within the area covered by the CUPA. This appears to be the most direct way of collecting revenue for this program from the entities that benefit from it, and because it would be spread over a large number of businesses county-wide, would not result in a large or onerous fee amount.

After meeting with the County through the committee process several times to discuss this request, Tulare County requested an opinion letter from CAL EPA. CAL EPA responded with an opinion letter March 3 (**see attachment D**), which outlined options for funding through the CUPA or by ordinance.

With the direction outlined by CAL EPA, the Haz Mat subcommittee arrived at a funding model for approximately 2,700 businesses that are currently subject to inspection by the CUPA (**see attachment E**). The model would assess businesses an annual fee ranging from \$25 to \$100 based on their respective risk factors. The risk factors are based on; the amount of hazardous materials stored, the types of material stored and processes in which material is used. This fee would be administered through a County Ordinance. Below is the breakdown of the fees:

Based on approximately 2,700 accounts:

1: 1100 X 25 = 27,500

2: 1200 X 50 = 60,000

3: 400 X 100 = 40,000

* Risk Factor: 1 = low, 2 = medium, 3 = high

On March 23, 2010, Steve Salomon and Chief Nelson met with Tulare County Administration and were informed Tulare County would not be interested in funding the Visalia Haz Mat Team through the CUPA or through a county-wide fee ordinance. They further stated the county would be contracting services with the City of Fresno and Bakersfield for Haz Mat Response Services. Additionally, it was the opinion of the County, the City of Visalia would need to return grant funded equipment and trailer if no longer able to provide service.

In essence, the County of Tulare has made what is apparently a final decision on two issues: first, the County declined the request by the eight incorporated cities to consider a county-wide fee program that is either implemented by or is parallel to the already-existing CUPA; second, the County has decided to discontinue its contractual arrangement with the City of Visalia. No letter responding in writing to the Council of Cities request has been received, no notice terminating the agreement with Visalia has been received from the County, and no formal action was taken by the Board of Supervisors to consider this matter, but the statements by the County representatives during the last meeting were decided on these points.

Options In Light Of County Denial of CUPA Request and Decision to Terminate

In light of the County's decision, the City of Visalia has asked the other seven cities, at a recent meeting of the Council of Cities, whether there is interest in continuing to consider funding options that exclude the County of Tulare.

The options for doing so are as follows:

Creation of City-Only CUPA:

The CUPA mechanism is an attractive option: the annual inspections performed by the CUPA result in a ready database of businesses to whom the additional Haz Mat Response Team fee could be charged. This is the reason the County was asked to amend the CUPA to include this fee. In light of the County's refusal (apparently acting as the CUPA) to consider this change, there have been inquiries by various parties as to whether the City of Visalia and its partner cities could form its own CUPA separate and apart from the County of Tulare. This would result in a new inspection staff being formed. Although conceptually attractive, state law does not appear to provide for this. Instead, the County of Tulare appears to have exclusive authority to create and manage a CUPA for the incorporated as well as unincorporated areas of the county. Further, the additional inspection duties are significant and would require formation of an entirely new agency.

Individual Agreements supported by Individual Ordinances:

Although the County of Tulare may have exclusive authority to organize and implement the CUPA, each jurisdiction retains the power and authority to decide whether and how to provide

Haz Mat Team services within its own jurisdiction. By extension, a jurisdiction has the authority to contract with the entity of its choice to provide these services. The City of Visalia is free to determine for itself whether to provide Haz Mat Team services in its jurisdiction and the other cities are free to contract for these services from the City, on terms mutually agreeable. The terms that are agreeable to the City of Visalia now include a requirement that a portion of the City's un-recouped ongoing operational costs be paid by each contracting entity (something the current agreements do not provide for).

In addition, local jurisdictions have authority to implement an ordinance passing on these costs to the affected businesses. The list of businesses subject to the fee could be generated either by the County-implemented CUPA program or through the City's own fire safety inspection program, which includes notations as to whether hazardous materials are on site. In the case of some cities, the proportionate share of the costs the City is seeking to collect is not significant enough to warrant a new fee. In the case of Visalia, approximately \$50,000 would need to be collected to cover its proportionate share of the cost; this is significant enough to warrant a fee ordinance.

Conclusion and Recommendation

Any further effort to arrive at a county-wide solution to this issue appears to be moot in light of the County's decisions noted above. However, the cities appear willing to arrive at a city-only solution. The best option for doing so is not through a city-only CUPA, but rather through individual agreements with the cities, together with a fee ordinance for Visalia and any other city electing to cover these costs through fees. Accordingly, staff recommends Council take the following steps to implement this solution:

- 1) Authorize staff to terminate the current agreement with County of Tulare, Kings County and City of Hanford
- 2) Authorize staff to negotiate amended agreements with each of the seven incorporated cities in Tulare County to require the cities to pay proportionately to offset the un-recouped costs of the Haz Mat Team.
- 3) Authorize staff to prepare a fee ordinance for later consideration by the Council.
- 4) Reserve the option to work with Tulare County on a future CUPA or Countywide ordinance to fund the Haz Mat Program.

Prior Council/Board Actions:

At the September 21, 2009 Council Meeting: Council approved a Tulare County proposal for the short term funding of the Visalia Haz Mat Team through June 30, 2010.

At the May 18, 2009 Council Meeting; Department Recommendation #5: To find an on-going funding source for the Haz Mat Response Team or discontinue service by January 1, 2010.

Committee/Commission Review and Actions:

None

Alternatives:

1. Discontinue Haz Mat Response Team services altogether and return to a Haz Mat First Responder level of service for the City of Visalia.

Attachments:

- Attachment A - Transmittal on Haz Mat Update, Council Meeting, September 21, 2009
- Attachment B - Memo from Chief Nelson to Council of Cities, January 20, 2010
- Attachment C - Council of Cities Memo to Tulare County, January 27, 2010
- Attachment D - CAL EPA Letter, March 3, 2010
- Attachment E - Funding Model from subcommittee

Recommended Motion (and Alternative Motions if expected):

Staff recommends Council take the following steps to implement this solution:

- 1) Authorize staff to terminate the current agreement with County of Tulare, Kings County and City of Hanford
- 2) Authorize staff to negotiate amended agreements with each of the seven incorporated cities in Tulare County to require the cities to pay proportionately to offset the un-recouped costs of the Haz Mat Team.
- 3) Authorize staff to prepare a fee ordinance for later consideration by the Council.
- 4) Reserve the option to work with Tulare County on a future CUPA or Countywide ordinance to fund the Haz Mat Program.

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: 09/21/2009

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Update on Haz Mat Response Team

Deadline for Action: September 2^{1st}, 2009

Submitting Department: Fire Department

Contact Name and Phone Number: Fire Chief Mark Nelson
ext. 4218

Department Recommendation:

This is an update on the Hazardous Materials Response Team; with a recommendation to approve the proposal from Tulare County on the short and long term funding models to support the on-going operations of the Visalia Haz Mat Response Team:

Short term Funding: Funding of \$60,000 to be proportionately paid by participating agencies by November 1, 2009. This would continue the City of Visalia Haz Mat Response Team Services for the 6 month period; January 1 to June 30, 2010.

Long Term Funding: Continue working toward modifying the Tulare County Certified Unified Program Agency (CUPA) to include a surcharge fee funding all future operational costs of the Visalia Haz Mat Response Team beyond July 1, 2010.

Summary/background:

There are large amounts of hazardous materials, such as pesticides, fertilizers, petroleum products and military ordnances that travel through both Tulare and Kings Counties via highways and rail, necessitating the need for an emergency response system to be in place. Currently, there is a Haz Mat Agreement (effective March 21, 1995) to address the need for a Hazardous Materials Response Team. The agreement identifies the City of Visalia as the Haz Mat Responder for both Kings and Tulare Counties. The agreement allows for cost recovery when responding to a Hazardous Materials Incident within the City of Visalia, as well as Tulare and Kings Counties. The agreement does not cover the annual operating cost associated with the ongoing maintenance of the Haz Mat Program. Currently, the annual net cost to the City of Visalia is \$180,000 (see attachment A). This is the amount not covered by cost recovery revenues nor grants.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 30

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(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.

In reviewing the data for the Haz Mat Program for the last 4 years, staff has identified three significant areas of concern, they are:

- The low number of reported hazardous material incidents
- Inadequate funding to maintain the program
- Lack of communication between governmental agencies

While the Haz Mat service the City provides is extremely valuable to all, the on-going cost of the program is not shared equally by all of the agencies; the City bears the entire cost of the program with minimal reimbursements. During the May 18th, 2009 City Council Meeting, the Council directed staff to seek cooperative funding of the Haz Mat Program or prepare to discontinue the program by January 1, 2010.

There is an average of 100 calls per year for Haz Mat related incidents within the City of Visalia. Of these, there are 5 Haz Mat Team activations as follows (the balance of the Haz Mat calls for service were handled by the on-duty fire units):

- In City responses – 3.75 (per year)
- Out of City responses is 1.25 (per year)

The reported incidents do not reflect the actual numbers of hazardous material releases within the two counties. There have been several incidents outside the city limits that have recently occurred in which no request for service was made. The actual number on average for our population base would be between 50 to 60 Haz mat incidents per year for both counties.

If the program is to be discontinued, the City of Visalia would cancel the Haz Mat Agreements with all of the agencies in Kings and Tulare Counties by January 1, 2010. The City of Visalia would then operate at a First Responder Operations level and defer high level Haz Mat calls to Tulare County Environmental Health for mitigation.

Currently, businesses in Tulare and Kings Counties that store and utilize hazardous materials depend on the service of the Visalia Fire Department Haz Mat Team to respond in the event of a spill or release. The elimination of this program would require Tulare County to contract with the City of Fresno Fire Department or Kern County Fire Department for Haz Mat response, providing service to the citizens of Visalia, Tulare County. Additionally, if Tulare County decided to develop a new Haz Mat program the start-up cost would be approximately \$1 Million.

Discussion

The Fire Chief and department staff has been working to secure a funding source to cover the ongoing cost associated with maintaining a Haz Mat Response Team since March of 2009. The Visalia Fire Department has been working with local fire departments, Tulare County City Managers, Tulare County Emergency Council and the Tulare County CAO as well as the director of Health Services to try and identify long term funding for the Haz Mat program.

On July 23, 2009, Chief Nelson made a presentation to the Tulare County Emergency Council regarding the funding of the Haz Mat Team. During this meeting, several options were discussed about future funding and operations.

The outcome of the meeting was that no other local fire agencies were interested in taking over the Haz Mat Program and concluded; if funding could not be secured, the Haz Mat Team

responsibilities may be transferred to either Fresno City Fire or Bakersfield City Fire for high level spills or releases.

Chief Nelson was directed to meet with Visalia City Officials and see if there could be any movement on reducing the operating costs (that is, what is the bottom line?). It should be noted, after evaluating the costs, staff was able to reduce the amount by \$25,000. Additionally, Tulare County would request a cost analysis for Haz Mat Response from Fresno and Bakersfield Fire Departments. The next meeting was scheduled for August 27th, 2009.

Since the July 23rd, 2009 Emergency Council meeting, the City Manager and Fire Chief have been working with Tulare County's CAO to discuss funding options (in preparation to the August 27th meeting).

There have been several funding models identified to support the operational cost of the Haz Mat Team. Of the several models discussed, the City of Visalia has listed an example that could be used to fund the Haz Mat Program:

1. Modify the existing contract to implement an annual fee for Tulare County and Cities (as well as the option to include Kings County and Cities) based on population (**see attachment A**) (ex. Solano County)

The City of Visalia recognizes that Tulare County has the legal responsibility and authority for Hazardous Materials Responsibilities for the County (CUPA - Certified Unified Program Agency, Health and Safety Code; Chapter 6.95, HS Code Sec. 25500). The City of Visalia desires to work cooperatively with Tulare County to offer this service to residents. In reviewing the annual ongoing cost of the program, the following recommendation was proposed to Tulare County Emergency Council at the August 27th, meeting:

- All participating agencies (including City of Visalia) to fund \$60,000 (**see attachment B**) for FY 09/10 (half year contribution) to the City of Visalia for Haz Mat Operational costs
- An agreement would reflect the billing revenue from current FY 09/10 (half year contribution) would be credited to next FY 10/11 operating budget
- The Tulare County Homeland Security Grant funding would continue to partially fund equipment and training needs for the Haz Mat Team. In the event grants are not awarded and/or cost recovery for Haz Mat response is not fully reimbursed, these costs would be added to next fiscal year's operating budget
- Replacement of the Haz Mat Response Vehicle; funds would need to be set aside from Grant money. In the event that grant monies are not available; there would need to be an annual amount set aside from each agency to plan for the replacement of the Haz Mat Response Unit. The existing vehicle has been fully depreciated and has no funds set aside for replacement. This unit will need to be replaced in the next 5 to 7 years at a cost of approximately \$500,000 (in today's dollar value)

The Tulare County Emergency Council met on August 27th, 2009 to discuss options for funding the Haz Mat Program. The unanimous direction from the Emergency Council was to gap fund the requested \$60,000 now and work on establishing a fee through the Tulare County CUPA

(Certified Unified Program Agency) to fund the on-going operational costs of the Haz Mat Program. Additionally, the Emergency Council decided not to pursue discussions with the Cities of Fresno and Bakersfield for Haz Mat response. This was due to the cost and delayed response time.

Next Steps

The direction that came as an outcome from the August 27th Emergency Council Meeting:

1. The Tulare County Emergency Council will make the recommendation to the Tulare County Board of Supervisors to have the City of Visalia continue Haz Mat Response for Tulare County.
2. The Fire Chief to report back to the Visalia City Council at the September 21st, 2009 Council Meeting; update on meeting.
3. The Emergency Council would take the recommendation to the Board of Supervisors; the Board would either confirm or vote down the recommendation at the next Supervisor's Meeting (September 2009)
4. If the Board of Supervisors votes to confirm the recommendation, then a new agreement must be drafted between the City of Visalia and Tulare County outlining the changes and obligations.
5. Additionally, the Board would need to decide on a methodology to ensure participation from all agencies for funding the Haz Mat Program
6. Funding of \$60,000 (6 months) would be paid by participating agencies by November 1st, 2009. The program would continue through June 31st, 2010. A new funding source and agreement must be in place (by the June 30,10 date) if the Haz Mat Program is to continue the after July 1, 2010

On September 8th, 2009, Steve Salomon, Mark Nelson and Tulare CAO Jean Rousseau, facilitated a discussion at the City Managers Meeting regarding the Haz Mat Program and funding models to support on-going operational costs associated with the team. The outcome was that Jean Rousseau would send out a letter (**See Attachment C**) to all Cities in Tulare County asking them to commit to funding the program (through June 31st, 2010) by September 30th, 2009 as well as evaluating the possibility of adding a Haz Mat Team operational fee through the current CUPA program. This new fee would fund all future program costs associated with the Haz Mat Team. Additionally, the Tulare CAO, Chief Nelson and City Managers from Tulare County will be meeting with Kings County Officials regarding their participation in assisting with the on-going funding of the Haz Mat program. If negotiations are successful, the contributions will be less for Tulare County agencies.

Fiscal Impact

The cost to the City of Visalia would be \$24,000 to \$33,000 annually depending on the cost sharing program implemented.

Prior Council/Board Actions: At the May 18, 2009 Council Meeting; Department Recommendation #5: To find an on-going funding source for the Haz Mat Response Team or discontinue service by January 1, 2010

Committee/Commission Review and Actions:

Alternatives:

n/a

Attachments:

- Letter to Tulare County Emergency Council
- Attachment A Cost Sharing Plan
- Attachment B Haz Mat Program Cost Analysis
- Attachment C Letter from Tulare County CAO

Recommended Motion (and Alternative Motions if expected):

Recommend to approve the proposal from Tulare County on the short and long term funding models to support the on-going operations of the Visalia Haz Mat Response Team.

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



City Manager's Office

425 E. Oak Ave., Ste. 301, Visalia, CA 93291

Tel: (559) 713-4312 Fax: (559) 713-4800

Date: August 24th, 2009
To: Tulare County Emergency Council
From: Steve Salomon, City of Visalia, City Manager
Mark Nelson, City of Visalia, Fire Chief
Subject: Haz Mat Program

There have been several funding models identified to support the operational cost of the Haz Mat Team. Of the several models discussed, the City of Visalia has listed one of the examples that could be used to fund the Haz Mat Program:

1. Modify the existing contract to implement an annual fee for Tulare County and Cities (as well as the option to include Kings County and Cities) based on population (see attachment A) (ex. Solano County)

The City of Visalia recognizes that Tulare County currently has the legal responsibility and authority for Hazardous Materials Responsibilities for the County (CUPA – Certified Unified Program Agency, Health & Safety Code; Chapter 6.95, HS Code Sec. 25500). The City of Visalia desires to work cooperatively with Tulare County to offer this service to residents. In reviewing the annual ongoing cost of the program, the following recommendation is being proposed:

- All participating agencies (including City of Visalia) to fund \$120,000 (see attachment B) for FY 09/10 (\$60,000 for the half year contribution due November 1, 2009) to the City of Visalia for Haz Mat Operational costs
- An agreement would reflect the billing revenue from current FY 09/10 (half year contribution) would be credited to next FY 10/11 operating budget
- The Tulare County Homeland Security Grant funding would continue to fund equipment and training needs for the Haz Mat Team. In the event grants are not awarded and/or cost recovery for Haz Mat response is not fully reimbursed, these costs would be added to next fiscal year's operating budget
- Replacement of the Haz Mat Response Vehicle; funds would need to be set aside from Grant money. In the event that grant monies are not available; there would need to be an annual amount set aside from each agency to plan for the


replacement of the Haz Mat Response Unit. The existing vehicle has been fully depreciated and has no funds set aside for replacement. This unit will need to be replaced in the next 5 to 7 years at a cost of approximately \$500,000 (in today's dollar value)

- If the City of Visalia were to continue the Haz Mat Emergency Response Program; a payment made to the City of Visalia in the amount of \$60,000 (half year contribution) as well as a new agreement drafted and signed by Tulare County and participating agencies by November 1, 2009.

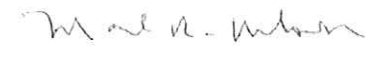
The Tulare County Emergency Council is scheduled to meet August 27th, 2009 to discuss options for funding the Haz Mat Program. It should be noted the Visalia City Council has requested an update on the funding of the Haz Mat Team at the September 8th City Council Meeting. It would be helpful to have direction on establishing a funding model by that time.

In closing, it is the City of Visalia's sincere hope that we can come to a viable solution to continue providing Haz Mat Response to our community as well as to Tulare County. As we all know, this is a valuable service from which all parties will benefit. Also, it would be helpful to know if Tulare County is interested in working with Kings County regarding Haz Mat response or if we need to focus solely on Tulare County.

Thank you for considering our Haz Mat Team funding proposal. We look forward to hearing from you regarding the direction the Emergency Council decides to recommend to the Tulare County Board of Supervisors.


Steve Salomon, City Manager

8/24/09
Date


Mark Nelson, Fire Chief

August 24, 2009
Date

cc: Phil Cox, Board of Supervisors
Jean Rousseau, Tulare County
City Managers

Attachments:

- A – Population Base for shared funding
- B – Haz Mat 3 Year Study for operating costs

Cost Sharing Visalia Haz Mat Program
 Cal Dept of Finance Population
 Tulare County

	Population	Population %	Annual Cost Sharing Amount	Semi Annual Cost Sharing Amount
Tulare County	145,123	33%	\$39,446	\$19,723
Dinuba	21,237	5%	\$5,772	\$2,886
Exeter	10,665	2.42%	\$2,899	\$1,449
Farmersville	10,771	2.44%	\$2,928	\$1,464
Lindsay	11,684	2.65%	\$3,176	\$1,588
Porterville	52,056	11.79%	\$14,149	\$7,075
Tulare	58,506	13.25%	\$15,903	\$7,951
Visalia	123,670	28%	\$33,615	\$16,808
Woodlake	7,769	1.76%	\$2,112	\$1,056
	441,481	100%	\$120,000	\$60,000

	Population	Population %	Annual Cost Sharing Amount	Semi Annual Cost Sharing Amount
Tulare County	145,123	33%	\$59,169	\$29,585
Dinuba	21,237	5%	\$8,659	\$4,329
Exeter	10,665	2.42%	\$4,348	\$2,174
Farmersville	10,771	2.44%	\$4,392	\$2,196
Lindsay	11,684	2.65%	\$4,764	\$2,382
Porterville	52,056	11.79%	\$21,224	\$10,612
Tulare	58,506	13.25%	\$23,854	\$11,927
Visalia	123,670	28%	\$50,423	\$25,211
Woodlake	7,769	1.76%	\$3,168	\$1,584
	441,481	100%	\$180,000	\$90,000

Cost Sharing Visalia Haz Mat Program
 Cal Dept of Finance Population
 Tulare and Kings County

	Population	Population %	Annual Cost Sharing Amount	Semi Annual Cost Sharing Amount
Kings County	35,474	6%	\$7,140	\$3,570
Avenal	15,871	2.66%	\$3,194	\$1,597
Corcoran	25,893	4.34%	\$5,211	\$2,606
Hanford	52,687	8.84%	\$10,604	\$5,302
Lemoore	24,818	4.16%	\$4,995	\$2,498
Tulare County	145,123	24%	\$29,208	\$14,604
Dinuba	21,237	3.56%	\$4,274	\$2,137
Exeter	10,665	1.79%	\$2,147	\$1,073
Farmersville	10,771	1.81%	\$2,168	\$1,084
Lindsay	11,684	1.96%	\$2,352	\$1,176
Porterville	52,056	8.73%	\$10,477	\$5,239
Tulare	58,506	9.81%	\$11,775	\$5,888
Visalia	123,670	21%	\$24,891	\$12,445
Woodlake	7,769	1.30%	\$1,564	\$782
	596,224	100%	\$120,000	\$60,000

	Population	Population %	Annual Cost Sharing Amount	Semi Annual Cost Sharing Amount
Kings County	35,474	6%	\$10,710	\$5,355
Avenal	15,871	2.66%	\$4,791	\$2,396
Corcoran	25,893	4.34%	\$7,817	\$3,909
Hanford	52,687	8.84%	\$15,906	\$7,953
Lemoore	24,818	4.16%	\$7,493	\$3,746
Tulare County	145,123	24%	\$43,813	\$21,906
Dinuba	21,237	3.56%	\$6,411	\$3,206
Exeter	10,665	1.79%	\$3,220	\$1,610
Farmersville	10,771	1.81%	\$3,252	\$1,626
Lindsay	11,684	1.96%	\$3,527	\$1,764
Porterville	52,056	8.73%	\$15,716	\$7,858
Tulare	58,506	9.81%	\$17,663	\$8,831
Visalia	123,670	21%	\$37,336	\$18,668
Woodlake	7,769	1.30%	\$2,345	\$1,173
	596,224	100%	\$180,000	\$90,000

Haz Mat Program Comprehensive Revenues/Expenditures
Three Year Study
June 30, 2009

	2006/07	2007/08	2008/09	3 year Totals	Forecast 2009/10
REVENUE					
Grants	26,199	5,485	18,235	49,919	0
Operations Revenue	0	17,460	10,974	28,434	10,000
Total Revenue	26,199	22,945	29,209	78,353	10,000
EXPENDITURES					
Annual Personnel Costs	59,005	33,959	45,501	138,465	47,321
Haz Mat Incentive Pay	27,024	41,306	40,909	109,239	41,000
Medical Costs	2,044	2,044	2,004	6,092	2,000
Training	8,640	8,548	3,413	20,601	6,867
*Operational Expenses	24,398	14,473	47,363	86,234	17,274
Account non payment	0	0	1,404	1,404	2,000
Fuel/Maintenance	1,679	2,313	2,584	6,576	2,850
Total Expenditures	122,790	102,643	143,178	368,611	119,312
Program Cost per Year (Expenditures only)				\$122,870	\$119,312
Future Vehicle Annual Replacement Fund (if not awarded grant) - 10 year replacement schedule reflecting 4% inflationary increase per year				\$62,400	\$62,400
Total Annual Cost				\$185,270	\$181,712

*Operational expenses reflect supplies and maintenance costs of program, contracted services and equipment purchases

Administration Building
2800 W. Burrel Ave.
Visalia, California 93291
TEL: (559) 636-5005
FAX: (559) 733-6318
www.co.tulare.ca.us

County of Tulare



Jean M. Rousseau
County Administrative Officer

Kristin Bennett, Assistant
County Administrative Officer

September 10, 2009

To: Tulare County City Managers

The Visalia Fire Department Hazardous Materials Team (Visalia Haz Mat) has provided advanced hazardous materials response for incidents in Tulare County over the past fourteen years. Visalia Haz Mat has received specialty training and equipment to perform hazardous materials emergency response services, such as entering a "hot zone", identifying unknown hazardous materials and performing specialized containment and control operations. Training and equipment costs have been strongly supported through the Homeland Security Grant program, but no sustainable funding has been identified for ongoing operational costs.

The Visalia Fire Department notified the Tulare County Emergency Council on July 23, 2009 that the City of Visalia is no longer able to continue funding the operational costs of the Visalia Haz Mat Team due to recent budget cuts. The City of Visalia forecasts 2009/2010 operational costs to be \$119,312 (see attachment 1). The Emergency Council was tasked with identifying and recommending an alternate funding model for Visalia Haz Mat by November 1, 2009. If the Cities and the County desire to keep Visalia Haz Mat operational, \$60,000 (half year cost) is due to the City of Visalia by November 1, 2009. If no alternate funding model is identified by that time, Visalia Haz Mat will submit a 30-day notification to the County and each of the Cities to terminate the Hazardous Materials Operational Area Agreement, relinquishing Visalia Haz Mat from the responsibility of providing hazardous materials emergency response services in Tulare County.

The Emergency Council has reviewed other options to provide for hazardous materials response within the County. Response cost estimates were obtained from the Bakersfield and Fresno Fire Department Haz Mat Teams. Although response costs are reasonable, response times may be unacceptable in certain areas within the county and expose the County and the Cities to unnecessary risk. The Council has also researched available grants that could be used to offset Visalia Haz Mat's operational costs. None have been identified at this time, but we will continue to pursue this.

The Emergency Council unanimously agrees that it is imperative to maintain advanced hazardous materials response capabilities within Tulare County through Visalia Haz Mat to ensure appropriate levels of response and mitigation actions are readily available for any hazardous materials incident or emergency. The Emergency Council is pursuing the option of funding Visalia Haz Mat through the collection of fees by the Certified Unified Program Agency, which is administered by Tulare County Environmental Health. This process will likely take at least six months to establish, if at all possible. In the meantime, the Emergency Council requests that each of the incorporated Cities and the County agree to share in the semi-annual cost of \$60,000, which is due to the City of Visalia by November 1, 2009 (see attachment 2).

The Emergency Council recognizes that each jurisdiction is making difficult funding decisions during these economic times, but we urge all to consider the impact it may have on the safety of our residents and businesses if we are unable to immediately respond to and mitigate the effects of a large-scale hazardous materials release. We request that a response from each City be submitted to my office by September 30, 2009. On behalf of the Tulare County Emergency Council, I thank you for your consideration of this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean M. Rousseau", with a long, sweeping horizontal flourish extending to the right.

Jean M. Rousseau
County Administrative Officer
Chairman, Tulare County Emergency Council

Attachment 1

**Haz Mat Program Comprehensive Revenues/Expenditures
Three Year Study
June 30, 2009**

	2006/07	2007/08	2008/09	3 year Totals	Forecast 2009/10
REVENUE					
Grants	26,199	5,485	18,235	49,919	0
Operations Revenue	0	17,460	10,974	28,434	10,000
Total Revenue	26,199	22,945	29,209	78,353	10,000

EXPENDITURES					
Annual Personnel Costs	59,005	33,959	45,501	138,465	47,321
Haz Mat Incentive Pay	27,024	41,306	40,909	109,239	41,000
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Total Expenditures	122,790	102,643	143,178	368,611	119,312

Program Cost per Year (Expenditures only)	\$122,870	\$119,312
Future Vehicle Annual Replacement Fund (If not awarded grant) - 10 year replacement schedule reflecting 4% inflationary increase per year	\$62,400	\$62,400
Total Annual Cost	\$185,270	\$181,712

*Operational expenses reflect supplies and maintenance costs of program, contracted services and equipment

Attachment 2

**Cost Sharing Visalia Haz Mat Program
Cal Dept. of Finance Population
Tulare County**

	Population	Population %	Annual Cost Sharing Amount	Semi-Annual Cost Sharing Amount
Tulare County	145,123	33%	\$39,446	\$19,723
Dinuba	21,237	5%	\$5,772	\$2,886
Exeter	10,665	2.42%	\$2,899	\$1,449
Farmersville	10,771	2.44%	\$2,928	\$1,464
Lindsay	11,684	2.65%	\$3,176	\$1,588
Porterville	52,056	11.79%	\$14,149	\$7,075
Tulare	58,506	13.25%	\$15,903	\$7,951
Visalia	123,670	28%	\$33,615	\$16,808
Woodlake	7,769	1.76%	\$2,112	\$1,056
	441,481	100%	\$120,000	\$60,000

Date: January 20, 2010
To: Steve Salomon, Visalia City Manager
From: Mark Nelson, Fire Chief
Subject: Haz Mat Program

On January 20, 2010 I met with the Council of Cities and made a presentation on the history of the Visalia Haz Mat Response Team as well as an update on where we were with regard to the funding and continuation of the team (see attached memo).

At the January meeting the Council of Cities unanimously supported the concept of increasing the CUPA fees paid by businesses who had reportable quantities of hazardous materials to help fund the on going operational cost of the Haz Mat Team.

There are large amounts of hazardous materials that travel though both Tulare and Kings Counties via highways and rail. Tulare and Kings Counties have the need for an emergency response system to be in place in case there was a release or leak of a hazardous material (Haz Mat). A local Haz Mat Agreement went into effect March 21, 1995 to address the need for a Hazardous Materials Response Team. The agreement identifies the City of Visalia as the Haz Mat Responder for both Kings and Tulare Counties. The agreement allows for cost recovery when responding to a Hazardous Materials Incident within the City of Visalia as well as Tulare and Kings Counties. The agreement does not cover the annual operating cost associated with the on-going maintenance of the Haz Mat Program. Currently, the annual net cost to the City of Visalia is \$180,000. This is the amount not covered by cost recovery revenues nor grants.

In reviewing the data for the Haz Mat Program for the last 4 years, staff has identified three significant areas of concern, they are:

- The low number of reported hazardous material incidents
- Inadequate funding to maintain the program
- Lack of communication between governmental agencies

While the Haz Mat service the City provides is extremely valuable to all, the on-going cost of the program is not shared equally by all of the agencies; the City bares the entire cost of the program. It is the City's opinion that there needs to be a cost sharing program implemented to fund the existing program. In November of 2009, the Cities of Tulare County and Tulare County agreed to gap fund the Haz Mat Program for a period of 6 months; January 1, 2010 through June 30th, 2010. This would provide time for the agencies to evaluate various options for on-going Haz Mat funding and formalize a new agreement between the participating agencies.

There is an average of 100 calls per year for Haz Mat related incidents within the City of Visalia. Of which, there are 5 Haz Mat Team activations as follows (the balance of the Haz Mat calls for service were handled by the on-duty fire units):

- In City responses – 3.75 (per year)
- Out of City responses is 1.25 (per year)

The reported incidents do not reflect the actual numbers of hazardous material releases within the two counties. There have been several incidents outside the city limits that have recently occurred

in which no request for service was made. The actual number on average for our population base would be between 50 to 60 haz mat incidents per year for both counties.

If the program is to be discontinued, the City of Visalia would cancel the Haz Mat Agreements with all of the agencies in Kings and Tulare Counties by the end of fiscal year 09/10. The City of Visalia would then operate as a First Responder Operations Level. This level of response would not allow Visalia Fire Personnel to make entry into a spill or release of a hazardous material and defer low level Haz Mat calls to the Tulare County Environmental Health for mitigation. In instances where there was an actual release requiring a Haz Mat entry team, the City would request aid for assistance from Tulare County as the OES Coordinator for Tulare County.

The closest Haz Mat response Teams would respond from either:

- Fresno City Fire Department with a 45 minute to 1 hour response time
- Kern County or City of Bakersfield Fire Department with a 45 minute to 1.5 hour response time

Currently, businesses in Tulare and Kings Counties that store and utilize hazardous materials depend on the service of the Visalia Fire Department Haz Mat Team to respond in the event of a spill or release. The elimination of this program would be a significant reduction in service level to the citizens of Visalia, Tulare and Kings Counties.

Tulare County is the Certified Unified Program Agency (CUPA) for all cities and county areas in Tulare County.

The CUPA unifies and consolidates under one roof the various requirements for businesses handling hazardous materials, generating or treating hazardous wastes, or operating aboveground or underground storage tanks. CUPA thereby enhances consistency, reduces duplication, and simplifies compliance for the regulated public. The Tulare County Environmental Health Division was certified as a CUPA in December, 1996.

The overall CUPA requirements are found in Health & Safety Code (HSC) Chapter 6.11 and California Code of Regulations (CCR), Title 27, Division 1, Subdivision 4, Chapter 1 CUPA is responsible for the following six programs:

- Hazardous Materials Release Response Plans & Inventory (“Business Plan”) - Authority: HSC Chapter 6.95, Article 1 & Title 19 CCR Chapter 4.
- Underground Storage Tanks (UST) - Authority: HSC Chapter 6.7 & Title 23 CCR, Division 3, Chapters 16 & 17
- Hazardous Waste Generators Authority - Authority: HSC Chapter 6.5 & Title 22 CCR Division 4.5
- Onsite Hazardous Waste Treatment (“Tiered Permit”) - Authority: HSC Chapter 6.5 & Title 22 CCR Division 4.5
- Aboveground Petroleum Storage Act (APSA) Authority: HSC Chapter 6.67
- California Accidental Release Prevention (“CalARP”) Authority: Chapter 6.95, Article 2 & Title 19 CCR Chapter 4.5

The Consolidated Permit Plan contains the permitting procedures and requirements for the programs.

Additionally, in conjunction with CUPA and OES, a local area Haz Mat Plan is required. The Area Plan program was established in 1986 as a planning tool for local government agencies to respond to and minimize the impacts from a release or threatened release of a hazardous material. It requires local implementing agencies called Certified Unified Program Agencies (CUPA) and Administering Agencies (AA) to create an Area Plan which:

- Identifies the hazardous materials which pose a threat to the community,
- Develops procedures and protocols for emergency response,
- Provides for notification and coordination of emergency response personnel,
- Provides for public safety including notification and evacuation,
- Establishes training for emergency response personnel,
- Identifies emergency response supplies and equipment, and
- Provides for the critique and follow-up after a major incident.

Fire Department Staff recommends proceeding to find a funding source to cover the on-going cost associated with maintaining a Haz Mat Response Team. The Visalia Fire Department has been working with local fire departments, Tulare County City Managers, and the Tulare County CAO as well as with the director of Health Services to identify long term funding for the Haz Mat program. In an effort to try to maintain the Haz Mat Response Team Services, the cities within Tulare County and Tulare County have agreed to gap fund the cost of the team for a 6 month period (from January 2010 through June 2010). If staff is unable to secure the needed funding, then the recommendation would be to cancel the contracts and discontinue the program by June 30th, 2010.

Council of Cities



City of Dinuba
City of Farmersville
City of Porterville
City of Visalia

City of Exeter
City of Lindsay
City of Tulare
City of Woodlake

January 27, 2010

Tulare County Emergency Council
Attn: Jean Rousseau, Chair

Re: CUPA Funding for Hazardous Response Team

Dear Jean,

At our most recent Council of Cities meeting, CUPA funding for the Hazardous Response Team was discussed. After a presentation regarding the operations of the Hazardous Response Team, the Council of Cities unanimously supported the concept of increasing the CUPA fees paid by businesses maintaining hazardous materials inventory.

At this time, the Council of Cities is requesting that the Tulare County Emergency Council takes steps to implement the appropriate fee increases to cover the cost of maintaining the Hazardous Response Team operated by the City of Visalia. Based on initial analysis, we believe the proposed fee increase will be considered minor by the business community.

The eight incorporated cities are offering assistance in analyzing the necessary fee increases and will participate in any public information campaign on the subject. If you or members of the emergency response team have any questions, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Phil Vandegrift".

Phil Vandegrift, Chair
Council of Cities
City of Tulare representative

Cc: Council of Cities Members
Fire Chief Nelson, City of Visalia
Fire Chief Threlkeld, City of Tulare



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

ARNOLD SCHWARZENEGGER
GOVERNOR

March 3, 2010

Mr. Lawrence A. Dvoskin, Director
Tulare County Environmental Health Services Division
5957 S. Mooney Blvd.
Visalia, California 93277-9394

Dear Mr. Dvoskin:

Thank you for your inquiry regarding Unified Program (Program) funding mandates and options to fund hazardous materials emergency response activities in Tulare County. This letter serves to outline the various statutory or regulatory requirements and to list possible options that may be initiated to address this matter.

Existing Law

Pursuant to Section 25404.5 of Chapter 6.11, Division 20 of the California Health and Safety Code (HSC), each Certified Unified Program Agency (CUPA) is required to institute a single fee system to specifically fund the implementation of Program provisions. The governing body of the CUPA is required to establish the amount to be paid by each person regulated under the Program under the single fee system at a level sufficient to pay the necessary and reasonable costs incurred by the CUPA in implementing the Program. Furthermore, state law mandates that each CUPA, before the institution of the single fee system, implement a fee accountability program designed to encourage more efficient and cost-effective operation of the program for which the single fee and surcharge are assessed.

Pursuant to Section 25404.2(d), a CUPA may incorporate, as part of the Program within its jurisdiction, the implementation and enforcement of laws, other than those programs specified under the Program, if that incorporation will not impair the ability of the CUPA to fully implement the Program requirements. This single fee system may also be designed to recover the necessary and reasonable costs incurred by the CUPA or a PA in administering provisions other than those specified under the Program, if the implementation and enforcement of those provisions has been incorporated as part of the Program by the CUPA. However, the CUPA must have the authority to implement and enforce these additional non-Program related provisions. Moreover, the single fee system instituted by the CUPA must replace any fees levied as of January 1, 1994, to fund the implementation of those additional provisions. (HSC § 25404.5(a)(3).)

Mr. Lawrence A. Dwoskin, Director
Page 2
March 3, 2010

Possible Options

Option #1 – Adopt a local ordinance that provides a mechanism for ongoing funding to support the cost of hazardous materials emergency response capability throughout the unincorporated County area and within each incorporated city in Tulare County. Monterey County's ordinance¹ provides an excellent example of such a funding mechanism, where a local surcharge is assessed to their regulated businesses.

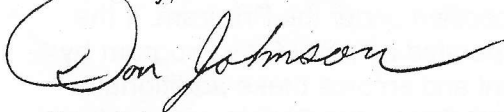
Option #2 - Submit a revised application for certification to the Secretary for Environmental Protection that incorporates hazardous materials emergency response activities into the CUPA's Unified Program in Tulare County. Since the City of Visalia Fire Department is not part of Tulare County's Unified Program, only the actual cost incurred by CUPA staff, as it relates to hazardous materials emergency response, would be considered an acceptable expenditure of Unified Program funds.

Option #3 – Submit a revised application for certification to the Secretary for Environmental Protection that incorporates hazardous materials emergency response activities into the CUPA's Program in Tulare County and includes the City of Visalia Fire Department as a Participating Agency (PA) to the Tulare County CUPA. In this case and if approved by the Secretary, the City of Visalia Fire Department would then be part of Tulare County's Program and therefore all costs incurred by CUPA and the PA for hazardous materials emergency responses would be considered an acceptable expenditure of Program funds. However, the addition of a PA would require a more extensive review and approval process that would examine systems, protocols, and agreements of the CUPA as well as an assessment of the proposed PA's capabilities and resources to implement the proposed elements of the Program.

In conclusion, Program funds can only be used to cover the necessary and reasonable cost incurred by a CUPA or PA in their implementation of the Program. Although limited, there are viable options available to address funding of hazard materials emergency response activities in Tulare County. Cal/EPA recommends that Tulare County pursue the first option to fully fund and maintain their hazardous materials emergency response capabilities and readiness through the assessment of a local surcharge upon the business regulated under the Program.

If you have additional questions or concerns, please contact Jim Bohon, Program Manager, California Environmental Protection Agency, Unified Program, at (916) 327-5097 or e-mail jbohon@calepa.ca.gov.

Sincerely,



Don Johnson
Assistant Secretary
California Environmental Protection Agency

cc: Please see next page.

¹ Monterey County Code, Title 10, Chapter 10.67 (Hazardous Materials Emergency Response) (2004)

Mr. Lawrence A. Dvoskin, Director
Page 3
March 3, 2010

cc: Mr. Jim Bohon, Manager
Unified Program
California Environmental Protection Agency
1001 I Street
Sacramento, California 95814

Mr. Joel Martens, CUPA Manager
Tulare County Environmental Health Services Division
5957 S. Mooney Blvd.
Visalia, California 93277-9394

✓ Mr. Mark Nelson, Fire Chief
City of Visalia Fire Department
707 W. Acequia Avenue
Visalia, California 94503

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: Authorization to award the contract for design of a new Animal Control Facility (ACF) to WLC Architects, Inc. for an amount not to exceed \$475,000.

Deadline for Action: None.

Submitting Department: Administration & Community Development Departments

Contact Name and Phone Number:

Mario Cifuentez, Airport Manager/Animal Control Contract Administrator, 713-4480
Adam Ennis, P.E, Engineering Services Manager, 713-4323
Rebecca Keenan, P.E., Civil Engineer, 713-4541

Recommendation:

The ACF Subcommittee recommends that Council award a contract to WLC Architects, Inc. of Rancho Cucamonga, for an amount not to exceed \$475,000 from funds previously budgeted for design of a new Animal Control Facility, contingent upon a signed MOU with the VOSPCA outlining financial and operational responsibilities for the construction and use of a joint animal control facility and adoption center.

Summary:

Staff has negotiated with WLC Architects with regards to the contract amount and is developing a final Scope of Work for the project. Staff is confident that the budget incorporates maximum cost savings to the City and that the firm has the level of experience necessary to complete the project within Scope and Budget. WLC Architects has committed to using local firms for Civil & Geotechnical Engineering as well as Landscape Design. Council has previously appropriated a total of \$676,668 for this project (Account# 0011-00000-720000-0-8174). To date, approximately \$10,000 has been charged against the project with \$666,673 remaining available for the project phase.

Background:

At the outset of this project, the City Council approved the formation of an ACF subcommittee to review matters relating to the construction of a new animal control facility and make recommendations to the Council. The subcommittee is comprised of 2 council members, the SPCA Board President and several City staff members. At the time that the subcommittee was

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.) 20 min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

formed, the 2 appointed council members were Mayor Link and Vice-mayor Shuklian. Since that time, Councilmember Nelsen has replaced Mayor Link on the subcommittee.

Between December 2008 and April 2009, staff, in conjunction with the Valley Oak Society for the Prevention of Cruelty to Animals (VOSPCA), conducted extensive research and analysis on contemporary shelter designs and functions. Based on a desire to minimize duplication of services and in an effort to minimize construction costs, the ACF Subcommittee and the VOSPCA Board have decided to build a Joint Animal Care Facility. The new Facility will be constructed on airport property immediately North of the existing facility. The joint facility will incorporate separate areas, or wards, for the City's legally mandated animal control functions, and others to suit the purpose of animal adoption and educational outreach programs of the VOSPCA.

The VOSPCA portion of both the design and ultimate construction of the facility will be paid for with private funds to be raised by the Non-profit and will focus on owner-surrenders, adoption, voluntary spay/neutering, education, advocacy and outreach, and VOSPCA organizational activities not directly related to its service contract with the City. Additionally, a percentage of the common-use, or shared facilities such as the food preparation kitchen, vet/surgery room, etc, will also be paid for by the Non-profit. A joint facility will provide a significant cost savings to both entities as it would eliminate a potential for duplication of facilities such as employee break rooms, adoption kennels, food preparation, and vet/surgery rooms, which would be a result of two separate facilities.

As a result of analyzing the two respective organization's priorities, functions, and funding streams, both the Subcommittee and the VOSPCA board have selected a joint facility as the preferred site design alternative. The Subcommittee also affirmed the focus of designing an efficient, attractive, state of the art facility that will markedly improve the environment for animals under the City's charge and ACF staff and volunteers, as well as attractiveness to the public.

On October 19, 2009, the City Council approved the release of an RFP for design of the ACF. Twelve (12) proposals were received and opened on December 4, 2009. The subcommittee reviewed the proposals and narrowed the list down to six (6) firms. All of the top firms either specialized in ACF design or partnered with firms that do. The subcommittee interviewed the top candidates on January 14, 2010. Based on a thorough review of the proposals and the results of the interview process, the ACF Subcommittee recommends WLC Architects, Inc. as the design architect for the new ACF.

The subcommittee believes that WLC can provide design services that will result in a facility that will meet our needs but also incorporate innovative design layouts in a cost effective manner and within the 180 day schedule outlined in the RFP. They have a proven team that can provide an ACF design that meets all of the functional requirements for the community including designing a facility that is durable, requires low maintenance, and is aesthetically pleasing. Along with being knowledgeable of the practical aspects of an ACF, they understand how important the animal adoption/redemption functions are to the community. Accordingly, they will design a building that is inviting and conducive to the goal of finding homes for the animals. WLC Architects has committed to using local firms for Civil & Geotechnical Engineering as well as Landscape Design.

WLC has designed shelters that focus on function and a logical flow of animals from intake to final holding area. Prior to beginning the design of the facility, WLC, through the programming phase, will assess the current animal intake trends at the shelter, the level of care provided and animal redemption/disposition rates to determine an adequate number of kennels/cages for the

new shelter design. Where possible, they will use kennels and cat quarters that are considered standard in the industry, which result in lower initial costs and repair costs. Their ward design of the Coachella Valley Animal Shelter (see attached photos) allows for the display of small dogs and cats, for redemption and adoption, in a setting that allows the public to view the animals without having direct contact. This design places less stress on the animals and leads to reduced diseases.

WLC Architects is headquartered in Rancho Cucamonga, CA and specializes in designing projects for public entities. 95% of all work that they do is for Civic/Public or Educational organizations. WLC Architects, Inc. is very familiar with the requirements for programming, designing, and constructing animal care facilities. Their firm has designed five (5) unique animal control facilities and has overseen the construction of all three (3) facilities that have been completed so far. They have experience in designing both joint use facilities and campus style designs. Staff had the opportunity to visit the 3 facilities that they've designed in Southern California. Those facilities are Rancho Cucamonga, Moreno Valley and the Coachella Valley Animal Campus. At each location staff was able to interact with the shelter staff and ask questions. The shelter staff, at all 3 locations, was very pleased with design, flow of animals and functionality of the facilities. In all cases where the shelter staff indicated dissatisfaction with design, City staff was able to determine that the area wasn't being used for its intended design and the use was changed to accommodate overpopulation of animals. In our area, they have designed the Clovis City Hall expansion as well as the Edison AgTac building in Tulare.

Between December 2008 and October 2009, staff, in conjunction with the Valley Oak Society for the Prevention of Cruelty to Animals (VOSPCA), conducted extensive research and analysis on contemporary shelter designs and functions. As a result of analyzing the two respective organization's priorities, functions, and funding streams, the organizations are prepared to move forward with WLC Architects to design a facility with the focus of designing an efficient, attractive, state of the art facility that will markedly improve the environment for animals under the City's charge and ACF staff and volunteers, as well as attractiveness to the public.

Committee/Commission Review and Actions:

The subcommittee has reviewed the proposals, interviewed the top six (6) firms and recommends that Council award the contract for design to WLC Architects, Inc.

Attachments:

Design Layouts, Renderings and Photos of previous shelter designs
Estimated design costs

Recommended Motion:

I move to Award the contract for design of the new Animal Control Facility to WLC Architects, Inc. and authorize the City Manager to execute a Contract with them for an amount not to exceed \$475,000, contingent upon a signed MOU between the City and the VOSPCA outlining financial and operational responsibilities for the construction and use of a joint animal control facility and adoption center.

Environmental Assessment Status

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

NEPA Review: *NA*

Copies of this report have been provided to:

- Subcommittee
- VOSPCA Board of Directors

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 19, 2010

Agenda Item Number (Assigned by City Clerk): 13

Agenda Item Wording: Public Hearing of the Five-Year Consolidated Plan, Strategic and Citizens Participation Plans, the Analysis of Impediments and 2010/11 Action Plan for the use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnership Funds administered by the City of Visalia's Housing and Economic Development Department.

Deadline for Action: April 19, 2010

Submitting Department: Housing and Economic Development

Contact Name and Phone Number: Ricardo Noguera (4190); Rhonda Haynes (4460); Ruth Peña (4327); Nancy Renovato (4462)

Department Recommendation: Approve and adopt the Final Consolidated Plan for 2010-15 as presented, including the following:

1. Strategic Plan – 5 year plan for the use of both CDBG & HOME funding
2. Annual Action Plan for 2010/11 for the use of both CDBG & HOME funding
3. Citizens Participation Plan; and
4. Analysis of Impediments; and
5. Authorize City Manager to make the appropriate budget adjustments; and;
6. Authorize the City Manager to make minor or technical changes to the program guidelines if needed to conform to grant requirements.

Each of these plans are required by the U. S. Department of Housing and Urban Development (HUD) for use of Community Development Block Grant (CDBG) and HOME Investment Partnership Funds.

Key Recommendations in the Plans

The ConPlan and staff's recommended actions were provided in draft form to Council on April 5th: Since then, HUD announced the CDBG and HOME allocations for each participating jurisdiction. Staff proposes to continue allocating the annual \$1.8 million, for the next 5 years, in CDBG and HOME funds, toward the following projects and programs: First Time Homebuyer Loan Program, West Acequia Parking Structure Section 108 repayment, Code Enforcement services, ADA compliance sidewalk access, Fair Housing education and two senior home repair programs. Staff also recommends providing funds toward the Continuum of Care over the next three years. The City received approximately \$80,000 more than anticipated. Staff's

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):10

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(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.

recommendations pertaining to the Annual Action Plan, presented to Council on April 5th, now include two additional public improvement projects: Oval Park Area Lighting Project to address the lack of lighting surrounding the streets near Oval Park (\$40,000) and providing Recreation Park's Skateboard Park an additional \$40,000 to support the construction of a security fence.

Summary/Background:

On an annual basis the City receives approximately \$1.3 million in CDBG funding and \$560,000 in HOME funds for a total of \$1,892,192. HUD grants these funds with restrictions in its use (i.e. affordability covenants & job creation for low income families, assistance in low income census tracts). Staff proposes to fund the list of projects and programs referenced. There are discretionary and non-discretionary projects and programs. The non-discretionary projects and programs in the amount of \$1,494,095, have annually been committed by repayment of a long-term parking structure loan which provides services, improvements in our community, down payment assistance to new homeowners, education regarding fair housing rights and the HUD required HOME funded set aside funds (15% of the HOME funds) for a Community Housing Development Organization (CHDO) to develop affordable housing. The non-discretionary projects, programs with their allocations include:

West Acequia Parking Structure Repayment	\$506,855
First Time Homebuyer Program	\$420,752
City Staff Administration	\$307,338
Code Enforcement	\$160,000
CHDO Set Aside (mandatory)	\$ 84,150
Fair Housing Hotline	<u>\$ 15,000</u>
<i>Non discretionary funded projects:</i>	\$1,494,095

The remaining funds, in the amount of \$398,097 are discretionary. However, these funds provide assistance to senior citizens with home repairs, handicapped sidewalk access downtown, as well as improvements in our community and parks. This year's recommended discretionary allocations include continuing contracts with Community Services Employment Training, Inc (CSET) for the Senior Home Minor Repair Program and Self Help Enterprise (SHE) for the Mobile Home Senior Handicapped Access and Repair Program as well as ADA Compliance projects, which provides sidewalk access (curb cuts) in the downtown area. The Continuum of Care Board has requested funds for the next three years to support and expand services for the homeless. Additionally, we are recommending new projects for improvements in the Oval Park area for lighting and Recreation Park which will provide a fence for the Skate Park. The discretionary projects, programs with their allocations include:

Senior Home Minor Repair Program	\$ 91,000
Mobile Home Senior Handicapped Access and Repair Program	\$ 90,000
ADA Compliance (curb cuts) projects	\$ 40,000
Continuum of Care	\$ 10,000
Oval Park Improvement Project	\$ 29,025
Oval Park Area Lighting Project	\$ 40,000
Recreation Skate Board Park Project	<u>\$ 98,072</u>
<i>Discretionary funded projects</i>	\$398,097

The final proposed allocations are also referenced in Exhibit "A", with their respective description following in Exhibit "B".

These reports support Staff's recommendation for the use of both Community Development Block Grant (CDBG) and HOME Investment Partnership Funds (HOME) over the next five years. The projects and programs are designed to address the needs of the community in the

areas of affordable housing, a suitable living environment, and economic and community development.

Council/ Community Input

On April 5th, staff and its' consultant (TRG) presented the Draft ConPlan 2010-15, Action Plan for 2010/11 and accompanying documents. Staff and the consultant team have/will complete three more community presentations to the following organizations:

- Community Advisory Committee: Wednesday, April 7th
- Northern Visalians Advisory Committee: Thursday, April 8th
- Disabled Access Committee: Monday, April 12th

The two key comments raised at the April 5th Council meeting were as follows:

1. **Outreach to Community for Input in the Plans.** Staff indicated that several meetings were conducted throughout town during the planning process including meetings held at the Visalia Senior Center; CSET and Wittman Center. Additionally, there were numerous surveys completed on-line by local residents and their input was tallied in the documents. Lastly, the consultant team attended community gatherings such as sporting events and the grand opening of the Macy's to gain input from the community on the documents.
2. **Business Incubator at the Oval Park Service Building.** This suggestion was voiced during the community planning sessions and again at the Council meeting. Staff agreed there is a need to create an opportunity for start-up businesses to have an affordable venue to launch their businesses; gain technical assistance; and create jobs. However, due to limited CDBG dollars, this option will require support from other entities in order to materialize. Also, based on Council's directive to release a Request for Proposal (RFP) for the use of the Oval Park Service Building, there exists opportunities for non-profit agencies to submit proposals to establish a business incubator in the facility as well.

On Wednesday, April 7th, staff and representatives from TRG attended the Community Advisory Committee (CAC) and their comments were as follows:

1. **Funding Support for the Homeless and Emergency Service Grants (ESG).** Currently, the City has a three-year commitment to provide \$10,000 per year to the Continuum of Care to continue monitoring homeless activities throughout Tulare County and pursue an ESG. However, this will be pursued in a collaborative fashion working with the County and other cities throughout the county. More locally, under the direction of the City Manager, the Neighborhood Preservation Division has been hosting weekly meetings with other city departments and divisions to ensure the homeless do not set up camps on public lands such as parks and under bridges to maintain the public's safety and that of the homeless as well. While enforcement has remained active, the Neighborhood Preservation Division has also appointed one of its' staff to reach out to the homeless and provide them with resource information such as shelter and places such as the Good Samaritan Center for baths and meals. Lastly, the City has utilized \$165,000 of its' Neighborhood Stabilization Program (NSP) funds to purchase a foreclosed 4-plex and will soon undertake rehabilitation of the structure and eventually enlist the services of a non-profit agency to serve as property manager. The four units will be targeted toward homeless couples as a pilot program. This pilot program is unique in many ways because the City has never participated in such an effort before and because initially occupants may be unemployed but applying the helping hand approach, the goal is for the non-profit management company to provide off-site services to address their mental and social needs so they can become acclimated to the community and be independent with employment and a more balanced life.

- 2. Long-Term Funding for West Acequia Parking Structure and its relationship to job creation.** The City has made a multi-year commitment to finance the parking structure with HUD, EDA, RDA and Kaweah Delta Healthcare District funds. This commitment is based on the desire to ensure the hospital maintains its' centralized core of development and expansion within Downtown Visalia. The construction of the parking structure supports the expansion of the hospital. The hospital currently employs approximately 2,000 workers in Downtown alone. They represent the largest employer in the Downtown and the mainstay for the area's continued economic success. Thus far, more than 455 jobs have been created, of which 151 jobs are employed by low/mod income persons by the hospital over the past three years. With more expansion planned in the future, these numbers could conceivably double. This does not include the indirect jobs created as a result of the many medical and insurance companies who locate in Downtown due to their relationship with the hospital. Additionally, many of the restaurants, cafes and retail shops owe their success to the 2,000 plus employees working at the hospital. The hospital has historically and will continue to serve as the catalyst for Downtown vitality and the City will continue to partner with the hospital to support its expansion efforts with the understanding that jobs will continue to be created and retained as a result of its' presence.
- 3. Action Plan does not seem to address community's desire to support youth and senior services as voiced in the past.** Historically, the City has spent several hundred thousand dollars annually on youth and senior services. The rehabilitation of the Wittman Center/Village Park over the past year received more than \$300,000 in CDBG funds. The City has also contributed funds toward the rehabilitation of Jefferson Park in the Washington School area. The City is funding park improvements which directly benefit the youth and with a focus on low-income neighborhoods. With respect to senior services, through the City's long-term partnership with CSET, more than \$90,000 annually is granted to assist in minor repairs of senior homes. Additionally, the Mobile Home SHARP Program which is currently administered by Self Help Enterprises (SHE) has received more than \$280,000 in grant funds, since 2007-08 program year, to refurbish mobile homes owned by seniors. Lastly, the City has partnered with Christian Church Homes of Northern California to develop four major senior housing projects over the past 15 years and is currently providing a \$2.8 million HOME Grant to the organization to construct forty-two units of housing for seniors. Serving the needs of the youth and seniors has been a key element of the City's CDBG programs for the past several years.
- 4. What does Administration cover?** As implied, Administration covers the various city staff who administer the programs.
- 5. City needs to inform community about projects requiring long-term funding support.** This is a valid point and staff will make a point to share such projects in the future.

On Tuesday, April 13th, staff and the consultant team will meet with the Disabilities Advocacy Committee (DAC) to gain their input. Their input and staff's responses will be incorporated in the Final ConPlan and Action Plan to be submitted to HUD by May 15th.

Prior Council/Board Actions: Previous 5 year plan adopted in April 2005, with annual Action Plan and CAPER report adoptions occurring April and September of each year.

Committee/Commission Review and Actions: City Council Work session was held on April 5, 2010 to review the draft ConPlan and 2010-11 Action Plan

Alternatives: None recommended.

Attachments

Exhibit "A" – Action Plan Proposed Funding (projects & programs)

Exhibit "B"- Project and Program descriptions

Recommended Motion (and Alternative Motions if expected): Approve and adopt the Final Consolidated Plan for 2010-15 as presented, including the following:

1. Strategic Plan – 5 year plan for the use of both CDBG & HOME funding
2. Annual Action Plan for 2010/11 for the use of both CDBG & HOME funding
3. Citizens Participation Plan; and
4. Analysis of Impediments; and
5. Authorize City Manager to make the appropriate budget adjustments; and;
6. Authorize the City Manager to make minor or technical changes to the program guidelines if needed to conform to grant requirements.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: to be completed

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 "A"

Exhibit "A"							
FINAL PROPOSED 2010/2011 ACTION PLAN							
Obj/Out/Codes				CDBG	HOME	TOTAL	UNITS
1			Cash - Beginning Balance			-	
2			Annual Grant Amount	1,331,190	561,002	1,892,192	
3			HOME matching funds - RDA Low/Mod			-	
4			Program Income	-	-	-	
5			Interest Earnings/Investment Earnings			-	
6				1,331,190	561,002	1,892,192	
7							
8							
9			Operating	87,338	14,200	101,538	
10			Redevelopment Allocation	131,500	25,800	157,300	
11			Direct Allocations	26,400	16,100	42,500	
12			Loan Servicing	6,000	-	6,000	
13	21A		Subtotal Admin and Operating	251,238	56,100	307,338	
14							
15			Net for Programs and Projects	1,079,952	504,902	1,584,854	
16							
17							
18			<u>Homeownership</u>				
19	DH-1	13	* FTHB (Contract w/CSET)		420,752	420,752	10
20	DH-3	1	** Property Acquisition (CHDO)		84,150	84,150	1
21			<u>Neighborhood Preservation/Services</u>				
22	SL-3	15	Code Enforcement- Target Areas	160,000		160,000	200
23	SL-3	21D	*** Fairhousing Hotline (contract w/TCHA) (part of 20% Admin cap)	15,000		15,000	120
24							
25			<u>Special Needs Facilities</u>				
26	SL-1	5	Continuum of Care	10,000		10,000	1
27							
28			<u>Public Improvements</u>				
29	SL-1	3	**** ADA Compliance Projects (Contract w/Sierra Range)	40,000		40,000	10
30			<u>Economic Development/Public Parking Facilities</u>				
31	EO-1	19F	West Parking Structure Loan Payment (Section 108 Loan)	506,855		506,855	1
32			<u>Public Parks, Facilities & Improvements</u>				
33	SL-1	03F	Oval Park Improvements	29,025		29,025	1
34	SL-1	03K	Oval Park Area Lighting Project	40,000		40,000	1
35	SL-1	03F	Recreation Park	98,072		98,072	1
36							
37			<u>Special Needs Services</u>				
38	SL-2	14A	Senior Home Minor Repairs (contract w/CSET)	91,000		91,000	620
39	SL-2	14A	***** Mobile Home Senior Repair & Handicapped Access (contract w/SHE)	90,000		90,000	14
40							
41			Subtotal Programs & Projects	1,079,952	504,902	1,584,854	
42							
43				1,331,190	561,002	1,892,192	
44							
45							
46			Remaining to Carry Forward	-	-	-	

* FTHB- First Time Homebuyer
 ** CHDO- Community Housing Development Organization- non-profit with 501c3 status
 *** TCHA- Tulare County Housing Authority
 **** ADA American with Disability Act-
 ***** SHE - Self Help Enterprise

Exhibit “B”
Project and Program descriptions

Provide Decent Affordable Housing:

Outcome Goal (DH-1): Provide decent affordable housing by promoting homeownership opportunities for low-and moderate-income households earning less than 80 percent of the area median family income.

- **First Time Homebuyer Program:** The First Time Homebuyer Program is currently being administered by Community Services and Employment Training, Inc (CSET). They have been successful in providing second mortgages, at a below market interest rate, to new homeowners. Staff anticipates providing 10 families with down payment assistance for the program year.

Outcome Goal (DH-3): Provide decent affordable housing by sustaining neighborhoods.

- **CHDO Funds:** HOME Investment Partnership Fund Program requires that fifteen (15%) of its annual allocation be set aside exclusively for housing that is owned, developed or sponsored by a 501 © non-profit, community-based service organizations, known as a HOME funded Community Housing Development Organization (CHDO), to develop affordable housing within our community. Currently, the City works with three certified HOME-CHDO's: Visalia's Interested in Affordable Housing (VIAH), Self-Help Enterprises (SHE) and Community Services Employment Training, Inc (CSET). This project is coded as "01- Acquisition" until a specific project is identified with a certified CHDO.

Suitable Living Environment through Neighborhood Preservation:

Outcome Goal (SL-3): Maintain and preserve quality housing by addressing substandard housing.

- **Code Enforcement:** The Neighborhood Preservation Division is responsible for the management of the Code Enforcement Program. The primary emphasis of the program focuses on life safety non compliance. Considerable efforts are focused on Health and Safety Code enforcement as it primarily relates to Housing standards. Some of the common violations include: unsafe structures, abandoned properties, contaminated and/ or unsecured swimming pools, construction without permits, and unlicensed vendors. Anticipated code cases 200.

Outcome Goal (SL-1) Provide educational services to low-income families.

- **Fair Housing:** This program provides Fair Housing services to Visalia residents. Callers with complaints are assisted in filling out official discrimination complaint forms, which are then forwarded to the Department of Fair Employment and Housing. It is anticipated that approximately 120 calls will come through the Hotline. The program also education to the public regarding fair housing rights. This program cost is part of the 20% administration cap for the use of CDBG funding.

Suitable Living Environment by supporting Special Needs Programs:

Outcome Goal (SL-1): Increase accessibility to support facilities to end chronic homelessness

- **Continuum of Care** – The City has a partnership with the Continuum of Care to address issues of homelessness. The Continuum of Care (CoC) is a consortium of housing providers, service providers, and local government, that work together to end homelessness in Kings and Tulare Counties. To strengthen their capacity, the Continuum is currently pursuing a 501c3 status to competitively apply for foundation and corporate funding. The Continuum is focused on systematically implementing systems and programs that will help support existing homeless organizations and offer the resources that are needed locally to

be successful. The Continuum views the 501c3 status as a major capacity barrier, and anticipates that the process will cost approximately \$10,000. This year, the City is allocating a total of \$10,000 in CDBG funds to assist the Continuum in achieving this goal.

Suitable Living Environment through Public Improvements

Outcome Goal (SL-1): Increase availability of handicapped access benefiting population with special needs.

- **Streets-ADA Compliance Projects** – The City is committed to addressing the needs of the disabled community. City Staff attends the Disability Advocacy Committee meetings to understand what the needs are within the disabled community. On an annual basis, the committee requests additional curb cuts and truncated domes. In this Action Plan, the City allocated a total of \$40,000 in CDBG funds for the construction of at least 10 ADA compliant ramps and warning detection panels for the blind throughout the areas of downtown within the city's CDBG target areas.

Create Economic Development Opportunities and Community Development Opportunities (Parking Facility) Needs Services:

Outcome Goal (EO-1): Demonstrate a commitment to long-term economic growth by promoting expansion of existing and job retention.

- **Parking Structure (West Acequia Parking Structure) - Section 108 Loan:** The City of Visalia is committed to providing adequate parking in the Downtown area to further promote jobs. In 2007, the City finalized construction of a second four story parking structure which supports the hospitals current expansion. Kaweah Delta Hospital, which employs a diverse group of employees in a variety of income groups, completed its North expansion. Staff continues monitoring the number of jobs created on an annual basis. This year, the City will make its second Section 108 payment in the amount of \$506,855. Additionally, the parking structure supports downtown businesses furthering the creation of many jobs throughout the downtown area.

Suitable Living Environment through Public Improvements

Outcome Goal (SL1): Improve quality and increase quantity of public improvements that benefit low-and moderate income residents. The City also utilizes other funding sources for public and park improvement projects.

- **Oval Park Improvement Project:** In 2008, the City Council directed staff to work with the residents and businesses from both the Washington School and Oval Park neighborhoods in order to foster revitalization efforts. The following departments actively participate in these efforts: Housing & Economic Development, Building, Police, and Engineering, Public Works, Fire and Community Development Departments.

City Council also provided staff with the direction to identify the needs of the Oval Park Area. In addition to leveraging CDBG funds in 2008, the City received a Cal Trans Grant to analyze the area as it relates to traffic, safety and lighting. Community meetings have been held at the Oval Park, obtaining community input, coordination with local non-profit agencies to utilize the existing building and create a more family friendly park.

The City contributed \$60,000 in 2007/08 and an additional \$20,000 from an Amendment completed in July 2008, for which funds are derived from the 2007/08 program year funding. This brings the total allocated funds for the Oval Park Area improvements to \$166,000. This year's recommended allocation of \$29,025 shall assist with efforts of improving public parks.

- **Oval Park Area Lighting Project.** This area has some of the highest levels of crime in the City and is also one of the most densely populated areas. The area is home to several multi-family dwellings but lacks lighting. It is an older neighborhood lacking adequate infrastructure and lighting is a key concern due to the criminal element in the neighborhood. The addition of 9 new lights; possibly solar, will help improve safety and reduce crime in the area.
- **Recreation Park:** Funding for this park has been set aside to address the Skate Park graffiti and fencing in addition to other necessary improvements to maintain a safe environment for the community.

Suitable Living Environment by supporting Special Needs Services:

Outcome Goal (SL-2): Maintain quality owner-occupied housing for elderly.

- **Senior Home Minor Repair.** The City has allocated \$91,000 to CSET for the administration of the Senior Home Minor Repair Program. Assistance is provided to senior citizens to assist with minor repairs in their homes. Examples of services are: Plumbing repairs, cooler/air conditioning repairs, roof repairs, door and window repairs, electrical repairs, appliance repairs, flooring and carpentry repairs. It is anticipated that this program will assist at least 120 clients and provide 600 service repairs.

Outcome Goal (SL-2): Increase accessibility and range of housing options for persons with special needs.

- **Mobile Home Senior Handicapped Assistance Repair Program:** The CDBG funded Mobile Home Senior Handicapped Assistance Repair program is currently being administered by Self-Help Enterprises. The program serves very low income families to address health and safety issues to their mobile home in the form of a grant of \$5,000, up to \$7,000 on a case-by-case basis. A majority of the grants are utilized toward floor and roof repairs. This program continues to be successful, with the average grant provided being \$5,800. Approximately 14 grants are projected to be completed for the year.