

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, September 20, 2010

Convention Center , 303 E. Acequia, Visalia CA 93291
Work Session 4:30 p.m.; Closed Session immediately following
Regular Session 7:00 p.m.

4:30 p.m. **WORK SESSION AND ACTION ITEMS (as described)**

1. Review and adopt the Citizen's Advisory Committee recommended Award of Youth Non-profit grants. **Receive public comment.**
2. Semi Annual update on the Comprehensive SMART (Specific Measurable Achievable Relevant Time-bound) Team efforts and accomplishments from January through June 2010. **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)**

3. Conference with Real Property Negotiators (GC 54956.8)
Property: 300 E. Oak St.
Negotiating Parties for City: Steve Salomon, Ricardo Noguera, Alex Peltzer
Negotiating Parties for Seller: P & B Pence, LLC; Scott Ellis, Equity Group
Under negotiation: Authority to negotiate terms and conditions of potential purchase
4. Conference with Real Property Negotiators (GC 54956.8)
Properties: Cal Water Easement on a portion of APN #'s 103-020-021 and 103-020-059
Negotiating Parties: Steve Salomon, Chris Young, Alex Peltzer, Phil Mirwald
Under negotiation: Terms and Conditions
5. Conference with Labor Negotiators (G.C. §54957.6)
Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett
Employee Organization: Employee Groups A, B, G and M.

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

PLEDGE OF ALLEGIANCE

INVOCATION - Reverend Jim Rouse, St. Jude's Ministry

SPECIAL PRESENTATIONS/RECOGNITION

- Announcement of the winner of the Santa Fe Bridge Bronze Plaque Design by Council Member Gubler
- Introduction of Steven Braswell - winner of the Teen Idol competition

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.

6. 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 award a construction contract for the Valley Oaks Golf Course Irrigation Project to Formost Construction Company in the amount of \$971,056.
- c) Request authorization to file a Notice of Completion for the McAuliff Street Improvement Project - Phase 3, Creekside Basin Recharge/Storm Drain Improvements, Part B.
- d) Accept the City of Visalia Cash and Investment Report for the fourth quarter ending June 30, 2010.
- e) Award of park design contract to the HLA Group for Phase III of the Visalia Riverway Sports Park in the amount of \$136,715 and authorize the City Manager to execute all documents related to this phase of the project.

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.*

7. PUBLIC HEARING to consider extending for one year the Ordinance 2009-07, an Urgency Ordinance establishing a moratorium on medical marijuana dispensaries and collective or cooperative cultivation and distribution enterprises. **Ordinance 2010-07 required. (4/5 vote required for passage).**

8. Hearing regarding terms and conditions of employment and consideration of resolutions imposing the City's Last, Best and Final Offer, pursuant to Government Code Section 3505.4, for the following groups for FY 2010/11: Group B (Police Officers); Group A (Police Managers); and Group G (Firefighters). **Resolutions 2010-62, 2010-63, and 2010-64 required.**

ADJOURN TO CLOSED SESSION (if needed)

Conference with Labor Negotiators (G.C. §54957.6)

Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett
Employee Organization: Groups A, B, G

RECONVENE TO OPEN SESSION – Determination of Item 9

9. Authorize the City Manager to execute the Memorandum of Understanding for Miscellaneous Employees (City of Visalia Employee Bargaining Unit Group M) for the period September 11, 2010 through June 30, 2011, if Council is presented a signed MOU from Group M.

CLOSED SESSION REPORT

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Albert & Barbara Bentley	081-110-022 (portion)	Plaza/Rd 80	Right of Way	8/31/2010	Fred Lampe

Upcoming Council Meetings

- Monday, October 4, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; Visalia Convention Center, 303 E. Acequia
- Monday, October 18, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers 707 W. Acequia
- Monday, October 25, 2010, 6:00 p.m. Joint Meeting Visalia City Council, Visalia Unified School District, College of the Sequoias Board of Trustees, Convention Center 303 E. 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 nloliva@ci.visalia.ca.us.

City of Visalia Agenda Item Transmittal

Meeting Date: September 20, 2010

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Award of Youth Non-profit Grants

Deadline for Action: None

Submitting Department: Citizens Advisory Committee

Contact Name and Phone Number:

Chris Gomez, CAC Non-profit Grant Chair, 625-9600
Eric Frost, CAC Liaison, x4474

Department Recommendation: That the City Council reviews the CAC's recommended award of non-profit grants for FY 2010/11 and adopt those recommendations.

Summary/background: The City Council authorized the award of \$160,000 in non-profit grants for this fiscal year. Last year, the grant process was limited to those that had received an award in the past and those agencies that focused on gang prevention.

These restrictions were lifted this year with the one requirement that 50% of the award money be given to agencies that focus on gang prevention.

Grants were solicited by mailing all agencies that had expressed an interest in the past, placing a newspaper ad, putting an article in the City's newsletter, and the Visalia Times Delta ran a story on the grants.

The CAC conducted three workshops to discuss the grant process and assist agencies in submitting a grant. In the end, 29 applications were received. Three agencies submitted multiple grant requests.

The CAC subcommittee met, reviewed the applications and came to a consensus recommendation to award the \$160,000 as shown on the attached report. The report was then reviewed by the full CAC committee at their Sept. 8, 2010 meeting. At that time, the CAC adopted the subcommittee's recommendation.

The grant guidelines had a minimum award amount of \$3,000. Although there were multiple requests from three agencies, the requests were evaluated separately and in the case of one agency with three applications, the committee decided to provide a single larger award to fund

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

the program that appeared to most maximize use of the grant. The committee also decided to provide a single award to agencies that submitted multiple applications, possibly making the single award a little larger. One agency was not given an award, Big Brothers and Big Sisters, over concerns of the agency's ability to maintain operations into the future.

The Council asked that at least 50% of the award money be directed towards gang prevention. The recommended awards provide that 90% of the money be directed to gang prevention activities.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Redirect awards within the amount allocated by City Council.

Attachments: Recommended Award

Recommended Motion (and Alternative Motions if expected): To award the non-profit grants as recommended by the Citizens Advisory Committee.

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:

Agency	Visalia program name	2009-10 Award	2010-2011 Amount requested	Recommended 2010-11 Award	Self-designated gang-related program	Gang Intervention/Prevention Funds
American GI Forum	Northside Boxing Club		\$11,000	\$6,000	X	\$6,000
Arts Visalia	Youth Art Education Program		\$12,000	\$4,500	X	\$4,500
Asian American Coalition, Inc.	Laotian Senior Students Scholarship Project		\$5,000	\$3,000	X	\$3,000
Assistance League Visalia	Operation School Bell	\$5,000	\$5,000	\$5,000	X	\$5,000
Big Brothers Big Sisters of Central California	Mentoring Children of Prisoner Matching funds	\$10,000	\$10,000	\$0	X	\$0
Boys and Girls Clubs of Tulare County	Gang Prevention through Targeted Outreach Plus	\$30,000	\$32,000	\$10,000	X	\$10,000
Creative Center Foundation	Mardi Gras - Kids Karnivale		\$5,000	\$3,000	X	\$3,000
Crossroads Community Church	Ckidz Community Center - Adopt a Block		\$5,838	\$5,500	X	\$5,500
Crossroads Community Church	Ckidz Community Center - Property Improvements		\$3,000	\$0	X	\$0
Crossroads Community Church	Ckidz Community Center - Early Childhood		\$5,838	\$0	X	\$0
Enchanted Playhouse	Art Access for All	\$8,000	\$8,000	\$4,000		
Family Builders Foster Care, Inc.	Stop Involvement in Gangs Now (SIGN)		\$32,000	\$8,000	X	\$8,000
Family Services of Tulare County	Children's Counseling Program	\$15,000	\$15,000	\$5,000	X	\$5,000
Friends of Tulare County	CWS Children's Toy Drive		\$3,000	\$3,000		
Friends of Radio Grito	Visalia Parent/Youth radio programs		\$23,300	\$6,000	X	\$6,000
Gale Kuns Ministries	Amachi of Visalia		\$30,000	\$11,000	X	\$11,000
Golden State YMCA	United Community Youth Center	\$20,000	\$20,000	\$12,000	X	\$12,000
Hands in the Community	Gang to Jobs		\$32,000	\$8,000	X	\$8,000
Happy Trails	Covered Arena		\$30,000	\$0		
Happy Trails	Property Maintenance		\$29,600	\$3,000		
Imagine U	Field Trips & Bus Transportation		\$21,450	\$10,000	X	\$10,000
Mighty Oak Chorus	Youth Barbershop Music Harmony		\$6,000	\$3,000		
Parenting Network, Inc.	Gang Alternative Program (GAP)		\$32,000	\$11,000	X	\$11,000
Pro-Youth	HEART - PACT	\$32,000	\$32,000	\$7,500	X	\$7,500
Sequoia Council, Boy Scouts of America	Words to Live By	\$29,000	\$26,500	\$10,000	X	\$10,000
Sound'n'Vision Foundation	Youth Music & Art Exploration		\$10,000	\$3,000		
Turning Point of Central Calif.	Turning Point Youth Services		\$32,000	\$7,500	X	\$7,500
Visalia Police Activities League	Anti-Gang Mentor Program		\$8,000	\$3,000	X	\$3,000
Visalia Police Activities League	Youth Honor Camp		\$15,000	\$8,000	X	\$8,000
Community Services and Employment Training	Freedom Writers Club	\$18,330	No Application			
TOTALS		\$167,330	\$500,526	\$160,000	90.0%	\$144,000
			Total \$\$ requested	Total \$\$ Available	% of Total to Gang Programs	Total Amount to Gang Programs

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 20, 2010

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: SEMI ANNUAL UPDATE ON COMPREHENSIVE SMART TEAM (Specific Measurable Achievable Relevant Time-bound) EFFORTS AND ACCOMPLISHMENTS FROM JANUARY 1, 2010 THROUGH JUNE 30, 2010.

Deadline for Action: None

Submitting Department: Housing & Economic Development

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director (x. 4190)
Tracy Robertshaw, Code Enforcement Officer (x. 4187)
Colleen Mestas, Police Chief (x. 4253)
Mark Nelson, Fire Chief (x. 4267)
Vince Elizondo, Parks and Recreation Director (x. 4367)
Chris Young, Community Development Director (x. 4392)

Department Recommendation: This is a semi annual status report on SMART Team efforts requiring no action.

Summary/background: The team has continued to focus its' efforts in the Oval Park and Washington School areas and city-wide. Semi-annual presentations to Council have been made in order to gauge the program's effectiveness.

Fourth Status Report: This report represents the fourth semi-annual report summarizing key activities completed citywide including the two targeted neighborhoods, and drawing comparisons over the course of the last twelve months (July – December 2009 compared to January – June 2010). The following consists of a brief comparison of the key activities of the team over the course of the aforementioned time period.

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:

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(Initials & date required)

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City Atty _____
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City Mgr _____
(Initials Required)

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NEIGHBORHOOD PRESERVATION DIVISION

Substandard Housing

The Neighborhood Preservation Division received 1,125 substandard housing complaints from January through June 30, 2010 and 18% were for substandard housing; compared to 841 during the report period from July-December 2009 with 24% representing substandard housing issues.

In the two targeted areas, there were 35 (11 Washington Neighborhood and 24 Oval Park) substandard complaints during this report period: 23 have been resolved and the remaining 12 are being rehabilitated. During the last report period of July through December 2009, 16 of the 200 substandard complaints City wide were in the targeted neighborhoods. Across the City most of the substandard complaints are from single family rental property. However, in the Oval Park and Washington School Neighborhoods, the calls mostly originate from multi-housing properties. This can be attributed to the fact that both of these neighborhoods contain a large number of multi-housing units.

The inspector assigned to both neighborhoods actively provides landlord/tenant rights books (provided by the State of California) to property owners and tenants. The educational tool has increased the calls of substandard housing from tenants that were previously unaware of their rights. In addition, it has also educated property owners regarding their legal obligations to their tenants and the steps they can take when the issues are tenant caused. Although, complaints have increased in both neighborhoods, providing education to tenants and owners has been the key to resolving issues.

Private Property Vehicle Abatement

Private Property Vehicle Abatement was transferred from the Fire Department to Neighborhood Preservation in October 2009. From October through December 2009, 277 vehicles were abated. During the period of January through July 2010, notices were sent to owners of 680 vehicles. As a result of the notices being issued, 654 of the vehicles were voluntarily removed and 13 were towed by the Vehicle Abatement Officer. The remaining 13 vehicle owners have received Notice and Orders advising that if the vehicles are not removed from the property they will be towed and dismantled.

The program receives reimbursement from the State of California on a quarterly basis; \$30,858 has been reimbursed covering the period from October 2009 through March 2010.

Building Inspector Assigned to Police Department

The Building Inspector that coordinates with the Police Department has assisted with 9 search warrants, and 22 medical marijuana inspections during this report period. During the last report period he assisted with 5 search warrants, 28 inspections.

In addition to his assignment with the Police Department, the inspector is responsible for complaints regarding substandard housing including foreclosed properties where swimming pools have not been maintained resulting in a health hazard for the community. As a result, 59 contaminated swimming pools were abated (57 of those were located at a foreclosed property) throughout the City; compared to 37 from July 1 through December 31, 2009.

During this reporting period of January 1, 2010 through June 30, 2010, the inspector assessed a total of \$79,658.06 in cost recovery fees and \$9,160.25 has been collected. The hourly cost recovery fee was reduced from \$174.45 to \$ 128.38 in October 2009. This reduction will result in less cost recovery being assessed. However, the amount assessed should still cover the cost of the inspector's salary based on the fee study that was conducted in October 2009.

The inspector assessed a total of \$308,020.30 in cost recovery fees during 2009. This amount includes abatement charges, fines and cost recovery for staff time. To date, \$163,446.03 has been collected towards the outstanding balance.

Nuisance Properties (Excessive Police Calls)

There are currently 18 properties that have been declared a "Public Nuisance" based on excessive police calls or significant criminal activities; 5 of those properties were declared a public nuisance from January 1, 2010 through June 30, 2010. Once the declaration has been made, the property owners are required to meet with Code Enforcement and the Police Department to determine a plan of action to resolve the issues at the property. After the meeting, the property location is monitored by Code Enforcement to make sure that the situation improves. The property is removed from the list once the issues have been resolved.

Oval Neighborhood Lighting Project

Northern Visaliam Committee member, William Huott, voiced concerns regarding the lack of lighting in the neighborhood north of the Oval Park. An inspection of the area confirmed that there are no street lights in the neighborhood.

To address the lack of lighting, \$40,000 in Redevelopment funds has been obligated to install 7 to 10 solar powered street lights. During this report period, staff conducted a survey to determine the location of the lighting. As a result, the lights will be installed on NE 1st, NE 2nd, NE 3rd and NE 4th between Pearl and Houston and is a joint effort between Engineering and the Housing and Economic Development Department. This area consists of numerous multi-housing units with a large population. There are currently no street lights in the neighborhood and the increased lighting will improve the safety concerns of the families residing in those complexes. The project is expected to be completed by spring of 2011.

Oval Park Roadway Design

The Engineering Division and Housing and Economic Development Department are jointly working to bring the design plans for the roadway around the Oval Park to completion. During the months of July through December 2009, TPG Consulting completed the traffic study. Omni Means Engineering was contracted to complete the roadway design. The Engineering Division is currently working closely with Caltrans to locate funding sources to implement the design.

PARKS AND RECREATION DEPARTMENT

Jefferson Park

During the last reporting period of July through December 2009, the sidewalks to allow handicap access on the north and west sides of the park funded by Community Development Block Grant Recovery (CDBG) have been completed. The additional sidewalks on the south side of the park, rehabilitation of the basketball court with updated lighting around the courts are projected to be completed by December 2010 utilizing \$65,000 in Community Development

Block Grant (CDBG) funds. The funds will also be used to install a drinking fountain that will be wheel chair accessible. Once all of the sidewalks are complete, it will provide an accessible path around the perimeter of the park.

American with Disabilities Act (ADA)

A joint effort between Engineering and Housing and Economic Development installed 29 truncated domes (used to alert vision impaired pedestrians of roadways) in the Community Development Block Grant (CDBG) areas utilizing CDBG funds during the July through December 2009 report period. During the current report period, \$40,000 in CDBG funds will be utilized to install three ADA drinking fountains at Blain Park (3101 S Court Street); one at Jefferson Park (700 S Watson) and Pinkham Park (1000 S Pinkham) as a joint project between Parks and Recreation and Housing and Economic Development.

Graffiti

During this report period of January 1, 2010 through June 30, 2010, 1,185 cases were abated citywide, 259 cases were located within City Parks, covering an area of 536,906 square feet, with 24 of those in the Oval Neighborhood and 25 in the Washington Neighborhood. During the reporting period of July 1, 2009 through December 31, 2009, a total of 1,413 graffiti cases have been addressed citywide; 283 were in City Parks and 30 were in the Oval Park and 38 in the Washington School Neighborhoods.

The Graffiti Abatement program strives to abate graffiti within 48 hours. This approach has proven successful and as a result, the statistics for the program has remained relatively consistent.

POLICE DEPARTMENT

The Visalia Police Department has continued to focus resources in both the Lincoln Oval area and Washington School area. Based on the goals of the SMART Team, the Police Department evaluated statistics related to Part 1 (homicide, rape, robbery, assault, burglary, larceny, vehicle theft) Crimes, overall arrests, and drug/alcohol related arrests.

Lincoln Oval Area

As a result of the SMART Teams focus in the Lincoln Oval area, Part 1 crimes decreased by 26% during January – June 2010 compared to the same time period in 2009 (from 112 to 83 offenses).

Departmental efforts to meet SMART Team crime suppression goals for the Lincoln Oval arrests resulted in a 19% increase in total arrests (from 179 to 213). During this time, the Visalia Police Department also continued to focus on the area and have installed cameras in the Oval Park; assigned an officer to conducted daily patrols; and increased security/subject checks in the park. These additional resources have helped in reducing calls for services related to narcotics, alcohol and DUI arrests. There were a total of 59 drug/alcohol related arrests conducted during January – June 2010 compared to 62 arrests conducted during the same time period in 2009.

Washington School Area

In the Washington School Area, the Community Oriented Policing and Problem Solving (COPPS) Program and Sector Officers have been actively building relationships with the residents of the neighborhood. As a result, the willingness of the residents to contact the police has increased the reports of Part 1 crimes 53% (from 60 to 92 offenses) from January – June 2010 when compared to the same time frame in 2009. Total arrests for the Washington School area also increased for January–June 2010 by 36% (from 145 to 197) compared to the same time period in 2009; and calls for services related to narcotics, alcohol and DUI arrests in the Washington School area resulted in 52 arrests from January – June 2010 compared to 50 arrests in 2009.

Homeless & Aggressive Panhandling Enforcement

In November of 2009, a large homeless encampment was disbanded by Tulare County along the St. Johns River. Due to this, a majority of that population moved into the City limits. In anticipation of this issue, a task force consisting of staff from Parks and Recreation, Neighborhood Preservation, Police and Fire Department was created to monitor homeless encampments on City properties and to assure that inhabitants were provided information on services available to them within the community. In addition, it became necessary to post City owned parcels with “No Trespassing” signage to prevent encampments from forming. Additional signs advising of park hours were also posted throughout City parks so that the community would be aware that sleeping in the parks beyond park hours was prohibited.

In January 2010, a City Ordinance dealing with aggressive panhandling became effective. This, along with existing City Ordinance and Vehicle Code sections provides the Police Department with additional means of enforcement. Since January of 2010, a total of 14 citations have been issued.

Over the next six months, the Police Department and Code Enforcement will continue to assist the homeless population by continuing to provide information regarding available resources within the community. Additionally, enforcement efforts related to aggressive panhandling and monitoring abandoned structures that may contain unlawful inhabitants will be ongoing.

Special Enforcement Bureau Efforts

During this reporting period for the City's SMART Team efforts, the Police Department's Special Enforcement Bureau continues to work closely with other SMART Team members to implement a comprehensive approach to gangs and narcotics to both the Lincoln Oval and Washington School neighborhoods, and on a citywide basis. The civil gang injunction remains in place, with a large part of the injunction area being within the Lincoln Oval Park neighborhood. This year, the Gang Suppression Unit has served 22 new gang members with a gang injunction notice and 10 gang injunction arrests were made.

The Gang Suppression Unit has hosted two Tulare County Gang Suppression Task Force Details in 2010 that were focused largely on gang activity occurring in the Lincoln Oval Park and surround neighborhoods. These two details resulted in 40 gang arrests, 86 probation/ parole searches, and 46 additional gang field contacts. The Lincoln Oval Park neighborhood is one of several neighborhoods where the Gang Suppression Unit focuses suppression activities to curtail gang activity and gang violence.

In May 2010, the Police Department along with the Department of Justice began Operation Street Sweeper. This was a covert ongoing investigation to identify and arrest upper management personnel who reside in Visalia but are members of the Northern Structure Gang that operates out of our state prison system. The result of this investigation was the arrest of over 40 subjects, seizure of 35 weapons off of the street and the solving of one homicide.

FIRE DEPARTMENT

Public Education

The Visalia Fire Department hosted 100 public information events, held between January and July 2010 that provided information to over 8,900 community members. During the previous report period of July through December 2009, information was provided to 12,500 at 85 public information events.

Residential Inspections

The Fire Department utilized the time period of the initial status report to identify 720 multi-unit housing complexes city-wide with 3 or more attached units so that fire compliance inspections could be performed. These apartment complexes were identified with an R-2 (multi-housing) designation. The Fire Department was able to inspect 209 of the complexes from January through June 2010 during the inspections the Visalia Fire Department identified approximately 275 infractions. During the prior reporting period, 181 Apartment complexes were inspected.

Fifty seven (57) R-2 apartment complexes have been identified in the Lincoln Oval Park neighborhood and 24 of the complexes have been inspected from January 2010 to June 2010 and 25 were inspected from July through December 2009. The remaining 8 apartment complexes will be inspected by the end of 2010.

Fifty one (51) R-2 apartment complexes have been identified in the Washington Elementary School Neighborhood with 26 being inspected during the same time frame and 12 were inspected July through December 2009. The remaining 3 apartment complexes will be inspected by the end of 2010.

Commercial Inspections

Sixty (60) businesses were identified in the Lincoln Oval Park area, 27 were inspected in the first half of 2010. Thirty (30) business locations were identified in the Washington School area and 15 were inspected during this report period. The business that were inspected in the Oval Park and Washington School area consisted of B (Businesses), M (Mercantile), F (Factory Industrial), and A (places of Assembly) occupancies. During these fire inspections the Visalia Fire Department ensures that these businesses are safe and are operating in a safe manner. The Fire inspection details verifying the businesses address, fire department access, adequate egress for the occupants, verifying the operations and maintenance of the fire suppression equipment, inspecting all the electrical in the business and many other important details located in **Attachment "C"**. Over 900 businesses were inspected citywide between January and June of 2010.

Weed Abatement / Property Maintenance

Since the last report there have been 545 Weed Abatement and Property Maintenance cases citywide, 55 of those were in the Oval Park and 17 were in the Washington School Neighborhoods. There was a significant increase of cases from the last report, an increase of

335 due to the rise in the amount of foreclosures on the market. In addition, during this reporting period the Visalia Fire Department had assigned an hourly employee to the Weed Abatement / Property Maintenance program. This employee has completed 1,158 inspections, work ordered abatement on 198 properties and billed out \$14,256 in fees, sent 164 Declarations billing for \$40,016, utilized 67 Courtesy Notices and closed 326 cases. The amount billed out between January and July 2010 totaled to the amount of \$54,272. Out of these fees we have recovered \$73,659 between January and July 2010. The amount that was recovered reflects the fees that have been paid during this time frame but does not reflect the amounts that have been billed out during the reported time.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: On January 5, 2009 and June 1, 2009, and February 16, 2010, Council received and accepted progress reports on the SMART Team efforts occurring in the Lincoln Oval Park and Washington Elementary School Neighborhood areas as well as Citywide.

Alternatives: None

Attachments:

Recommended Motion (and Alternative Motions if expected): Accept staff's progress report on the collaborative efforts city-wide and in the Lincoln Oval Park and Washington Elementary School neighborhood areas and provide direction as appropriate.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

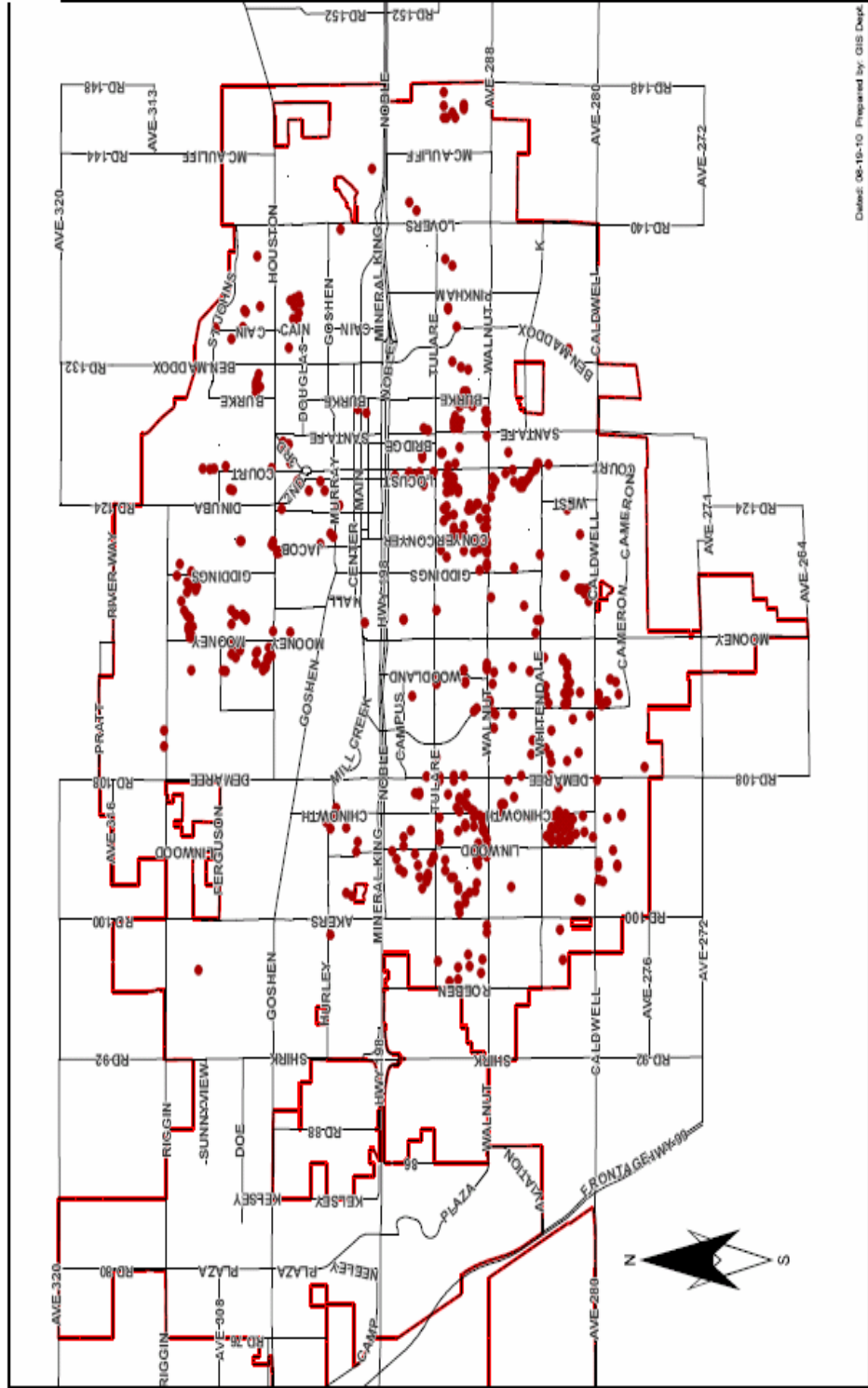
Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

Abandoned Vehicles 1/1/10 thru 6/30/10



- Major Streets
- City Limits
- Abandon Vehicles

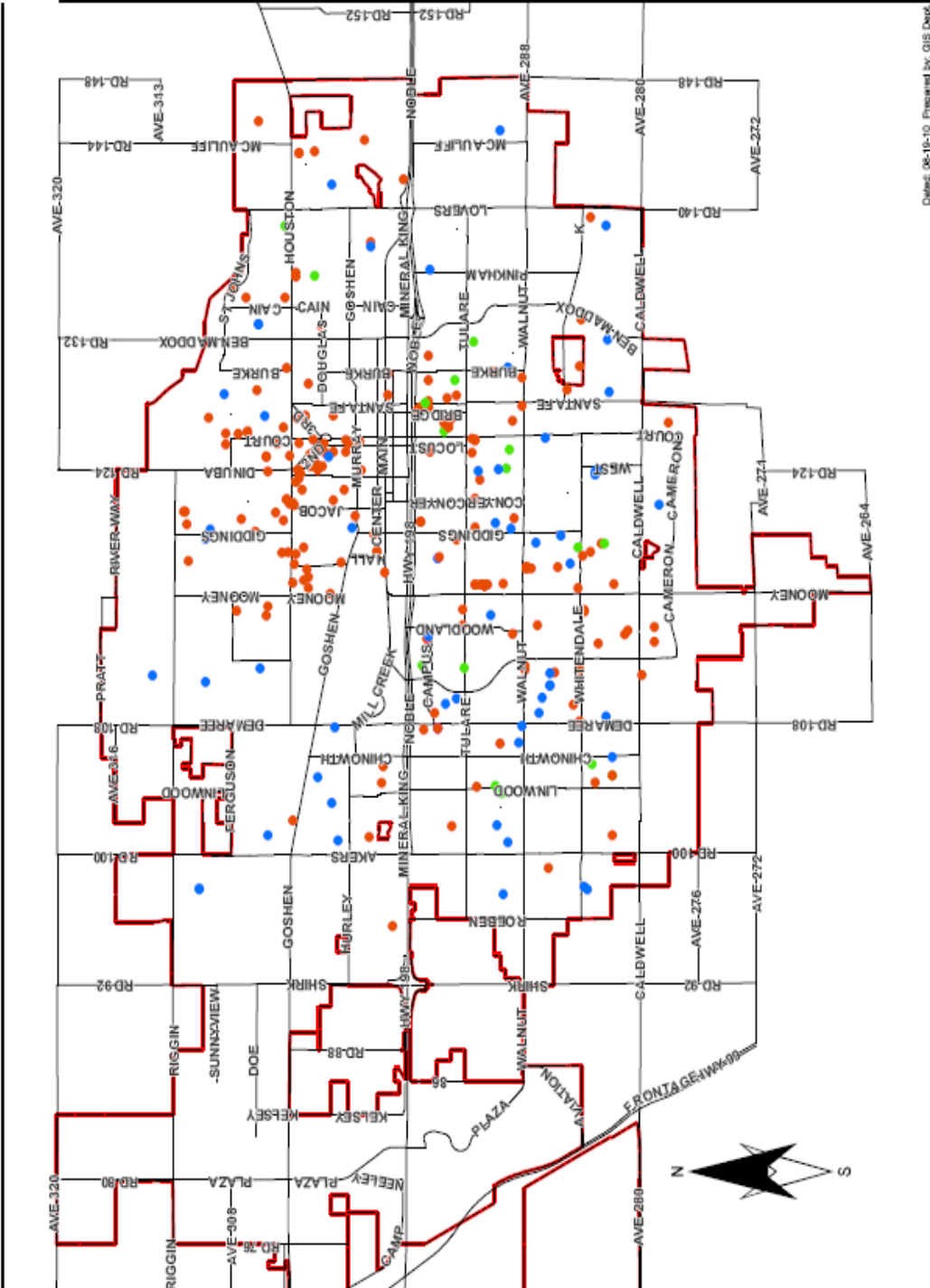


Date: 06-16-10 Prepared by: GIS Dept

Enforcement Complaints 1/1/10 thru 6/30/10



- Major Streets
- City Limits
- Complaints
 - F
 - SH
 - SW



Date: 08-16-10 Prepared by: GIS Dept



LIFE SAFETY INSPECTION FOLLOW-UP INSPECTION

Date: _____ Business Name _____

Address _____ Business License # _____

Please correct all violations below within _____ days. A re-inspection has been scheduled on or about _____

A. EXITS

- | | |
|--|--|
| 1. <input type="checkbox"/> Insufficient number of exits (CFC 1019.1) | 7. <input type="checkbox"/> Unlighted exit sign required (CFC 1011) |
| 2. <input type="checkbox"/> Improper directional swing of Exit door (CFC 1008.1.2) | 8. <input type="checkbox"/> Directional exit signs required (CFC 1011) |
| 3. <input type="checkbox"/> Locked/chained exit (CFC 1008.1.8.3) | 9. <input type="checkbox"/> Lighted exit sign required (CFC 1027.5) |
| 4. <input type="checkbox"/> Faulty door hardware (CFC 1008.1.8) | 10. <input type="checkbox"/> Repair Lighted exit sign (CFC 1027.5) |
| 5. <input type="checkbox"/> Door/aisle obstructed (CFC 1028.2) | 11. <input type="checkbox"/> Emergency lighting required (CFC 1027.5) |
| 6. <input type="checkbox"/> Door/aisle too narrow (CFC 1025.9.1) | 12. <input type="checkbox"/> Repair Emergency lighting (CFC 1027.5) |

B. FIRE PROTECTION EQUIPMENT/EXTINGUISHERS

- | | |
|---|---|
| 1. <input type="checkbox"/> Hood & duct extinguishing system req'd (CFC 609.2) | 9. <input type="checkbox"/> Extinguisher(s) required (CFC 906) |
| 2. <input type="checkbox"/> Hood extinguishing system needs service (CFC 904.11.6.4) | 10. <input type="checkbox"/> Extinguisher sign required (T-19, 567) |
| 3. <input type="checkbox"/> Hood extinguishing system needs cleaning (CFC 904.11.6.3) | 11. <input type="checkbox"/> Extinguisher needs service (T-19, 575.1) |
| 4. <input type="checkbox"/> Sprinkler system needs 5-year service (CFC T-19, 904) | 12. <input type="checkbox"/> Relocate/mount extinguisher (T-19,567) |
| 5. <input type="checkbox"/> Extra sprinkler heads required (NFPA 13, 6.2.9.5) | 13. <input type="checkbox"/> Fire extinguisher obstructed (T-19, 567) |
| 6. <input type="checkbox"/> Sprinkler system faulty/obstructed (NFPA 13, 9.1.1.7) | 14. <input type="checkbox"/> Fire alarm in Trouble (NFPA 72, 1-5.4.6) |
| 7. <input type="checkbox"/> Smoke detector inoperable (CFC 907) | 15. <input type="checkbox"/> Fire hydrant obstructed (CFC 508.5.5) |
| 8. <input type="checkbox"/> Smoke detector required (CFC 907) | 16. <input type="checkbox"/> Fire Dept Connect obstructed/ missing caps (CFC 912.3) |

C. ELECTRICAL

- | | |
|---|--|
| 1. <input type="checkbox"/> Spliced cord/wire (CFC 605.1) | 5. <input type="checkbox"/> Cover plate not in place (T-19, 3.14) |
| 2. <input type="checkbox"/> Labels needed for electrical breakers (CFC 605.3.1) | 6. <input type="checkbox"/> Exposed wire-conduit required (CEC 320-14) |
| 3. <input type="checkbox"/> Surge protectors misused (CFC 605.4.1) | 7. <input type="checkbox"/> Panel obstructed (CFC 605.3) |
| 4. <input type="checkbox"/> Improper use of extension cord(s) (CFC 605.5) | 8. <input type="checkbox"/> Sign needed on ELECTRICAL ROOM (CFC 605.3.1) |

D. APPLIANCES/MECHANICAL DEVICES

- | | |
|---|---|
| 1. <input type="checkbox"/> Appliance not permitted / Permit required (CBC 108.4) | 5. <input type="checkbox"/> Anchors needed on water heater (CMC 1016.0) |
| 2. <input type="checkbox"/> Bathroom fan needs repair (T-19, 3.14) | 6. <input type="checkbox"/> Improper venting of appliance (CMC 801) |
| 3. <input type="checkbox"/> Post Gas shut-off sign (CFC 2203.2) | 7. <input type="checkbox"/> LP-gas tank needs vehicle protection (CFC 3807.4) |
| 4. <input type="checkbox"/> Remove grass, weeds from LP-gas containers (CFC 3807.3) | |

E. STORAGE/COMBUSTIBLE MATERIAL/HOUSEKEEPING

- | | |
|---|--|
| 1. <input type="checkbox"/> Dry vegetation too close to building (T-19, 3.19) | 5. <input type="checkbox"/> Improper storage of oily rags (CFC 304.3.1) |
| 2. <input type="checkbox"/> Improper storage of flammable liquid (CFC 3404.3.4.4) | 6. <input type="checkbox"/> Remove storage 2 feet from ceiling (CFC 315.2.1) |
| 3. <input type="checkbox"/> "No Smoking" sign required (CFC 313.1) | 7. <input type="checkbox"/> Remove storage 18 inch. below sprinklers (CFC 315.2.1) |
| 4. <input type="checkbox"/> Secure compressed gas cylinders (CFC 3003.5.3) | 8. <input type="checkbox"/> Remove combustible from heating device (CFC 315.2.1) |

F. MISCELLANEOUS

- | | |
|---|---|
| 1. <input type="checkbox"/> Street address not posted (CFC 505.1) | 5. <input type="checkbox"/> Fire drill record required (T-19, 3.13) |
| 2. <input type="checkbox"/> Occupancy load sign required (CFC 1004.3) | 6. <input type="checkbox"/> Fire access road obstructed (CFC 503.4) |
| 3. <input type="checkbox"/> Fire escape plan required (T-19, 3.10) | 7. <input type="checkbox"/> Knox box needed (CFC 506.1) |
| 4. <input type="checkbox"/> Business license | 8. <input type="checkbox"/> Needs new Knox box keys (CFC 506.2) |

G. OTHER VIOLATIONS OR ADDITIONAL INFORMATION/COMMENTS

ISSUED BY _____

RECEIVED BY _____ DATE _____

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 20, 2010

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

Agenda Item Wording: Authorization to award a construction contract for the Valley Oaks Golf Course Irrigation Project to Formost Construction Company in the amount of \$971,056. The project number is 4211-00000-720000-0-8064.

Deadline for Action:

Submitting Department: Parks & Recreation Department

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

Department Recommendation:

City staff recommends the City Council authorize the City Manager to enter into a construction contract with Formost Construction Company in the amount of \$971,056 for the installation of a new irrigation system at Valley Oaks Golf Course. This contract includes labor and allied materials.

Summary/background:

The replacement of the irrigation system on the Valley & Oaks courses at Valley Oaks Golf Course has been planned since December, 2007 when City Council approved the project and appropriated \$1.7 million for its completion.

Since that time, the City has hired a design consultant and entered into an agreement with CourseCo for construction management. In 2009, staff was informed of the City's intent to utilize treated water from the City's Wastewater Treatment Plan for irrigation at the course and the project was re-designed to accommodate the use of treated water. Revised plans were completed and the project was put out to bid on August 6, 2010.

In a money savings effort, staff split this project into two contracts. The City opted to purchase the irrigation system directly from the distributor rather than have this equipment provided by the contractor, with a contractor's mark up. On September 7, 2010, Council authorized the purchase of 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.): _____

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.

irrigation system from Kern Turf, the area distributor for the Rain Bird system in the amount of \$460,930.79.

This second contract is to provide the labor and allied materials (pipe, wire, etc) for the installation of the irrigation system.

Advertisements for this project were placed on August 6 and 11, 2010 in the Visalia Times Delta. The project was also posted on Bid Net where it was viewed by at least 16 companies. The City of Visalia Purchasing Division researched and created a listing of irrigation contractors (35) that included local contractors as well other companies in California, Arizona and Colorado. In addition, 14 potential contractors were identified by the project architect and construction manager and they were provided notice of the bid opportunity.

A pre-bid meeting was held on August 18, 2010 with 19 potential bidders attending. On Friday, September 10, 2010, a bid opening was held where the following bids were received:

Company Name	Location	Bid Amount
Formost Construction Company	Temeclua, CA	\$971,056.00
O & J Landscape Construction	Moreno Valley, CA	\$1,046,716.00
American Golf Construction	Canoga Park, CA	\$1,047,000.00
Wadsworth Golf Construction	Buckeye, AZ	\$1,092,416.00
Christiansen Irrigation Company	Costa Mesa, CA	\$1,199,000.00
Kubly Golf Construction	Lincoln, NE	\$1,281,000.00
Elite Landscaping	Clovis, CA	\$1,412,981.00
Key Turf Construction	San Marcos, CA	\$1,750,000.00

A thorough examination of the low bid has been conducted by staff, the project designer and construction manager and the bid document is complete and meets all City requirements. In addition, staff conducted a reference check of projects listed in the bid document and received highly favorable recommendations for the work of the contractor.

This project is expected to be completed within the allocated budget, below is a breakdown of anticipated project costs:

Architectural Services	\$56,250.00
Construction Management	\$110,000.00
Rain Bird Equipment	\$460,930.79
Installation & Allied Equipment	\$971,056.00
Total Project Amount:	\$1,598,236.79
Budget Amount:	\$1,700,000.00

With over 50 years of construction experience, Formost Construction Company has been involved in over 250 golf courses in the USA, England, South Africa, Canada, Mexico, Thailand, Saipan and the Philippines. This company states, "Formost Construction Company is dedicated to exclusively in the field of golf construction and maintenance with a commitment to promote the sport through the highest standards."

Prior Council/Board Actions:

- December 15, 2007 Council approved Valley Oaks Golf Course Irrigation Project and appropriated \$1.7 million for replacement of irrigation on the Valley & Oaks courses.
- May, 2008 Authorization was given to enter into a contract with Russell D. Mitchell & Associates for irrigation design and specifications.
- January 20, 2009 Council authorized the City to enter into a contract with CourseCo, Inc. to provide construction management for the irrigation project.
- April 19, 2010 Council authorized City staff to solicit bids for the Valley Oaks Golf Course Irrigation project.
- September 7, 2010 Council authorized the City to enter into a purchasing contract with Kern Turf, the area distributor of Rain Bird in the amount of \$460,930.79 for the purchase of the Rain Bird Integrated Control (IC) system.

Recommended Motion (and Alternative Motions if expected): Move that the City Council authorize the City Manager to enter into a construction contract with Formost Construction Company in the amount of \$971,056 for the installation of a new irrigation system at Valley Oaks Golf Course. .

City of Visalia
Agenda Item Transmittal

Meeting Date: September 20, 2010

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

Agenda Item Wording: Request authorization to file a Notice of Completion for the McAuliff Street Improvement Project - Phase 3, Creekside Basin Recharge/Storm Drain Improvements, Part B (Project #3011-0-72-0-9557).

Final Construction Cost for Part B: \$418,330.00

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Community Development Director, 713-4392,
Adam Ennis, Engineering Services Manager, 713-4323

Department Recommendation: The Community Development Department recommends that authorization be given to file a Notice of Completion for the McAuliff Street Improvement Project – Phase 3, Creekside Basin Recharge/Storm Drain Improvements, Part B (Project #3011-0-72-0-9557).

Summary: This project provided the infrastructure for a new groundwater recharge site in the City of Visalia (adjacent to Mill Creek). A turnout structure was built to direct recharge water into the Creekside Basin when “excess” water is available. This 36-inch diameter turnout connection will be controlled by a motorized gate operated by an actuator. The gate will eventually be connected to an integrated City-wide network and will operate “interactively” with water surface elevation sensors downstream in Mill Creek.

The construction work was completed by RSCO Inc. (dba Rising Sun Company) at a final cost of \$418,330.00. The original contract award amount was \$337,543.00. A total of \$80,787.00 (19.3%) was approved for change orders as summarized below. The “higher” change order percentage was due to several factors including a required pump upgrade, a specific pipe type being required by the Tulare Irrigation District, and additional electrical work being needed.

Background: A 24-inch pipe and a new lift-station were also installed to allow the discharge of water into Mill Creek from the Creekside Basin. Electrical components that will control this lift-station are being “salvaged” from an existing City storm water facility (as part of the upcoming Highland Storm Drain Project). These controls will be installed on the Creekside Basin lift-station as part of the future Highland Storm Drain Project.

The following change orders were approved by the City’s Change Order Committee:

1. This change order included an upgrade to the storm water pump motor from standard efficiency to premium energy efficiency. In addition, the pump type was changed to

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(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.

require a water based lubricant, instead of an oil based lubricant. These upgrades to the pump were requested by the City of Visalia Storm Water Division to comply with Federal standards. In addition to these upgrades, this change order also provided a credit to the City of Visalia for work related to the design of the system's electrical components. The original contract required that the contractor provide a design-build electrical system. The contractor could not provide the necessary design by an electrical engineer, so that portion of the contract was deleted.

Total cost of change order #1: \$4,680.00

2. This change order included the installation of six (6) concrete collars to connect the new storm drain pipe to the existing storm drain pipe. The existing storm drain pipe was manufactured by a method called "dry cast". The ditch company required that the new pipe be manufactured by a method called "spun". These connections required the use of special "concrete collars". This change order also included the addition of 200 lineal feet of 6-foot high chain link fence (with access gate) around the site. In addition, this change order added an electrical meter pedestal and 1290 lineal feet of 2-inch conduit that will provide power to the site.

Total cost of change order #2: \$57,522.00

3. Change order #3 included the installation of 669 lineal feet of 4-inch conduit and the installation of a 4-inch fiberglass sweep at the power pole. There was also a 3-foot x 5-foot concrete electrical box installed with this change order.

Total cost of change order #3: \$6,110.00

4. Change order #4 included the addition of several items that were not included in the consultant's original design. The first was the connection between the wide flange beams to the lift-station structure. Without the connection securing the beams to the structure, the system would be impacted by vibrations when the pump turned on. The addition of the connections will help mitigate the impact from any vibrations. The second item replaced an existing cover over the lift-station. Per the plans, the contractor installed a lightweight, expanded metal grate over the lift-station. However, that grate was not compliant with current safety regulations, particularly for maintenance staff, which would have to stand on the cover to work on the pump. The cost for the replacement of the cover with a safe, heavy duty cover is included in this change order.

Total cost of change order #4: \$3,442.00

5. Change order #5 was payment for reinforced concrete pipe supplied by the contractor manufactured by the "spun" method. The ditch company required that the pipe be manufactured by the spun method. This project was bid jointly with another project (Part A). Although the requirement for the method of manufacture was accurately presented in the Part B project, it did not reflect the format of how it was presented in the Part A project. This difference resulted in some apparent confusion by the contractor, whereas he bid the two projects with two different pipes. Once the project started, the contractor submitted certifications for pipe that was not manufactured by the intended method. That pipe was rejected by the City's project manager, and the Contractor supplied the correct pipe. Later, the contractor submitted a claim for the cost difference between the two pipes. After several reviews of the claim, the two parties negotiated to split the cost and thus resolve the claim. This change order is for half of the cost of the total claim.

Total cost of change order #5: \$19,373.00

6. Change order #6 is a change order to credit the City of Visalia for work removed from the contract, at the City's request. The following work was removed from the contract, due to scheduling conflicts and City staffing complications related to the Highland Storm

Drain Project: The contractor did not install the interior electrical system at this lift-station, since the panel from the other site was not ready to be installed. This electrical work will be completed as a part of the Highland Storm Drain Project. The existing pump control panel from the existing lift-station at Site G was not relocated and installed at this new site, as the abandonment of the existing lift-station has not been completed. Also, since the existing lift-station has not been abandoned, the site around it has not been graded and modified. All of these items will be added to the scope of work for the Highland SD Project, and will be completed at a later date.

Total cost of change order #6: Credit (\$10,340.00)

Prior Council/Board Actions: The City Council Awarded the construction contract at the July 13, 2009 meeting.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Exhibit # 1 - Location Map

Exhibit #2 – Ownership disclosure for contractors and consultants

Recommended Motion (and Alternative Motions if expected): I hereby move to authorize filing the Notice of Completion for the McAuliff Street Improvement Project Phase 3, Creekside Basin Recharge/Storm Drain Improvements, Part B (Project #3011-0-72-0-9557).

<i>Financial Impact</i>	
Funding Source:	
Account Number: 3011-0-72-0-9557	
Budget Recap:	
Total Estimated cost: \$523,000.00	New Revenue: \$
Amount Budgeted: \$476,000.00	Lost Revenue: \$
New funding required: \$0	New Personnel: \$
Council Policy Change: Yes _____ No <u>X</u>	

Copies of this report have been provided to:

Environmental Assessment Status

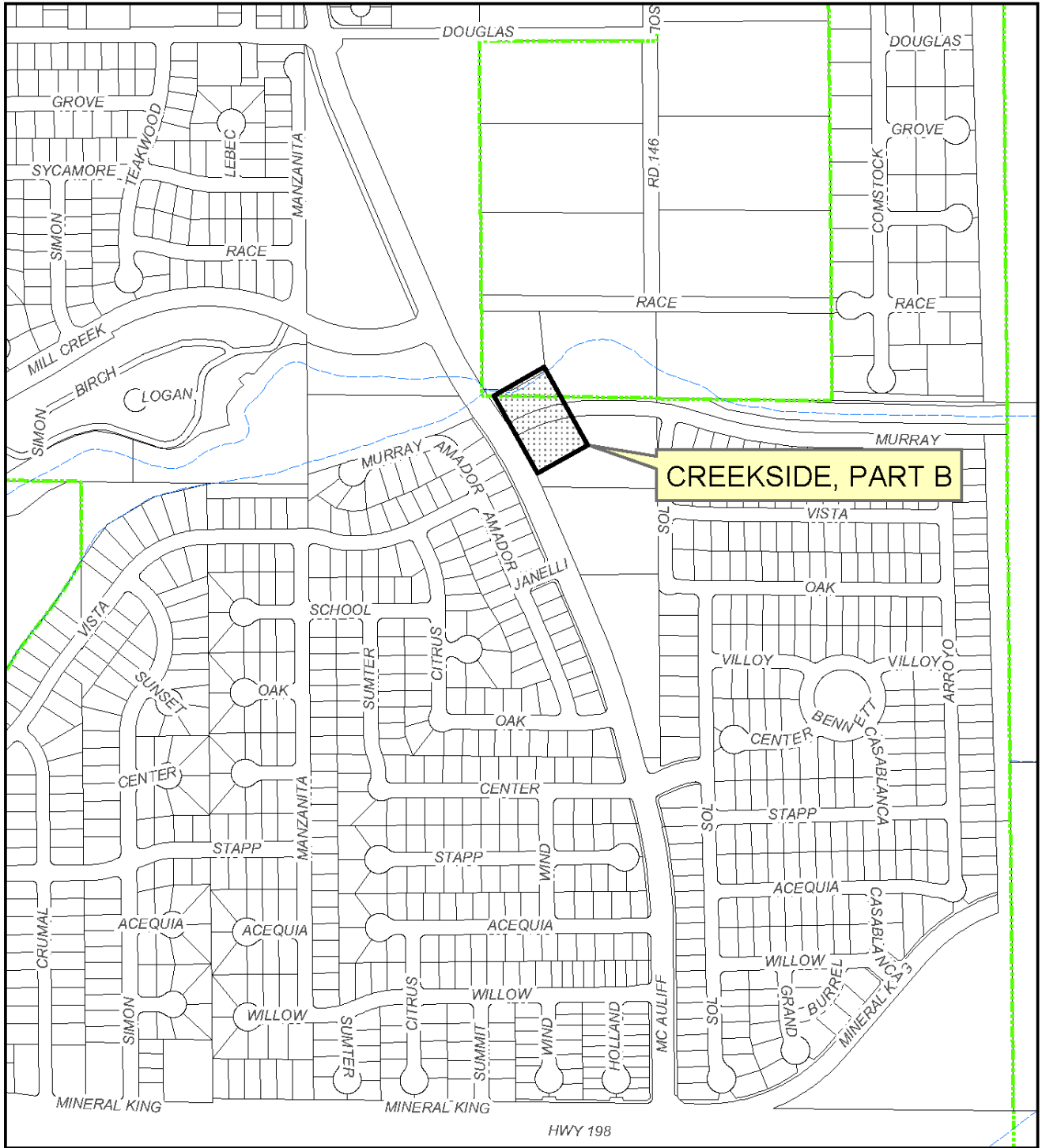
CEQA Review:

Required? Yes No
Review and Action: Prior: Initial Study and Mitigated Negative Declaration
Required: Completed February 19, 2008

NEPA Review:

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

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



**McAuliff Street Improvement Project-Phase 3
Creekside Basin Recharge
Storm Drain, Part B**



EXHIBIT #1



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

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

Firm Name Rising Sun Company Inc.

Firm Address 2182 Penlan Avenue, Exeter, CA 93221

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

WILLIAM L. SARIO, PRESIDENT

MARLENE SARIO, VICE-PRESIDENT, SECRETARY

Submitted by: Name Lauren Sario

Date 6/22/10

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 20, 2010

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

Agenda Item Wording: Accept the City of Visalia Cash and Investment Report for the fourth quarter ending June 30, 2010.

Deadline for Action: None

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost 713-4474,
Jason Montgomery 713-4425

Department Recommendation: Staff recommends that Council take the following actions:

1. Accept the City of Visalia Cash and Investment Report for the quarter ending June 30, 2010.

Introduction

In the course of the City's business, significant cash assets are accumulated before they are spent on a variety of governmental operations. While this cash is idle, the City invests these funds.

City Investment Policy

The City's investments are diversified by the various maturities, call structures, and credit types which are allowed by the City's Investment Policy and California Government Code Section 53600 et seq. It is the policy of the City to invest public funds in a manner which will provide the greatest security with the maximum investment return while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds. One way the City meets this objective is by investing in the Local Agency Investment Fund (LAIF). LAIF funds are highly liquid to meet the City's daily cash flow requirements while maintaining a high degree of safety and a higher rate of return over other suitable liquid investments.

The City continues to maintain its conservative and prudent investment objectives, which in order of priority are safety, liquidity, and yield, while maintaining compliance with federal, state, and local laws and regulations. These investments enable the City to meet its expenditure requirements for the next six months, as required by state law.

Economic Outlook

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The economic recovery showed signs of losing momentum in the second quarter of 2010 as real gross domestic product (GDP) grew by only a 1.6% rate, down from a 3.7% rate for the first quarter of 2010. In addition, household spending remains constrained by high unemployment, modest income growth, lower housing wealth, and tight credit. It is widely anticipated that the pace of economic recovery is likely to remain weak. The federal funds rate (the interest rate at which banks and other depository institutions lend money to each other) currently is at 0.25%.

Portfolio Performance

The June 30, 2010 investment report had a managed balance of \$125.08 million with a monthly portfolio earnings rate of 0.99%. The earnings rate for 2009-10 (July 09 – June 10) was 1.18%. Key benchmarks and performance statistics for the City's portfolio are shown in Table 1, Managed Portfolio Performance Statistics.

Table I: Managed Portfolio Performance Statistics (dollars in millions)

Quarter Ending	Portfolio Balance	City Monthly Portfolio Rate	LAIF Balance	LAIF Rate	2 YR Treasury	Weighted Average Maturity (WAM)
March, 2010	\$118.84	0.99%	\$79.61	0.56%	1.02%	0.20 years
June, 2010	\$125.08	0.99%	\$61.73	0.56%	0.60%	0.14 years
Fiscal Year 2009-2010		1.18%		0.69%	0.89%	

As tumultuous market conditions continue and global economic crisis grows, investors continue to purchase U.S. Treasuries sending yields down to historic lows. In three months, the yield on the two year treasury fell 41% from a 1.02% yield in March 2010 to a .60% yield at the end of June 2010. Short term treasury yields continue to remain low as investors refuse to purchase longer securities in hopes that patience will translate into better yields down the road. There continues to be no incentive to purchase longer securities because a rise in interest rates would quickly depreciate the bond's value.

LAIF

As mentioned, the Local Agency Investment Fund (LAIF) is a an investment option for California's local governments and special districts. LAIF is a part of a pooled investment account that has oversight from the State Treasurer, Director of Finance, and State Controller. The City invests a portion of its portfolio in LAIF because it is a liquid investment with a competitive yield.

At the end of June 2010 LAIF had 56% of its investments maturing within six months.

Future Management

The City manages the portfolio partly by considering the weighted average maturity (WAM) based upon management's expectations for rising, neutral or declining interest rates. Usually, the longer an investment's maturity, the higher the interest rate will be. However, the longer the maturity, the more at risk the portfolio is to market gains or losses due interest rate changes. As a result, the City has a target WAM based upon expected interest rate environments as shown on Table II, Target Weighted Average Maturity (WAM) Based on Interest Rate Expectations.

Target Weighted Average Maturity (WAM)
Based Upon Interest Rate Expectations

Forecasted Interest Rate Environment	Target WAM (Years)
Rising	0.50
Neutral	1.50
Declining	2.50

As previously discussed, rates have fallen. Staff believes that rates will begin to increase in the coming months and have positioned the portfolio to take advantage of future rising rates. When rates are rising, the stated goal for the portfolio WAM is 0.50 years. At the end of June 2010 the portfolio WAM was 0.14 years.

Further, the exceptionally low interest rates do not warrant the potential risk to principle for relatively meager returns, if the City wanted to buy longer term securities such as 3 or 5 year securities. At earnings rates of 0.96% or 1.78%, respectively, the risk/reward calculations do not justify buying longer term securities at this time. As a result, staff will continue to only invest in short-term securities and will continue to keep the WAM short until it feels that rates will remain steady at which point the WAM will be increased to 1.50 as reasonable investment alternatives begin to become available.

Cash Summary

The City's cash and investments consist of the following as shown on Table III: Cash Summary at Market Value (in millions) as of 6/30/10.

Table III: Cash Summary at Market Value, 6/30/10

Investment Type	Amount (in millions)
Managed Portfolio	
LAIF	\$61.73
CD's	\$25.24
Agencies	\$5.45
Corporate Note	\$4.02
Public Investment Money Market	\$20.02
Citizens Sweep Account	\$8.62
Total Managed Portfolio	\$125.08
Trustee Cash and Investments	\$11.85
Banks & Depositories	\$.46
Total Cash & Investments	\$137.39

This information is taken from the two report attachments: 1) City of Visalia Investment Position Report as of 6/30/10, attachment #1; and 2) City of Visalia Cash and Investments Summary as of June 30, 2010, attachment #2.

Attachments:

Attachment #1, City of Visalia Investment Position Report
Attachment #2, City of Visalia Cash and Investment Summary

Recommended Motion (and Alternative Motions if expected): Move to accept the City of Visalia Cash and Investment Report for the fourth quarter ending June 30, 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:

Attachment #1

City of Visalia
Investment Position Report
30-Jun-10

		Coup. Rate	Yield (YTM)	Maturity Date	Face Value	Purchase Price	General Ledger Balance	Current Market Value	Purchase Date
Checking Accounts		6.9%							
Citizens Business Bank		0.80%	0.80% *	30-Jun-10	8,626,914	8,626,914	8,626,914	8,626,914	Various
Totals			0.80%		8,626,914	8,626,914	8,626,914	8,626,914	
Average Maturity (Days/Years)			1						
* Note: Interest is based on an average daily balance.									
Agency Notes		4.4%							
FFCB	31331XG30	08-143	5.45%	4.42%	21-Jun-12	3,000,000	3,127,320	3,275,640	13-Nov-07
FHLB	3133XLX73	08-096	5.00%	4.71%	14-Sep-12	2,000,000	2,025,140	2,176,260	28-Sep-07
Totals			4.30%		5,000,000	5,152,460	5,451,900	5,451,900	
Average Maturity (Days/Years)			716		1.96				
Average Duration									
CD'S		20.2%							
CDARS - Bank of The Sierra	10-083	1.35%	1.36%	09-Sep-10	5,000,000	5,000,000	5,000,000	5,000,000	09-Sep-09
CDARS - Bank of The Sierra	10-250c	0.94%	0.94%	12-Aug-10	5,000,000	5,000,000	5,000,000	5,000,000	11-Feb-10
CDARS - Citizens Business Bank	10-337c	0.70%	0.70%	04-Nov-10	5,000,000	5,000,000	5,000,000	5,000,000	06-May-10
CDARS - Citizens Business Bank	10-227a	1.10%	1.11%	20-Jan-11	5,000,000	5,000,000	5,000,000	5,000,000	21-Jan-10
Visalia Community Bank		1.30%	1.31%	08-Oct-10	240,000	240,000	240,000	240,000	08-Oct-09
Citizens Business Bank CD	10-035a	1.15%	1.17%	24-Jul-10	5,000,000	5,000,000	5,000,000	5,000,000	24-Jul-09
Totals			1.06%		25,240,000	25,240,000	25,240,000	25,240,000	
Average Maturity (Days/Years)			94		0.26				
Corporates		3.2%							
Wells Fargo & Co.	09-323	4.63%	4.19%	09-Aug-10	4,000,000	4,022,000	4,016,040	4,016,040	15-Apr-09
Totals			4.20%		4,000,000	4,022,000	4,016,040	4,016,040	
Average Maturity (Days/Years)			40		0.11				
Public Investment Money Market		16.0%							
Rabobank, N.A.		0.73%	0.73%	30-Jun-10	20,019,710	20,019,710	20,019,710	20,019,710	Various
Totals			0.73%		20,019,710	20,019,710	20,019,710	20,019,710	
Average Maturity (Days/Years)			1						
LAIF		49.4%							
LAIF - CITY			0.56%	Demand	5,229,078	5,229,078	5,229,078	5,229,078	Various
LAIF - VPFA			0.56%	Demand	39,858,073	39,858,073	39,858,073	39,858,073	Various
LAIF - RDA			0.56%	Demand	16,641,937	16,641,937	16,641,937	16,641,937	Various
					61,729,089	61,729,089	61,729,089	61,729,089	
Totals			0.99%		124,615,712	124,790,172	125,083,652	125,083,652	
Average Maturity (Days/Years)			52		0.14				
Change from	31-May-10	Rate	-0.01%						
		Days	-8						

(1) Agency Notes are considered to be investments of high quality as they are government sponsored entities (GSE). GSEs carry the implicit backing of the U.S. Government, but they are not direct obligations of the U.S. Government.

(2) CDARS is the Certificate of Deposit Account Registry Service. CDARS is a convenient way to enjoy full FDIC insurance on deposits of up to \$50 million. Under a CDARS account, funds are placed into certificates of deposits (CD's) issued by banks in the CDARS network. This occurs in increments of less than the standard FDIC insurance maximum (currently \$250,000) to ensure that both principal and interest are eligible for full FDIC insurance.

Attachment #2

CITY OF VISALIA CASH & INVESTMENTS SUMMARY
As of June 30, 2010

<u>INSTITUTION</u>	<u>PURPOSE</u>	<u>BALANCE</u>	<u>TOTAL</u>
<u>CASH IN BANKS</u>			
BANK OF AMERICA	CONVENTION CENTER - working cash for operations	\$ 42,673	
BANK OF AMERICA	GOLF - working cash for operations	209,056	
CITIZENS BUSINESS BANK	A/P & PAYROLL	197,034	
PETTY CASH	VARIOUS DEPTS	10,934	
	Total Cash Deposits	<u>10,934</u>	\$ 459,697
<u>CASH AND INVESTMENTS WITH FISCAL AGENTS (TRUSTEE)</u>			
US BANK	2002 WASTE WATER BONDS	864,013	
	2003 EAST VISALIA REDEVELOPMENT	694,273	
	2005 CERTIFICATE OF PARTICIPATION	2,061,100	
UNION BANK	Section 108 WWTP	100,123	
ACCEL (Workers Compenation)	EXCESS LIABILITY DEPOSITS	966,143	
CITIZENS BUSINESS BANK	RDA LOAN - MOONEY DISTRICT	6,081,709	
DELTA DENTAL	DENTAL PREFUNDING	60,700	
EIA HEALTH	HEALTH PREFUNDING	962,052	
KEENAN & ASSOC	WORKERS COMP PREFUNDING	45,080	
VSP	VISION PREFUNDING	11,210	
	Total Trustee Deposits	<u>11,210</u>	11,846,403
<u>PORTFOLIO INVESTMENTS (MARKET VALUE)</u>			
UNION BANK OF CALIFORNIA INVESTMENTS		9,467,940	
LOCAL AGENCY INVESTMENT FUND		61,729,089	
PUBLIC INVESTMENT MONEY MARKET (RABOBANK)		20,019,710	
SWEEP ACCOUNT (CITIZENS)		8,626,914	
CD'S		25,240,000	
	Total Portfolio Investments	<u>25,240,000</u>	125,083,653
TOTAL CASH AND INVESTMENTS			<u>\$ 137,389,753</u>

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 10, 2010

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

Agenda Item Wording: Award of park design contract to the HLA Group for Phase III of the Visalia Riverway Sports Park in the amount of \$136,715 and authorize the City Manager to execute all documents related to this phase of the project.

Submitting Department: Park & Recreation Department

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

Department Recommendation: That the City Council approve a contract in the amount of \$136,715 to the HLA Group for Design Services Related to Phase III of the Visalia Riverway Sports Park and authorize the City Manager to execute all documents related to this phase of the project.

Background Information:

As part of the adopted 2010-12 CIP program, the Council allocated \$1,728,000 to construct Phase III of the Visalia Riverway Sports Park. Compared to the first two phases, Phase III will be a much smaller project.

As previously approved by the Council, Phase III will include the extension of Giddings Avenue north to the western entry point into the sports park; a 600' roadway extension from Giddings to the interior parking lots of the youth baseball fields; 6.0 acres of park improvements to the interior section of the park; and the addition of a new temporary parking lot east of the future softball complex.

The HLA Group designed the initial phase of the sports park which opened to the general public on Saturday, August 25, 2007. Phase I included 48 acres of development including 10 regulation sized soccer fields (three are lighted); three large group picnic areas; two restroom/concession facilities; two playgrounds; one water feature; parking improvements; and a host of other general park amenities.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The HLA Group also designed Phase II of the sports park which opened to the general public on Saturday, June 5, 2010. Phase II included roughly 12 acres of development including a lighted four field youth baseball complex; concession stand & restroom facility; additional parking facilities; new interior park roadways; and the lighting of two more soccer fields and the BMX facility.

City staff is again recommending using the HLA Group from Sacramento, CA. for this phase of the project because they have been highly successful with the first two phases of the project. The firm has been involved with this project for over nine years and change orders for the first two phases have been minimal due to the high quality of the construction documents. The architect will be compensated from the project allocation.

The HLA Group will be utilizing local Visalia firms (sub-contractors) to help develop the construction documents and to oversee the project. The consulting team will include:

- Canby Architecture Studio – Architectural Services
- 4 – Creeks, Inc. – Civil Engineers and Land Surveyors
- Rose Sing and Associates – Electrical Engineers.

Project Financing:

The projected cost for Phase III is estimated to be \$1,728,000 million dollars. The construction project will be funded by a combination of funding sources including Park Impact Fees (\$596,000); the Sports Park Fund (\$641,000) which are general fund reserve monies; a donation by the Parks and Recreation Foundation (\$217,000); Transportation Impact Fees (\$196,000); and the Storm Fund (\$78,000). As a general guideline adopted in 2001 by the City Council for this regional park facility, park impact fees should pay for 41% of the cost and the general fund will pay for 59% of the project cost. Monies for the general fund portion of this project will come from general fund reserves and no City debt will be incurred.

This report includes attachments which illustrate the Phase III design concept and the estimated costs for the proposed improvements.

Project Timeline and Notes:

City staff and the project architects will be preparing two different bid packages. The first bid package, the highest priority, will involve the roadway work along Giddings Avenue and the connection point between Giddings and the interior parking lots. This bid will be awarded before January 1, 2011 and the goal is to have these improvements completed by August 2011 --- in time for the Cal Ripken World Series.

The second bid package involves the park design work and will take a little more time to complete. The goal with the park is to have the bid awarded in the spring of 2011 and the park improvements to be completed by either the Fall of 2011 or at the latest, the Spring of 2012.

The majority of the work related to constructing the temporary parking lot will be done by City staff using City resources. The City will utilize the resources of the Public Works Department to develop the temporary parking lot using surplus asphalt grindings from various City street projects.

Committee/Commission Review and Actions: Reviewed by Parks & Recreation Commission

Attachments: Phase III Riverway Sports Park Scope of Services for Design Work
Phase III Riverway Sports Park Fee Proposal
Phase III Riverway Sports Park Schematic Designs
Phase III Riverway Sports Park Estimated Costs

Recommended Motion (and Alternative Motions if expected): That the City Council Approve a Contract in the Amount of \$136,715 to the HLA Group For Design Services Related to Phase III of the Visalia Riverway Sports Park and authorize the City Manager to execute all documents related to this phase of the project.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to: Visalia Parks & Recreation Commission

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 20, 2010

Agenda Item Number (Assigned by City Clerk): 7

Agenda Item Wording: Public hearing to consider extending for one year Ordinance No. 2009-07, an Urgency Ordinance adopted pursuant to California Government Code (CGC) Section No. 65858, establishing a moratorium on medical marijuana dispensaries and collective or cooperative cultivation and distribution enterprises in the City of Visalia. **(Ordinance 2010-07 required) (4/5's vote required for passage).**

Deadline for Action: October 18, 2010, as this is the date Ordinance 2009-07 expires, pursuant to CGC Section No. 65858.

Submitting Department: City Attorney and Community Development Department / Planning

Contact Name and Phone Number:

Alex Peltzer, City Attorney- N/A
Chris Young, Community Development Director- 713-4392

Department Recommendation: Staff recommends that the City Council adopt Ordinance 2010-07 extending, for a period of one year (from October 19, 2010 to October 18, 2011), the existing moratorium on medical marijuana dispensaries and collective or cooperative cultivation and distribution enterprises.

The City Attorney and City staff's reasons for the recommendation are that the legal questions being raised statewide through legal challenges of various local ordinances pertaining to dispensing marijuana for medicinal (compassionate care) purposes have become more divergent instead of less so- resulting in potential harm to the City if the existing medical marijuana business ordinance is reinstated as is. Further, there is a statewide ballot measure in the general election this November which could further render the existing City Ordinance obsolete or contrary to new state law.

Summary: The current moratorium was established by Urgency Ordinance No. 2009-07, adopted by unanimous vote of the City Council on October 19, 2009. That ordinance established a 45 day moratorium. The 45-day moratorium was extended for an additional 10 months and 15 days (for a cumulative total of one year) by Urgency Ordinance No. 2009-09, which was adopted by unanimous vote of the City Council on November 16, 2009.

California Government Code Section 65858(a) specifies that an initial urgency ordinance adopted for a period of 45 days can be extended for 10 months and 15 days, and can
Page 1 of 6

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

Review:

Dept. Head _____
(Initials & date required)

Finance N/A
City Atty 9-10 ap
(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.

subsequently be extended for one additional year. The original urgency ordinance and any extension requires a four-fifths vote for adoption. Not more than two extensions may be adopted.

Both extensions require public notice. The first extension was adopted after appropriate notice was given. The proposed final extension has been noticed for public hearing.

Background: The use and distribution of marijuana for medicinal purposes is regulated in California under the Compassionate Use Act of 1996 (approved by California voters in 1996 under Proposition 215) and the Medical Marijuana Program (enacted by State legislature in 2004 under SB 420). The Medical Marijuana Program authorized cities to adopt and enforce rules for medical marijuana consistent with the legislation. Pursuant to this legislation the City of Visalia in 2006 adopted the Medical Marijuana Business Ordinance (“Ordinance”) which established a permitting process and zoning regulations for enterprises.

Since the adoption of the City’s Ordinance there have been considerable developments in the field. The Attorney General has issued an opinion in August of 2008, and several court cases have emerged attempting to provide further clarification on the state statutes. Currently the City’s Ordinance is not consistent with the 2008 Attorney General opinion and court cases that have emerged after its adoption. This in turn puts medical marijuana enterprises at risk of operating in violation of State law despite being in compliance with the City’s Ordinance, as well as exposing these operators to criminal prosecution.

The cities of Los Angeles and Anaheim are among the cities in this state that have had legal challenges over their attempts to regulate medical marijuana distribution. The City of Los Angeles recently revised its medical marijuana dispensary ordinance, but is having legal challenge in implementing it. It is unclear what the outcome of these challenges will be. Among the problems faced by the City of Los Angeles is the fact that hundreds and possibly thousands of dispensaries were allowed to be established, and most of those facilities are not in compliance with the newly adopted ordinance; closing these facilities presents obvious challenges. The City of Anaheim has adopted a de facto ban on medical marijuana dispensaries in its city; this ban has been the subject of a lengthy legal battle, which has not yet concluded.

These two cities are examples; there are many more cases involving similar facts throughout the state.

In addition, a ballot initiative has been qualified for the November 2010 State general election for Proposition 19, which if passed would legalize marijuana and allow it to be regulated and taxed. The passage of this proposition would also enable regulations that are contrary to the current City Ordinance.

To date only one permit application has been processed pursuant to the ordinance. On October 5, 2009, the City Council voted to uphold the City Planner’s denial of Central Cali Caregivers (1101 E. Center Avenue) permit application.

The current moratorium that has been in effect since October 19, 2009, has not provided the City staff and City Attorney sufficient time to complete necessary research, draft ordinance amendments, and assess the resolution of related judicial cases around the state. This is primarily because the judicial cases have not been fully resolved. The passage of Proposition 19 would also require further revisions to its ordinance, the process of which would take

several months. As such, it is necessary for the City Council to approve a 12 month extension of the moratorium to provide sufficient time for this work to be completed.

The experience in Los Angeles makes one thing clear: uses that are later determined to be contrary to the public health and safety are difficult to remove once they have been established. This leads to the conclusion that the public interest is not served if dispensaries are allowed to be established before clear rules are created. This supports the continuation of the moratorium in Visalia until a better state-wide standard for local regulation is established through court cases and legislation.

Prior Council/Board Actions: The City Council adopted Ordinance 2009-07 on October 19, 2009, and adopted Ordinance 2009-09 on November 16, 2009.

Committee/Commission Review and Actions: None

Alternatives: None recommended.

Attachments: Exhibit "A" - Proposed Ordinance No. 2010-07
Exhibit "B" - City Council staff report, October 19, 2009
Exhibit "C" - City Council staff report, November 16, 2009

Recommended Motion (and Alternative Motions if expected):

I move to adopt Ordinance 2010-07 extending for a period of 12 months the moratorium on medical marijuana dispensaries and collective or cooperative cultivation and distribution enterprises.

Copies of this report have been provided to:

Planning Commission
Central Cali Caregivers

ORDINANCE NO. 2010-07

**AN INTERIM ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF VISALIA EXTENDING A MORATORIUM ON THE ESTABLISHMENT
OF ANY NEW MEDICAL MARIJUANA BUSINESSES**

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

SECTION 1 – Preamble and Findings.

- A. The voters of the State of California in 1996 approved proposition 215 (codified as California Health and Safety Code section 11362.5, et seq. and entitled “The Compassionate Use Act of 1996”).
- B. In 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other government bodies to adopt and enforce rules and regulations consistent with SB 420.
- C. The City of Visalia, by and through its City Council has adopted a Medical Marijuana Business Ordinance, consisting of Chapter 5.66 of Title 5 (Business Regulations) creating regulations regarding the operation of “Medical Marijuana Dispensaries” and other forms of “Medical Marijuana Businesses” within the City of Visalia, Chapter 8.64 of Title 8 (Health and Safety) creating regulations regarding the “Public Use and Consumption of Medical Marijuana,” and Chapter 17.64 of Title 17 (Zoning) restricting the location of Medical Marijuana Businesses.
- D. Since adoption of the Medical Marijuana Business Ordinance, the courts of the State of California and the United States, and the California Attorney General, have had occasion to consider, establish and refine, the appropriate definitions of terms that are contained in the Compassionate Use Act and SB 420, and that are used in the Visalia Medical Marijuana Business Ordinance. In particular, such authorities have resulted in changes, refinements and additions to the definitions of “primary caregiver”, “collective” and “cooperative” activities of “qualified patients”, and other similar terms.
- E. The City has reviewed these authorities and determined that definitions contained in the Visalia Medical Marijuana Business Ordinance may not be fully consistent with the above- noted later enacted authorities. The City has further determined that current applicants for a Medical Marijuana Business Ordinance may be able to establish conformance with the Medical Marijuana Business Ordinance but will not be in conformance with the above-stated state laws in that the activity does not constitute an action that is consistent with, and therefore protected by, the Compassionate Use Act or SB 420. Because of this, City staff has recommended that the City Council consider immediate changes to the Medical Marijuana Business Ordinance to ensure that no Medical Marijuana Business is allowed to be established in the City of Visalia unless it can be confirmed that it is consistent with state law.
- F. 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.
- G. The specific changes to the Medical Marijuana Business Ordinance that the Council will consider have not yet been formulated. Adoption of changes to a City ordinance normally require at least two public readings, and can only be made effective 30 days after adoption.
- H. If the normal procedures for considering and adopting changes to the Medical Marijuana Business Ordinance are followed, it

Exhibit “A”

 applications for a Medical

Marijuana Business Permit, and any other application that may be submitted in the near future, will have to be considered and may be approved before the contemplated changes can be made effective. In such event, it is likely that businesses or other entities conducting medical marijuana dispensing or cultivating activities will be approved pursuant to the current ordinance even though they are likely to be subject to prosecution for violating state law in that they are neither primary caregivers or collective or cooperative associations of qualified patients.

- I. Numerous cities in the State of California have adopted ordinances prohibiting medical marijuana dispensaries. As a significant number of cities including cities in central California have prohibited or heavily regulated medical marijuana dispensaries there is a substantially increased likelihood that such establishments will seek to locate in the City of Visalia, particularly if the City of Visalia ordinance on this subject is more expansive than what would be allowed under state laws.
- J. The health, safety and welfare of the people of the City of Visalia are threatened by businesses or other establishments that violate state law, particularly in relation to the cultivation and distribution of a substance that is illegal pursuant to federal laws. The health, safety and welfare of the people of the City of Visalia are further threatened by uses that are allowed to be established that are inconsistent with later established laws.
- K. To address the apparent conflict in laws as well as the community and statewide concerns regarding the establishment of medical marijuana dispensaries it is necessary for the City of Visalia to study the recent changes, additions or refinements to the definitions of “primary caregiver”, “collective” and “cooperative” activities of “qualified patients”, and other similar terms, and to determine appropriate changes to the Visalia Medical Marijuana Business Ordinance.
- L. Based on the foregoing the City Council finds that issuing permits business licenses or other applicable entitlements providing for the establishment and or operation of medical marijuana business, including dispensaries or collective or cooperative cultivation of marijuana, prior to the completion of the City of Visalia’s study of the recent definitional changes, refinements or additions, and the resulting changes to Visalia ordinances that should be considered poses a current and immediate threat to the public health safety and welfare and that therefore a temporary moratorium on the issuance of such permits, licenses and entitlements is necessary.
- M. In order to address the above-identified threat, the City Council enacted a 45-day and a 10-month 15-day interim ordinance in accordance with Section 65858 of the California Government Code and in accordance with the pertinent provisions of the City’s Charter.
- N. Court cases and other actions, which have the potential provide significant guidance to the issues that need to be determined in order to arrive at a desirable set of revisions to the Medical Marijuana Ordinance, continue to develop in communities throughout California. The outcome of these actions will provide valuable guidance to future decisions of the City Council on this topic. In addition, a statewide ballot initiative is scheduled for consideration by the voters in November; such ballot initiative would change the law regarding personal use and possession of marijuana and therefore has the potential to affect the manner in which the City of Visalia may be able to or choose to develop local regulations for all personal use of marijuana, not exclusively medical use.
- O. These actions have not concluded during the period of time the initial interim ordinance has been in effect. Therefore, there continues to be good cause to prevent the establishment of uses that would conflict with the contemplated future changes to the City’s ordinances, including the City’s zoning ordinance.

SECTION 2 – Second Extension of Moratorium

Ordinance No. 2009-07 (as extended by Ordinance No. 2009-09), and the moratorium established therein, is hereby extended for an additional period of 12 months. In addition to the findings indicated above, the Council further readopts and reaffirms all findings included in Ordinance No. 2009-07 and Ordinance No. 2009-09.

SECTION 3 – Council Direction to Staff

The City Council hereby directs the Planning Division and the City Attorney to consider and study possible changes to the Visalia Medical Marijuana Ordinance, including possible changes to the zoning provisions of the Visalia Municipal Code, to bring such ordinance into conformance with recent authority relating to the definition of “primary caregiver,” “qualified patient” and “collective” or “cooperative” of “qualified patients” as those terms are used in the Compassionate Use Act and SB 420.

PASSED AND ADOPTED:

City of Visalia Agenda Item Transmittal

Meeting Date: September 20, 2010

Agenda Item Number (Assigned by City Clerk): 8

Agenda Item Wording: Discussion and Hearing regarding terms and conditions of employment and consideration of resolutions imposing the City's Last, Best and Final Offer, pursuant to Government Code Section 3505.4, for the following groups for FY 2010/11: Group B (Police Officers); Group A (Police Managers); and Group G (Firefighters). **Resolutions 2010-62, 2010-63, and 2010-64 required.**

Deadline for Action: None

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, x4474

Department Recommendation: That the City Council conduct a hearing to determine the terms and conditions for the following groups for fiscal year 2010/11:

- Group B (Police Officers, 103 members);
- Group A (Police Managers, 26 members); and,
- Group G (Firefighters, 61 members)

Discussion

In February of this year, City staff presented its assessment of the City's fiscal position to the City's bargaining groups and began scheduling negotiation sessions. The main points were and remain:

- Fiscal Year 2010/11 was to be the third consecutive year in which the City's General Fund faced a significant General Fund shortfall;
- These three years of General Fund deficits total over \$10.5 million;
- Annual Sales Tax revenues, the City's main General Fund revenue, have declined by over \$5 million since its peak year in FY 2006/07;
- In the previous two fiscal years (FY 08/09 and FY 09/10), the City found other means to resolve its budget shortfalls rather than from employee concession; and,
- Because employee compensation makes up over 75% of the costs in the General Fund, the City has asked for some level of concessions.

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 EF 9/16/10
(Initials & date required)

Finance _____
City Atty AP 9/16/10
(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.

Later, when the FY 2010/11 General Fund budget was adopted, it anticipated a \$2 million deficit, planning for \$1 million to be covered by use of City reserves and \$1 million to come from wage/compensation concessions.

With that backdrop, the City and these three bargaining groups have met numerous times as shown in Table I, Negotiations 2010, the parties have been unable to reach an agreement. The City has provided the groups its Last, Best and Final offer, attempted to mediate an agreement.

Table I

NEGOTIATIONS 2010							
	Group A Meeting Dates		Group B Meeting Dates		Group G Meeting Dates		
1	4-Mar-10		22-Mar-10		15-Apr-10		
2	8-Apr-10		07-Apr-10		22-Apr-10		
3	22-Apr-10		27-Apr-10		29-Apr-10		
4	6-May-10		06-May-10		06-May-10		
5	22-Jun-10		20-May-10	Group gave LBF	20-May-10		
6	1-Jul-10	LBF given	10-Jun-10	LBF given	10-Jun-10		
7	19-Jul-10		17-Jun-10		22-Jun-10	LBF given	
8	3-Aug-10	Mediation	25-Jun-10		08-Jul-10		
9	18-Aug-10		02-Jul-10		22-Jul-10		
10			22-Jul-10	Mediation	23-Aug-10	Impasse Meeting	
11			18-Aug-10	Mediation	2-Sep-10	Mediation	
12					16-Sep-10	Mediation	

In the event that an agreement cannot be achieved and the City has strived to come to an agreement, the City Council may conduct an imposition hearing and define the terms of employment for the remainder of the current fiscal year. However, the City Council has an obligation to directly hear from the bargaining groups who have to date presented their positions only to the City's negotiation team.

Procedurally, the following should occur in this process:

1. Staff will present the recommended terms for the remainder of the fiscal year for a certain group;
2. The Mayor will set the amount of time the Council will take testimony (something like 15 minutes is typically given);
3. Members of this unit may make a presentation to the Council;
4. After testimony from all three groups, Council may decide
 - a. to adjourn the meeting to closed session to discuss the information; or,
 - b. the Council may decide to listen to all three groups' presentations serially and then:

- i. adjourn to closed session or
 - ii. proceed to act or not act on the proposed new terms and conditions; and,
5. If the Council chooses to impose new terms and conditions of employment, the Council must act in open session to impose those new terms and conditions based upon the testimony received and its deliberations.

Because the meeting may be interrupted by a closed session discussion, it is scheduled last on the agenda. It is important to note that this hearing is to make sure that each side has stated their case. The hearing is not a debate nor is it designed to be an interactive negotiation.

The Last, Best and Final economic offers to these three groups are shown below and the full Last Best and Final Offers are incorporated in the imposition resolutions that are attached. The proposed economic conditions are:

Group B (Police Officers, 103 members):

- ***A new retirement tier for new hires of 3% @55 on the highest three consecutive years of employment;***
- ***Discontinuation of the Disability Avoidance Program;***
- ***One less floating holiday granted each January 1;***
- ***A 2.1% fiscal year decrease in salary. Because the salary decrease will be spread over the remaining 9 months of the fiscal year, beginning with the pay period starting October 9, 2010, salaries will be reduced by 2.8% (2.1% divided by $\frac{3}{4}$ of a year). Salaries as of the pay period including July 1, 2011 will be adjusted to reflect the 2.1% decrease from the 2009/10 Fiscal Year salaries.***

Group A (Police Management, 26 members):

- ***A new retirement tier for new hires of 3% @55 on the highest three consecutive years of employment;***
- ***Discontinuation of the Disability Avoidance Program; and,***
- ***A grant of an additional 5 Administrative Leave Days or compensated time off each given January 1. For those hired after July 1, the administrative leave is prorated at 50% of the annual accrual for that year.***

Group G (Firefighters, 61 members):

- ***A new retirement tier for new hires of 3% @55 on the highest three consecutive years of employment;***
- ***Discontinuation of the Disability Avoidance Program;***
- ***One less floating holiday granted each January 1;***

- ***Nine hours less annual comp time accrual granted each January 1;***
- ***One less annual vacation shift accrual beginning as of October 9, 2010.***

The proposed reductions are designed to reduce employee cost by 4%. Further, the City has tried to find ways to limit the impact of these reductions on the employees as well as provide maximum benefit to the City. For example, the proposed elimination of the Disability Avoidance Program not only saves a 1-3% of wages incentive, but it also avoids workers compensation claims occasioned by the program, the cost of administrating the program and the Lifestyle Center's membership cost.

City's Fiscal Position

Since the rationale for the City's request for concessions is based upon the City's finances, it appropriate to review the City's fiscal position.

Visalia's City Council faces unusual budget challenges, including:

- The General Fund has had three years of General Fund deficit budgets totaling \$10.5 million;
- Sales Tax, the number one General Fund revenue, is experiencing unprecedented declines, annual revenues contracting by over \$5 million since FY 2006/07;
- Property Tax has declined for two years in a row. This has never happened before;
- A current economic decline unequaled since the Great Depression;
- A State facing a \$20 billion budget deficit which may pose a threat to the City's fiscal condition;
- The public has very little ability to pay for increased taxes;
- Future pension costs will rise because of contractual commitments; and,
- An uncertain end of the current economic problems.

These facts have led the City Council to use City reserves and ask for compensation concessions from employees for the 2010/11 fiscal year. Employees have resisted the Council's request, stating that the City has financial reserves available to pay, at least for the next several years, the amount of money proposed to be saved by employee concessions. The Council does not deny this. ***However, the Council believes it has a responsibility to reposition the City's financial structure permanently such that it can sustain into the future the City's mission of providing services to the people of Visalia.***

As a result, the City Council has asked employees to:

- Accept wage and/or benefit concessions of approximately 4%; and,
- Accept a new retirement system for new employees.

The specifics around the City's fiscal position are as follows:

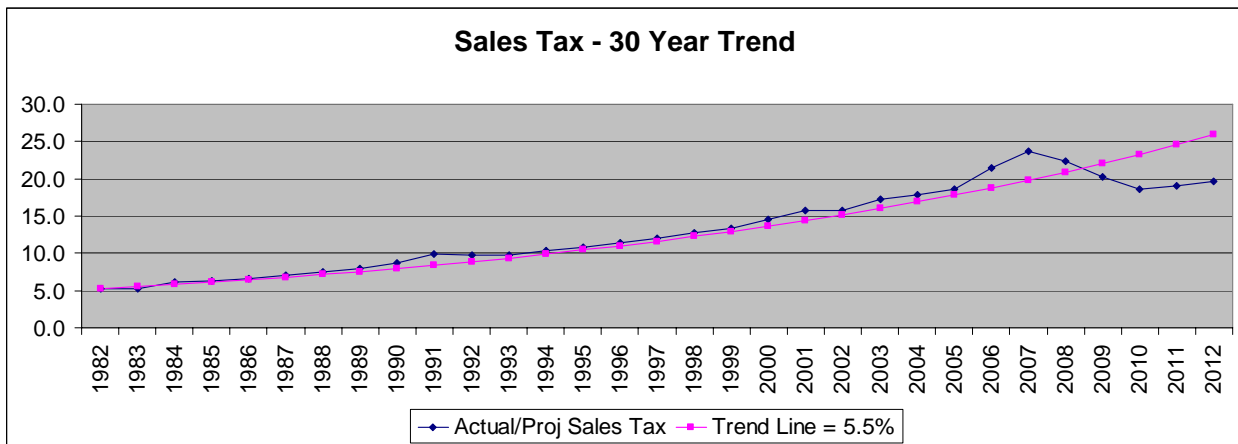
1. ***Fiscal Year 2010/11 is the third difficult budget year for Visalia.*** Visalia has had three successive difficult budget years. In FY 2008/09, the City faced a \$2.8 million General Fund deficit. The City's basic strategy was to hold open General Fund positions, defer capital purchases and use reserves. The following year, FY 2009/10,

the General Fund deficit increased to \$5.7 million. The previous strategy of holding open positions was insufficient. As a result, the City instituted layoffs, an early retirement incentive for Police Management and further trimmed positions. The City also tried a limited furlough program, furloughing employees for 3 days that fiscal year.

For fiscal year 2010/11, the City once again faced another General Fund deficit, albeit smaller, \$2 million. A concern that the State might take money from the City led the City to anticipate an additional \$500,000 loss due to State actions, leading to a working assumption that the City faces a \$2.5 million General Fund deficit.

2. **The main reason for the City's General Fund deficit is due to dramatic revenue declines, particularly in sales tax.** Visalia's sales tax has followed a historical, upward trend for over the last 30 years. Only recently, has that revenue source, as shown in Table 1a, Sales Tax – 30 Year Trend, failed to maintain that trend. That deviation has

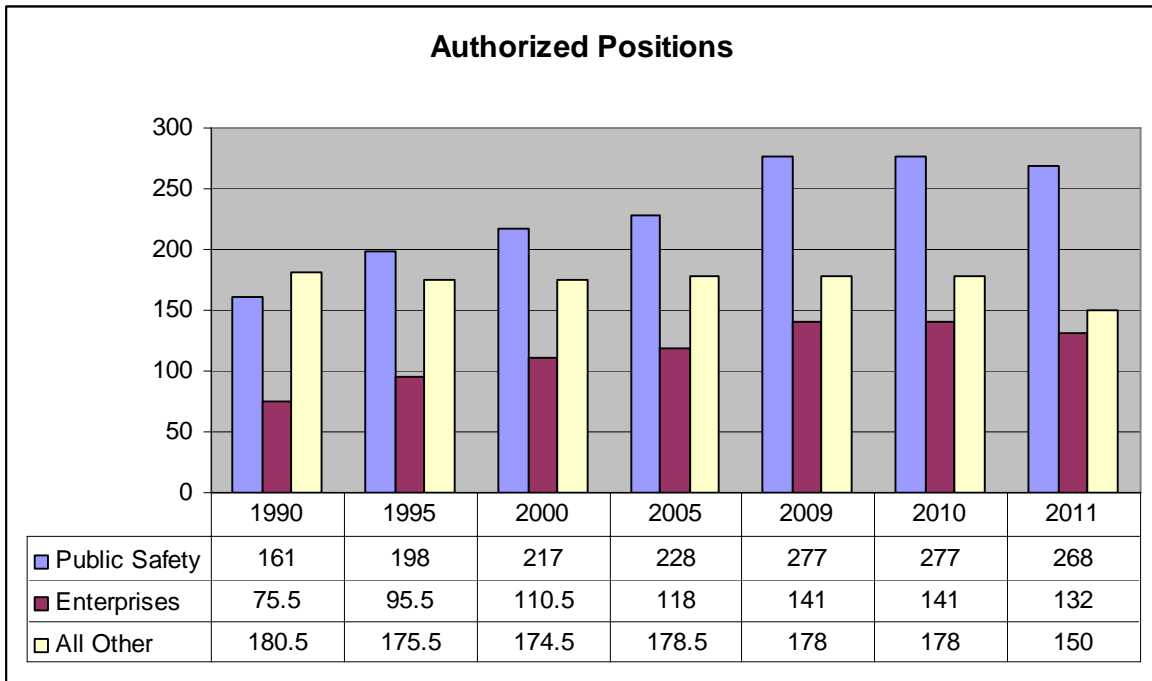
Table 1a



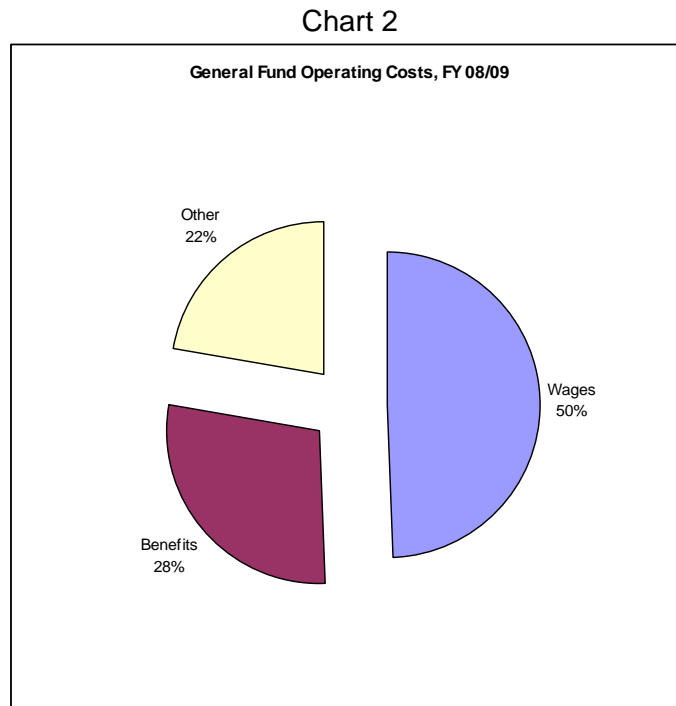
led to substantial shortfalls in the City's General Fund, because sales tax has fallen for the last three fiscal years. This year's budget hopes to see some growth, but that is not certain. Similarly, property tax will have two years of negative growth.

3. **The City has reduced its positions but particularly their non-public safety employees.** The chart below provides a view of City employment over the last 20 years. Today, the City has fewer non-public safety employees than it had 20 years ago. Chart I, Authorized Positions, shows the City's authorized positions over time.

Chart I

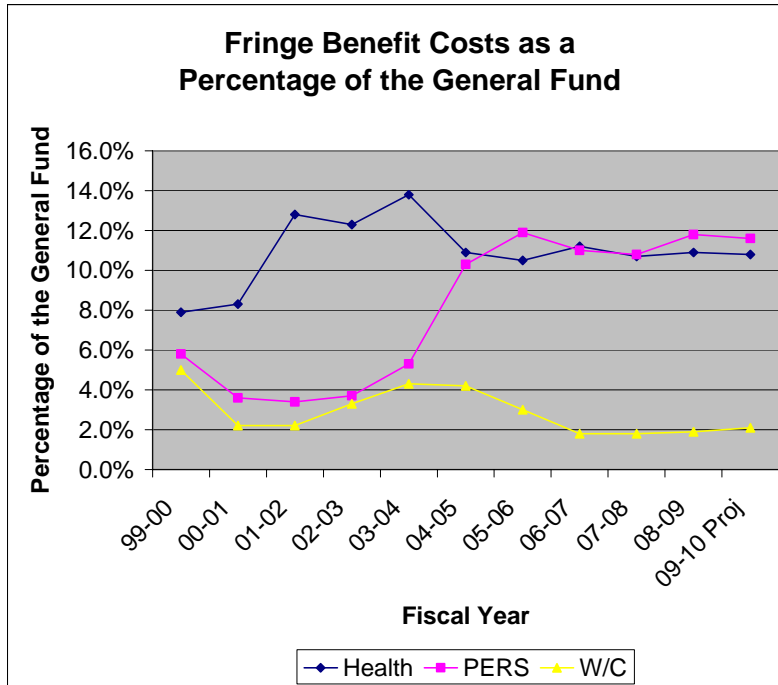


4. **Employee costs make up more than 75% of the General Fund's costs and pension costs are the fastest growing component of those costs.** Because employee related costs make up such a large portion of the General Fund's costs, controlling costs means controlling employee costs. Chart 2, General Fund Operating Costs, FY 08/09, shows that 78% of the General



Fund that year was devoted to employee related costs. Further, the fastest rising employee cost is pension related costs as shown in Chart 3, Fringe Benefit Costs as a Percentage of the General Fund. What is not shown is that the pension costs are sure to rise over the next year because the City's pension assets have declined as the stock market's value has collapsed. As a result, to control the budget, the City must seek to control employee costs and particularly pension costs.

Chart 3



- The City plans to use some of its reserves but is concerned about using up reserves for operations.** Long-term, an entity can not deficit spend indefinitely. The City has been using its reserves since the beginning of the economic decline and plans to do so in the future. Table 2, Planned Use of Reserves, from the City Manager's budget message, estimates the use of General Fund Emergency reserves over the next several years as follows:

Table 2
Planned Use of Reserves
All Amounts in Millions

Balances as of 6/30/09		
Emergency Reserve	\$13.6	
Undesignated Fund Balance	<u>2.0</u>	
Subtotal		\$15.6
Return/(Use) of Reserves for FY 09/10		
Return of Advances/Capital	\$ 1.0	
Operations	(1.9)	
Property Tax Receivable	<u>(1.6)</u>	
Subtotal		<u>\$(2.5)</u>
Projected Balance as of 6/30/10		
Emergency Reserve		\$13.1

Return/(Use) of Reserves for FY 10/11		
Return of Advances/Capital	\$ 0.7	
Operations	(2.6)	
Property Tax Receivable	<u>(1.2)</u>	
Subtotal		<u>\$(3.1)</u>
Projected Balance as of 6/30/11		
Emergency Reserve		\$10.0
Return/(Use) of Reserves for FY 11/12		
Return of Advances/Capital	\$ 2.2	
Operations	(1.7)	
Property Tax Receivable	<u>(0.9)</u>	
Subtotal		<u>\$(0.4)</u>
Projected Balance as of 6/30/12		
Emergency Reserve		\$ 9.6

The continued decline in emergency reserves concerns the Council and steps need to be taken to slow if not reverse this use of reserves. This use of reserves does not taken in any potential savings from changes in employee compensation.

Council Direction

The City Council is entrusted with the resources of the City. Its ultimate responsibility is to manage the City's resources for the benefit of the entire community. The City expects to be a going concern long into the future if not forever. As a result, the City Council has taken the position that this year's budget solution must include a permanent reduction in employee compensation because:

- The alternatives of cutting more positions from the City means less service for a growing community;
- The fundamental resource for providing services, i.e. sales tax, has diminished. The City needs to permanently reduce its expenses to the level of current revenues.
- The use of one-time resources, such as reserves, does not correct the City's financial structure. Long-term solutions need to be implemented to best meet the City's needs.
- The use of one-time employee reductions does not correct a long-term structural problem in the City's budget. The City expects things to improve, but slowly.
- The implementation of a less costly retirement system will not bring immediate benefits but will provide the City with increasing and ongoing savings in the future.
- The City is not trying to resolve all its fiscal issues on the backs of its employees. Rather, the City has not sought until recently concessions from its employees. It is simply a question of when is it appropriate to renegotiate employee compensation. Given the past budget cutting efforts, Council believes some action is needed now.

- A small number of employees have already given. In 2009/10, most employees received a 4% pay raise according to a set contract. City Manager and Department Heads (9), Police Management (26) and unrepresented employees (12) received no wage increase. The public safety groups (190) and the miscellaneous groups of Group E and M (330 members) received a 4% increase according to their respective contracts.

As a result, the City Council is asking from its employees who received a 4% pay raise last year to:

- Accept wage and/or benefit concessions of approximately 4%; and,
- Accept a new retirement system for new employees.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: #1, Potential Imposition Resolutions for Group B, A and G.

Recommended Motion (and Alternative Motions if expected):
Receive the staff, employee comment, deliberate the matter and set appropriate working conditions for FY 2010/11.

Environmental Assessment Status

CEQA Review:

NEPA Review:

RESOLUTION 2010-62
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA IMPOSING THE CITY'S LAST, BEST, AND FINAL OFFER TO THE VISALIA POLICE OFFICERS ASSOCIATION (GROUP B) PURSUANT TO GOVERNMENT CODE SECTION 3505.4

WHEREAS the City of Visalia (hereinafter "City") and the Visalia Police Officers Association (Group B) (hereinafter "Association") were signatories to a Memorandum of Understanding (or "MOU") that expired June 30, 2010 setting certain terms and conditions of employment for employees in the Association bargaining unit;

WHEREAS beginning on March 22, 2010 the City and Association negotiation teams have met and engaged in extensive negotiations over the terms of a successor to said Memorandum of Understanding;

WHEREAS notwithstanding that the City and Association negotiation teams have met many times in an effort to conclude the terms of a successor Memorandum of Understanding, the City and Association remain significantly apart on such terms;

WHEREAS notwithstanding the efforts described above the parties have arrived at an impasse;

WHEREAS the City team invoked and completed the City's impasse procedure, in good faith, and submitted the City's last, best and final offer to the Association on or about June 29, 2010 and provided an explanation of its terms to the Association;

WHEREAS the City's last, best and final offer did not lead to an agreement on the terms of a successor Memorandum of Understanding; and,

WHEREAS in such circumstances Government Code section 3505.4 authorizes the City Council to implement its last, best, and final offer;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA that the following changes in the terms and conditions of employment of members of the Association bargaining unit shall be implemented as set forth in Part A below, effective immediately upon adoption of this RESOLUTION except as otherwise specifically provided below for specific terms and conditions, with those terms that are added underscored and those that are deleted identified by over-striking:

PART A - Modification and Imposition of Terms and Conditions

Modification 1. The salary rates and related administrative procedures governing the salaries of members of the Association bargaining unit who are employed as of the date of this Resolution are hereby modified and imposed as follows:

MOU Article 6, Section 1 (Salaries and Wages)

~~Salary range adjustments were negotiated between the City and the Association, and shall be increased during the term of this agreement as follows:~~

A. ~~Salary ranges for all unit classifications shall be increased by four percent~~

~~(4%) effective the payroll period including April 28, 2007 (and shall be paid retroactive to that date).~~

~~B. Salary ranges for all unit classifications shall be increased by two percent (2%) effective the payroll period including January 1, 2008.~~

~~C. Salary ranges for all unit classifications shall be increased by two percent (2%) effective the payroll period including July 1, 2008.~~

~~D. Salary ranges for all unit classifications shall be increased by four percent (4%) or the April 2008 to April 2009 California CPI, or that which is given to unrepresented employees, whichever is greater, effective the payroll period including July 1, 2009.~~

Salary ranges for all unit classifications shall be decreased in order to obtain the 2.1% savings during the 2010/2011 fiscal year; therefore, beginning with the pay period starting October 9, 2010, salary ranges for all unit classifications shall be decreased by 2.8% (2.1% ÷ ¾ of year). Salary ranges as of the pay period including July 1, 2011 will be adjusted to reflect the 2.1% decrease from the 2009/2010 fiscal year salary ranges.

Modification 2. The terms governing the Disability Avoidance Program (DAP) and paid health club memberships for eligible members of the Association bargaining unit who are employed as of the date of this Resolution are hereby modified and imposed as follows:

MOU Article 9, Section 1, Item G

Group "B" members shall, continue to participate in the Visalia Police Department's Disability Avoidance Program and will participate in a committee to jointly review, establish and implement fitness testing standards and attendance standards, with City representatives and Fire Department representatives to conform to current physical fitness standards. The Disability Avoidance Program (DAP) will be discontinued effective July 1, 2010 and corresponding health club membership paid by the City on behalf of employees will be discontinued as of October 1, 2010.

Modification 3. The terms governing current and future employees' participation in the California Public Employees Retirement System are hereby modified and imposed as follows:

MOU Article 9, Section 2 (California Public Employees Retirement System (PERS))

A. The City shall maintain in effect the 3% @ 50 PERS Retirement Program for current employees. The City will implement a two-tiered retirement system, and all new Association members hired on or after the implementation date will be covered in the 3% @ 55 PERS plan. The implementation effective date of the two-tiered retirement system will be made effective as soon as allowed by PERS. Until that time, all new employees will be covered under the 3% @ 50 PERS Retirement Program. Upon implementation of the two-tiered retirement plan, final compensation for PERS retirement purposes will be calculated based on an average of the retiring employee's three highest earning years, rather than on the single highest earning year.

Modification 4. The terms governing holidays and holiday pay for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

MOU Article 10, Item B (Holidays)

The City recognizes ten (10) holidays ~~and one (1) floating holiday~~ for regular employees each calendar year. For regular full-time employees working a forty (40) hour normal work week, eight hours time-off with pay is granted for each day observed. Regular part-time employees are allowed time-off with pay for the holidays observed on a pro-rated basis. The City's current holidays are as follows:

New Years Day	January 1
Martin Luther King Jr. Birthday	Designated day in January
Presidents Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving Day	Designated Thurs. in November
Friday after Thanksgiving	
Christmas Day	December 25

Modification 5. The terms governing vacation accrual for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Vacation – Annual Leave) (304)

An employee will stop earning additional vacation leave once the employee reaches twice his/her annual accrual amount. No additional vacation leave will be earned until an employee's vacation accumulation drops below twice the annual accrual amount.

Modification 6. The terms governing vacation use for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Vacation – Annual Leave) (304)

New Employees are eligible for vacation benefits after ~~12~~ 6 months of service with preapproval of their supervisor.

Modification 7. The terms governing payroll and direct deposit for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures

The City of Visalia requires employees to participate in direct deposit for payroll purposes, and all payroll checks will be paid via direct deposit.

Modification 8. The terms governing holidays for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Holidays) (303)

For employees that have a Monday through Friday standard work schedule, holidays falling on a Saturday will be observed on the Friday immediately preceding the holiday, and holidays falling on a Sunday will be observed on the Monday immediately following the holiday.

Modification 9. The terms governing calculation and payment of overtime for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

Compliance with MOU Article 7, Section 2 (Overtime) and City of Visalia Policies and Procedures (Overtime) (202 and 203) will occur, specifically that overtime will be calculated and paid pursuant to the FLSA.

PART B. Scope of Modifications

Section 1. The only modifications of wages, hours or other conditions of employment within the scope of representation that are modified by this Resolution are those expressly set forth in Part A of this Resolution. All other terms and conditions within the scope of representation shall remain unchanged unless hereafter modified in accordance with applicable law.

Section 2. Nothing in this Resolution shall be construed as depriving the Association of its right each year to meet and confer on matters within the scope of representation, whether or not such matters are included in this Resolution, prior to adoption of the City budget or as otherwise required by law.

PASSED AND ADOPTED: STEVEN M. SALOMON, CITY CLERK

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

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

Dated: STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

RESOLUTION 2010-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA IMPOSING THE CITY'S LAST, BEST, AND FINAL OFFER TO THE VISALIA FIREFIGHTERS ASSOCIATION (GROUP G) (IAFF LOCAL 3719) PURSUANT TO GOVERNMENT CODE SECTION 3505.4

WHEREAS the City of Visalia (hereinafter "City") and the Visalia Firefighters Association (Group G) (IAFF Local 3719) (hereinafter "Association") were signatories to a Memorandum of Understanding (or "MOU") that expired June 30, 2010, setting certain terms and conditions of employment for employees in the Association bargaining unit;

WHEREAS beginning April 15, 2010 the City and Association negotiation teams have met and engaged in extensive negotiations over the terms of a successor to said Memorandum of Understanding;

WHEREAS notwithstanding that the City and Association negotiation teams have met many times in an effort to conclude the terms of a successor Memorandum of Understanding, the City and Association remain significantly apart on such terms;

WHEREAS notwithstanding the efforts described above the parties have arrived at an impasse;

WHEREAS the City team invoked and completed the City's impasse procedure, in good faith, and submitted the City's last, best and final offer to the Association on or about June 29, 2010 and provided an explanation of its terms to the Association;

WHEREAS the City's last, best and final offer did not lead to an agreement on the terms of a successor Memorandum of Understanding; and

WHEREAS in such circumstances Government Code section 3505.4 authorizes the City Council to implement its last, best, and final offer;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA that the following changes in the terms and conditions of employment of members of the Association bargaining unit shall be implemented as set forth in Part A below, effective immediately upon adoption of this RESOLUTION except as otherwise specifically provided below for specific terms and conditions, with those terms that are added underscored and those that are deleted identified by over-striking:

PART A - Modification and Imposition of Terms and Conditions

Modification 1. The terms governing compensation and use of Paramedics in the primary caregiver role who are in the Association bargaining unit and who are employed as of the date of this Resolution are hereby modified and imposed as follows:

MOU Article 8, Section 8 (Paramedic Compensation)

A. The salary range for the classification of Firefighter/Paramedic is established at 10% above that of Firefighter.

B. The City will establish a classification and job description of Fire Engineer/Paramedic and Fire Captain/Paramedic effective July 1, 2007. The salary range for each of these classifications will be established at 5% above that of Fire Engineer and Fire Captain, respectively. Employees who are licensed Paramedics and serve in Fire Engineer or Fire Captain classifications will automatically receive the 5% differential. Said employees will retain that salary differential as long as he/she maintains his/her Paramedic license and is accredited to practice in Tulare County.

C. The Fire Department will use the Firefighter Paramedic classification in the primary caregiver role whenever possible. In the event that Firefighter Paramedic staffing is not available, the Fire Department will make every effort to use the Fire Engineer Paramedic classification in the primary caregiver role. In an effort to maintain the Fire Captain Paramedic in a command role on emergency scenes, the Fire Captain Paramedic will be used as a last resort in the primary caregiver role. However, in order to maintain their paramedic skills, Engineer Paramedics and Captain Paramedics must act as primary caregiver on at least six (6) shifts per year as assigned by Fire Administration.

Modification 2. The terms governing current and future employees' participation in the California Public Employees Retirement System are hereby modified and imposed as follows:

MOU Article 10, Section 2 (California Public Employees Retirement System (PERS))

A. The City shall maintain in effect the 3% @ 50 PERS Retirement Program for current employees. The City will implement a two-tiered retirement system, and all new Association members hired on or after the implementation date will be covered in the 3% @ 55 PERS plan. The implementation effective date of the two-tiered retirement system will be made effective as soon as allowed by PERS. Until that time, all new employees will be covered under the 3% @ 50 PERS Retirement Program. Upon implementation of the two-tiered retirement plan, final compensation for PERS retirement purposes will be calculated based on an average of the retiring employee's three highest earning years, rather than on the single highest earning year.

Modification 3. The terms governing the Disability Avoidance Program (DAP) and paid health club memberships for eligible members of the Association bargaining unit who are employed as of the date of this resolution are hereby modified and imposed as follows:

MOU Article 10, Section 4 (Disability Avoidance Program)

~~A. Group "G" members shall continue to participate in the Visalia Fire Department's Disability Avoidance Program and will participate in a committee to jointly review, establish and implement fitness testing standards and attendance standards, to conform to current physical standards, with City representatives and Police Department representatives. As set forth in Internal Revenue Service regulations, participating members will be taxed on the benefits afforded under this program (including the current monthly health club membership — currently \$36 per month — paid by the City on the employee's behalf). Pay incentives will be paid in December of each calendar year.~~

~~B. Participating members shall demonstrate 48 visits to the program fitness facility (The Lifestyle Center) per calendar year to qualify for the Disability Avoidance Program.~~

A. The Disability Avoidance Program (DAP) will be discontinued effective July 1, 2010 and corresponding health club membership paid by the City on behalf of employees will be discontinued as of October 1, 2010.

To complete the payments for this year's DAP program, an individual will have had to test in at least one of the two testing events this year. No minimum number of visits will be required this year. The highest of the two tests or the single test results will be used to determine the level of payment for the year. For this year, the payment will then be divided in one-half. The payment will be made on December 10, 2010.

CB. Employees shall not be given time on duty (during the 0800-1700 work period) to exercise/work out.

DC. The chief shall have the discretion as to the maintenance and placement of exercise equipment at all Fire Department facilities.

Modification 4. The terms governing holidays and holiday pay for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

MOU Article 11, Section 2 (Holidays)

The following days shall be designated official City holidays:

New Years Day	January 1
Martin Luther King Jr. Birthday	Designated day in January
Presidents Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving Day	Designated Thursday in November
Friday after Thanksgiving	
Christmas Day	December 25

~~Non-shift City employees are granted one (1) floating holiday per calendar year.~~

A. Holiday leave shall be provided pursuant to City of Visalia Personnel Policy #303, except that beginning January 1, 2011, members of the Association are not eligible for one floating holiday per calendar year; therefore, Section II, A of Policy #303 (Floating Holiday) is not applicable to members of the Association beginning on January 1, 2011.

Per City of Visalia Personnel Policy #303, in lieu of the holidays ~~and floating holidays~~ recognized by the City, Association shift personnel will receive five ~~and one-half~~ (5-1/2) shift days in pay annually, in the first full pay period in November of each year (note the month is a departure from that specified in City of Visalia Personnel Policy #303).

Modification 5. The terms governing compensating time off for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

The practice of providing 12 hours of comp time hours annually will be reduced to 3 hours as of January 1, 2011.

Modification 6. The terms governing vacation accrual for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

MOU Article 12 and City of Visalia Policies and Procedures (Vacation – Annual Leave) (304)

Group “G” Employees receive vacation benefits consistent with the provisions of Cit of Visalia Personnel Policy #304.

Pursuant to Policy #304 Effective October 9, 2010, employees who are required to work 24-hour shift assignments in the Fire Department accrue annual leave at the following rates:

Continuous Service Months	Years	Accrual
0-12	0-1 year of service	<u>4</u> <u>5</u> shifts per year
13-36	2-3 years of service	<u>5</u> <u>6</u> shifts per year
37-96	4-8 years of service	<u>6</u> <u>7</u> shifts per year
97-180	9-15 years of service	<u>7</u> <u>8</u> shifts per year
180+	16 or more years of service	<u>9</u> <u>40</u> shifts per year

Modification 7. The terms governing accumulation of sick leave, sick leave buy back, and the sick leave bank for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

MOU Article 13, Section 1(E) and Visalia Polices and Procedures (Sick Leave) (305b)

Section 1: Sick Leave

- A. Group “G” Bargaining Unit Employees receive sick leave time consistent with the provisions of the current City of Visalia Personnel Policy #305.
- B. Shift employees shall accrue one (1) shift of sick leave for every two (2) months of service – for a total of six (6) shifts per year. Shift employees may use five (5) shifts for personal leave as Personal Leave for family emergencies and/or illnesses.
- C. Employees must be employed for at least six (6) months in order to be eligible for the sick leave benefit.
- D. Except as otherwise provided in this agreement, all employee benefits will continue during sick leave under the same terms and conditions as if the employee were at work provided the employee has sufficient paid leave.
- E. For employees hired prior to October 1, 2010, Aafter accumulating a total of more than four hundred eighty (480) hours of sick leave, a regular full-time employee in this group may elect to be paid at one-half (1/2) his/her regular rate of pay for a maximum of seventy-two (72) hours less any sick leave used during the

designated year from November 1 to October 31. Payment of such sick leave buy-back will be included in the pay check received in the middle of December.

All Association members hired on or after October 1, 2010, shall have a 480 hour sick leave cap (non-shift schedule) or 720 hour sick leave cap (shift schedule). All sick leave hours accrued during the year in excess of 480 or 720 will be purchased by the City at the sick leave buy back time at 40% of the employee's pay rate.

Employees hired prior to October 1, 2010 may make the one-time election no later than November 1, 2010 to participate in the new sick leave program. The sick leave hours the individual had in excess of 720 hours as of December 11, 2009, shall be deposited in a special sick leave bank which shall be available if all other sick leave is exhausted or shall be available to sell back to the City at 30% of pay if the employee retires after 10 years of service or leaves the City's employ after 20 years of service. Individuals will be given 30 days from implementation of these terms to elect to participate in the new sick leave program.

Section 2: Family Care & Medical Leave

The City will provide family and medical care leave for eligible employees, in accordance with the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) and City of Visalia Personnel Policy #316.

Modification 8. The terms governing the probationary period for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

MOU Article 14, Section 1 (Probation)

The probationary period for members of this group will be for ~~twelve (12)~~ eighteen (18) months and otherwise subject to the provisions of the City of Visalia Personnel Policy #110.

Modification 9. The terms governing accrual of vacation, use of vacation, payroll checks and direct deposit, holidays, and election of vacation days for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

MOU Article 18

a. The terms governing vacation accrual for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Vacation – Annual Leave) (304)

An employee will stop earning additional vacation leave once the employee reaches twice his/her annual accrual amount. No additional vacation leave will be earned until an employee's vacation accumulation drops below twice the annual accrual amount.

b. The terms governing vacation use for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Vacation – Annual Leave) (304)

New Employees are eligible for vacation benefits after 42 6 months of service with preapproval of their supervisor.

c. The terms governing payroll and direct deposit for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures

The City of Visalia requires employees to participate in direct deposit for payroll purposes, and all payroll checks will be paid via direct deposit.

d. The terms governing holidays for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Holidays) (303)

For employees that have a Monday through Friday standard work schedule, holidays falling on a Saturday will be observed on the Friday immediately preceding the holiday, and holidays falling on a Sunday will be observed on the Monday immediately following the holiday.

e. As of October 1, 2010, Departmental Standard Operating Procedures will be adjusted to require all shift personnel to elect their vacation days at the beginning of each calendar year.

PART B. Scope of Modifications

Section 1. The only modifications of wages, hours or other conditions of employment within the scope of representation that are modified by this Resolution are those expressly set forth in Part A of this Resolution. All other terms and conditions within the scope of representation shall remain unchanged unless hereafter modified in accordance with applicable law.

Section 2. Nothing in this Resolution shall be construed as depriving the Association of its right each year to meet and confer on matters within the scope of representation, whether or not such matters are included in this Resolution, prior to adoption of the City budget or as otherwise required by law.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

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

Dated: STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

RESOLUTION 2010-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA IMPOSING THE CITY'S LAST, BEST, AND FINAL OFFER TO THE VISALIA POLICE MANAGERS AND SUPERVISORS ASSOCIATION (GROUP A) PURSUANT TO GOVERNMENT CODE SECTION 3505.4

WHEREAS the City of Visalia (hereinafter "City") and the Visalia Police Managers and Supervisors Association (Group A) (hereinafter "Association") were signatories to a Memorandum of Understanding (or "MOU") that expired June 30, 2009, and an Amendment to that Memorandum of Understanding that expired on June 30, 2010, setting certain terms and conditions of employment for employees in the Association bargaining unit;

WHEREAS beginning March 4, 2010 the City and Association negotiation teams have met and engaged in extensive negotiations over the terms of a successor to said Memorandum of Understanding;

WHEREAS notwithstanding that the City and Association negotiation teams have met many times in an effort to conclude the terms of a successor Memorandum of Understanding, the City and Association remain significantly apart on such terms;

WHEREAS notwithstanding the efforts described above the parties have arrived at an impasse;

WHEREAS the City team invoked and completed the City's impasse procedure, in good faith, and submitted the City's last, best and final offer to the Association on or about July 1, 2010 and provided an explanation of its terms to the Association;

WHEREAS the City's last, best and final offer did not lead to an agreement on the terms of a successor Memorandum of Understanding; and,

WHEREAS in such circumstances Government Code section 3505.4 authorizes the City Council to implement its last, best, and final offer;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA that the following changes in the terms and conditions of employment of members of the Association bargaining unit shall be implemented as set forth in Part A below, effective immediately upon adoption of this RESOLUTION except as otherwise specifically provided below for specific terms and conditions, with those terms that are added underscored and those that are deleted identified by over-striking:

PART A - Modification and Imposition of Terms and Conditions

Modification 1. The salary rates and related administrative procedures governing the salaries of members of the Association bargaining unit who are employed as of the date of this Resolution are hereby modified and imposed as follows:

MOU Article 6, Section 1 (Salaries and Wages)

~~Wages and Salaries is repealed in its entirety and the salary ranges for classifications covered under this MOU will remain in effect during the term of this Amendment.~~

~~Salary range adjustments were negotiated between the City and the Association, and salaries shall be increased during the term of this agreement as follows:~~

~~A. — Salary ranges for all unit classifications shall be increased by four (4%) percent effective the payroll period beginning on March 31, 2007 (and shall be paid retroactive to that date).~~

~~B. — Salary ranges for all unit classifications shall be increased by four (4%) percent effective the payroll period including July 1, 2008.~~

~~C. — At any time after the date this MOU is ratified by the parties, if the City negotiates and agrees to a salary adjustment greater than 4% with the members of the Visalia Employee Bargaining Unit, Group "B" (Visalia Police Officers Association), for either the first year (beginning with the pay period beginning March 31, 2007) or second year (beginning with the pay period including July 1, 2008) of this MOU, then all members of Visalia Employee Bargaining Unit, Group "A" (Visalia Police Managers and Supervisors Association) shall receive the equivalent salary adjustment with as agreed to for the Group "B" members, with an effective date of March 31, 2007 for the first year and July 1, 2008 for the second year. If, for April 2007 to April 2008, the California CPI is a greater amount than 4%, Group "A" members shall receive the CPI amount as the salary range adjustment.~~

~~D. — The Association has expressed concern regarding compaction between the classifications of this group and the classifications of City of Visalia Employee Bargaining Unit Group "B" — The Visalia Police Officers Association. The City will maintain the current salary spreads between those classifications in Group "B" and those classifications in Group "A", during the term of this agreement.~~

Salary ranges for all unit classifications shall remain unchanged.

Modification 2. The terms governing the Disability Avoidance Program (DAP) and paid health club memberships for eligible members of the Association bargaining unit who are employed as of the date of this Resolution are hereby modified and imposed as follows:

MOU Article 9, Section 1, Item G

~~Group "A" members shall, for the term of this agreement, continue to participate in the Visalia Police Department's Disability Avoidance Program as currently administered by the Department.~~

The Disability Avoidance Program (DAP) will be discontinued effective July 1, 2010 and corresponding health club membership paid by the City on behalf of employees will be discontinued as of October 1, 2010.

To complete the payments for this year's DAP program, an individual will have had to test in at least one of the two testing events this year. No minimum number of visits will be required this year. The highest of the two tests or the single test results will be used to determine the level of payment for the year. For this year, the payment will then be divided in one-half. The payment will be made on December 10, 2010.

Modification 3. The terms governing current and future employees' participation in the California Public Employees Retirement System are hereby modified and imposed as follows:

MOU Article 9, Section 2 (California Public Employees Retirement System (PERS))

A. The City shall maintain in effect the 3% @ 50 PERS Retirement Program for current employees. The City will implement a two-tiered retirement system, and all new Association members hired on or after the implementation date will be covered in the 3 % @ 55 PERS plan. The implementation effective date of the two-tiered retirement system will be made effective as soon as allowed by PERS. Until that time, all new employees will be covered under the 3% @ 50 PERS Retirement Program. Upon implementation of the two-tiered retirement plan, final compensation for PERS retirement purposes will be calculated based on an average of the retiring employee's three highest earning years, rather than on the single highest earning year.

Modification 4. The terms governing paid leave and compensating time off for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

MOU Article 10(B)

An additional ~~ten (10)~~ fifty (50) hours of non-FLSA "compensating time off" or ~~ten (10)~~ fifty (50) hours of Administrative Leave (for Exempt) is granted each calendar year to members of Group "A". This time off is added to that amount presently administered internally by the Police Department, and is subject to the same City Administrative restrictions.

Modification 5. The terms governing pay deductions due to absences for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Leave Usage For Exempt Employees) (206)

Employees who are deemed by the City to be exempt from the overtime provisions of FLSA shall not be subject to a reduction in salary because of absences of ~~less than one half (1/2) their normal work shift~~ 2 hours or less, with the following exceptions. Deductions of leave balances or salary shall be made for absences of ~~less than one half (1/2) the normal work shift~~ 2 hours or less for any exempt employee, who has a verified medical condition with a duration over 20 work days, or has been granted an unpaid medical or family leave. The verified medical condition or the unpaid family or medical leave may occur in consecutive days or intermittent over a period of time.

Deductions from salary are authorized with the employee is away from work for ~~one-half (1/2) of his/her work shift or more~~ 2 hours or less (in whole hour increments) for personal reasons, other than sickness, accident, or vacation. Deductions may also be made for absences of ~~one-half (1/2) the normal work shift or more~~ 2 hours or less due to sickness or disability (in whole hour increments) in accordance with other sections of the Personnel Policy Guidelines.

Modification 6. The terms governing vacation accrual for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Vacation – Annual Leave) (304)

An employee will stop earning additional vacation leave once the employee reaches twice his/her annual accrual amount. No additional vacation leave will be earned until an employee's vacation accumulation drops below twice the annual accrual amount.

Modification 7. The terms governing vacation use for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Vacation – Annual Leave) (304)

New Employees are eligible for vacation benefits after 12 ~~6~~ months of service with preapproval of their supervisor.

Modification 8. The terms governing payroll and direct deposit for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures

The City of Visalia requires employees to participate in direct deposit for payroll purposes, and all payroll checks will be paid via direct deposit.

Modification 9. The terms governing holidays for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

City of Visalia Policies and Procedures (Holidays) (303)

For employees that have a Monday through Friday standard work schedule, holidays falling on a Saturday will be observed on the Friday immediately preceding the holiday, and holidays falling on a Sunday will be observed on the Monday immediately following the holiday.

Modification 10. The terms governing calculation and payment of overtime for eligible members of the Association bargaining unit who are employed as of the effective date of this Resolution are hereby modified and imposed as follows:

Compliance with MOU Article 7, Section 2 (Overtime) and City of Visalia Policies and Procedures (Overtime) (202 and 203) will occur, specifically that overtime will be calculated and paid pursuant to the FLSA.

PART B. Scope of Modifications

Section 1. The only modifications of wages, hours or other conditions of employment within the scope of representation that are modified by this Resolution are those expressly set forth in Part A of this Resolution. All other terms and conditions within the scope of

representation shall remain unchanged unless hereafter modified in accordance with applicable law.

Section 2. Nothing in this Resolution shall be construed as depriving the Association of its right each year to meet and confer on matters within the scope of representation, whether or not such matters are included in this Resolution, prior to adoption of the City budget or as otherwise required by law.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 20, 2010

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: If Council is presented a signed MOU, authorize the City Manager to execute the Memorandum of Understanding for Miscellaneous Employees (City of Visalia Employee Bargaining Unit Group M) for the period September 11, 2010 through June 30, 2011.

Deadline for Action: September 20, 2010

Submitting Department: Administrative Services

Contact Name and Phone Number: Diane Davis, Human Resources Manager, 713-4575 and Eric Frost, Administrative Services Director, 713-4474.

Department Recommendation:

That if the City Council is presented a signed MOU from Group M that the Council authorizes the City Manager to execute a Memorandum of Understanding by and between the City of Visalia and Miscellaneous Employees (City of Visalia Employee Bargaining Unit Group M) for the period September 11, 2010 through June 30, 2011.

Summary/background:

In early March, 2010, the City's negotiation team began the negotiations process with Group M for their MOU that was set to expire on June 30, 2010. Because of difficult fiscal conditions, the City asked for wage concession from Group M. In September, the City and Group M came to a tentative agreement, and on September 14, 2010, City staff presented the tentative agreement to Council for consideration and authorization. Group M is presenting the agreement to their membership tonight. They will contact the City after the count is finalized. If the tentative agreement is approved, staff would recommend that the Council approve the agreement. If by the end of the meeting on September 20, 2010, no word of the agreement's status or if the contract is turned down, staff would request that the item be withdrawn.

The rationale for asking the Council to consider this item is to avoid potential retroactive pay deductions and allow the MOU to be implemented with this current pay period. The details of the proposed MOU will be discussed at the Council meeting, if Group M approves the tentative MOU.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Prior Council/Board Actions: September 14, 2010, closed session item, tentatively approving staff's recommendation.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move authorization for the City Manager to execute the Memorandum of Understanding by and between the City of Visalia and the Miscellaneous Employees (City of Visalia Employee Bargaining Unit Group M) for the period September 11, 2010 through June 30, 2011.

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: