

Regular Meeting Agenda

Visalia City Council



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

Monday, April 4, 2011

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

Work Session 4:00 p.m.; Closed Session 6:00 p.m. (or immediately following Work Session)

Regular Session 7:00 p.m.

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

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. Each speaker 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.*

4:00 p.m.



1. Receive Visalia Environmental Committee information regarding 2011 Earth Day activities and a presentation by El Diamante High School Green Club on current recycling activities in the community.

4:15 p.m.

2. Oral presentation from Seyed Sadredin Director of the San Joaquin Valley Air Pollution Control District regarding current air quality challenges. *No written materials.*

4:30 p.m.

3. Presentation of the 2010 Visalia Convention and Visitors Bureau annual report.

4:50 p.m.

4. Update from Ted Smalley, TCAG, regarding short-haul rail issues in Tulare County. *No written materials.*

5:10 p.m.

5. Review and comment on the Draft 2011/12 Action Plan for the use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnership Funds administered by the City of Visalia's Housing and Economic Development Department; and 2nd Amendment to 2010-11 Action Plan and 3rd Amendment to the 2009/10 Action Plan.

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

ITEMS OF INTEREST

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

6. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9)
Name of Case: Citizens for Responsible Planning v. City of Visalia - TCSC 10-240450
7. Conference with Labor Negotiators (GC 54957.6)
Agency representatives: Steve Salomon, Eric Frost, Diane Davis
Employee organization: Groups A, B, E and M
8. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One potential case

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

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Kent Mishler, Kaweah Delta Health Care District

SPECIAL PRESENTATIONS/RECOGNITION

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.

9. **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) Introduction and first reading of Ordinance to remove local amendments regarding fire sprinklers in non-residential buildings and apply fire sprinkler standards contained in the 2010 or most recently adopted California Fire Code. **Ordinance 2011-06 required.**
 - c) Second reading and adoption of Ordinance authorizing the contract amendment for miscellaneous personnel between the City of Visalia and the Board of Administration of the California Public Employees' Retirement System (CalPERS). **Ordinance 2011-02 required.**

- d) Second reading and adoption of Ordinance which clarifies the required number of calls for service (except medical emergencies) before a property can be inspected for violating the management quality standards described in Visalia Municipal Code Section 15.44.160C and 8.40.060C. **Ordinance 2011-03 required.**
- e) Second reading and adoption of Ordinance declaring Real Property Surplus and approval of the Purchase and Sale Agreement and Escrow Instructions for the city-owned real property located at 210 NW 2nd Avenue (APN: 094-031-009) to the Visalia Rescue Mission. **Ordinance 2011-04 required.** *(requires 4/5th vote to approve)*
- f) Second reading and adoption of Ordinance approving Change of Zone No. 2011-02: A request by the City of Visalia to change the Zoning designation from Service Commercial (CS) to Central Business District (CDT) on 12.47 acres of land. The project area generally extends along Santa Fe Street to Tipton Street, from Center Avenue to Race Avenue. **Ordinance 2011-05 required.**
- g) Authorize Jeffco Painting and Coating to perform the Primary Clarifier No. 4 Coating Project in the amount of \$382,840.
- h) Award contract for the purchase of one (1) Ford F-250 and two (2) Ford F-350 to Visalia Ford in the amount of \$132,906.78 for the Waste Water Treatment Plant.
- i) Authorize purchase of a new Fire Engine for \$496,315 and additional equipment for up to \$35,000 to be funded by the Measure T Expenditure plan.
- j) Authorize the City Manager to sole source contract to Aqua- Flo Supply in the amount of \$858,740 to install, upgrade or retrofit Toro Sentinel water management controllers in the Landscape and Lighting Districts and NE Districts and appropriate additional funds of \$322,440.
- k) Declare an Intention to Abandon Laurel Avenue between Shady Street and Woodland Street and set the date of public hearing for May 2, 2011. **Resolution 2011-13 required.**
- l) Authorize the City Manager to enter into an amended contract in the amount of \$21,750 with the consulting firm of Dyett and Bhatia for professional services for the General Plan Update.
- m) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 10-11-46, Shirk and Ferguson Trench Settlement Repairs in the amount of \$483,430 to the low bidder Bill Nelson General Engineering Construction, Inc.
- n) Authorization to enter into a contract with the Bureau of Reclamation to receive unstorable water from the Central Valley Project. **Resolution 2011-14 required.**
- o) Authorization to join with the California Partnership for the San Joaquin Valley and Southern California Gas Company in opposing the proposed diversion of the Energy Efficiency Gas Surcharge Fund to the State General Fund.

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.*

10. **PUBLIC HEARING** and Introduction of Ordinance No. 2011-__ for Zoning Text Amendment 2011-05: A request by the City of Visalia to revoke the portion of previously-adopted Zoning Text Amendment No. 2010-10B wherein the Zoning Use Matrix (VMC 17.18.050) was changed to allow supermarkets/grocery stores 30,000 square feet or smaller in the C-R (Regional Retail Commercial) Zone as a Permitted Use. **1st reading of Ordinance 2011-07 required.**
11. Receive update regarding FEMA's new approach to analyzing levees; Federal legislation pertaining to the National Flood Insurance Program (NFIP); FEMA's Community Rating System (CRS) Program; consultant's work related to the Flood Insurance Rate Maps (FIRMs); and efforts to assist residents with FEMA - NFIP related issues.

CLOSED SESSION REPORT (if any)

Upcoming Council Meetings

- Monday, April 18, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - Convention Center, 303 E. Acequia
- Monday, April 25, 2011, 5:00 p.m. Joint Meeting with Parks and Recreation Commission, Convention Center, 303 E. Acequia.
- Monday, May 2, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia

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

In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291, during normal business hours.

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Announcement by the Visalia Environmental Committee regarding 2011 Earth Day activities scheduled for Saturday, April 16 and presentation including video by El Diamante HS Green Club on current recycling activities in the community.

Deadline for Action:

Submitting Department: Administration/Natural Resource Conservation

Contact Name and Phone Number:

Kim Loeb, Natural Resource Conservation Manager, 713-4530
Nathan Garza, Natural Resource Conservation Tech., 713-4532
Leslie Caviglia, Deputy City Manager, 713-4317

Department Recommendation:

It is recommended that Council receive the presentation by the El Diamante HS Green Club and the Visalia Environmental Committee's 2011 Earth Day event announcement.

Summary/background:

Visalia Environmental Committee Chair Dale Simmons will announce the 2011 City of Visalia Earth Day events and invite the Council to attend on Saturday, April 16. The City of Visalia Earth Day is planned and coordinated by the Environmental Committee and the Natural Resource Conservation Division. This year, the EDHS Green Club has actively participated in Earth Day planning.

This year's Earth Day event will be on April 16, between 8:00 am and 12:30 pm. It is a combination of work projects and exhibitor booths. There will be three cleanup and planting projects along Mill Creek and a path refurbishment project. Volunteers will meet and register at the City parking lot at Mineral King Avenue and Conyer Street, across from Redwood High School. Starbucks will be providing free coffee. The planting projects will be coordinated by the Urban Tree Foundation. Those volunteers wishing to participate in the planting activities are encouraged to bring a shovel and a steel bow rake.

The exhibitor area will start about 10:00 am with some 20 exhibitors. Volunteers and attendees will enjoy music provided by the winners of an EDHS Green Club organized band competition and can show their artistic side through Earth Day themed chalk art on the Conyer Street

For action by:

City Council
 Redev. Agency Bd.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

sidewalk. Registered volunteers will receive a Subway sandwich and Odwalla or Capri Sun beverage.

The event activities are paid for entirely through donations by community businesses and organizations. Major event sponsors include Subway, 4Creeks Civil Engineering and Land Surveying, Visalia Transit, and Wal-Mart. The City provides staff time, trash bins and pickup, etc., and in return, the City receives hundreds of hours of volunteer time.

Student members of the El Diamante High School Green Club have been very active in promoting a better environment both on campus and in the community. The Green Club has volunteered at past City Arbor Day and Earth Day events; has adopted Packwood Creek at County Center Drive and Cameron Avenue in cooperation with the Urban Tree Foundation and Natural Resource Conservation Division; instituted on-campus battery recycling; planted water-efficient plants at Main and Floral Streets; and are starting a water-efficient plant propagation operation at the campus greenhouse.

EDHS Green Club members have periodically attended Visalia Environmental Committee meetings and have provided useful suggestions and insight to Committee members. Additionally, the EDHS Green Club creates videos of environmental activities occurring in the community. The students will present a short video to the Council.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

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

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2011

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Presentation of the 2010 Visalia Convention and Visitors Bureau annual report.

Deadline for Action: N/A

Submitting Department: Administration

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

Department Recommendation

It is recommended that the City Council discuss the 2010 annual report with the representatives from the Visalia Convention and Visitors Bureau.

Summary:

The City of Visalia funded the Visalia Convention and Visitors Bureau (VCVB) in 2010-2011 with \$254,000 (fiscal year total) in funding, and also provided in-kind services including office space, phone, access to office equipment and technical support. In addition, the organization raised an additional \$40,000 in co-op advertising, and co-op tradeshow revenues, and \$13,000 in membership. With this funding, the Bureau booked business that has, or will in future years, bring \$1.54 million in direct revenue through hotel room nights, meeting room rentals, Transient Occupancy Tax and other revenues, and have an economic impact of \$8.1 million. The economic impact was estimated based on the formula provided in the 2008 HVS study that was conducted to determine what the economic impact in this area was from conventions, meetings, entertainment events and tourists. All figures are based on business booked by the Bureau in 2010. The community also benefits from business that was booked in previous years. The attached annual report provides a comprehensive overview of the results and activities of the Bureau.

The highlights of the successes the two staff members and the all-volunteer board have produced in the past year include the following:

- Booked 18 events that will result in 14,950 delegates who will have room nights in Visalia that will result in an estimated \$1.54 million in specific revenue from hotel room revenues, catering, facility fees and other direct spending, and \$8.1 million in economic impact in the community. Most of these events will be held in Visalia over the next 3 years.

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 LBC32711

Finance

City Atty

City Mgr

- Generated 48 leads that resulted in 18 bookings. This represents a 37% sales success rate.
- Maintained the website which resulted in over 1,100 requests for information from 63,000 visits. This is up significantly from last year when 500 requests were generated from 37,000 visits.
- Added an additional 379 contacts to the sales lead list for a total of more than 4,000.
- Responded to a total of 1,600 requests for information from print advertising, the majority of those resulting from a co-op ad in the California State Visitors Guide.
- Responded to 664 visitor inquiries from travel trade shows and serviced 850 walk-in and call-in inquiries.
- Developed a Sports Committee that includes representatives from several key sports related entities including the Rawhide, Visalia Unified School District, College of the Sequoias, and Valley Oaks Golf Course. They are developing an inventory of available venues, and have begun researching events that may fit with the available facilities. They are currently working with two possible events that are considering Visalia.
- Serviced 11 events in Visalia. Services vary depending on the event but can include concierge services at the event, welcome information, registration assistance and other services.
- Attended 5 convention tradeshows that resulted in 36 leads and 4 tourism tradeshows.
- Responded to 40 media inquiries that resulted in 8 articles published.
- Began using Facebook, Twitter and a blog to generate interest in Visalia, and issued 25 e-newsletters (convention and tourism) that resulted in 1,700 newsletter openings and 289 unique clicks.
- Hosted the Outdoor Writers Association Annual Conference in Visalia.

The City Council has two members on the VCVB Board, Vice Mayor Amy Shuklian who also sits on the Executive Committee, and Council Member Mike Lane. The remaining Board members are currently the same as those listed in the report with the exception of Joe Kuhn who is no longer with the Marriott. He has been replaced on the Executive Board by former Chair Samantha Rummage of the Holiday Inn and interim Marriott General Manager Carrie Groover has replaced him on the Board. The Board will hold elections for new Board Members and Officers early this summer with the new Board beginning their term on July 1, 2011.

Department Discussion:

Staff continues to believe the VCVB is doing a very good job of marketing Visalia. Staffed by Aaryn Skaggs, Director of Sales and Marketing, and the newest addition, Danika Heatherly, CVB Manager, the Bureau is generating measureable results and producing a solid return on investment from the funding they receive from the City. The Bureau is now in it's fifth year as an

independent organization and for the second consecutive year the Bureau is producing significant results, and will end the fiscal year with a positive cash balance.

Aaryn Skaggs remains located in the Sacramento area and the Board is continuing to find that having her located near the headquarters of many of the organizations and associations is useful. With the use of technology, she is still able to communicate easily with the main office, and few, if any customers are even aware that she is functioning remotely.

In 2004, the City Council formed a task force to make a recommendation on how a VCVB should be organized and function. At the time, the convention sales end of the VCVB were handled out of the Convention Center, and the tourism activities were handled by the Chamber. It was the consensus of everyone involved that the structure was not optimal. The task force recommended that a separate non-profit with an independent board be formed. At first, the VCVB operated as part of the Chamber while undergoing the organizational process. The City paid the Chamber \$279,000 to operate the Bureau. In 2006, it became a separate organization with a start-up budget of \$239,000. While it was noted in the original report that the Bureau would probably need a higher level of support in the future as it developed, the City didn't increase the funding until last year. For the first three years, the Bureau worked to get the right Bureau staff in place that could produce the results to justify the City's investment. City staff declined to recommend an increase until it was justified. Based on their results, the City increased their budget to \$254,000 for the 2010-11 fiscal year. This was the first increase since 2005, and is still \$25,000 less than what was provided to the Chamber to run the operation in the transition year.

In the first half of the fiscal year, the Bureau has used these funds to place more advertising, attend more tradeshows, and produce a new brochure. (Copy attached) In addition, they were able to promote Aaryn Skaggs to a Director position, and turned over many of the day-to-day operations that had been handled by the volunteer Board. A full report on how the additional funding was spent and the results will be presented with the 2011 report.

The economic impact information was developed based on the HVS (a consulting firm that specializes in hospitality industry economics) in 2008. The economic impact portion of the study report was commissioned by the City of Visalia, the Visalia Economic Development Corporation, Downtown Visalians and the Chamber. The HVS study provided economic impact projections based on their findings about the Visalia hospitality industry. Typically, delegate spending in Visalia tends to be less than other destinations that may have more of a holiday/vacation reputation. The HVS study indicated that average overnight delegate spending in Visalia is \$236.49, and day delegate spending is \$45.03. These and other economic factors in the report were used to develop the economic impact figures used in the VCVB report.

Prior Council/Board Actions:

- 2004 – Council formed a Task Force to consider how the VCVB should be organized
- 2005 - VCVB began formation of a separate organization under the auspices of the Chamber of Commerce
- 2006 – VCVB completed formation
- 2007-2011 VCVB was funded by the City

Committee/Commission Review and Actions:

Alternatives:

Attachments:

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

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Review and comment on the *Draft* 2011/2012 Action Plan for the use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnership Funds administered by the City of Visalia's Housing and Economic Development Department; and

2nd Amendment to 2010/11 Action Plan, and 3rd Amendment to the 2009/10 Action Plan.

Deadline for Action: April 18, 2011

Submitting Department: Housing and Economic Development

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director (4190); Rhonda Haynes Housing Specialist (4460); Ruth Peña, Financial Analyst (4327); Nancy Renovato, Senior Administrative Analyst

Executive Summary

HUD officials have notified staff that Congress will be reducing the City's allocation for the 2011/12 fiscal year. Staff has prepared three different scenarios with reductions as follows: 10, 20 and 30 percent. All scenarios involve terminating subrecipient agreements with community partners except the Continuum of Care. CSET and SHE will continue providing counseling services as part of the City's successful NSP and Community Housing Development Organization (CHDO) acquisition programs. Lastly, the City has reserved more than \$300,000 in CDBG funds to complete transportation improvements around the Oval Park, pending final HUD approval of the City's budget.

Department Recommendation:

- 1.) Review and comment on the *Draft* 2011/2012 Action Plan as a HUD requirement for the use of CDBG and HOME Funds. Staff will return to Council on April 18th with a Final Action Plan for adoption which will include input from the Community Advisory Committee (CAC), Disabilities Advocacy Committee (DAC) and Northern Visalians Advisory Committee. **The Final Plans are due to HUD no later than May 15, 2011.**
- 2.) Authorize staff to redirect (HOME) Program Income previously allocated to the First Time Homebuyer Program to a new Program; the Foreclosure Acquisition Program II, reallocate (CDBG) funding previously earmarked for Job Creation and Oval Area Park Improvements to Oval Transportation Improvements.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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- 3.) Authorize the City Manager to re-allocate funding from the New Construction Deferred 2nd Mortgage Loan Program to the Foreclosure Acquisition Program II if by July 1, 2011, the program has not received a minimum of four (4) completed loan applications.

Summary/Background

HUD Proposes Reductions in CDBG & HOME Allocations

Over the past few months, Congress has discussed major reductions in governmental programs in order to address the federal budget deficit. As a result, both CDBG and HOME funds will be reduced. The City is anticipating between 10%-30% reduction in both grants, significantly impacting the programs/projects that the City has been delivering to the community. These cuts will also place a tremendous burden on the City's non-profit partners that currently rely on CDBG/HOME and Redevelopment funds from the City to administer affordable housing programs. City staffing levels and services have already been reduced in anticipation of these cuts. Furthermore, sub-recipient agreements with non-profit partners; CSET, Self Help Enterprises, Habitat for Humanity, and Tulare County Housing Authority have either been frozen or eliminated.

1.) Summary of the Action Plan

As a participating jurisdiction and entitlement community, the City of Visalia receives federal formula grants through HUD. This entitlement provides the City with annual direct grants; CDBG and HOME funds. The intent of the grant funds is to provide decent housing, provide a suitable living environment, and to expand economic opportunities, primarily for low-and moderate income persons.

As a condition of receiving federal funds, HUD requires the City to prepare a five-year Consolidated Plan, a yearly Action Plan and a Consolidated Annual Performance, and Evaluation Report (CAPER):

- The Consolidated Plan (ConPlan) is a five year plan establishing goals to increase the availability of affordable housing and economic opportunities for Visalia residents through a comprehensive housing and community development needs assessment and strategic plan to address those needs. The City prepared a 2010-2015 Consolidated Plan adopted by the Council on April 19, 2010.
- The Action Plan is a yearly Plan that proposes projects and activities to meet the priorities described in the strategic plan of the ConPlan. It describes eligible programs, projects and activities to be undertaken with anticipated funds made available in fiscal 2011–2012 and their relationship to the housing, homelessness, and community and economic development needs identified in the ConPlan.
- The Consolidated Annual Performance Evaluation Report (CAPER) – A Report that evaluates the City's overall progress and performance in meeting the priority activities identified in its Consolidated Plan. The document is a tool used by HUD and the City to evaluate accomplishments and actions taken during the previous program year.

Additionally, to meet the increasing need of affordable housing, the City of Visalia updated and adopted the Housing Element on March 15, 2010. The Housing Element sets forth community housing needs, policies and programs aimed at attaining defined goals.

Action Plan Proposed Projects

This Action Plan fulfills the Second Program Year within the Consolidated Plan. The program year begins July 1, 2011, and concludes on June 30, 2012.

The focus of this Action Plan will be to follow the success of the Foreclosure Acquisition Program and continue acquiring, rehabilitating, and reselling homes to owner occupants or non-profits to rent to eligible households. The existing foreclosure program has resulted in the acquisition of 25 homes and resale of 18. Approximately, \$1,700,000 has been recycled back into the program since the initial \$2.38 million NSP Grant. In addition to stabilizing neighborhoods, the Foreclosure Acquisition Program creates between 5-10 construction jobs per rehabilitated house and provides employment opportunities for realtors, title companies and appraisers.

In addition to this, the City is working with CSET as a Community Housing Development Organization (CHDO) to acquire foreclosed/vacant properties for rehabilitation and resale to income qualifying households. Staff also recommends that funding be allocated to this new Foreclosure Acquisition Program, II. This program will enable the City to continue revitalizing neighborhoods by rehabilitating foreclosed homes, and reselling them to pre-qualified buyers with fixed rate mortgages.

With funding expected to be reduced between 10-30 percent, staff has prepared projections addressing three potential scenarios pending HUD's final allocations. Table 1 shows proposed programs and recommended allocations with a 10% - 30% reduction in funds.

Table 1
Estimated Budget for Fiscal Year 2011/2012

2011-2012 Estimated Budget	2010-11 (Allocation & Amendments)	2011-2012 Projected Allocations based upon % of reductions		
		10% Redtn	20% Redtn	30% Redtn
COMMUNITY DEVELOPMENT BLOCK GRANT				
Annual Grant Amount (CDBG)	1,331,190	1,198,071	1,064,952	931,833
Administration (20% of allocation), Loan Servicing & Operating less Fair Hsg (see Fair Housing for portion of Admin)	251,238	232,114	205,490	178,867
Net for Programs and Projects	1,079,952	965,957	859,462	752,966
Neighborhood Preservation/Services				
Code Enforcement- Target Areas	160,000	120,000	120,000	120,000
Fairhousing Hotline (part of 20%Admin cap)	15,000	7,500	7,500	7,500
Special Needs Facilities				
Continuum of Care or Voucher Program	10,000	12,500	12,500	12,500
Public Improvements				
ADA Compliance Projects **	40,000	30,000	30,000	23,014
Economic Development/Public Parking Facilities				
West Parking Structure Loan Payment (Section 108 Loan)	506,855	509,952	509,952	509,952
Public Parks, Facilities & Improvements				
Oval Park Transportation Improvements	29,025	221,005	114,510	40,000
Oval Park Lighting	40,000	-	-	-
Recreation Park Skateboard Fence	98,072	-	-	-
Park Improvements in CDBG Areas	-	65,000	65,000	40,000
Special Needs Services				
Senior Home Minor Repairs (contract w/CSET)	91,000	-	-	-
Mobile Home Senior Repair & Handicapped Access (contract w/SHE)	90,000	-	-	-
Subtotal Programs & Projects	1,079,952	965,957	859,462	752,966
Total CDBG Expenditure	1,331,190	1,198,071	1,064,952	931,833
Remaining to Carry Forward	-	-	-	-
HOME INVESTMENT PARTNERSHIP FUNDING				
Annual Grant Amount (HOME)	561,002	504,901	448,801	392,701
Administration, Loan Servicing & Operating	56,100	50,490	44,880	39,270
Net for Programs and Projects	504,902	454,411	403,921	353,431
Homeownership				
First Time Homebuyer Program (contract w/CSET)	420,752	-	-	-
Foreclosure Acquisition Program II (Foreclosure acq, rehab, resell)	-	378,676	336,601	294,526
Property Acquisition (Required 15% set aside for CHDO & predevelopment)	84,150	75,735	67,320	58,905
Subtotal Programs & Projects	504,902	454,411	403,921	353,431
Total HOME Expenditure	561,002	504,901	448,801	392,701
Remaining to Carry Forward	-	(0)	(0)	(0)
	CDBG	HOME		
Estimated based off of 2010-2011 (current year allocation)	1,331,190	561,002		

Description of Proposed Programs and Projects for 2011/2012

Provide Decent Affordable Housing:

- Foreclosure Acquisition Program II. This program enables the City to stabilize and revitalize neighborhoods, through acquisition and rehabilitation of foreclosed homes, and resell to pre-qualified buyers with fixed rate mortgages. Also, depending on market conditions, this program gives the City flexibility to either sell a property to a non-profit organization which may then rent or sell to a qualifying household or the City may opt to maintain ownership of the property, use it as a lease and then resell it to a qualified household once financially feasible.
- Property Acquisition. – The City allocates funding to a certified Community Housing Development Organization, 501c3 to acquire properties, rehabilitate them and resell them to

income qualifying households. Any remaining funds from previous years or projects will be combined with this year's allocation to increase resources for Property Acquisition.

Suitable Living Environment through Neighborhood Preservation:

- *Code Enforcement.* The Neighborhood Preservation Division is responsible for the management of the Code Enforcement Program. The primary emphasis of the program is on life safety and noncompliance. Considerable efforts are focused on Health and Safety Code enforcement as it relates to housing standards. Some of the common violations include unsafe structures, abandoned properties, contaminated and/or unsecured swimming pools, construction without permits and unlicensed vendors.
- *Fair Housing.* This program provides fair housing services to Visalia residents. Callers with complaints are directed to legal counsel who assists with filling out official discrimination complaint forms, which are then forwarded to the Department of Fair Employment and Housing. City staff also provides educational brochures and "California Tenant" Handbooks to various agencies throughout the City.

Suitable Living Environment by supporting Special Needs Programs:

- *Continuum of Care & Voucher Program.* The City has a partnership with the Continuum of Care, a 501(c)3 organization to address issues of homelessness. The Continuum of Care is a consortium of housing providers, service providers and local governments that work together to end homelessness in Kings and Tulare counties. The continuum is focused on systematically implementing systems and programs that will help support existing homeless organizations and offer the resources that are needed locally to be successful.

In partnership with the Continuum of Care the City will allocate funding to support Family Services and the Tulare Housing First Program. The program is structured to specifically serve the chronically homeless by providing Shelter Plus Care vouchers to assist a homeless family with housing expenses. The funding would support a Case Manager to oversee the program, which includes mental, and health counseling, job search, and life skills training.

Suitable Living Environment through Public Improvements

- *Streets-ADA Compliance Projects.* The City will continue to fund this program to continue supporting the disabled community with the installation of curb cuts, truncated domes, compliant ramps, and warning detection panels within CDBG targeted areas.
- *Oval Park Transportation Improvements.* In 2008, the City Council directed staff to work with residents and businesses in the Oval Park neighborhood to foster revitalization efforts. The Engineering Division is now playing lead to complete drawings and construction of roadway improvements over the next few years. Once complete, the improvement will provide improved safety for pedestrians, bicyclists, and vehicles through the Oval Park neighborhood.
- *Park Improvements in CDBG Areas.* – The City has historically utilized CDBG funds to rehabilitate parks in underserved low-income neighborhoods such as the Oval Park, Jefferson Park, and Birdland. This will continue in 2011/2012.

Create Economic Development Opportunities and Community Development Opportunities (Parking Facility) Needs Services:

- **Parking Structure Financing (West Acequia Parking Structure)—Section 108 Loan.** In 2007, the City finalized construction of the West Acequia Parking Structure, which supports the hospital's current expansion. In addition, the parking structure supports downtown businesses furthering the creation of many jobs throughout the downtown area. This year, the City will make another Section 108 Loan payment in the amount of \$509,952. The City is committed to making payments on this loan through 2018.

2. CDBG & HOME Action Plan Amendments:

On November 2, 2010, the City Manager authorized staff to re-direct \$100,000 (HOME funds) to the First Time Homebuyer Program to provide homeownership opportunities to qualifying households. Since then the City has not received any applications for funding. Based on the inactivity of this program, Staff is recommending that this funding be re-directed to the Foreclosure Acquisition Program II.

In the 2009/10 Action Plan, the City set-aside a total of \$100,000 (CDBG funds) for Job Creation to be used to attract job creating businesses or industries seeking to expand or relocate in Visalia. To date these funds have not been utilized. Additionally, in the 2010/11 Action Plan, Staff earmarked a total of \$29,025 (CDBG) for Oval Area Park Improvements. Staff recommends that these totals combined (\$129,025) be redirected to support the Oval Park Transportation Improvements.

3.) New Construction Deferred 2nd Mortgage Loan Program

On September 7, 2010, City Council adopted Amendments to the 2009/10 & 2010/11 Action Plans re-directing a total of \$520,000 (HOME funds) to the New Construction Deferred 2nd Mortgage Loan Program. The intent of the program is to provide opportunities to local families to purchase homes and bolster jobs within the construction industry. Thus far, the City has received one application for funding. Staff recommends that the Council authorize the City Manager to re-allocate remaining funding from the New Construction Deferred 2nd Mortgage Loan Program to the Foreclosure Acquisition Program II if by July 1, 2011, the program has not received a minimum of four (4) completed loan applications.

Table 2			
PROPOSED 2009/2010 & 2010/2011 ACTION PLAN AMENDMENT			
CDBG			
PROJECT (Increase)	BALANCE JULY 1, 2011	PROPOSED AMENDMENT	AMENDED PROJECT BALANCE
Oval Transportation Improvements	-	129,025	129,025
PROJECT (Decrease)			
Oval Park Area Park Improvements 10/11	29,025	(29,025)	-
Job Creation 09/10	100,000	(100,000)	
NET CHANGE CDBG		<u>-</u>	
PROPOSED 2009-2010 ACTION PLAN AMENDMENT			
HOME			
PROJECT (Increase)	BALANCE JULY 1, 2011	PROPOSED AMENDMENT	AMENDED PROJECT BALANCE
Foreclosure Acquisition II	-	100,000	100,000
PROJECT (Decrease)			
First Time Homebuyer 09/10	100,000	(100,000)	
NET CHANGE HOME		<u>-</u>	

Prior Council/Board Actions: Consolidated Plan adopted in April 19, 2010, Housing Element adopted March 15, 2010, and Annual Action Plan & CAPER reports are adopted in April and September of each year.

Committee/Commission Review and Actions:

Alternatives: None recommended.

Attachments

- Action Plan 2011/2012
- Estimated Budget – Table 1
- Action Plan Amendment Figures – Table 2

Recommended Motion (and Alternative Motions if expected): Move that the City Council review, comment and provide direction on the 2011-2012 draft Action Plan for the use of CDBG and HOME funds.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: to be completed



Second Program Year - DRAFT

Action Plan 2011-2012

The CPMP Second Annual Action Plan includes the [SF 424](#) and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

Narrative Responses

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.

Program Year 2 Action Plan Executive Summary:

As the nation continues facing daunting economic and budgetary challenges, this is by far one of the most difficult Action Plans that City staff has presented. The City is facing a possible 10%-30% reduction in its CDBG and HOME entitlement which will have some serious repercussions on the programs and projects that the City has up to now been able to deliver to the our community.

In addition to losing CDBG and HOME funds, the Governor is also proposing to eliminate redevelopment agencies throughout California which will not only impact staffing levels, but also place a tremendous burden on the non-profits that currently rely on CDBG, HOME and Redevelopment funds from the City to administer affordable housing programs. Staffing levels have also been reduced in anticipation of these cuts. Furthermore, sub-recipient agreements with non-profit partners; CSET, Self Help Enterprises, Habitat for Humanity, and Tulare County Housing Authority have either been frozen or eliminated. However, even though funding is slowly diminishing, staff continues to move forward with a positive attitude and outlook to continue serving the community with quality programs and projects.

This Fiscal Year 2011–2012 Action Plan is the City’s second plan of the Consolidated Plan 2010–2015. The Action Plan proposes projects and activities to meet the priorities described in the strategic plan within the ConPlan. It describes eligible programs, projects and activities to be undertaken with limited funding in 2011/2012 and their relationship to the housing, homelessness, and community & economic development needs identified in the ConPlan.

Typically, the City estimates the funding it will receive from HUD. This helps staff to determine what programs and projects will be funded based on the needs of the community; however, due to anticipated budget cuts, staff has prepared projections addressing three potential scenarios pending HUD’s final allocations.

All of the allocation priorities (projected use of funds) are identified in the strategic plan priorities and housing and community development needs assessment outlined in the 2010–2015 ConPlan. The general priority categories of housing, homelessness, special needs and community development needs and their related goals are addressed in the various activities to be undertaken. These activities estimate the number and type of families that will benefit from the proposed activities, including special local objectives and priority needs.

The focus of this Action Plan will be to follow the success of the NSP funded Foreclosure Acquisition Program and continue acquiring, rehabilitating, and reselling homes to pre-qualified buyers with fixed mortgages. The existing foreclosure program has resulted in the acquisition of 25 homes and resell of 18. Approximately, \$1,600,000 has been recycled back into the program since the initial \$2.38 million NSP Grant. In addition to stabilizing neighborhoods, the Foreclosure Acquisition Program creates between 5-10 construction jobs per rehabilitated house, plus provides employment opportunities for realtors, title companies and appraisers. Staff is also recommending that the Council adopt an amendment to the NSP guidelines, allowing the City flexibility to sell a property to a non-profit organization which may then rent or sell to a qualifying household or the City may opt to maintain ownership of the property, use it as a lease and then resell it to a qualified household once financially feasible.

The Action Plan includes a general description of homeless and other community development needs activities to be undertaken and other actions to address obstacles to meet underserved needs and reduce poverty. The Action Plan can also be found at the City’s Web site at www.ci.visalia.ca.us.

Table 1 shows the specific needs objectives for the 2011–2012 program year.

**Table 1
Summary of Specific
Needs Objectives**

Objective	Goal	Units/Need
Affordable Housing	Provide decent affordable housing by promoting homeownership opportunities for low-and-moderate-income households.	10
	Provide decent affordable housing by sustaining neighborhoods	2
	Increase availability of affordable owner-occupied housing through acquisition	2
Suitable living environment through neighborhood preservation	Maintain and preserve quality housing by addressing substandard housing.	200
	Provide education services to low income families.	120
Homelessness		
Suitable living environment by supporting special needs programs and facilities	Increase accessibility to support facilities to end chronic homelessness.	2
Economic and Community Development		
Create economic development opportunities and community development opportunities needs services	Demonstrate a commitment to long term economic growth by promoting the expansion of existing jobs and job retention.	1
Suitable living environment through public improvements	Improve quality/increase availability of neighborhood facilities for low income persons.	2

The specific goals and outcomes for the estimated CDBG and HOME funding allocations are shown in Table 2.

**Table 2
Objectives and Goals for CDBG and HOME Funding**

Objective	Goal	Program
Provide decent affordable housing	Provide decent affordable housing by promoting homeownership opportunities for low-and-moderate-income households.	Foreclosure Acquisition Program II
	Increase availability of affordable owner-occupied housing through acquisition	Property Acquisition (CHDO)
Suitable living environment through neighborhood preservation	Maintain and preserve quality housing by addressing substandard housing.	Code Enforcement - Target Areas
	Provide education services to low income families.	FairHousing
Homelessness		
Suitable living environment by supporting special needs programs and facilities	Increase accessibility to support facilities to end chronic homelessness.	Continuum of Care
Economic and Community Development		
Create economic development opportunities and community development opportunities needs services	Demonstrate a commitment to long term economic growth by promoting the expansion of existing jobs and job retention.	West Parking Structure Loan Payment (Section 108 Loan)
Suitable living environment through public improvements	Improve quality/increase availability of neighborhood facilities for low income persons.	Oval Park Transportation Improv. Parks Improv. In CDBG Areas

Evaluation of Past Performance

Each year, the U.S. Department of Housing and Urban Development (HUD) assesses the performance of the City of Visalia’s management of CDBG and HOME program funds, the City’s compliance with the ConPlan and the extent to which the City is preserving and developing decent affordable housing, creating a suitable living environment and expanding economic opportunities. Overall, the City has demonstrated the continued capacity to implement and administer its CDBG and HOME programs. The City continues to make progress in addressing priority needs and carrying out the programs described in the ConPlan.

General Questions

1. Describe the geographic areas of the jurisdiction (including areas of low income families and/or racial/minority concentration) in which assistance will be directed during the next year. Where appropriate, the jurisdiction should estimate the percentage of funds the jurisdiction plans to dedicate to target areas.
2. Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a)(1)) during the next year and the rationale for assigning the priorities.
3. Describe actions that will take place during the next year to address obstacles to meeting underserved needs.

4. Identify the federal, state, and local resources expected to be made available to address the needs identified in the plan. Federal resources should include Section 8 funds made available to the jurisdiction, Low-Income Housing Tax Credits, and competitive McKinney-Vento Homeless Assistance Act funds expected to be available to address priority needs and specific objectives identified in the strategic plan.

Program Year 2 Action Plan General Questions response:

Visalia is one of California's fastest growing cities, a reflection of the community's quality of life, affordability and easy access to retail outlets and services. Visalia's market trade area covers parts of three counties, encompassing nearly 500,000 people within a 25-mile radius.

Visalia is the county seat of Tulare County, the top dairy- and milk-producing county in the nation and the second most productive agricultural county in the world, with more than 250 different commodities. Like most San Joaquin Valley cities weathering the economic recession, the unemployment rate is in double digits, reaching 17.7 percent in December 2010.¹



Historic Downtown Visalia, located in the heart of the City, is a thriving business and social locus. Recent renovation efforts in the downtown area reflect the City's commitment to maintaining the quality of life, community spirit and retail of the City. Downtown merchants participate in a voluntary improvement district to finance physical and business improvements. The Property-Based Improvement District (PBID) targets needs such as parking, traffic circulation, streetscape improvements, maintenance, security, economic development and marketing. Home to the Kaweah Delta Health Care District, the City of Visalia and several other large private businesses are also the financial center of Tulare County.

It is the City's intent to fund activities in areas most directly affected by the needs of low-income residents and those with other special needs. A map that shows these areas of concentration in the City is located in the ConPlan.

To create substantive neighborhood improvements and stimulate additional, unassisted improvement efforts, the City will focus the majority of its housing-related funding in targeted low-income neighborhoods. Based on the widespread need for affordable housing, however, assistance will be available Citywide. Distribution of funding for accessibility purposes will also be Citywide.

The geographic distribution of funding is predicated somewhat on the nature of the activity to be funded. As discussed in the Strategic Plan section of the ConPlan, it is the City's intent to fund activities in areas most directly affected by the needs of low-income

¹California Employment Development Department (EDD)

residents and those with other special needs. A map that shows areas of lower-income residents (U.S. Census Bureau, 2000) in the City is located in the ConPlan.

To create substantive neighborhood improvements and stimulate additional, unassisted improvement efforts, the City will provide a portion of its housing-related funding in targeted low-income neighborhoods, with a particular focus on the distressed Washington Elementary School and Lincoln Oval Park neighborhoods and CDBG-targeted areas, where there are high percentages of renter-occupied housing for low-income families. Based on the widespread need for affordable housing, assistance is also available Citywide. Distribution of funding for accessibility purposes is restricted to CDBG targeted areas only. The primary focus of economic development efforts will include downtown business districts located in qualified low-income areas, as well as redevelopment areas, industrial parks and commercial sites in various City locations.

There are several obstacles to meeting the needs of underserved residents in Visalia, as housing affordability is influenced by a complex set of economic conditions. Some of these obstacles are a result of interest rates, lack of disposable income, lack of funding, governmental actions, tax policies and land-use policies and regulations, in addition to other nongovernmental market factors.

Housing

Affordable Housing. In December 2010, the median price for a house in Visalia was \$147,250. (HOME Purchase Price/After Rehabilitation Value Limits, 2010) As a general rule, a house is deemed affordable, considering there is nothing out of the ordinary when financing, when its cost is three times the amount of a person's annual income. According to HUD, the 2010 median family income in Tulare County was \$45,050, indicating that affordable housing in Visalia is not a major issue.

Lack of Financial Resources for Low- and Moderate-Income and Working Poor Residents. There are limited resources county-wide or in Visalia to address the income gap experienced by low- and moderate-income seniors, large families and residents with disabilities. For those who qualify, the City makes it possible for families to own a home through the Foreclosure Acquisition Program and the New Construction Second Mortgage Program.

Foreclosures

According to RealtyTrac, foreclosures accounted for 26 percent of all 2010 residential sales. California foreclosures sales accounted for 44 percent of all sales in 2010, with the Visalia-Porterville Metropolitan Area ranking 17th nationally in foreclosures.

The focus of this Action Plan is to place concentrated efforts on homeownership due to the ongoing foreclosure crisis and the over abundance of abandoned and vacant homes in need of rehabilitation. Plus the City can stimulate the job market by hiring local contractors, realtors, appraisers, and title companies to rehabilitate and resell homes.

On September 29, 2008, the Office of the Secretary of HUD released an emergency assistance program, the Housing and Economic Recovery Act (HERA), to help state and local governments acquire and redevelop foreclosed properties. The City of Visalia was allocated a total of \$2,388,331 in funding to purchase foreclosed or abandoned homes and to rehabilitate, resell or redevelop these homes to stabilize neighborhoods, while assisting low income borrowers with the purchase of a home. Since inception of the program in 2008, the City has acquired a total of 25 houses and re-sold 18 to qualified households.

Actions to Address Obstacles

The City of Visalia will continue to take the following actions during fiscal 2011–2012 to address obstacles to meeting underserved needs.

Provide Decent Affordable Housing

Outcome Goal (DH-1): Provide decent affordable housing by promoting homeownership opportunities for low- and moderate-income households earning less than 80 percent of the area median family income.

- *Foreclosure Acquisition Program II.* This program enables the City to stabilize and revitalize neighborhoods, through acquisition and rehabilitation of foreclosed homes, and resell to pre-qualified buyers with fixed rate mortgages. Also, depending on market conditions, this program gives the City flexibility to either sell a property to a non-profit organization which may then rent or sell to a qualifying household or the City may opt to maintain ownership of the property, use it as a lease and then resell it to a qualified household once financially feasible.

Outcome Goal (DH-3): Provide decent affordable housing by sustaining neighborhoods.

- *Property Acquisition (CHDO Funds).* The HOME Investment Partnerships Program requires that 15 percent of its annual allocation be set aside exclusively for housing that is owned, developed or sponsored by a 501(c)3 nonprofit, community-based service organization, known as a HOME-funded Community Housing Development Organization (CHDO), to develop affordable housing within the community. Currently, the City is working with CSET (Community Services Employment Training) to acquire properties, rehabilitate and resell them to income qualifying households.

Suitable Living Environment through Neighborhood Preservation

Outcome Goal (SL-3): Maintain and preserve quality housing by addressing substandard housing.

- *Code Enforcement.* The Neighborhood Preservation Division is responsible for the management of the Code Enforcement Program. The primary emphasis of the program is on life safety noncompliance. Considerable efforts are focused on Health

and Safety Code enforcement as it primarily relates to housing standards. Some of the common violations include unsafe structures, abandoned properties, contaminated and/or unsecured swimming pools, construction without permits and unlicensed vendors.

Outcome Goal (SL-1): Provide educational services to low-income families.

- *Fair Housing.* This program provides fair housing services to Visalia residents. Callers with complaints are directed to legal counsel who assists with filling out official discrimination complaint forms, which are then forwarded to the Department of Fair Employment and Housing. City staff also provides educational brochures and “California Tenant” Handbooks to various agencies throughout the City.

Suitable Living Environment by Supporting Special Needs Programs

Outcome Goal (SL-1): Increase accessibility to support facilities to end chronic homelessness

- *Continuum of Care & Voucher Program.* The City has a partnership with the Continuum of Care, a 501(c)3 organization to address issues of homelessness. The Continuum of Care is a consortium of housing providers, service providers and local governments that work together to end homelessness in Kings and Tulare counties. The continuum is focused on systematically implementing systems and programs that will help support existing homeless organizations and offer the resources that are needed locally to be successful.

In partnership with the Continuum of Care the City will allocate funding to support Family Services and the Tulare Housing First Program. The program is structured to specifically serve the chronically homeless by providing Shelter Plus Care vouchers to assist a homeless family with housing expenses. The funding would support a Case Manager to oversee the program, which includes mental, and health counseling, job search, and life skills training.

Create Economic Development Opportunities and Community Development Opportunities (Parking Facility) Needs Services

Outcome Goal (EO-1): Demonstrate a commitment to long-term economic growth by promoting business expansion and job retention.

- *Parking Structure Financing (West Acequia Parking Structure)—Section 108 Loan.* The City of Visalia is committed to providing adequate parking in the downtown area to further promote jobs. In 2007, the City finalized construction of a second four-story parking structure, which supports the hospital’s current expansion. In addition, the parking structure supports downtown businesses furthering the creation of many jobs throughout the downtown area. Staff continues monitoring the number of jobs

created on an annual basis. This year, the City will make another Section 108 payment in the amount of \$509,952. This loan is scheduled to be paid off in 2018.

Suitable Living Environment through Public Improvements

Outcome Goal (SL-1): Improve the quality and increase the quantity of public improvements that benefit low- and moderate-income residents. The City also utilizes other funding sources for public and park improvement projects.

- Streets ADA Compliance Projects. The City will continue to fund this program to continue supporting the disabled community with the installation of curb cuts, truncated domes, compliant ramps, and warning detection panels within CDBG targeted areas.
- Oval Park Transportation Improvements. In 2008, the City Council directed staff to work with residents and businesses in the Oval Park neighborhood to foster revitalization efforts. The Engineering Division is now playing lead to complete drawing and construction of roadway improvements over the next few years. Once complete, the improvement will provide improved safety for pedestrians, bicyclists, and vehicles through the Oval Park neighborhood.
- Park Improvements in CDBG Areas. – The City has historically utilized CDBG funds to rehabilitate parks in underserved low-income neighborhoods such as the Oval Park, Jefferson Park, and Birdland. This will continue in 2011/2012.

Resources to Address Priority Needs and Specific Objectives

Due to anticipated budget cuts in the City's CDBG and HOME entitlements, City staff has prepared projections, addressing three scenarios pending HUD's final allocation. Table 3 on next page shows proposed programs and recommended allocations with a 10% - 30% reduction in funds. The City will utilize available resources for housing, non-housing and supportive service needs of Visalia's low- and moderate-income families, and to reduce or eliminate conditions contributing to slum and blight in targeted areas.

**Table 3
Available Resources for Fiscal 2011–2012**

2011-2012 Estimated Budget	2010-11 (Allocation & Amendments)	2011-2012 Projected Allocations based upon % of reductions		
		10% Redtn	20% Redtn	30% Redtn
COMMUNITY DEVELOPMENT BLOCK GRANT				
Annual Grant Amount (CDBG)	1,331,190	1,198,071	1,064,952	931,833
Administration (20% of allocation), Loan Servicing & Operating less Fair Hsg (see Fair Housing for portion of Admin)	251,238	232,114	205,490	178,867
Net for Programs and Projects	1,079,952	965,957	859,462	752,966
Neighborhood Preservation/Services				
Code Enforcement- Target Areas	160,000	120,000	120,000	120,000
Fairhousing Hotline (part of 20%Admin cap)	15,000	7,500	7,500	7,500
Special Needs Facilities				
Continuum of Care or Voucher Program	10,000	12,500	12,500	12,500
Public Improvements				
ADA Compliance Projects **	40,000	30,000	30,000	23,014
Economic Development/Public Parking Facilities				
West Parking Structure Loan Payment (Section 108 Loan)	506,855	509,952	509,952	509,952
Public Parks, Facilities & Improvements				
Oval Park Transportation Improvements	29,025	221,005	114,510	40,000
Oval Park Lighting	40,000	-	-	-
Recreation Park Skateboard Fence	98,072	-	-	-
Park Improvements in CDBG Areas	-	65,000	65,000	40,000
Special Needs Services				
Senior Home Minor Repairs (contract w/CSET)	91,000	-	-	-
Mobile Home Senior Repair & Handicapped Access (contract w/SHE)	90,000	-	-	-
Subtotal Programs & Projects	1,079,952	965,957	859,462	752,966
Total CDBG Expenditure	1,331,190	1,198,071	1,064,952	931,833
Remaining to Carry Forward	-	-	-	-
HOME INVESTMENT PARTNERSHIP FUNDING				
Annual Grant Amount (HOME)	561,002	504,901	448,801	392,701
Administration, Loan Servicing & Operating	56,100	50,490	44,880	39,270
Net for Programs and Projects	504,902	454,411	403,921	353,431
Homeownership				
First Time Homebuyer Program (contract w/CSET)	420,752	-	-	-
Foreclosure Acquisition Program II (Foreclosure acq, rehab, resell)	-	378,676	336,601	294,526
Property Acquisition (Required 15% set aside for CHDO & predevelopment)	84,150	75,735	67,320	58,905
Subtotal Programs & Projects	504,902	454,411	403,921	353,431
Total HOME Expenditure	561,002	504,901	448,801	392,701
Remaining to Carry Forward	-	(0)	(0)	(0)
	CDBG	HOME		
Estimated based off of 2010-2011 (current year allocation)	1,331,190	561,002		

Managing the Process

1. Identify the lead agency, entity, and agencies responsible for administering programs covered by the consolidated plan.
2. Identify the significant aspects of the process by which the plan was developed, and the agencies, groups, organizations, and others who participated in the process.
3. Describe actions that will take place during the next year to enhance coordination between public and private housing, health, and social service agencies.

Program Year 2 Action Plan Managing the Process response:

The City of Visalia’s Housing and Economic Development Department (HEDD) is the lead department responsible for administering programs covered by the ConPlan and the significant aspects of the process by which the Plan was developed. As a means to enhance coordination between public and assisted housing providers, and among private and governmental health, mental health and service agencies, the City has prepared a Citizen Participation Plan to involve and contact the public as part of the consolidated action planning process.

The HEDD coordinates with City departments, county agencies and community stakeholders in developing housing and community development priorities and activities. The partnerships and collaborative efforts will continue to be the focus of the lead agency in implementing the ConPlan and Action Plan.

To further enhance cooperation and coordination among agencies and groups, a series of ConPlan stakeholder workshops were held to discuss the needs assessment and the following strategic planning categories: affordable housing, homelessness, special needs, economic development and community development. There were many interested persons and representatives who attended and gave valuable input and dialogue for improving the ConPlan.

Throughout the preparation of the ConPlan, consultation was sought and obtained by the City with other public and private providers of housing, health and social services. The types of agencies invited to stakeholder meetings included social service agencies, health service organizations, providers of low-income housing, financial institutions that have or may provide financial assistance for lower-income housing and faith-based organizations. Focus group participants highlighted the priority needs in general terms and specific to their target population. Table 4 lists the agencies that were contacted to participate in the two different focus groups.

**Table 4
List of
Contacted
Agencies**

Focus Group and Survey Contacts	
<i>Housing and Economic Development</i>	
1. Center for Independent Living	10. Salvation Army
2. Central Valley Christian Housing	11. Self-Help Enterprises
3. Community Services and Employment Training, Inc. (CSET)	12. Tulare County Economic Development Corporation
4. Downtown Visalians	13. Tulare County Health and Human Services—Homeless Assistance
5. Family Services of Tulare County	14. Tulare County Housing Authority (TCHA)
6. Habitat for Humanity	15. Tulare Kings Hispanic Chamber of Commerce
7. Home Builders Association of Tulare & Kings Counties	16. Visalia Chamber of Commerce
8. Kings/Tulare Continuum of Care	17. Visalia Economic Development Corporation
9. Proteus Inc.	18. Visalia Rescue Mission
<i>Youth and Health and Human Services</i>	
1. Boys and Girls Club	11. Tulare County Health and Human Services Agency
2. City of Visalia City Hall East—Visalia Parks and Recreation Department	12. Tulare County HHS—Child Protective Services
3. Evergreen Residence Assisted Living	13. Tulare County HHS—Environmental Health
4. Golden State YMCA	14. Tulare County HHS—Homeless Assistance
5. Healthy Kids/Children’s Health Initiative	15. Tulare County Mental Health Services
6. Kaweah Delta Mental Health Hospital	16. Tulare County Office of Education
7. Kings-Tulare Area Agency on Aging	17. United Community Youth Center
8. Owens Valley Career Development Center	18. Visalia Police Activities League (PAL)
9. Proteus Inc.	19. Visalia Unified School District
10. Synchrony of Visalia, Inc.	20. Visalia Volunteers Services Program
	21. Visalia Youth Services
HHS: (Tulare County) Health and Human Services Agency	

The focus groups addressed specific questions regarding the needs of the community relative to the current economic environment, how current policies address these needs and what collaborative efforts might better address these needs to enhance coordination between public and private housing and health and social service agencies. In addition, consultations are ongoing with the county and state governments and appropriate regional bodies relative to the areas discussed herein.

The City will continue to encourage public involvement if and when there are substantial amendments to the Citizens Participation Plan, Consolidated Plan, and/or the Annual Action Plan.

Citizen Participation

1. Provide a summary of the citizen participation process.
2. Provide a summary of citizen comments or views on the plan.
3. Provide a summary of efforts made to broaden public participation in the development of the consolidated plan, including outreach to minorities and non-English speaking persons, as well as persons with disabilities.
4. Provide a written explanation of comments not accepted and the reasons why these comments were not accepted.

Program Year 2 Action Plan Citizen Participation response:

City staff developed a detailed participation plan that is part of the ConPlan. As required by HUD, citizens, nonprofits and community residents will be provided adequate opportunity to review and comment on the original Citizen Participation Plan and on substantial amendments to the plan. The purpose of the plan is to encourage citizens, particularly low- to moderate-income residents, to participate in the development of the ConPlan and any substantial amendments to the ConPlan. Citizens were engaged through community meetings, surveys, public hearings and individual meetings.

The primary goals of the City's citizen participation process are to

- Generate significant public participation particularly from extremely low, very low and low-income persons and groups residing within various areas of the City where program funds will be used.
- Gather data that accurately describe and quantify housing and community development needs and to suggest workable solutions.
- Obtain comments on proposals for allocating resources.

Public Notice and Availability of the Plan

The City of Visalia published all public hearings and ConPlan summaries in the *Visalia Times-Delta* and *El Sol del Valle de San Joaquin* newspapers for public review and comment. The summary described the contents and purpose of the ConPlan and listed the locations where copies of the entire plan could be examined.

Access to Records

A list of all projects using CDBG and HOME funds will be made available upon request; the list is also available on the City's Web site. The list will include the names of the sub-recipients, the amount of the allocation, a brief description of the activity and the fiscal year in which the funds were distributed.

Public Hearings

The City of Visalia conducted two separate public hearings to obtain citizens' views and to respond to proposals and questions. The first public hearing was held on November 12, 2009, to discuss community needs and proposed uses of funds for the upcoming program year. The second public hearing was held on April 19, 2010, to assess how funds are planned to be spent during the next program years. The time, date, location and subject of the hearings were announced in the *Visalia Times-Delta* and *El Sol del Valle de San Joaquin* newspapers no less than 15 days before the hearings.

If an interpreter was needed, one would be provided with ample notification as stated on the public notice. The City was prepared to provide interpreters for non-English-speaking citizens upon request; however, no such request was made. All public hearings and meetings were conducted in the evening hours and were held at convenient and accessible locations that accommodate persons with disabilities.

Comments and Complaints

All comments or complaints made on the ConPlan and any amendments to the plan will be accepted through all components of the preparation of these documents until the closing of the formal public review and comment period. Written copies of the complaints and comments received during the public review and comment period are noted and attached as part of the Action Plan.

Summary of Citizen Participation

Citizens were encouraged to participate in two community meetings that were held in different parts of the City: the Senior Citizen Center and CSET's center. The first meeting was held on November 12, 2009. The second meeting was held on November 19, 2009. At these meetings, members of the public were asked to identify community needs and priorities before the drafting of the ConPlan.

Citizens who participated in the process received extensive information about the ConPlan, the citizen participation process, the HUD requirements for an entitlement city, the amount of funding that the City anticipates receiving and how those funds can be used by the City. Residents were given the opportunity to provide City staff with their input on the prioritization of community needs.

Summary of Efforts Made to Broaden Public Participation

The HEDD actively encouraged low- and moderate-income residents, persons of different ethnicities, persons with disabilities and non-English-speaking residents to attend community meetings and hearings. In accordance with the Citizen Participation Plan, the City will provide translation services to any resident who requests the need for

those services. Through the extensive participation of internal departments, agency and nonprofit focus groups and the community at-large, the City was effectively able to involve a broad swath of the City's residents in the planning process.

Community Needs Priorities for the Next Five Years

Citizens were asked to name the priorities in terms of community needs for the coming five-year period. After providing this list of needs, participants were then asked to prioritize those as high, medium or low.

Housing

High

- More infill development
- Rehabilitation of existing units
- Better accessibility in mobile home parks, particularly for seniors and the disabled
- Program for ADA (Americans with Disabilities Act) assistance to seniors, veterans and others

Medium

- Permanent supportive housing
- Provide overnight (temporary) housing for the homeless (especially families and transitional aged youth)
- Basic emergency shelter needs (e.g., cold weather shelter, food, clothing)
- Increased transitional housing (into permanent housing)

Low

- Transitional and permanent supportive housing for the homeless
- Provide City assistance to elevate vacant lots out of the flood zone in all CDBG-eligible areas
- Use vacant properties for homeless housing
- Additional resources for the acquisition and rehabilitation of foreclosed or blighted homes
- More housing in the Lincoln/Oval community (including a partnership with Habitat for Humanity)
- Foreclosure counseling
- Permanent supportive housing (e.g., Housing First model)

Economic Development

High

- Business incubators to encourage the creation of new enterprises
- Connecting people to the jobs that are available/Create relationships between the industrial base, downtown and depressed neighborhoods

Medium

- Create more industrial parks to attract jobs

- More partnerships with private commercial developers in downtown and south central Visalia
- Downtown façade improvement to encourage additional patronage
- Business incubator in vacant buildings (e.g., Lincoln/Oval service center)
- Mentoring and apprenticeship opportunities/Job skills training/Program to supplement wages for on-the-job training

Low

- Micro business loan program in depressed areas
- Provide satellite job skills training services and better access to employment in areas where people live (e.g., blighted areas)
- Child care facilities
- Entrepreneurship training programs

Community Development

High

- Public safety
- Oval Park improvements

Medium

- Downtown “Gathering Place”
- More parks in low-income neighborhoods
- Overall revitalization in Lincoln/Oval area
- Corridor revitalization between downtown and the Lincoln/Oval area
- Expand The Loop to Riverway Sports Park and other recreation areas

Low

- Address psychological and substance-abuse issues of the homeless/Address psychosocial needs of the homeless
- Organize a community center in the Washington neighborhood for adults and children
- Expand existing youth services to focus on the issue of health disparity

Agencies, nonprofits and interested members of the community were encouraged to participate in the ConPlan process via a survey that was made available both by hard copy and online. Dissemination of the survey was actively promoted by the Housing and Economic Development Department. The effort was effective at reaching a broad base of the community as more than 130 surveys were returned.

Summary of Efforts Made to Broaden Public Participation

The City of Visalia actively encourages more low- and moderate-income residents, minorities, those with disabilities and non-English-speaking residents to attend community meetings and hearings. In accordance with the Citizen Participation Plan, the City will provide translation services to any resident who requests the need for those services at such hearings and meetings.

Also, the City utilized interactive, collaborative and open Web-based tools, which allowed easy distribution of project information and surveys and allowed citizens to submit comments and questions as the project progressed. Other interactive Web capabilities allowed citizens to upload photos and relevant descriptions of the project area to highlight issues for the project team.

All comments were accepted during the citizen participation process.

Institutional Structure

1. Describe actions that will take place during the next year to develop institutional structure.

Program Year 2 Action Plan Institutional Structure response:

Visalia is a charter city and is managed utilizing the council-manager form of government. The five-person City Council provides policy direction to the City Manager who is responsible for administering City operations. The City Council members are the leaders and policy makers elected to represent the community and to concentrate on policy issues that are responsive to citizens' needs and wishes. The City Manager is appointed by the City Council to carry out policy and ensure that the entire community is being served. The City Council is the legislative body; its members are the community's decision makers.

The HEDD Director administers the day-to-day activities of the CDBG and HOME programs. City staff throughout various departments work together with the community to develop programs and activities that improve low- and moderate-income neighborhoods throughout Visalia. The administration of program activities includes housing, public facility and infrastructure improvements, public and social service activities and economic development activities.

The strengths in the delivery system are interdepartmental communication and collaboration. City staff from various departments works with local organizations and agencies that assist low-income individuals and with families in Visalia and community residents to establish priorities for utilizing CDBG and HOME funding. The gaps in the delivery system are due to limited funding. The need far outreaches the funding resources. As a result, even projects with a high priority may have to wait years to be funded.

The principal provider of community development and economic development programs, housing projects and financial support will be the City of Visalia. Other public agencies that work together to increase Visalia's supply of affordable housing includes; the Tulare County Housing Authority, Visalians Interested in Affordable Housing (VIAH), the Kings/Tulare County Continuum of Care, Self-Help Enterprises (SHE), Community Services and Employment Training, Inc. (CSET), and Habitat for Humanity are CHDOs and nonprofit agencies that also provide support to deliver affordable housing.

Monitoring

1. Describe actions that will take place during the next year to monitor its housing and community development projects and ensure long-term compliance with program requirements and comprehensive planning requirements.

Program Year 2 Action Plan Monitoring response:

To monitor that funds are being utilized to carry out affordable housing strategies through the acquisition, rehabilitation and new construction of housing units, the City of Visalia's monitoring plan includes tracking HUD-approved programs in accordance with the national objectives and regulations.

The City has compliance monitoring guidelines for its CDBG and HOME funds with priority given to activities that benefit low- and moderate-income persons. That monitoring process incorporates the following:

Routine Monitoring Responsibilities by City Staff

1. To assess performance and identify any compliance problems, City staff monitor application information from homeowners, assist with sub-recipient checklists, conduct periodic reviews to ensure regulatory compliance and track performance.
2. Ongoing monitoring involves an examination of both routine and special reports assessing two areas: compliance and performance.
3. Sub-recipients have independent audit actions conducted on a yearly basis.
4. Sub-recipients prepare periodic progress reports and provide those reports to the City of Visalia on a monthly basis.
5. If the sub-recipient is slow in setting up projects or in drawing down funds, City staff contact the sub-recipient to discuss the reasons for the slow progress.
6. If the sub-recipient is not able to commit and spend its designated funds within the period of the HOME agreement, an onsite review may be requested.
7. If it is determined that HOME funds will not be drawn down, staff may take steps to reprogram the funds to another entity or program upon taking the appropriate amendment actions.
8. Based on the data submitted, City staff generates regular reports on the status of all HOME- and CDBG-funded activities, as well as program-wide data such as the number of units developed or families assisted, income guidelines, ethnicity, Census data and the ongoing expenditure of HOME and CDBG funds.
9. The results are presented in the yearly Consolidated Annual Performance and Evaluation Report (CAPER) report and preserved in the program master file.

In-Depth Monitoring and Onsite Reviews

1. These activities identify whether performance or compliance problems exist and identify the aspects of the programs or projects that are contributing to the adverse situation.
2. These activities include an onsite visit, observation of actual program elements and the use of a monitoring checklist.

3. City staff identify aspects of the programs or projects where the organization is performing well and poorly, assess compliance with program requirements, determine whether record-keeping is adequate, prepare a report summarizing the results of the review and describe any required follow-up activity.

Monthly Status Report

1. The sub-recipient is required to submit a monthly report detailing the progress of the development projects, programs and activities utilizing CDBG and HOME funds.
2. This report is to include the following:
 - Project progress in meeting stated goals and benchmarks.
 - Problems encountered and steps taken to resolve them.
 - Other general information as appropriate.
3. This report is required to be filed at the City office by the seventh working day of the month following the month when services were provided.

File Review or “Desk Review”

1. Throughout the year, City staff review the sub-recipients’ submitted project files for compliance.
2. City staff may be made aware of important or valuable information in a City “Single Audit” Review, conducted by an independent auditor.
3. In addition to the ongoing file monitoring and prior to the onsite visit, City staff review the organizations/sub-recipients on the projects.

Financial Review

1. Sub-recipients submit a weekly or monthly report, depending on the type of project, concerning the financial and accounting status of the project(s).
2. The weekly/monthly financial report includes the following:
 - Summary of all disbursements of CDBG or HOME funds.
 - Percentage of funds expended and remaining by cost category.

Site Review

1. City staff gathers information from a variety of sources.
2. During the onsite review, the following steps are completed:
 - Conduct an initial meeting with the director or other official to explain the purpose and schedule for the review.
 - Review additional materials provided to obtain more detailed information about the program or projects in question.
 - Examine a sampling of files to verify the existence of required documentation and the accuracy of reports being submitted to the agency.
 - Visit a sampling of program or project sites to confirm information contained in the program files; this may also include interviewing residences.
 - Meet with local lending or other partners, if applicable.
 - Conduct an exit conference with appropriate senior staff to discuss the preliminary conclusions of the review and identify any follow-up actions necessary.
3. After completion of the onsite visit, the following steps are completed:

- Properly record the results of the review.
 - Fill out all applicable checklists.
 - Attach to the checklists all documentation required to support conclusions from the review (if applicable).
 - Place the checklists and documentation in the monitoring file for that organization.
 - Place an additional copy of the checklist in the project file.
 - Meet with the program staff to review the findings of the monitoring visit and agree on a course of action (if applicable).
 - After the in-depth review, City staff prepares and sends to the sub-recipients a report describing the results of the review.
4. The monitoring report must include the reasons underlying all conclusions.

CDBG Project Management

1. Each project utilizing CDBG funds is managed by a project manager.
2. The project manager monitors the use of the funds and is the “Labor Standards Coordinator,” having responsibility for National Environmental Policy Act compliance and CDBG labor standards compliance and reporting, as well as Section 3 requirements.
3. A CDBG Project Compliance Manual has been prepared and is issued to all project managers in the City.
4. Records shall be maintained from the inception of the project, documenting the compliance requirements for receiving this federal funding.
5. A separate Labor Standards Enforcement file shall be maintained.
6. A record-keeping action checklist, issued by HUD, as well as a CDBG Project Compliance Record Summary, shall be complied with.²

Lead-based Paint

1. Describe the actions that will take place during the next year to evaluate and reduce the number of housing units containing lead-based paint hazards in order to increase the inventory of lead-safe housing available to extremely low-income, low-income, and moderate-income families, and how the plan for the reduction of lead-based hazards is related to the extent of lead poisoning and hazards.

Program Year 2 Action Plan Lead-based Paint response:

Estimation of the Number of Housing Units with Lead-Based Paint

There were 19,854 housing units that, according to the 2000 Census, were built before 1980 in Visalia. The use of lead-based paint was banned nationwide in 1978. Per this Census information, it is estimated that 46.5 percent of the City’s 42,728 units could have had lead-based paint in 2000. As units have been repaired, rehabilitated or replaced since 1978, non-lead-based paint has been used.

According to the federal Centers for Disease Control (CDC), in 2006 California tested 505,303 children for lead poisoning. Confirmed cases totaled 3,172 children or

²City of Visalia Housing and Economic Development Department

0.63 percent of all children. This was down considerably from 2000 when 11.61 percent of tested children in the state were confirmed with lead poisoning. Lead poisoning can come from other sources besides paint, such as soil and pottery.

Proposed Action to Evaluate and Reduce Lead-Based Paint Hazards

The Tulare County Childhood Lead Poisoning Prevention Program provides educational information and training for inspectors. For all of the City's housing programs, applicants are informed of the danger of lead-based paint through a brochure as part of the application process. In addition, City building inspectors are alert to signs of this hazard as they perform their substandard housing inspections. All housing owners and occupants with which the City interacts through its various programs are required to abate this hazard as a condition of assistance from the City.

HOUSING

Specific Housing Objectives

*Please also refer to the Housing Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve during the next year.
2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

Program Year 2 Action Plan Specific Objectives response:

The following are the priorities and specific objectives the City hopes to achieve during the next year:

Provide Decent Housing

This objective focuses on HUD's mission to expand the supply of decent affordable housing for low and very low income families.

Create a Suitable Living Environment

This objective relates to activities that are designed to benefit communities, families or individuals by addressing issues in their living environment.

Resources

Rumors are rife that Redevelopment agencies throughout California will be eliminated as part of the Governor's proposed budget cuts. Losing Redevelopment funds will be devastating to local government. Redevelopment supports jobs, infrastructure and is the largest source of funding for affordable housing and overall economic growth.

The City also faces cuts to its CDBG and HOME allocations. This not only puts a tremendous strain on city staff as staffing levels have already been reduced in

anticipation of the cuts, but also on the City’s non-profit partners who will also be affected by these cuts. The City is faced with making some very tough decisions regarding programs that will be spared and those that will need to be eliminated due to these cuts.

Needs of Public Housing

1. Describe the manner in which the plan of the jurisdiction will help address the needs of public housing and activities it will undertake during the next year to encourage public housing residents to become more involved in management and participate in homeownership.
2. If the public housing agency is designated as "troubled" by HUD or otherwise is performing poorly, the jurisdiction shall describe the manner in which it will provide financial or other assistance in improving its operations to remove such designation during the next year.

Program Year 2 Action Plan Public Housing Strategy response:

The City of Visalia does not own public housing. However, the City does support and partner with the Tulare County Housing Authority (TCHA) to provide housing assistance to extremely low, very low, low- and moderate-income households.

The City of Visalia has partnered with TCHA to develop several affordable housing projects. Currently, the City is working with TCHA through Kaweah Management Company, a nonprofit 501(c)3, to rehabilitate 11 units and construct nine units to complete a 20-unit multi-family rental project known as Paradise & Court. The current Housing Market Analysis (see Table 11) displays the number of public housing units within the City of Visalia owned and managed by the TCHA.

**Table 11
Housing Market Analysis**

Housing Stock	Vacancy Rate	0 & 1 Bedroom	2 Bedrooms	3+ Bedrooms	Total
<i>Affordability Mismatch</i>					
Occupied Units Renter		3,234	4,879	3,400	11,513
Occupied Units Owner		1,108	2,919	15,405	19,432
Vacant Units for Rent	2.8%	121	630	180	931
Vacant Units for Sale	1.2%	4	89	305	398
Total Units Occupied and Vacant		4,467	8,517	19,290	32,274
<i>Rent</i>					
Applicable FMR (\$)		\$605	\$702	\$1,005	
Affordable 31%-50% of MFI (\$)		\$476	\$571	\$660	
<i>Public Housing Units</i>					
Occupied Units		21	70	88	179
Vacant Units		0	0	0	0
Total Units Occupied and Vacant		21	70	88	179
<i>Rehabilitation Need (\$)</i>					\$200,000

TCHA administers the Family Self-Sufficiency (FSS) program, which provides clients with counseling and the opportunity to save for a down payment to become homeowners. The City will continue to work with TCHA to determine strategies to enhance the program. TCHA is not designated as “troubled” by HUD.

Barriers to Affordable Housing

1. Describe the actions that will take place during the next year to remove barriers to affordable housing.

Program Year 2 Action Plan Barriers to Affordable Housing response:

State housing law requires local governments to review both governmental and non-governmental constraints to the maintenance and production of housing for all income levels. Since local governmental actions can restrict the development and increase the cost of housing, State law requires that cities address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing.

The City updated and adopted the Housing Element on March 15, 2010, in conformance with jurisdictions in the Tulare Council of Governments (COG) sub-region. Achievement of the objectives contained in the 2009–2014 Housing Element are expected to be accomplished through actions by the City to provide appropriate regulatory concessions and incentives through its land-use and development controls and through the utilization of available federal and state housing programs. The priorities identified through the 2009–2014 Housing Element are to provide housing opportunities and accessibility for all economic segments of the City; provide and maintain an adequate supply of sites for the development of affordable new housing; preserve, rehabilitate and enhance existing housing and neighborhoods; ensure that all housing programs are available without discrimination on the basis of race, color, religion, sex, national origin, ancestry, marital status, age, household composition or size, or any other arbitrary factor; and to encourage and enhance intergovernmental, public and private coordination and cooperation to achieve an adequate supply of housing for all economic and social segments of the community.

Some of the City’s regulations and procedures that could affect residential development and housing affordability include land use controls, development processing procedures and fees, impact fees, on and off-site improvement requirements, and building codes and enforcement.

The City encourages new mixed use development in the downtown and community centers; higher densities for infill and affordable housing development; new high density residential development along major corridors and at major intersections. Refer to the City’s Housing Element 2010 for detailed information.

As detailed in the Housing Element, policies are designed to assist with barriers to affordable housing:

General Policies:

- The City, in a leadership role, shall continue to utilize funding (when available) to subsidize the development of affordable housing.
- The City shall continue to provide a wide range of incentive programs to encourage affordable housing.
- The City shall ensure that information on available housing programs continues to be made available and is accessible to the public.

Specific Policy Implementations

- In 2005, the General Plan was amended to increase the number of multi-family units allowed as a permitted use from 11 units to 40 units.
- The City's Zoning Ordinance grant a 25% density bonus over the housing unit density allowed by existing zoning when the developer agrees to make certain units affordable to low income households.
- The City has no constraints on the development of farm worker housing.
- In 2004, the City adopted a second dwelling unit ordinance that follows State requirements.
- Manufactured housing can serve as an alternative from of affordable housing in low-density areas where the development of higher-density multi-family residential units is not allowed.

Actions to Alleviate Barriers Created by Market Conditions

Homeownership. The City currently administers four affordable programs that income qualifying households can take advantage of:

Foreclosure Acquisition Program II – This program enables the City to stabilize and revitalize neighborhoods, through acquisition and rehabilitation of foreclosed homes, and resell to pre-qualified buyers with fixed rate mortgages. Also, depending on market conditions, this program gives the City flexibility to either sell a property to a non-profit organization which may then rent or sell to a qualifying household or the City may opt to maintain ownership of the property, use it as a lease and then resell it to a qualified household once financially feasible.

New Construction Deferred 2nd Mortgage Loan Program – The City has partnered with five local homebuilders to offer up to \$20,000 in gap financing for the purchase of a home to income qualifying borrowers. The loan is provided as a second mortgage and is deferred for 15 years with a 15 year repayment period at a 2% simple interest rate.

Foreclosure Acquisition Program (NSP) - In September 2008, the City of Visalia was awarded a \$2.3 million Community Development Block Grant (CDBG) to acquire, rehabilitate and resell foreclosed homes. This program enables the City to revitalize neighborhoods, rehabilitate foreclosed homes, employ local contractors, and resell homes to pre-qualified buyers with fixed rate mortgages. With this Action Plan, staff is recommending that the Council adopt an amendment to the NSP guidelines, allowing the City flexibility to sell a property to a non-profit organization which may then rent or sell to a qualifying household or the City may opt to maintain ownership of the property, use it as a lease and then resell it to a qualified household once financially feasible.

Affordable Housing. To create substantive neighborhood improvements and stimulate additional, unassisted improvement efforts, the City focuses a portion of its housing-related funding (including partnering, nonprofit, HOME and CDBG) in targeted low-income neighborhoods. Based on the widespread need for affordable housing, however, assistance is also available Citywide.

- *Removal of Affordable Housing.* The City ensures that staff complies with the Uniform Relocation Act when considering the removal of affordable housing units. As a means of preventing displacements caused by construction or rehabilitation, the City will survey, or cause to be surveyed, each owner or tenant and determine what type of assistance, if any, would be offered. A family will not be displaced without financial and advisory assistance sufficient, in the determination of the City, to enable the family to obtain decent, safe and sanitary housing at an affordable cost. Also, HUD Section 104(d) of the Housing and Community Development Act (HCD) provides the following minimum requirements for certain CDBG and HOME funded programs or projects:
 - Funding recipients must certify that they have in effect and are following a Residential Anti displacement and Relocation Assistance Plan (RARAP).
 - Relocation assistance to lower-income residential tenants displaced as a direct result of demolition of any dwelling unit or conversion of a lower-income dwelling unit in connection with an assisted activity.
 - Replacement, on a one-for-one basis, of all occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than lower-income dwelling units in connection with an assisted activity.

Zoning Flexibility. Currently, the processing and permitting procedures have supported a continuum of housing needs and have not constituted a constraint within the City of Visalia. The City has approved three emergency shelters as well as a new community center under construction in the Oval Park Area for the Visalia Rescue Mission. In addition, Habitat for Humanity will develop a three- unit transitional housing complex, which will be eventually owned and managed by Family Services of Tulare County.

The City is looking at amending the Zoning Code to streamline the permitting process of future affordable housing projects as a development incentive. In addition; however, since the City of Visalia’s Municipal Code does not allow emergency shelters without a conditional use permit in any zone, the City does not meet the new State requirements established by SB 2. To ensure compliance with State law, the City has included Program 1.8, which states that the City will amend the Zoning Code use matrix to allow emergency shelters “by right” (i.e., as a permitted use, without discretionary approval) in the IL zone. There are currently (2009) about 75 acres of vacant land in this zone, with a variety of parcel sizes. Parcel sizes generally break down as follows:

- Less than 0.5 acres: 51 parcels
- 0.5-1 acres: 49 parcels
- 1-5 acres: 29 parcels

- 5-20 acres: 1 parcel
- Larger than 20 acres: 2 parcels

While the IL zone is an industrial zone, it is relatively close to services such as food, parks, social services, and schools. The IL zone emphasizes low-intensity research and development, warehousing, and limiting manufacturing. It is not a heavy industrial zone. The zone also permits other compatible uses such as restaurants, fast food restaurants, medical clinics, churches and other religious institutions, and residential units associated with a commercial activity. There is abundant land in this zone with adequate infrastructure to support new development, and land costs are generally lower in this zone than in commercial or residential zones. There are some vacant or available industrial buildings in this zone that could be converted to emergency shelters. For example, the Olive Plant Warehouse on Tulare Avenue at Bridge Street and several service commercial buildings, approximately 5,000 square feet on average, along Pershing Avenue near Shirk Road. The Zoning Code currently (2010) allows emergency shelters in this zone with a conditional use permit.

The City does not have any residential development standards for planned commercial districts. Currently, new residential development is permitted within all P-C zones, with increasing residential uses within commercial zones. This is a primary concern for the City. Finally, Visalia utilizes a density bonus program for developers of affordable housing units, however, the City needs to place a bonus cap of 35 percent in order to be compliant with SB 1818 (Housing Element 2010).

The Visalia Zoning Ordinance permits manufactured housing parks in three residential zones with a conditional-use permit. The City has no policies that would put constraints on the development of farm-worker housing. In addition,

- On January 8, 2004, the City adopted a second dwelling unit ordinance that follows the requirements of state law.
- The Visalia Zoning Ordinance permits group homes in four residential zones; the City has approved three emergency shelters through the use of the conditional-use permit (CUP) process in the last decade and will continue to do this on a case by case basis.
- Brochures regarding housing programs are regularly distributed to the public.

Density Bonuses. The Visalia Zoning Ordinance will grant a 25 percent density bonus over the housing unit density allowed by existing zoning if the developer agrees to meet one of the following conditions:

- At least 10 percent of the units are for very low income households
- At least 20 percent of the units are for lower-income households
- At least 50 percent of the units are for seniors

Site Development and Public Facility Requirements. The General Plan and Zoning Ordinance for Visalia contains policies and requirements for the provision of adequate public facilities and services, such as potable water supply, sewage disposal systems,

electricity, flood protection, fire protection, parks and public or private access. Although these factors add incrementally to the cost of housing, they are essential to protect public health and safety, and meet the objectives of the federal and state governments regarding air quality, water quality, threatened and endangered species, the California Environmental Quality Act (CEQA) and other policies and regulations.

HOME/ American Dream Down payment Initiative (ADDI)

1. Describe other forms of investment not described in § 92.205(b).
2. If the participating jurisdiction (PJ) will use HOME or ADDI funds for homebuyers, it must state the guidelines for resale or recapture, as required in § 92.254 of the HOME rule.
3. If the PJ will use HOME funds to refinance existing debt secured by multifamily housing that is being rehabilitated with HOME funds, it must state its refinancing guidelines required under § 92.206(b). The guidelines shall describe the conditions under which the PJ will refinance existing debt. At a minimum these guidelines must:
 - a. Demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing.
 - b. Require a review of management practices to demonstrate that disinvestments in the property has not occurred; that the long-term needs of the project can be met; and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated.
 - c. State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both.
 - d. Specify the required period of affordability, whether it is the minimum 15 years or longer.
 - e. Specify whether the investment of HOME funds may be jurisdiction-wide or limited to a specific geographic area, such as a neighborhood identified in a neighborhood revitalization strategy under 24 CFR 91.215(e)(2) or a Federally designated Empowerment Zone or Enterprise Community.
 - f. State that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.
4. If the PJ is going to receive American Dream Down payment Initiative (ADDI) funds, please complete the following narratives:
 - a. Describe the planned use of the ADDI funds.
 - b. Describe the PJ's plan for conducting targeted outreach to residents and tenants of public housing and manufactured housing and to other families assisted by public housing agencies, for the purposes of ensuring that the ADDI funds are used to provide down payment assistance for such residents, tenants, and families.

- c. Describe the actions to be taken to ensure the suitability of families receiving ADDI funds to undertake and maintain homeownership, such as provision of housing counseling to homebuyers.

Program Year 2 Action Plan HOME/ADDI response:

The City uses HOME funds to administer the New Construction 2nd Deferred Mortgage Loan Program. The program assists qualified borrowers with up to \$20,000 in gap financing or down payment as a second mortgage, deferred for five years at a 2% interest. The City also partners with a Certified CHDO; CSET, Community Services Employment Training to acquire properties, rehabilitate them resell them to income qualifying households utilizing HOME CHDO funds. CSET as a CHDO has acquired foreclosed properties, using their CORE members to complete the rehabilitation as an in-kind contribution.

With this Action Plan, staff is recommending that funding be allocated to a new program; the Foreclosure Acquisition Program II. This program enables the City to stabilize and revitalize neighborhoods, through acquisition and rehabilitation of foreclosed homes, and resell to pre-qualified buyers with fixed rate mortgages. Also, depending on market conditions, this program gives the City flexibility to either sell a property to a non-profit organization which may then rent or sell to a qualifying household or the City may opt to maintain ownership of the property, use it as a lease and then resell it to a qualified household once financially feasible.

The HOME program requires local or state matching funds. The federal HOME funds must be matched by non-federal resources (Sec. 92.218-222). All HOME-eligible activities requires matching funds (one dollar of local or state resources for every four federal dollars spent) unless specific exemptions have been granted by HUD.

The City adheres to the recapture guidelines as set forth by HUD to control the resale of any property or development that is HOME funded. The City enforces the recapture option to ensure that it recuperates the entire HOME subsidy if the HOME recipient decides to sell the property within the affordability period.

The City does not utilize HOME funds to refinance existing debt secured by multi-family dwellings for rehabilitation loans.

The City of Visalia has not been allocated funds for the ADDI.

HOMELESS

Specific Homeless Prevention Elements

*Please also refer to the Homeless Needs Table in the Needs.xls workbook.

1. Sources of Funds—Identify the private and public resources that the jurisdiction expects to receive during the next year to address homeless needs and to prevent homelessness. These include the McKinney-Vento Homeless Assistance Act programs, other special federal, state and local and private funds targeted to homeless individuals and families with children, especially the chronically homeless, the HUD formula programs, and any publicly-owned land or property. Please describe, briefly, the jurisdiction’s plan for the investment and use of funds directed toward homelessness.
2. Homelessness—In a narrative, describe how the action plan will address the specific objectives of the Strategic Plan and, ultimately, the priority needs identified. Please also identify potential obstacles to completing these action steps.
3. Chronic homelessness—The jurisdiction must describe the specific planned action steps it will take over the next year aimed at eliminating chronic homelessness by 2012. Again, please identify barriers to achieving this.
4. Homelessness Prevention—The jurisdiction must describe its planned action steps over the next year to address the individual and families with children at imminent risk of becoming homeless.
5. Discharge Coordination Policy—Explain planned activities to implement a cohesive, community-wide Discharge Coordination Policy, and how, in the coming year, the community will move toward such a policy.

Program Year 2 Action Plan Special Needs response:

At this time, the City does not use the McKinney-Vento Homeless Assistance Act program or receive special funding from the state or federal government. However, the City continues its partnership with the Kings-Tulare County Continuum of Care to address issues of homelessness. Through the continuum, the City continues to move forward to accomplish the goals of combating homelessness; the Point-in-Time Survey of 2009 showed that even with the nation’s current recession there were fewer homeless people in Tulare and Kings Counties than a year earlier.

The Continuum of Care administers an annual Point-in-Time survey in the late winter during a week designated by HUD. Volunteers throughout the surrounding cities pick specific locations to target the homeless. In exchange for an “incentive bag” containing basic necessities such as toothbrushes, lotion, socks, etc., volunteers gather information on the homeless by asking questions such as age, language, how long they have been homeless, employment, number of children, etc.

With the completion of this survey, the Continuum of Care can better gauge the progress of its efforts to combat homelessness and improve the allocation of funding. With the data, the continuum also fulfills reporting requirements to HUD. The continuum is focused on systematically implementing systems and programs that will help support existing homeless organizations and offer the resources that are needed locally to be successful..

The City will continue working with the Continuum of Care on goals aimed toward eliminating chronic homelessness. Through its commitment and dedication, the continuum, along with supporting agencies, will continue to strategize on approaches and ways to acquire more shelters and/or organizations that will provide homeless individuals not only with basic care needs but also job training and guidance. The issues associated with homelessness are complicated. Solutions to resolve this problem require considerable time, energy and financial resources, which, if not available, put an obstacle on achieving goals.

The City of Visalia presently has a number of organizations that provide services to the homeless, each addressing a specific population:

- *Visalia Rescue Mission.* This faith-based recovery program has a 42-bed men’s shelter and can accommodate 60 men as part of its overnight emergency services. In addition, the Visalia Rescue Mission has one apartment, the Alpha House, which is designated as transitional housing, accommodating seven men. The Rescue Mission also has a short-term women’s shelter, Shelter of Hope. Here, the mission offers emergency and transitional services for homeless single women and women with children. This rescue program is designated to help women and women with children transition from living on the streets to becoming self-sufficient through offering meals, housing and the gospel.
- *Partners for Youth Vision.* This program for homeless teens offers a safe haven from the street and provides basic necessities. Youth Vision works within the community to provide resources and referrals to youth.
- *Alternative Services.* This program for recently released prisoners/drug court clients has a transitional house for men (6 beds) and women (6 beds).
- *Central California Family Crisis Center.* This domestic violence shelter has space for 38 women and children with a 16-bed transitional housing program.
- *Visalia Emergency Aid.* To help prevent homelessness, this organization assists hundreds of families yearly who are affected by unexpected changes in employment, loss of shelter due to fire or other family emergencies that affect their ability to work.

The City is not in a position to implement a Discharge Coordination Policy.

Emergency Shelter Grants (ESG)

(States only) Describe the process for awarding grants to State recipients, and a description of how the allocation will be made available to units of local government.

Program Year 2 Action Plan ESG response:

The City of Visalia is not a state recipient of ESG.

COMMUNITY DEVELOPMENT

Community Development

*Please also refer to the Community Development Table in the Needs.xls workbook.

1. Identify the jurisdiction's priority non-housing community development needs eligible for assistance by CDBG eligibility category specified in the Community Development Needs Table (formerly Table 2B), public facilities, public improvements, public services and economic development.
2. Identify specific long-term and short-term community development objectives (including economic development activities that create jobs), developed in accordance with the statutory goals described in section 24 CFR 91.1 and the primary objective of the CDBG program to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons.

*Note: Each specific objective developed to address a priority need, must be identified by number and contain proposed accomplishments, the time period (i.e., one, two, three, or more years), and annual program year numeric goals the jurisdiction hopes to achieve in quantitative terms, or in other measurable terms as identified and defined by the jurisdiction.

Program Year 2 Action Plan Community Development response:

In this Action Plan year, the City will address non-housing community development needs through the following programs to meet the specific objectives.

Suitable Living Environment through Neighborhood Preservation

Outcome Goal (SL-3): Maintain and preserve quality housing by addressing substandard housing.

- Code Enforcement. The Neighborhood Preservation Division is responsible for the management of the Code Enforcement Program. The primary emphasis of the program is on life safety noncompliance. Considerable efforts are focused on Health and Safety Code enforcement as it primarily relates to housing standards. Some of the common violations include unsafe structures, abandoned properties, contaminated and/or unsecured swimming pools, construction without permits and unlicensed vendors.

Outcome Goal (SL-1): Provide educational services to low-income families.

- Fair Housing. This program provides fair housing services to Visalia residents. Callers with complaints are directed to legal counsel who assists with filling out official discrimination complaint forms, which are then forwarded to the Department of Fair Employment and Housing. City staff also provides educational brochures and “California Tenant” Handbooks to various agencies throughout the City.

Suitable Living Environment by Supporting Special Needs Programs

Outcome Goal (SL-1): Increase accessibility to support facilities to end chronic homelessness

- *Continuum of Care & Voucher Program.* The City has a partnership with the Continuum of Care, a 501(c)3 organization to address issues of homelessness. The Continuum of Care is a consortium of housing providers, service providers and local governments that work together to end homelessness in Kings and Tulare counties. The continuum is focused on systematically implementing systems and programs that will help support existing homeless organizations and offer the resources that are needed locally to be successful.

In partnership with the Continuum of Care the City will allocate funding to support Family Services and the Tulare Housing First Program. The program is structured to specifically serve the chronically homeless by providing Shelter Plus Care vouchers to assist a homeless family with housing expenses. The funding would support a Case Manager to oversee the program, which includes mental, and health counseling, job search, and life skills training.

Create Economic Development Opportunities and Community Development Opportunities (Parking Facility) Needs Services

Outcome Goal (EO-1): Demonstrate a commitment to long-term economic growth by promoting the expansion of existing and job retention.

- *Parking Structure Financing (West Acequia Parking Structure)—Section 108 Loan.* The City of Visalia is committed to providing adequate parking in the downtown area to promote jobs. In 2007, the City finalized construction of a second four-story parking structure, which supports the hospital’s current expansion. In addition, the parking structure supports downtown businesses furthering the creation of many jobs throughout the downtown area. Staff continues monitoring the number of jobs created on an annual basis. This year, the City will make another Section 108 payment in the amount of \$509,952. The City is committed to making payments on this loan through 2018.

Suitable Living Environment through Public Improvements

Outcome Goal (SL-1): Improve the quality and increase the quantity of public improvements that benefit low- and moderate-income residents. The City also utilizes other funding sources for public and park improvement projects.

- *Streets ADA Compliance Projects.* The City will continue to fund this program to continue supporting the disabled community with the installation of curb cuts, truncated domes, compliant ramps, and warning detection panels within CDBG targeted areas.
- *Oval Park Transportation Improvements.* In 2008, the City Council directed staff to work with residents and businesses in the Oval Park neighborhood to foster revitalization efforts. The Engineering Division is now playing lead to complete

drawing and construction of roadway improvements over the next few years. Once complete, the improvement will provide improved safety for pedestrians, bicyclists, and vehicles through the Oval park neighborhood.

- *Park Improvements in CDBG Areas.* – The City has historically utilized CDBG funds to rehabilitate parks in underserved low-income neighborhoods such as the Oval Park, Jefferson Park, and Birdland. This will continue in 2011/2012.

Anti-poverty Strategy

1. Describe the actions that will take place during the next year to reduce the number of poverty level families.

Program Year 2 Action Plan Antipoverty Strategy response:

The City of Visalia has forged cooperative relationships with public and private organizations that share a common mission for improving the quality of life for individuals through housing, social services, employment and skills training, neighborhood revitalization and economic development. These include the following:

- City of Visalia Citizens Advisory Committee
- City of Visalia City Council
- Community Services and Employment Training, Inc. (CSET)
- Continuum of Care
- Visalia Economic Development Corporation
- Family Services of Tulare County
- Habitat for Humanity
- Kaweah Delta Health Care District
- Manuel Hernandez Community Center
- North Visalia Neighborhood Advisory Committee
- Proteus, Inc.
- Pro-Youth/Hearth Visalia
- Real Alternative for Youth Organization (RAYO)
- Salvation Army
- Self-Help Enterprises
- Tulare County Association of Realtors
- Tulare County Health and Human Services Agency
- Tulare County Mental Health Association
- Tulare County Resource Management Agency
- Tulare/Kings Hispanic Chamber of Commerce
- Valley Regional Center Visalia
- Visalia Chamber of Commerce
- Visalia Emergency Aid Council
- Visalia Rescue Mission Visalia Unified School District
- Wittman Village Community Center

- YMCA
- YWCA

The City will also continue partnering with organizations to provide a continuum of services addressing the full range of needs of low- and moderate-income families. Although there are coordinated programs and services to reduce poverty, it is recognized that many unmet needs will remain. The City will endeavor to facilitate the meeting of these needs over the duration of its ConPlan through strategically focusing its resources and efforts.

NON-HOMELESS SPECIAL NEEDS HOUSING

Non-homeless Special Needs (91.220 (c) and (e))

*Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve for the period covered by the Action Plan.
2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

Program Year 2 Action Plan Specific Objectives response:

The City has acknowledged that funds are limited for addressing non-homeless special needs. However, the City will continue to participate in addressing the needs of the community such as the newly formed group that is addressing the foreclosure crisis in Tulare County. Staff will also continue to seek new grant opportunities.

Housing Opportunities for People with AIDS

*Please also refer to the HOPWA Table in the Needs.xls workbook.

1. Provide a Brief description of the organization, the area of service, the name of the program contacts, and a broad overview of the range/ type of housing activities to be done during the next year.
2. Report on the actions taken during the year that addressed the special needs of persons who are not homeless but require supportive housing, and assistance for persons who are homeless.
3. Evaluate the progress in meeting its specific objective of providing affordable housing, including a comparison of actual outputs and outcomes to proposed goals and progress made on the other planned actions indicated in the strategic and action plans. The evaluation can address any related program adjustments or future plans.
4. Report on annual HOPWA output goals for the number of households assisted during the year in: (1) short-term rent, mortgage and utility payments to avoid homelessness; (2) rental assistance programs; and (3) in housing facilities, such

as community residences and SRO dwellings, where funds are used to develop and/or operate these facilities. Include any assessment of client outcomes for achieving housing stability, reduced risks of homelessness and improved access to care.

5. Report on the use of committed leveraging from other public and private resources that helped to address needs identified in the plan.
6. Provide an analysis of the extent to which HOPWA funds were distributed among different categories of housing needs consistent with the geographic distribution plans identified in its approved Consolidated Plan.
7. Describe any barriers (including non-regulatory) encountered, actions in response to barriers, and recommendations for program improvement.
8. Please describe the expected trends facing the community in meeting the needs of persons living with HIV/AIDS and provide additional information regarding the administration of services to people with HIV/AIDS.
9. Please note any evaluations, studies or other assessments that will be conducted on the local HOPWA program during the next year.

Program Year 2 Action Plan HOPWA response:

The City does not receive HOPWA Funds.

Specific HOPWA Objectives

Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by the Action Plan.

Program Year 2 Specific HOPWA Objectives response:

Not Applicable

Other Narrative

Include any Action Plan information that was not covered by a narrative in any other section.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

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

Agenda Item Wording: Introduction and first reading of Ordinance 2011-06 to remove local amendments regarding fire sprinklers in non-residential buildings and apply fire sprinkler standards contained in the 2010 or most recently adopted California Fire Code.

Deadline for Action: None

Submitting Department: Administration

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Introduction and first reading of Ordinance No. 2011-06 removing local amendments for fire sprinklers in non-residential buildings and apply fire sprinkler standards contained the State of California Fire Code. The second reading and adoption of the ordinance will be scheduled for the April 18, 2011 City Council meeting.

The purpose of this ordinance is to remove local requirements for fire sprinklers in new or substantially remodeled non-residential buildings that are more stringent than fire sprinkler standards in the 2010 California Fire Code. After adoption of this ordinance, fire sprinklers requirements for non-residential buildings must comply with the most recently adopted California Fire Code as is the practice in most cities and counties in the state. In doing so, the cost of development or remodel of many non-residential structures will be reduced. This change will also increase the City's economic competitiveness in the region because fire sprinkler standards for non-residential buildings in the City of Visalia will be consistent with nearby communities. Though fire protection equipment will be reduced, fire safety will be adequately maintained, as the California Fire Code serves as the industry standard for fire improvements in new construction and remodels throughout California.

Summary/background: The State of California maintains and periodically updates the California Building Code, California Fire Code, and other building codes. Cities and counties in our state are mandated to utilize the California Building Codes (or equivalent) and can impose more restrictive codes requirements as needed to serve local needs.

The current 2010 California Building Code and the 2010 California Fire Code have been adopted by the City of Visalia. Sections of these Codes relate to fire protection systems

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.

(including fire sprinklers) and specify where they are required. The relevant sections apply to the design, installation and operation of fire protection systems. These systems must be installed, repaired, operated and maintained in accordance with these Codes. These Codes are applied based on such factors as Occupancy Group, Occupant Load, building height and area, mixed occupancy, etc.

Since about the mid-1990s, the City of Visalia has implemented a more stringent set of standards for non-residential fire sprinklers than required in the California Fire Code (previously the Uniform Fire Code). Our local ordinance requires that fire sprinklers be installed in new and reoccupation/remodel of existing non-residential buildings over 5,000 sq. ft. in size, instead of using the 2010 California Fire Code standard of 9,000 sq. ft. (Note: Some building classifications in the California Fire Code utilize the 5,000 sq. ft. standard, including restaurants and buildings with high numbers of occupants). Visalia's local fire sprinkler ordinance has resulted in increased costs for many property owners due to our more stringent fire sprinkler requirements.

During the City Council Strategic Planning Workshop on February 4-5, 2011 and the Joint City Council/Planning Commission Workshop on February 22, 2011, discussion occurred regarding the impact of fire sprinkler standards exceeding the California Fire Code upon costs of constructing new buildings and reoccupation/remodel of vacant buildings. Council directed that an ordinance be prepared to delete the more stringent local fire sprinkler requirements and implement the sprinkler standards contained in the California Fire Code. This change will result in cost savings to property owners, developers and building tenants, while retaining adequate fire safety through reliance on comprehensive California Fire Code standards.

Fire sprinklers are required by the 2010 California Fire Code for all new residential structures, hotels/motels, and uses with high occupant loads. Sprinkler requirements for these uses will not change under the proposed ordinance. The ordinance will primarily affect non-residential, low occupancy structures, such as offices and retail commercial businesses.

On April 4, Council will be asked to introduce the first reading of the attached ordinance. The second reading will be scheduled for April 18, 2011 for consideration of adoption of the ordinance.

Prior Council/Board Actions: Council discussion during Annual Workshop on February 4-5, 2011 and during joint meeting with Planning Commission on February 22, 2011.

Committee/Commission Review and Actions: Planning Commission discussion with Council during joint meeting on February 22, 2011.

Alternatives: Do not proceed with proposed ordinance – continue with fire sprinkler standards for non-residential buildings exceeding State Fire Code.

Attachments: Draft ordinance

Recommended Motion (and Alternative Motions if expected): Move to introduce Ordinance No. 2011-06 for a first reading.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

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

Copies of this report have been provided to: NA

ORDINANCE NO. 2011- 06

AN ORDINANCE OF THE CITY OF VISALIA TO AMEND PORTIONS OF CHAPTER 8.16 OF THE VISALIA MUNICIPAL CODE PERTAINING TO AUTOMATIC FIRE-EXTINGUISHING SYSTEMS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry. Therefore, the City Council of the City of Visalia hereby amends Chapter 8.16 of the Municipal Code as provided in the following Sections.

Section 2: Chapter 8.16 of the Visalia Municipal Code is hereby amended to read as follows (italics denote the new provisions, and strike-out deletions):

8.16.010 Purpose.

The purpose of this chapter is to specify when automatic fire-extinguishing systems are required and the requirements pertaining to their design, installation, maintenance and operation.

~~A.——A sprinkler ordinance would begin to establish a turnaround trend in typical fire service approach of reacting to growth by merely increasing fire stations and personnel proportionately to some established national or local ratio figures and move towards more economical built-in fire protection.~~

~~B.——The purpose of this chapter is to augment fire department capabilities, compensate for the increased fire hazard, create a higher degree of life safety and to reduce dollar loss due to fire.~~

~~C.——New construction trends and materials are being introduced that will increase the fire problem. The increased use of plastics and polymers for furnishings, appliances, and decorations all contribute to fire control problems.~~

~~D.——There is no doubt in the minds of anyone involved in dealing with the fire problem in America today that automatic sprinkler protection is by far the most reliable and economical means of fire protection for commercial buildings. The one-hundred (100) year track record for sprinkler systems is ninety-six (96) percent effective in all types of fires. In addition, sprinklers are a fixed integral part of a structure that applies an extinguishing agent directly to a fire within seconds of origin.~~

~~1.——Sprinklers will shift some of the cost of fire protection from the general citizenry to the users of the building;~~

~~2.——Sprinklers represent a one-time cost as opposed to continuing expenditures such as personnel;~~

~~3.——Sprinklers may lower insurance premiums by twenty-five (25) percent to ninety (90) percent. The amount of savings to any individual will depend on a number of factors including type of construction, location of building, use of building, etc.;~~

~~4.——Sprinklers will lower direct and indirect fire loss;~~

~~5.——Sprinklers represent a higher life safety factor. (Prior code § 4550)~~

8.16.020 General.

A. All *automatic* fire extinguishing systems ~~required by this chapter~~ shall be *required and* installed in accordance with the requirements set forth in the most recently adopted edition of the ~~Uniform California~~ Building Code ("CUBC") and the ~~California~~ Uniform Fire Code ("CUFC") as published by the International Conference of Building Officials (I.C.B.O.), Whittier, California.

B. Exception.

1. The standard shall be the appropriate National Fire Protection Association (NFPA) pamphlet and shall be the edition that corresponds with the most recently adopted CU-B-C- and CU-F-C- (Prior code § 4551)

8.16.030 Approvals.

All *automatic* fire-extinguishing systems shall be approved by the building department and the fire department and shall be subject to such periodic tests as may be required by the authority having jurisdiction. The location of all fire department hose connections shall be approved by the fire department. (Prior code § 4552)

8.16.040 Definitions.

For the purpose of this chapter, ~~certain terms are defined as follows:~~

"Automatic fire-extinguishing system" means an approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

~~"Building size" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.~~

~~"Multi-family" means a four-plex or larger residential structure(s), including apartments.~~

~~"Occupancy" means the purpose or purposes for which a building, or part thereof, is used or intended to be used.~~

~~"Occupancy classification" means every building is classified by the building official according to its use or the character of its occupancy into groups and divisions as defined in Chapter 5 and Table 5-A, Uniform Building Code (UBC). (Prior code § 4553)~~

~~8.16.050 Separations.~~

~~For the purpose of this section, area separation and occupancy separation walls, or any other division partitions or separations within the building shall not be construed as constituting separate buildings. Buildings on the same property that are located at the required setbacks from an assumed property line between structures, that do not require wall or opening protection, shall be considered as separate buildings. (Prior code § 4554)~~

~~8.16.060 New construction.~~

~~A. All new buildings and structures (e.g., commercial, industrial, multi-family, hotels and apartment houses, convents and monasteries) hereafter erected, constructed or moved in, of five thousand (5,000) square feet or more in total building size, and all new buildings and structures of three or more stories in height regardless of square footage hereinafter erected, shall be equipped with an approved automatic fire extinguishing system.~~

~~B. Exceptions:~~

~~1. Group R-3 single family occupancies (single-family, duplexes and triplexes); providing, however, that duplexes and triplexes shall have a complete one-hour separation wall between each unit.~~

~~2. A single four-plex unit located on a lot with direct frontage to a public street which conforms to all planning and Uniform Building Code requirements comparable to a single-family lot is exempt. (Prior code § 4555)~~

~~8.16.070 Existing buildings and structures.~~

~~A. Existing buildings or structures (e.g., commercial, industrial, multi-family, hotel and apartment houses, convents and monasteries) of five thousand (5,000) square feet or more in total building size are exempt from the automatic fire extinguishing system requirements of this chapter with the following exceptions.~~

~~B. Exception (Change of Occupancy).~~

~~1. In existing buildings where an automatic fire extinguishing system does not exist and a change of occupancy and a change in use has resulted in a change of occupancy classification, as defined in accordance with the most recently adopted edition of the Uniform Building Code, and the existing building size exceeds five thousand (5,000) square feet, an approved automatic fire extinguishing system shall be installed throughout the building; provided, that when the floor area where the change of occupancy is made is less than ten percent, only that portion where the change of occupancy occurs need be equipped with an approved automatic fire extinguishing system. (Prior code § 4556)~~

~~8.16.080 Additions to existing buildings.~~

~~A. All buildings in excess of five thousand (5,000) square feet to which an addition is made and all buildings which will exceed five thousand (5,000) square feet as a result of an addition, must have approved automatic fire extinguishing systems installed.~~

~~B. Exceptions:~~

~~1. Minor additions, defined as restrooms, mechanical rooms or similar accessory rooms with floor area less than ten percent, shall not require the existing building be equipped with an automatic fire extinguishing system. All additions will be evaluated on an individual basis by the fire and building departments.~~

~~2. Additions, when required by the Uniform Building Code, to provide minimum standards to safeguard life or limb, health, property and public welfare, shall not be construed as to require the installation of an automatic fire extinguishing system.~~

~~3. If the cost of the addition is less than fifty (50) percent of the value of the building, a fire sprinkler system will not be required. (Prior code § 4557)~~

~~8.16.090 Changes, alterations and repairs.~~

~~Changes, alterations and repairs to the interior of a building or the front thereof may be made without requiring the installation of an automatic fire extinguishing system, provided such changes do not, in the opinion of the fire department and building department, increase the fire hazard of a building. (Prior code § 4558)~~

8.16.100 — Permissible sprinkler omissions.

Subject to the approval of the building official and with the concurrence of the chief of the fire department, sprinklers may be omitted in rooms or areas as follows:

A. — When sprinklers are considered undesirable because of the nature of the contents or in rooms or areas which are of noncombustible construction with wholly noncombustible contents and which are not exposed by other areas. Sprinklers shall not be omitted from any room merely because it is damp or of fire-resistive construction;

B. — Sprinklers shall not be installed when the application of water or flame and water to the contents may constitute a serious life or fire hazard, such as in the manufacture or storage of quantities of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quicklime, magnesium powder and sodium peroxide;

C. — Safe deposit or other vaults of fire-resistive construction, when used for the storage of records, files and other documents, when stored in metal cabinets;

D. — Communication equipment areas under the exclusive control of a public communication utility agency, provided:

1. — The equipment areas are separated from the remainder of the building by one-hour fire-resistive occupancy separation;

2. — Such areas are used exclusively for such equipment;

3. — An approved automatic smoke detection system is installed in such areas and is supervised by an approved central, proprietary or remote station service or a local alarm which will give an audible signal at a constantly attended location;

4. — Other approved fire protection equipment such as portable fire extinguishers or Class II standpipes are installed in such areas;

E. — Other approved automatic fire-extinguishing systems may be installed to protect special hazards or occupancies in lieu of automatic sprinklers;

F. — Where a change of occupancy and a change in use has resulted in the requirement of a sprinkler system for an existing building, the sprinkler system may be omitted with approval of the building official and the fire chief if an analysis by a licensed civil engineer indicates that the building will not support the additional dead load of the fire sprinkler system without significant modification to the building. (Prior code § 4559)

8.16.1150 — Stricter requirements.

Nothing in this chapter shall be construed as abrogating stricter requirements for automatic fire-extinguishing systems sprinklers where required by the CBC Uniform Building or the CFC Uniform Fire Code. (Prior code § 4560)

8.16.120 — Appeals.

Whenever the fire chief or the building official shall disapprove a building plan or refuse to grant a permit applied for, or when it is claimed that the provisions of the chapter have been misconstrued or wrongly interpreted, the applicant or affected person may appeal the decision, determination, or requirement of the building official or fire chief by filing a written notice with the fire department setting forth, in detail, the actions and grounds upon which the appeal is based, within ten days after receipt of the requirement that is the subject of the appeal. The appeal

~~shall state specifically where it is claimed there was an error, or abuse of discretion or interpretation, by the building official or the fire chief.~~

~~A. General. In order to hear and decide appeals of orders, decisions or determinations made by the building official and/or the fire chief relative to the application and interpretations of this chapter, there shall be and is created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board, but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official and fire chief.~~

~~B. Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this chapter or the technical codes nor shall the board be empowered to waive requirements of either this chapter or the technical codes. (Prior code § 4561)~~

8.16.4360 Testing, inspection and installation.

A. ~~Fire sprinkler~~*Automatic fire-extinguishing system* plans, installation, inspection, testing and maintenance of ~~fire sprinkler systems~~ shall comply with the applicable National Fire Protection Association (NFPA) pamphlets.

B. ~~Automatic~~ *Fire-extinguishing system* plan checks shall be completed and approved prior to any framing inspection.

C. A pressure test shall be conducted prior to covering the ~~sprinkler-automatic fire-extinguishing~~ system with any material, e.g., insulation, dry wall, etc. (Prior code § 4562)

8.16.4470 Maintenance.

The installing contractor shall provide the owner with:

A. Instruction charts describing the operation and proper maintenance of the sprinkler devices;

B. A current publication of NFPA 13A, Inspection, Testing and Maintenance of Sprinkler Systems. (Prior code § 4563)

8.16.4580 Penalties.

Any person who shall violate any of the provisions of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the city attorney or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction as charged by the city attorney, punishable by a fine of not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00) or by imprisonment for not less than five days nor more than six months, or by both such fine and imprisonment. The imposition of one penalty for

any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. (Prior code § 4564)

8.16.4690 Validity.

If any portion of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby. (Prior code § 4565)

Section 3: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4: Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 5: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 6: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

Bob Link, Mayor

ATTEST:

Steven M. Salomon, City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

City Attorney

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2011

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

Agenda Item Wording: Second reading of Ordinance 2011-02 authorizing the contract amendment for miscellaneous personnel between the City Council of the City of Visalia and the Board of Administration of the California Public Employees' Retirement System (CalPERS).

Deadline for Action: N/A

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost x4474,
Charlotte Dunn x4335

Department Recommendation:

Second reading of Ordinance 2011-02 to amend the contract between the City of Visalia and the Board of Administration of CalPERS miscellaneous contract as of May 21, 2011 as follows:

- Section 20475 – Different Level of Benefits
- Section 21353 - 2% @ 60 Full formula

Summary/background:

The City approved Memorandum of Understandings with miscellaneous employees groups and adopted the same benefits for non represented personnel in 2010 to amend the contract between the City of Visalia and CalPERS. With these actions, the City will implement a new retirement tier for all miscellaneous employees hired after the contract amendment to be effective May 21, 2011.

Before an approved MOU change may occur in a PERS contract, PERS law requires that a governing body express its intent to amend the contract and adopt an ordinance.

It is the City's intent to amend the contract between the City of Visalia and CalPERS to add a third tier for newly higher retirement benefits for miscellaneous employees. In doing so, current miscellaneous employees hired before May 20, 2008 would remain under the 3% @ 60 retirement plan (3% per year of service at age 60), employees hired between May 20, 2008 and May 20, 2011 would remain under the 2.5% @ 55 retirement plan (2.5% per year of service at

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.

age 55). Retirement benefits under both of these plans are based upon the highest 36 months earnings.

All miscellaneous employees hired after the effective date of the contract amendment and entering membership for the first time in the miscellaneous classification would be covered in the new tier of 2% @ 60 (2% per year of service at age 60). Benefits will continue to be based on the highest 36 months earnings.

By implementing the new retirement formula for all new miscellaneous employees, it is expected to reduce the City cost over time. Current miscellaneous employees are required to pay the 7% employee cost. Newly hired employees will contribute 7% of pay towards their miscellaneous retirement program.

Prior Council/Board Actions:

- Adoption of Resolution 2011-06
- Introduction of Ordinance 2011-02
- Approval of Memorandum of Understanding for all miscellaneous groups in 2010
- Adoption of benefits for non-represented employees in 2010

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

Second reading of Ordinance 2011-02 to amend the miscellaneous contract with CalPERS as follows:

1. Section 20475 - Different Level of Benefits
2. Section 21353 – 2% @ 60 Full Formula

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:

ORDINANCE NO. 2011-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF VISALIA AUTHORIZING AN AMENDMENT
TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF
VISALIA**

AND

**BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.**

**THE CITY COUNCIL OF THE
CITY OF VISALIA DOES ORDAIN AS FOLLOWS:**

SECTION 1. That an amendment to the contract between the City Council of the City of Visalia and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 2. The City Manager of the City of Visalia is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of ten (10) days from the passage thereof shall be published at least one (1) time in the Visalia Times Delta, a newspaper of general circulation, published and circulated in the City of Visalia and thenceforth and thereafter the same shall be in full force and effect.



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

**Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Visalia**

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective May 1, 1960, and witnessed March 13, 1960, and as amended effective July 1, 1970, September 28, 1973, October 1, 1973, January 1, 1976, September 28, 1981, July 5, 1986, December 8, 1988, September 9, 1992, June 22, 1996, November 18, 2000, December 13, 2003, July 10, 2004, April 2, 2005, May 10, 2008 and February 26, 2011 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective February 26, 2011, and hereby replaced by the following paragraphs numbered 1 through 17 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members entering membership in the miscellaneous classification on or prior to May 10, 2008, age 55 for local miscellaneous members entering membership for the first time in the miscellaneous classification after May 10, 2008 and on or prior to the effective date of this amendment to contract; age 60 for those local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract; age 50 for local safety members entering membership in the safety classification on or prior to February 26, 2011, and age 55 for local safety members entering membership for the first time in the safety classification after February 26, 2011.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after May 1, 1960 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
 - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
 - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
 - (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
 - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **EMPLOYEES COMPENSATED ON OTHER THAN AN MONTHLY SALARY BASIS.**
6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after July 10, 2004 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1975, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after July 10, 2004 and entering membership in the miscellaneous classification on or prior to May 10, 2008 shall be determined in accordance with Section 21354.3 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1975, termination of Social Security, for members whose service has been included in Federal Social Security (3% at age 60 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited prior and current service for those local miscellaneous members entering membership for the first time in the miscellaneous classification after May 10, 2008 and on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21354.4 of said Retirement Law (2.5% at age 55 Full).

PLEASE DO NOT SIGN "DO NOT SIGN"

9. The percentage of final compensation to be provided for each year of credited current service for miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to February 26, 2011 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
11. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after February 26, 2011 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
12. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21572 (Increased Level of 1959 Survivor Benefits) for local miscellaneous members only.
 - b. Section 20425 ("Local Police Officer" shall include employees of a police department who were employed to perform identification or communication duties on August 4, 1972 and who elected to be local safety members).
 - c. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
 - d. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
 - e. Section 20903 (Two Years Additional Service Credit).
 - f. Section 20042 (One-Year Final Compensation) for local safety members entering membership in the safety classification on or prior to February 26, 2011.
 - g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.

h. Section 20475 (Different Level of Benefits):

Section 21354.4 (2.5% @ 55 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after May 10, 2008 and on or prior to the effective date of this amendment to contract.

Section 21353 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local safety members entering membership for the first time in the safety classification after February 26, 2011.

13. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on September 28, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
14. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
15. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

- 16. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
- 17. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____,

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF VISALIA

BY _____
LORI MCGARTLAND, CHIEF
EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2011

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

Agenda Item Wording: Second reading and adoption of Ordinance 2011-03, which clarifies the required number of calls for emergency service (except medical emergencies) before a property can be inspected for violating the management quality standards described in Visalia Municipal Code Section 15.44.160 C and 8.40.060 C.

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)

Department Recommendation: It is recommended that the City Council approve Ordinance 2011-03 clarifying the allowable number of police and fire department (except medical emergency) calls to multi unit complexes that trigger a potential inspection under the City's management quality standards.

Summary/Background: On March 21, 2011, Council was presented with an ordinance to standardize the treatment of multi unit complexes in an effort to treat these properties equally and provide enforcement staff with a more efficient means to administer the management standards. The prior language created highly variable standards between buildings with two to four units and complexes of five or more. The proposed change standardizes the non-emergency medical calls to .20 calls per unit regardless of the number of units on the parcel.

In addition, Ordinance 2011-03 allows for a single unit of a multi-family complex to be deemed a public nuisance if the calls for service are stemming from a single unit, without declaring the entire complex a public nuisance.

The prior language created confusion whether the management quality standard applied to a specific unit in a multi-unit complex. The proposed language clarifies this issue and will allow

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.

enforcement officers to focus on specific units as often requested by the neighbors in the complexes and the property owners. The current minimum number of calls allowed for a single family residence is six and remains unchanged under the proposed ordinance.

On April 4, 2011, Council is requested to adopt Ordinance No. 2011-03 amending the management quality standards as described in Visalia Municipal Code Section 15.44.160 and 8.40.060.

Attachments:

- Ordinance Number 2011-03

Recommended Motion (and Alternative Motions if expected):

Move to approve the first reading of Ordinance 2011-03 reducing the allowable number of police and fire calls (except for emergency) to multi-family complexes of two through four from an allowable average of one per month, per unit to an average of .20 per month per unit and clarifying the management quality standards that can be applied to a single unit in a multi-family complex.

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:

ORDINANCE 2011-03

**REVISING VISALIA MUNICIPAL CODE 8.40.060 AND 15.44.160
MANAGEMENT QUALITY STANDARDS OF RENTAL HOUSING
JUSTIFYING AN INSPECTION BY CITY CODE ENFORCEMENT PERSONNEL**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry. The City Council of the City of Visalia has adopted Chapter 8.40, to provide for the abatement of conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, and to provide standards to safeguard life, health and public welfare in keeping with the character of the city by allowing for the maintenance of property, and Chapter 15.44, which sets standards for housing within the City of Visalia and declares it is unlawful for a property owner to maintain their property in a condition that is detrimental to the health, safety, or welfare of the community or in a manner that could damage surrounding properties or improvements.

Section 2: Section 8.40.060 of the Visalia Municipal Code, which relates to circumstances allowing code enforcement staff to inspect property, declare a public nuisance, and issue an administrative enforcement order is hereby amended to read as follows (*italics denote the new provisions*):

8.40.060 Declaration of public nuisance; issuance of administrative enforcement order.

A. Right to Inspect. The enforcement officer shall have the right to inspect ~~premises~~*properties* pursuant to this code and other applicable laws. Such inspection shall be performed to secure compliance with or prevent the violation of this code or other uniform codes adopted thereunder. Such inspection may be made in the following circumstances:

1. The enforcement officer may inspect a residential unit upon receiving a complaint regarding public nuisance, ~~or~~ substandard building conditions, *or the management quality standards as specified in this code*, from any person upon the ~~premises~~*property*, who has viewed the ~~premises~~*property* or who has reason to believe that such conditions exist;

2. The enforcement officer may inspect a ~~premises~~*property* which he/she reasonably believes fails to meet the requirements of this code or other uniform codes adopted hereunder;

3. The owner, after failing to abate nuisance(s) as defined in this chapter, shall be subject to required annual inspections for a three year period for the subject property.

B. Reimbursement Of Inspection Costs. Costs of inspections pursuant to this chapter shall be determined pursuant to Section 15.44.100 of this chapter, and unless otherwise provided, shall be paid by the owner of the residential unit. Provided, that costs of inspections initiated by tenant complaint shall be paid by the tenant, unless the enforcement officer determines that the public nuisance or a substandard building exists pursuant to the state housing law justifying the complaint exists, in which case the cost shall be paid by the owner.

C. Management Quality Standards. *The following items shall constitute reasonable basis for the enforcement officer to believe that a property is not being properly managed or maintained. The existence of any of these circumstances shall justify an inspection of the property by the enforcement officer. In addition, violation of these standards may be used as evidence that a public nuisance exists. Management quality standards justifying an inspection are:*

1. For an individual residential unit, *whether the unit is a standalone residence or part of a multi-family complex*, more than six police and/or fire calls over a one year period (other than a medical emergency);

~~2. For a complex containing between two and four residential units, more than a monthly average of one police and/or fire call per unit over a six month period (other than a medical emergency);~~

~~2.3. For a complex or building containing more than multiple four residential units, more than a monthly average of .20 police and/or fire calls per unit over a six month period (other than a medical emergency);~~

3. 4. Any violation of this chapter or the continued presence of graffiti for more than a two week period;

4. 5. Any determination by the health officer that a pest vector is present;

5. 6. Any violation of the Uniform Building Code or Uniform Housing Code relating to maximum occupancy or health and safety standards.

D. The administrative enforcement order required pursuant to this Section shall contain those elements set forth in Section 1.13.060 (B) of this Municipal Code, and shall be substantially in the following form:

TO THE PROPERTY OWNER:

Property Address:

Property Owner's Address (if different) _____

NOTICE IS HEREBY GIVEN, that on the _____ day of _____, 2____, pursuant to Chapter 8.40 of the Municipal Code of the City of Visalia, an Enforcement Officer of the City of Visalia declares that the following conditions set forth in Chapter 8.40 of said Municipal Code constitute a public nuisance and that such nuisance must be abated by the repair, rehabilitation, demolition or removal of said conditions: [description of conditions constituting a nuisance in violation of this Chapter].

Restructure, repair, or removal of said conditions must be completed and maintained by the _____ day of _____, 2____, in accordance with the standards of the current codes as adopted by the City of Visalia or other standards as determined by the Enforcement Officer.

Failure to abate said conditions by the date specified above shall result in the City acquiring jurisdiction to abate the conditions at the owner's expense and in addition, an administrative penalty in the amount of _____ may be incurred.

All property owners who wish to object to the proposed abatement of the conditions cited in this notice are hereby notified that they have the right to request and Administrative hearing before a hearing officer pursuant to the provisions of Chapter 1.13 [Provide contact information]. Sufficient cause must be shown why said conditions should not be abated.

At the time the appeal is filed, an appeal fee is due and payable to the City of Visalia, and a deposit of the administrative penalty must be made, or evidence must be provided that a request for a hardship waiver has been filed with the City of Visalia finance division. All appeals must be made in writing and comply with Section 1.13.080 of the Visalia Municipal Code. If the property owner or responsible party fails to request an appeal before the date specified above, then the administrative order shall become final.

The responsible person or the property owner upon whom this administrative enforcement order has been imposed may seek review of the order pursuant to California Code of Civil Procedure Section 1094.4 and 1094.6. There are no appeals to the Visalia City Council excluding the separate review of the City costs to abate the nuisance, if any.

Section 3: Section 15.44.160 of the Visalia Municipal Code, which relates to circumstances allowing code enforcement staff to inspect property is hereby amended to read as follows (italics denote the new provisions):

15.44.160 Enforcement of codes for rental and owner-occupied structures.

A. Right to inspect. The enforcement officer shall have the right to inspect ~~premises~~ *properties* pursuant to this code and other applicable laws. Such inspection shall be performed to secure compliance with or prevent the violation of this code or other uniform codes adopted thereunder. Such inspection may be made in the following circumstances:

1. The enforcement officer may inspect a residential unit upon receiving a complaint regarding public nuisance, ~~or~~ substandard building conditions, *or the management quality standards as specified in this code*, from any person upon the ~~premises-property~~, who has viewed the ~~premises-property~~ or who has reason to believe that such conditions exist;

2. The enforcement officer may inspect a ~~premises property~~ which he/she reasonably believes fails to meet the requirements of this code or other uniform codes adopted hereunder. In addition, if the enforcement officer identifies a property as habitually non-compliant, meaning more than one notice of public nuisance being sent to it in a two-year period, then the enforcement officer may order mandatory annual inspections for three years as a condition in addition to abatement of the nuisance. The property owner or responsible person shall have the right to object to the mandatory inspections along with the proposed abatement through the appeal procedures listed in this Chapter. If the property owner is required to allow mandatory inspections, then the property owner may subsequently request in writing that the code enforcement officer determine that the mandatory inspection condition may be removed due to substantial changes in *the* property. Substantial changes in the property include, but are not limited to, showing the property has been sold for valid consideration, demolished, or substantially renovated. The code enforcement officer's determination regarding substantial changes shall be considered an administrative enforcement order subject to appeal as provided

in Chapter 1.13 of the Municipal Code. If the property owner is not required to abate the nuisance, no mandatory inspections may be ordered;

3. The owner, after failing to abate nuisance(s) as defined in this chapter, shall be subject to required annual inspections for a three year period for the subject property.

4. If a rental or owner-occupied structure receives a notice identifying a public nuisance that qualifies as a structural hazard posing a danger to human health or safety, then the code enforcement officer may require the subject property be subject to annual inspections for a three-year period as a condition in addition to nuisance abatement. Examples of such structural hazards include those items described in California Health & Safety Code Section 17920.3(b), raw sewage, exposed wiring, no smoke detectors, no legitimate source of heat, or other similar types of public nuisances. The property owner or responsible person shall have the right to object to the mandatory inspections along with the proposed abatement through the appeal procedures described in this Chapter. If the property owner is required to allow mandatory inspections, then the property owner may subsequently request in writing that the code enforcement officer determine that the mandatory inspection condition may be removed due to substantial changes in property. Substantial changes in the property include, but are not limited to, showing the property has been sold for valid consideration, demolished, or substantially renovated. The code enforcement officer's determination regarding substantial changes shall be considered an administrative enforcement order subject to appeal as provided in Chapter 1.13 of the Municipal Code. If the property owner is not required to abate the nuisance, *then* no mandatory inspections may be ordered;

B. Reimbursement Of Inspection Costs. Costs of inspections pursuant to this chapter shall be determined pursuant to Section 15.44.100 of this chapter, and unless otherwise provided, shall be paid by the owner of the residential unit. Provided, that costs of inspections initiated by tenant complaint shall be paid by the tenant, unless the enforcement officer determines that the public nuisance or a substandard building exists pursuant to the state housing law justifying the complaint exists, in which case the cost shall be paid by the owner.

C. Management Quality Standards. *The following items shall constitute reasonable basis for the enforcement officer to believe that a property is not being properly managed or maintained. The existence of any of these circumstances shall justify an inspection of the property by the enforcement officer. In addition, violation of these standards may be used as evidence that a public nuisance exists.* ~~Management quality standards justifying an inspection are:~~

1. For an individual residential unit, *whether the unit is a standalone residence or part of a multi-family complex*, more than six police and/or fire calls over a one year period (other than a medical emergency);

2. ~~For a complex containing between two and four residential units, more than a monthly average of one police and/or fire call per unit over a six month period (other than a medical emergency);~~

2.3. For a complex *or building* containing ~~more than multiple four~~ residential units, more than a monthly average of .20 police and/or fire calls per unit over a six month period (other than a medical emergency);

3.4. Any violation of this chapter or the continued presence of graffiti for more than a two week period;

4.5. Any determination by the health officer that a pest vector is present;

5.6. Any violation of the Uniform Building Code or Uniform Housing Code relating to maximum occupancy or health and safety standards.”

Section 4: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 5: Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 6: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 7: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

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

Agenda Item Wording: Second reading of Ordinance No. 2011-04, Declaring Real Property Surplus and approval of the Purchase and Sale Agreement and Escrow Instructions for the City-owned real property located at the 210 NW 2nd Avenue (APN: 094-031-009) for the sale to Visalia Rescue Mission

Deadline for Action: April 4, 2011

Submitting Department: Housing & Economic Development Department

Contact Name and Phone Number:

Ricardo Noguera, Housing and Economic Dev. Director, 713-4190
Rhonda Haynes, Housing Specialist, 713-4460

Recommendation: Staff recommends the City Council:
Authorize the second reading of the Ordinance Declaring Real Property Surplus and approval of the Purchase and Sale Agreement and Escrow Instructions for the City-owned real property located at 210 NW 2nd Avenue (APN: 094-031-009) for the sale to Visalia Rescue Mission

Background. On March 21, 2011, the City Council approved the introduction and first reading of the respective ordinance declaring the subject property located at 210 NW 2nd Avenue as surplus and approved the Purchase and Sale Agreement and Escrow Instructions with Visalia Rescue Mission (herein after "VRM") for the sale of the parcel for transitional housing.

Prior Council/Board Actions:

- January 11, 2010, Council authorized purchase
- March 7, 2011, Council authorized change in use and disposal of property
- March 21, 2011, Council authorized 1st reading of Ordinance No. 2011-04 Introduction of ordinance declaring the property as surplus and approval of the Purchase and Sale Agreement and Escrow Instructions

Committee/Commission Review and Actions: None

Alternatives:

- None recommended

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.

Attachments:

Ordinance No.2011-04

Recommended Motion (and Alternative Motions if expected):

Authorize the second reading of the Ordinance Declaring Real Property Surplus and approval of the Purchase and Sale Agreement and Escrow Instructions for the City-owned real property located at the 210 NW 2nd Avenue (APN: 094-031-009) for the sale to Visalia Rescue Mission ; Ordinance No. 2011-04

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)*
Purchase and Sell Agreement

ORDINANCE 2011-04

**DECLARING CERTAIN REAL PROPERTY SURPLUS
AND DECLARING INTENT TO SELL TO
THE VISALIA RESCUE MISSION**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City of Visalia ("City") owns all the legal and beneficial interest in certain real property commonly referred to as 210 NW 2nd Avenue ("Property"), and 094-031-009.

Section 2: Said Property bordered by Highway 63, and Pearl Street and more particularly and legally described in Exhibit "A", attached hereto and made a part hereof, and

Section 3: The City Council of the City, having considered evidence submitted in oral and written form, finds the subject Property is not now, nor will be of public use or necessity, and

Section 4: Said City Council finds and determines said Property is surplus and should be sold, and

Section 5: The City of Visalia wishes to sell and the Visalia Rescue Mission ("VRM") wishes to purchase the Property and the rights and entitlement for the purpose of affordable housing.

Section 6: Having found the subject property to have no further public use or necessity, the City Council declares said Property to be surplus and hereby authorizes the transfer of ownership in and to said Property to VRM pursuant to the terms and conditions of the Purchase and Sale Agreement by, between and approved by the City and VRM.

Section 7: This ordinance shall become effective thirty days after passage hereof.

Exhibit "A"

LOT 12 IN BLOCK 98 OF AUGHINBAUGH'S ADDITION, IN THE CITY OF VISALIA,
COUNTY OF TULARE, STATE OF CALIFORNIA, ACORDING TO THE MAP THEREOF
RECORDED IN BOOK 3, PAGE 48 OF MAPS, TULARE COUNTY RECORDS APN: 094-031-
009

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2011

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

Agenda Item Wording: Second reading and adoption of **Ordinance 2011-05** approving **Change of Zone No. 2011-02:** A request by the City of Visalia to change the Zoning designation from Service Commercial (CS) to Central Business District (CDT) on 12.47 acres of land. The project area generally extends along Santa Fe Street to Tipton Street, from Center Avenue to Race Avenue. (APNs: 094-100-011, 003,008, 094-240-001, -002, -013, -024, -025, -033, -040, -041, 094-250-022, -038, 039, -040, -041, 094-264-012, -015, -017, -018)

Deadline for Action: None

Submitting Department: Community Redevelopment Agency and Community Development Department/Planning Division

Contact Name and Phone Number:

Paul Bernal, Senior Planner, 713-4025
Paul Scheibel, AICP, Planning Services Manager, 713-4369
Ricardo Noguera, Housing And Economic Development Director, 713-4190
Chris Young PE, Community Development Director/City Engineer, 713-4392

Recommendation: Staff recommends that the City Council conduct the second reading and adoption of Ordinance 2011-05.

Background/Summary: The second reading of Ordinance 2011-05 is the final action, which the City Council must approve in order for the Santa Fe General Plan Amendment and Change of Zone to take effect. This Ordinance has not changed since the City Council approved the first reading for adoption of the Ordinance on March 21, 2011.

This change of land use and zoning was initiated by the City as a way to encourage the most desirable uses of the adjacent Downtown Central Business District in recognition of the extensive private and public investment occurring on the Santa Fe Street corridor. The proposal has received overwhelming support by the affected property owners, as well as support by the Downtown Visalians.

After holding a public hearing, the City Council accepted the Planning Commission's recommendation to approve the CEQA Negative Declaration, GPA by Resolution, and the COZ by introduction of the first reading of the Ordinance.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

If the GPA and COZ are approved, this change would expand tenant and development opportunities for these properties within the project area with potential uses that would complement the downtown and would take effect on May 4, 2011, which is 30 days from adoption.

Environmental Findings: An Initial Study was prepared for the project consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that environmental impacts are determined to be not significant. The City Council certified Negative Declaration No. 2011-11 on March 21, 2011.

Prior Council/Board Actions: On November 15, 2010, the City Council held a public hearing and:

- Approved on a 5-0 vote GPA No. 2011-01 by adoption of Resolution;
- Approved on a 5-0 vote COZ Nos. 2011-02 by adoption of the first reading of Ordinance

Committee/Commission Review and Actions: On February 28, 2011, the Planning Commission held a public hearing on the amendment and zone change. The Commission voted 5-0 to recommend approval of the General Plan Amendment and Change of Zone.

Alternatives: None.

Attachments:

- Ordinance No. 2011-05 for COZ No. 2011-02

Recommended Motion (and Alternative Motions if expected):

I move to approve the second reading for adoption of Ordinance No. 2011-05, for Change of Zone No. 2011-02.

Environmental Assessment Status

CEQA Review: An Initial Study and Negative Declaration have been prepared for use with this project, consistent with the California Environmental Quality Act (CEQA). Negative Declaration No. 2011-11 was certified by the City Council on March 21, 2011. No further environmental review is needed.

NEPA Review: None 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)*

None.

ORDINANCE NO. 2011-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING CHANGE OF ZONE NO. 2011-02, A REQUEST BY THE CITY OF VISALIA TO CHANGE THE ZONING FROM C-S (SERVICE COMMERCIAL) TO C-DT (CENTRAL BUSINESS DISTRICT) ON APPROXIMATELY 12.47 ACRES OF LAND. THE PROJECT AREA GENERALLY EXTENDS ALONG SANTA FE STREET TO TIPTON STREET, FROM CENTER AVENUE TO RACE AVENUE. (APNS: 094-100-011, 003,008, 094-240-001, -002, -013, -024, -025, -033, -040, -041, 094-250-022, -038, 039, -040, -041, 094-264-012, -015, -017, -018)

WHEREAS, Change of Zone No. 2011-02 was initiated by the City of Visalia to change the zoning from C-S (Service Commercial) to C-DT (Central Business District) on approximately 12.47 acres of land. The project area generally extends along Santa Fe Street to Tipton Street, from Center Avenue to Race Avenue. (APNs: 094-100-011, 003,008, 094-240-001, -002, -013, -024, -025, -033, -040, -041, 094-250-022, -038, 039, -040, -041, 094-264-012, -015, -017, -018); and

WHEREAS, the City Council of the City of Visalia finds as follows:

1. That no significant environmental impacts would result from this project, that no mitigation measures would be required, and that the City Council certified Negative Declaration No. 2011-11 by Resolution No. 2011-11.
2. The City of Visalia considered the Change of Zone in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Change of Zone is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the proposed Zoning Change will assist the City of Visalia in zoning land with Downtown Commercial Zoning along this section of the Santa Fe Corridor that will foster future development and uses that are complementary to both the existing Downtown Commercial District and the emergence of Santa Fe Street.
5. That the development standards of the Downtown Retail Design District be implemented on all properties associated with this GPA and COZ.

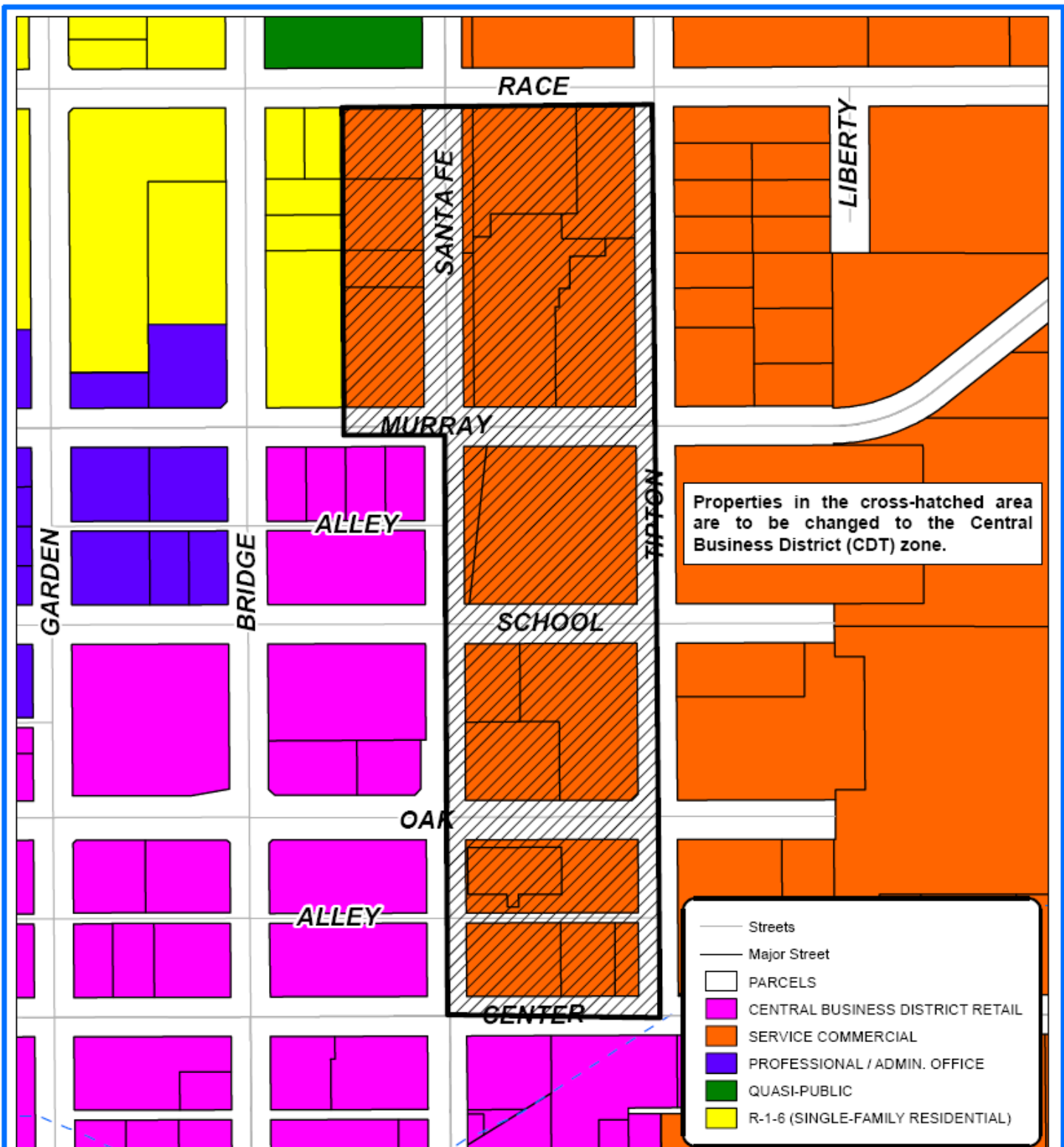
WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on March 21, 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1: On February 28, 2011, the Planning Commission recommended that the City Council of the City of Visalia approve Change of Zone No. 2011-02.

SECTION 2: The official Zone Map of the City of Visalia shall be amended to show all properties currently zoned C-S (Service Commercial) along Santa Fe Street and Tipton be zoned C-DT (Central Business District) as shown on the attached Exhibit "A".

SECTION 3: This ordinance shall become effective 30 days after passage hereof.



Properties in the cross-hatched area are to be changed to the Central Business District (CDT) zone.

- Streets
- Major Street
- PARCELS
- CENTRAL BUSINESS DISTRICT RETAIL
- SERVICE COMMERCIAL
- PROFESSIONAL / ADMIN. OFFICE
- QUASI-PUBLIC
- R-1-6 (SINGLE-FAMILY RESIDENTIAL)



Exhibit A

Ordinance No. 2011-05
Change of Zone No. 2011-02

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

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

Agenda Item Wording: Authorization for Jeffco Painting and Coating to perform the Primary Clarifier No. 4 Coating Project in the amount of \$382,840.

Deadline for Action: none

Submitting Department: Public Works

Contact Name and Phone Number: Jim Ross Public Works Manager, 713-4466

Department Recommendation:

Staff recommends that Council authorize Jeffco Painting and Coating to perform the Primary Clarifier No. 4 Coating Project in the amount of \$382,840.

Summary/background:

Primary clarifier No. 4 is a 336,000 gallon rectangular concrete structure that was constructed in 1992. Due to the corrosive nature of wastewater, the concrete and metal surfaces of the structure have deteriorated. These surfaces need to be cleaned of contaminants and coated with a protective coating to rehabilitate the structure and prevent future deterioration. The WCP is scheduled to be upgraded and modified to produce higher quality effluent in the near future. This clarifier will still be part of the water treatment process after the WCP upgrades are completed.

The material to be applied to primary clarifier No. 4 is a 100% solids elastomeric polyurethane coating system by EnduraFlex. It is specifically formulated to withstand the harsh environmental conditions normally found at wastewater treatment plants. It is highly chemical resistant, corrosion resistant, abrasion resistant, and can flex with the expansion, contraction, and movement of the structure. This coating system was first used at the Visalia Water Conservation Plant (WCP) in 2005. In May 2009, the coating system was installed on another of the WCP's clarifiers and one of the anaerobic digesters. Annual inspections continue to show that the coating is performing flawlessly. Because of its exceptionally durable properties, this coating system has become the standard product applied to structures at the WCP. It is expected that several other structures will be coated over the next few years.

For action by:

City Council
 Redev. Agency Bd.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_1__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Successful use of this product is highly dependent upon proper surface preparation and application technique. Proper surface preparation includes high pressure washing and abrasive blasting to remove embedded containments which would interfere with the product's adherence to the structure. Because the product must be applied when ambient temperature and humidity fall within a specific range, the structure will be fully enclosed to allow for a more stable environment. A National Association of Corrosion Engineers Certified Inspector will be on sight throughout the entire coating procedure to monitor environmental conditions and to inspect and perform various tests on the coating.

In August 2009, Jeffco Painting and Coating was awarded a renewable contract to apply a coating to Primary No. 3. Though the RFB was specific to Primary Clarifier No. 3, it allowed for additional coating projects to be included upon approval by the City. As additional projects arise, Jeffco is required to submit a cost proposal. The City then evaluates the proposal against the original bid price for such items as cost per square foot, containment requirements, scaffolding requirements, complexity of prep work, and confined space issues. The proposed scope and cost are negotiated until both parties are satisfied with the proposal. It is then presented to Council for approval.

Primary Clarifier No. 4 is identical in size and configuration to No. 3. It should be noted that the installation price for the current project represents a \$21,340 (5.9%) increase. As justification for the increase, Jeffco cites cost of material increases as well as additional labor requirements due to an existing coal-tar coating that must be removed. Such coating was not present in previous projects. Utilizing the criteria listed above, Staff believes the cost increase to be reasonable and valid.

Jeffco has been in business for over 20 years, and has been the contractor for all of the installations at the Visalia WCP. The product manufacturer, EnduraFlex, has certified Jeffco to install the product and is confident in their ability to perform the work, as is city staff.

The funds for this Capital Improvement Project were approved by the City Council as project 4311-72-00000-9362. There is currently \$739,000 set aside for the rehabilitation of the primary clarifiers.

Prior Council/Board Actions:

September 08, 2009: Award of RFB 08-09-53, Primary Clarifier No. 3 Coating Project to Jeffco

Committee/Commission Review and Actions:

Alternatives: none

Attachments: none

Recommended Motion (and Alternative Motions if expected):

Move to authorize Jeffco Painting and Coating to perform the Primary Clarifier No. 4 Coating Project in the amount of \$382,840.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2011

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

Agenda Item Wording: Award contract for the purchase of one (1) Ford F-250 and two (2) Ford F-350 to Visalia Ford in the amount of \$132,906.78 for the WWTP.

Deadline for Action: N/A

Submitting Department: Public Works Department

Contact Name and Phone Number: Jim Ross @ 713-4466, Brian Vanciel @ 713-4403, Andy Benelli @ 713-4340

Department Recommendation: The Public Works Department recommends that the City Council award a contract for the purchase of one (1) Ford F-250 and two (2) Ford F-350 to Visalia Ford in the amount of \$132,906.78 for the WWTP.

Summary/background:

The Public Works Department is recommending purchasing one (1) Ford F-250 and two (2) Ford F-350. These three (3) vehicles are scheduled replacement vehicles that Council approved as part of the Waste Water Treatment Plant budget for FY 2010/11.

In February the Purchasing Division sought quotes for three vehicles from the California Multiple Award Schedules (CMAS). CMAS is State contracts that were bid and awarded by the State DGS (Department of General Services). Local agencies such as counties and cities, can utilize these contracts as if they had put the contract out to bid themselves.

Staff then contacted Visalia Ford to see if they could match the price given in the CMAS contract. Visalia Ford responded with a quote that was \$654 less than the CMAS price. Table 1 – Quote Comparison, compares the price for one (1) Ford F-250 and two (2) Ford F-350.

Table 1 – Quote Comparison

Dealership	Location	(1) F-250	(2) F-350	Total	Difference
DownTown Ford (CMAS)	Sacramento	\$ 38,857.38	\$ 94,703.50	\$ 133,560.88	
Visalia Ford (Groppetti)	Visalia	\$ 38,639.37	\$ 94,267.41	\$ 132,906.78	\$ (654.10)

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____

Finance _____

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

City Mgr _____

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

On June 21, 2010, Council enacted a local preference to include a contract match preference. Any State or National contract price that is considered for purchasing products or goods will be offered to local businesses to meet or beat the contract price.

All three (3) vehicles being replaced have been evaluated by Fleet Maintenance and have exceeded their useful lifecycle as outlined in the City's Vehicle Replacement Policy. The new vehicles will all be four wheel drive vehicles which will allow more reliable operation during storm events.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments:

Recommended Motion (and Alternative Motions if expected): The Public Works Department recommends that the City Council award the contract to purchase one (1) F250 and two (2) F350 from Visalia Ford \$132,906.78.

Environmental Assessment Status

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:

Agenda Item Transmittal

Meeting Date: April 4, 2011

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

Agenda Item Wording: Purchase of New Fire Engine

Deadline for Action: April 4, 2011

Submitting Department: Fire

Contact Name and Phone Number: Mark Nelson 713-4220,
Doyle Sewell, 713-4486

Department Recommendation: That Council approve the purchase contract for a new Crimson Type I Fire Engine for \$496,315 and additional equipment for an amount up to \$35,000 that was approved in the 2010/11 CIP budget and included in the Measure T Expenditure plan.

Summary:

The proposed new engine is a Measure T purchase originally identified as part of the Southeast Fire Station Project. With the revision of the Measure T plan to locate a station in the southwest area, the proposed new engine will be needed to assist in the staffing of the new fire station. The timeline for the delivery of the engine is 300 days from the time the contract is signed.

Background:

The Measure T Plan was developed in 2002 and passed by the voters on March 2, 2004. Eight years have passed since then and changing circumstances in the delivery of fire emergency services have occurred. Because of the changes and emergency response needs, a revision needed to be considered for the Measure T Plan. The Fire Chief brought this recommendation to Council on February 5, 2010 and was directed to seek input from the community regarding the proposed revisions to the plan. Over a several month period, the Fire Chief hosted several meetings and had an overwhelming positive response to the proposal. The CAC voted to approve this revision on April 7, 2010. Although not formally required by the Measure T Plan itself, City Council concurred in this revision on May 17, 2010.

Beginning in 1989 the Visalia City Council approved a sole source purchase relationship with Pierce Fire Apparatus. Since then the department has purchased eight new Pierce Engines and three new Pierce Trucks. When starting the specification process for the purchase of a new fire engine, staff felt it was time for the department to look at other fire engine manufacturers, in addition to Pierce. The purpose for evaluating other manufacturers was to ensure our department is getting the best value without compromising performance and dependability. As a

For action by:

City Council
 Redev. Agency Bd.
 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.

result a committee was formed with administrative staff, line personnel and City Fleet to evaluate the current agreement with Pierce as well as evaluating other fire apparatus vendors.

The Apparatus Committee started the four month process by selecting potential apparatus manufacturers for evaluation. The primary goal was to identify manufacturers that would be capable of delivering a unit that resembles our current engine specifications and has a history of dependability. Other factors the committee considered were service after the sale, location of the repair facility for warranty work and pricing. After reviewing all of the potential manufacturers, the committee selected Crimson, KME, Seagrave, and Smeal to meet with. Committee members traveled to Dinuba, Fresno, and Kings County Fire Departments to evaluate the Smeal engines. In addition, committee members were hosted by Crimson and KME in Southern California while the Seagrave sales representatives met with the committee in Visalia. After evaluating the four above listed vendors, the decision was made to request quotes from Pierce, Smeal and Crimson. KME and Seagraves were not chosen to move forward in the process due to not meeting the needs of the department. Once the three quotes were received the committee recommended the Crimson Fire Apparatus for purchase. The reason for recommending Crimson was based on price, high quality, positive feedback from other fire agencies who have Crimson apparatus, close location of repair facility and customer service.

Price quotes for the engines:

1. Pierce - \$562,733
2. Smeal – \$472,634
3. Crimson - \$471,472

It should be noted, the timeline for the delivery of the engine is 300 days from the time the contract is signed.

Additionally, it is recommended to use Crimson as our Sole Source vendor for future purchases. Staff agrees to re-evaluate apparatus cost every five years to ensure best value for price.

Prior Council/Board Actions: None

Committee/Commission Review and Actions:

Alternatives:

To not approve purchase of Measure T Fire Engine

Attachments:

1. Attachment A - Measure T Expenditure Plan
2. Attachment B – Pierce and Smeal Quotes
3. Attachment C – Crimson Quote and Purchase Requisition
4. Attachment D – Performance Bond

Recommended Motion (and Alternative Motions if expected): That Council approve the purchase contract for a new Crimson Type I Fire Engine for \$496,315 and additional equipment for an amount up to \$35,000 that was approved in the 2010/11 CIP budget and included in the Measure T Expenditure plan.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Two-Year Budget
2010-11 & 2011-12**

**Measure T - Public Safety Sales Tax Fire 40% - 1122
2010/11 - 2013/14 Capital Improvement Program**

This fund is Fire's portion (40%) of the Public Safety Sales Tax revenue from ¼ cent sales tax increase approved by voters in 2004. Revenues are to be spent on public safety.

Executive Summary

Resources	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Beginning Cash	7,574,200	6,332,038	7,655,088	7,025,007	6,341,639	5,602,037
Measure T 1/4 cent sales tax	1,776,000	1,838,200	1,893,300	1,950,700	2,008,600	2,068,900
Operating Expenses	(652,740)	(674,750)	(2,829,581)	(2,914,468)	(3,001,902)	(3,091,959)
Interest Earnings	159,600	159,600	306,200	281,000	253,700	224,100
Capital Expenditures	(2,525,022)	-	-	-	-	-
Total Resources Available for Projects	6,332,038	7,655,088	7,025,007	6,341,639	5,602,037	4,803,078

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1	Southwest Fire Station Project- Recommending amendment to Measure T Plan of Southeast Fire Station to Southwest location. With the lease of Station 56 in the Southeast the need for a new station has been identified for the Southwest. To improve response times in the area of the city where response times are extended. Current request for Land Acquisition and design to begin 2010/11. (Multi-funded: Project total of \$2.3m from \$2m Measure T (1122) - \$38k of which is from prior years and \$300k Fire Impact Fees (1061) \$73k of which is from prior years.)	Danny Wristen	3011/9776	***	N/A	1,935,038					
2	Purchase New Pierce Fire Engine- as included in Measure T Expenditure Plan	Doyle Sewell	9223 Task 70911	**	N/A	589,984					
	Total					2,525,022					

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

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

Attachment 6
Public Safety 1/4 Cent Tax Plan

Year 6	Sales Tax Revenue	4,968,864
	Interest Earnings	192,860
	Available Resources	<u>14,804,242</u>

POLICE

Payment - 20 year bond for infrastructure	(265,000)
* Hire 2 new police officers	(212,085)
* Purchase 2 new police vehicles/equipment	(82,806)
* Depreciation for 2 vehicles	(8,825)
Previous Yrs' Ongoing Cost + 3% less bonds - POLICE	(2,729,556)
FIRE	
Previous Yrs' Ongoing Cost + 3% - FIRE	<u>(801,312)</u>
	<u>(4,099,584)</u>

Ending Balance 10,704,658

Year 7	Sales Tax Revenue	5,067,731
	Interest Earnings	214,093
	Available Resources	<u>15,986,482</u>

POLICE

Payment - 20 year bond for infrastructure	(265,000)
* Hire 2 new police officers	(215,643)
* Purchase 2 new police vehicles/equipment	(84,462)
* Depreciation for 2 vehicles	(9,046)
Previous Yrs' Ongoing Cost + 3% less bonds - POLICE	(3,038,980)

FIRE

Southeast Fire Station Project -	
* Land Acquisition 2 acres - (See Yr. 2)	Other Sources
* Architectural Design & Services -	(95,856)
* Geo-Technical & Environmental Work -	(3,400)
* Site Development at \$6 per sq. ft. -	(154,877)
* Construction 7,070 sq. ft. @ \$200	(480,760)
* Fire Engine - Order & First Payment	(83,300)
Previous Yrs' Ongoing Cost + 3% - FIRE	<u>(825,351)</u>
	<u>(5,256,674)</u>

Ending Balance 10,729,808

Year 8	Sales Tax Revenue	5,169,086
	Interest Earnings	214,596
	Available Resources	<u>16,113,490</u>

POLICE

Payment - 20 year bond for infrastructure	(265,000)
Previous Yrs' Ongoing Cost + 3% less bonds - POLICE	(3,361,579)
FIRE	0
SE Fire Engine - Possession & Final Payment	(83,300)
Previous Yrs' Ongoing Cost + 3% - FIRE	<u>(850,111)</u>
	<u>(4,559,990)</u>

Ending Balance 11,553,500

2009

2010

2011



PROPOSAL FOR PIERCE® FIRE APPARATUS

Visalia Fire Department
707 West Acequia Street
Visalia, California 93291

DATE	October 13, 2010
QUOTE NO.	91013-10B
EXPIRES	November 30, 2010
SALES REP.	Ryan Wright

The undersigned is prepared to manufacture for you, upon an order being placed by you, for final acceptance by Pierce Manufacturing, Inc., at its home office in Appleton, Wisconsin, the apparatus and equipment herein named and for the following prices:

#	Description	Each	Extension
A	One (1) EPA2010 Arrow XT Pumper	499,480.51	
B	VFD Loose Equipment Allowance	7,287.96	
C	Factory Inspection Trips	3,159.00	
D	Delivery / Dealer Preparation	4,412.00	
E	Performance Bond	1,930.09	
F	APPARATUS COST	516,269.56	
G	State Sales Tax @ 9.00%	46,464.26	
H	TOTAL PURCHASE PRICE	562,733.82	

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war, or intentional conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about 200 to 230 calendar days after receipt of this order and the acceptance thereof at our office at Appleton, Wisconsin, and to be delivered to you at VISALIA, CALIFORNIA.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company of the order to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

The proposal for fire apparatus conforms with all Federal Department of Transportation (DOT) rules and regulations in effect at the time of bid, and with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of bid, except as modified by customer specifications. Any increased costs incurred by first party because of future changes in or additions to said DOT or NFPA standards will be passed along to the customers as an addition to the price set forth above.

Unless accepted by the expiration date, the right is reserved to withdraw this proposition.

Respectfully Submitted,

Authorized Sales Representative

FIRE TRUCK HEADQUARTERS

SUPERIOR AND DEPENDABLE FIRE EQUIPMENT AT A REASONABLE COST

**10012 DENNY STREET
OAKLAND, CALIFORNIA 94603-3004
800-357-9909
510-569-9909
FAX 510-569-9969**
California Automobile Dealer License #58464

Bob Richardson, Captain
Visalia Fire Department

March 9, 2011

Sorry this took so long, but I had computer troubles and spent several days talking to India. Oh ya, that was fun.

On your spec I did not change the 2000 GPM pump as it is the same cost as a 1500 GPM.

The Sigtronic and Fire Com are the same cost.

I did not remove the hydraulic hose bed doors because Smeal's doors are heavy and you would not be happy without the hydraulic system. Smeal does make their own system and we have had no trouble with it.

I changed the ladder compartment, compartment doors, foam tank, hose bed dividers to 3, 3" suction hose and 120 volt telescoping lights. I added compartment locks, an 8KW Smart generator, one discharge on the right side, hose wells on each side and an EMS compartment. I deleted the front bumper discharge, and one rear discharge. The V-mux software is included.

A standard front axle is included and I changed the rear to Air Ride.

There are four Rollout Trays and one Adjustable Rollout Tray included in the spec for a total of five pullouts at a cost of \$2,932.00. I did not remove these trays.

I think we have covered most of the items.

Based on the attached specifications your cost is	\$440,223.00
Chassis Prepay Discount	(\$6,613.00)
Sub Total	\$433,610.00
Tax @ 9%	\$39,024.90
Total	\$472,634.90

The total includes two inspection trips for two employees to the Smeal factory and delivery. Pre-construction will be done in Visalia. The pre-paint inspection and final inspection will be done at the Smeal factory.

The City must pay for the chassis within 10-days of Smeal receiving it to receive the discount. The price of the chassis is \$220,419.00. The chassis will be shipped about 4-5 months after the order has been placed.

This specification includes a Cummins ISX 500HP engine at a list price of \$23,406.00. We can also provide a Cummins ISX 550HP for \$25,938.00 or a 600HP ISX for \$30,463.00 list. Your other option is a Cummins ISL 450HP at a list price of \$722.00. In my opinion your request for an ISX 500HP is a good way to go, but I am providing this information to so you can see the difference in costs between the ISX and the ISL. The ISX has a higher torque rating than the old Detroit Diesels, so it should be very good off the line.

If you have any questions please give me a call at home 925-932-0911 or my cell 510-693-2455.

Thank You

A handwritten signature in cursive script, appearing to read "Jim Phipps".

Jim Phipps

March 11, 2011

Battalion Chief Doyle Sewell
707 W. Acequia Ave
Visalia, CA 93291

Dear Chief Sewell,

On behalf of *Crimson Fire* and *Emergency Vehicle Group, Inc.*, I would like to thank you for the opportunity to provide you with the following proposal to the City of Visalia.

Emergency Vehicle Group, Inc. (EVG) and *Crimson Fire* are proud to be in the business of serving those who bravely serve our communities and help ensure the safety of our families and friends. Our pledge is to offer you the same quality of service and expertise that is demanded from you. Over the years we have introduced fire departments, municipalities and private companies to the absolute best in service, sales and support for emergency vehicle products.

We proudly serve California and Nevada from our Headquarters in Anaheim, CA and offer you premium custom products along with the best value available in the industry. *EVG* accomplishes this by representing *Crimson Fire Apparatus*, *Lifeline Ambulances*, *McCoy Miller*, *Road Rescue Ambulances* and *Spartan Fire Chassis*. Additionally *Hi-tech Emergency Vehicle Service Inc.* serves the central and Northern part of the state, this gives your department the option of working with one and or both of the *Crimson Fire* dealerships for your convenience.

EVG employs EVT and ASE Certified Mechanics with many years experience in fire apparatus to provide the peace of mind that the fire apparatus being purchased will be handled with expertise and promptness. *EVG* recognizes that this fire apparatus is a life saving device and handle all work as such to allow the apparatus to effectively do the job it was designed to do. Our service facility is located in Anaheim, CA. *Hi-Tech* is located in Oakdale, CA.

EVG offers over 150 years of combined emergency vehicle experience and has dedicated sales and service experts throughout the region with a true passion for providing the best products along with unequalled pre and post-sale service and support. Together, as a team and partner with you, we provide custom, premium fire apparatus and ambulances that are designed specifically for you and your specific needs.

Our Commitment to you...

We will provide you with the absolute best in sales, service and support both before and after the sale. Our mission is to develop long-term relationships and provide our customers with "honest, intelligent effort" in everything we do for you. We are truly "striving for excellence and have dedication and passion" for what we do.

Crimson Fire is founded on over 100 years in the fire apparatus manufacturing industry making it the oldest *continuously operating* fire apparatus manufacturer in the country. *Crimson* leads the industry in state of the art engineering and experience. *Crimson Fire* was formed from a merger

between Quality and Laverne Fire Apparatus after their acquisition by *Spartan Motors*. *Crimson Fire* is a wholly owned subsidiary of *Spartan Motors, Inc.* which provides the financial stability and longevity that other manufactures currently struggle with.

EVG and *Crimson Fire* are pleased to offer the City of Visalia the following:

- Personal service and access to our entire sales and service team at *Emergency Vehicle Group, Inc.*, located in Anaheim, CA.
- Licensed and Bonded California Auto Dealership. Dealer Number 64202
- EVT and ASE Certified Fire Apparatus Mechanics
- Mobile service for warranty work and repairs at your facility
- Pick-up and delivery services available from Visalia Fire of apparatus to our shops for warranty and service repairs
- Warranty for Drive train (Cummins Motor and Allison Transmission) can be performed at the following factory authorized facilities in your area. Cummins West, Inc. 5333 N. Cornelia Avenue, Fresno, California 93722. Valley Power Systems 2935 S. Orange Avenue Fresno, CA 93725-1923
- The opportunity for the City of Visalia Shops to perform and process warranty claims per the *Crimson Fire* guidelines and parameters. Reimbursement would be provided to City of Visalia as directed.
- 100 Years of custom fire apparatus manufacturing responding to the needs of Fire Departments nationwide
- Parts and service provided by our office in Anaheim, CA
- *Crimson Fire* is directed and managed under the experience of *Jim Salmi*, one of the most well known names in the industry.
- *Crimson Fire's* space frame body structure provides maximum torsional strength and durability while allowing for maximum storage
- *Crimson Fire's* "Vibra-Torq" body mount system allows the body to float above the chassis, reducing vibration and stress to give you an extremely durable body and unsurpassed ride characteristics. This system is also used to cushion the aerial lift cradle to absorb stresses commonly found in this area.

The list above reflects just a few of the many benefits that *Crimson Fire* and *Emergency Vehicle Group, Inc.* have to offer.

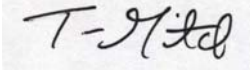
Please feel free to contact Manny Perez or myself at the information below should you have any questions or need anything additional.

Manny Perez, Sales Manager
mperez@evginc.net
714-238-0110 x240
626-893-9589 Cell

All of us at *Emergency Vehicle Group, Inc.* and *Crimson Fire* believe in long-term relationships and we look forward to the opportunity further building our relationship with you and City of Visalia.

Each of us at *EVG* and *Crimson Fire* offer you our sincere pledge of “Honest, Intelligent Effort” in everything we do for you now, and in the future.

Sincerely,



Travis B. Grinstead
President and Co-Founder



City of Visalia Fire Department

Purchase Proposal for

Crimson Fire Pumper

The following proposal is for the Visalia Fire Department to purchase Crimson Fire Custom Chassis Pumper per the enclosed specifications and as outlined below. The below prices are quoted FOB Visalia, CA and include a total of 2 inspection trips for 3 department personnel. This unit meets all NFPA 2009 safety mandates and 2010 emission standards.

Delivery: The timeline for delivery will be 300 days after acceptance of order.

Prepayment Terms: A prepayment discount has been provided in the amount of \$10,929.00. Payment is due in full at the time of order.

Description	Qty	Each	Extended
Crimson Fire Custom Pumper	1	\$443,473.00	\$443,473.00
Pre-pay Discount – 100% Payment due on Order	1	(\$10,929.00)	(\$10,929.00)
Subtotal	1	\$432,544.00	\$432,544.00
Sales Tax (9.00% or prevailing rate)	1	\$38,928.96	\$38,928.96
Unit Price with Sales Tax	1	\$471,472.96	\$471,472.96

Options: The following items are options requested by the City of Visalia. (Prices exclude tax)

1. Performance Bond \$1,998.00
2. Dealer Installed Items/Loose Equipment/Radio/Intercom Equipment \$20,792.00

PO# _____

DATE: _____

ISSUER: _____

City of Visalia PURCHASE REQUISITION

DELIVER TO: Visalia Fire Department	REQUISITION DATE 03/24/2011	DATE NEEDED	DEPT CONTACT Doyle Sewell	PHONE NUMBER 559-786-6363
707 W Acequia Ave	SUPPLIER INFORMATION: ADDRESS: PHONE:		Emergency Vehicle Group, Inc 2883 E Coronado St Anaheim, CA 92806 714-238-0110	
Visalia CA 93291				
REQUESTED BY: (B/C Signature)	ACCOUNT NUMBER:			
APPROVED BY: (Signature) Mark Nelson <i>Mark Nelson</i>				

QTY	UNIT	DESCRIPTION OF GOODS	EST PRICE
1	each	Crimson Fire Custom Pumper	\$443,473.00
1		Pre Pay Discount - 100% payment due on Order	(\$10,929.00)
1		Performance Bond	\$1,998.00
1		Dealer installed items/ loose equipment/Radio/Intercom equipment	\$20,792.00
		TOTAL ESTIMATE COST:	

THIS REQUESTION SHALL NOT BE PROCESSED UNLESS:

1. Approved by authorized member of user department.
2. Account number is filled in.
3. Funds are available.

SUBTOTAL	\$455,334.00
SHIPPING & HANDLING	
TAX @ 9%	\$40,980.06
DISCOUNT	
TOTAL	\$496,314.06

ATTACHMENTS IF REQUIRED:

- | | |
|---|--|
| <input type="checkbox"/> QUOTES FROM MINIMUM OF THREE (3) SUPPLIERS | <input type="checkbox"/> SCOPE OF WORK |
| <input type="checkbox"/> SPECIFICATIONS | <input type="checkbox"/> OTHER: _____ |
| <input type="checkbox"/> SUPPLIER LIST | |
| <input type="checkbox"/> SOLE SOURCE FORM | |



PERFORMANCE BOND
(Maintenance Provision)

Bond Number: 929-518-204

KNOW ALL PERSONS BY THESE PRESENTS, That we Emergency Vehicle Group of

2883 E. Coronado St., Anaheim, CA 92807, hereinafter

referred to as the Principal, and Western Surety Company, hereinafter

as Surety, are held and firmly bound unto 333 S. Wabash Ave., Chicago, IL 60604, hereinafter

as Surety, are held and firmly bound unto Anaheim Fire Department of 201 S. Anaheim Blvd., Ste. 301, Anaheim, CA 92805, hereinafter

referred to as the Oblige, in the sum of One Million Fifty-Five Thousand Nine Hundred Eighty and 00/100

Dollars (\$ 1,055,980.00), for the payment of which we bind ourselves, our legal representatives, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has by written agreement dated the 17th day of November, 2010, entered into contract with Oblige for

Two (2) Rear Mount Crimson Pumpers on Spartan Chassis

_____ in accordance with drawings and specifications prepared by _____ which contract is by reference made a part hereof, and is hereafter referred to as the contract.

NOW, THEREFORE, if principal shall faithfully perform said subcontract and guarantee that the work will be free of defective materials and workmanship for a period of one year (12) months following completion of the contract, then this obligation shall be null and void. Any additional warranty or guarantee whether expressed or implied is extended by the principal or manufacturer only, and the surety assumes no liability for such a guarantee.

Whenever Principal shall be, and be declared by Oblige to be in default under the contract, the Oblige having performed Oblige's obligations thereunder:

- (1) Surety may promptly remedy the default subject to the provisions of paragraph 3 herein, or;
- (2) Oblige after reasonable notice to Surety may, or Surety upon demand of Oblige may arrange for the performance of Principal's obligation under the contract subject to the provisions of paragraph 3 herein;
- (3) The balance of the contract price, as defined below, shall be credited against the reasonable cost of completing performance of the contract. If completed by Oblige, and that reasonable cost exceeds the balance of the contract price, Surety shall pay the Oblige such excess, but in no event shall the aggregate liability of the Surety exceed the amount of this bond. If Surety arranges completion or remedies the default, that portion of the balance of the contract price as may be required to complete the contract or remedy the default and to reimburse Surety for its outlays shall be paid to Surety at the times and in the manner as said sums would have been payable to Principal had there been a no default under the contract. The term "balance of the contract price," as used in this paragraph, shall mean the total amount payable by Oblige to Principal under the contract and any amendments thereto, less the amounts heretofore properly paid by the Oblige under the contract.

Page 2 of 2 of Performance Bond (Maint. Provision) (G-54610-D) Issued On Behalf Of Emergency Vehicle Group dated the 17th day of November, 2010

Any suit under this bond must be instituted before the expiration of one year from the last effective day of the above described defective materials and workmanship guarantee.

No right of action shall accrue on this bond to or for the use of any person or corporation other than Oblige or the heirs, executors, administrators or successors of Oblige.

SIGNED, SEALED AND DATED this 24th day of November, 2010

Emergency Vehicle Group
(Principal)

By T. S. G. (Seal)

Western Surety Company
(Surety)

By Nicholas Good, (Seal)
Attorney-in-Fact

210

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Max B Van Wyk, Patricia A Zuk, Linda L De Vries, Alison L Van Wyk, Eric Van Wyk, Nicholas Good, Individually

of Grand Rapids, MI, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 7th day of September, 2010.



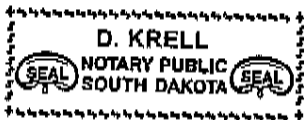
WESTERN SURETY COMPANY

Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 7th day of September, 2010, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires
November 30, 2012



D. Krell
D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 24th day of November, 2010.



WESTERN SURETY COMPANY

L. Nelson
L. Nelson, Assistant Secretary

Authorizing By-Law**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4th, 2011

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

Agenda Item Wording: Authorize the City Manager to sole source contract to Aqua-Flo Supply in the amount of \$858,740 to install, upgrade or retrofit Toro Sentinel water management controllers in the Landscape and Lighting Districts and NE Districts and appropriate additional funds of \$322,440.

Deadline for Action: April 4th, 2011

Submitting Department: Parks and Urban Forestry

Contact Name and Phone Number: David Pendergraft, 713-4295

Department Recommendation: Staff is requesting that the City Council award Tom Raden, Aqua - Flo Supply, the Sole Source contract for \$858,740 as authorized by the Toro Company, elected as exclusive distributor and service provider for the Toro Sentinel System for the County of Tulare. Tom Raden, Aqua-Flo will provide for the City of Visalia Landscape and Lighting Districts new, upgraded or retrofitted controllers at various locations in the City of Visalia. The anticipated installation time would be six to eight months. The Toro Company distributes its Toro/ Sentinel irrigation control product through exclusive central control distributors. The upgrade or retro fit will include, but not be limited to all components required to interface with the Water Management Systems software, infield assembly and installation and field programming. Aqua- Flo will insure that proper functionality is provided to all new irrigation controller upgrades or retro fits. Aqua- Flo Supply will also provide any and all training, service and support to the City of Visalia staff for a minimum of five years at no additional charge, as afforded by the Toro Company and Aqua -Flo Supply acting as authorized Toro/ Sentinel Distributor.

Summary/background: Since 2006 staff has been specifying Toro Sentinel Irrigation controllers in the Landscape and Lighting Districts and Pocket Park Landscape areas. The Toro/ Sentinel controller is a computerized Water Management System that regulates water usage and manages irrigation water more efficiently. The implementation of these controllers is estimated to save 15- 20 % of water cost annually. Water cost has averaged 26.84 % of overall maintenance cost for the last three years. Water cost is also on the rise and increasing in the Landscape and Lighting Districts. Annual water cost has been \$450,000 /yr. with a projected savings of 20% per year. It is estimated cost would be paid back in a five year period. The original Capital Improvement Project (CIP) budget \$536,300 was estimated in fiscal year 08/09

For action by:

City Council
 Redev. Agency Bd.
 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.

and has been rolled into the CIP budget for fiscal year 10/11. Staff is requesting a budget increase of \$322,440 to complete the cost saving project. The total cost of the project is \$858,740. The North East District Fund (1511) will pay for \$81,693 and the Landscape and Lighting Funds (1513) will pay for \$777,047. There is currently a positive balance in FY 09/10 of \$1,034,150 in the (1513) Landscape and lighting districts fund end of year balance and in the (1511) North East Districts an end of year balance fund of \$53,262.00.

CIP fund increases are needed because the first estimation was based on Retro fitting existing Irritrol MC Plus controllers with a retro-link upgrade. After trying the Retro-link upgrade in three test locations they were proven to not to have the full range of controller water management capabilities that the Toro/ Sentinel controller has. There are already 40 Toro/ Sentinel Water Management Controllers already on line and communicating with our PC Computer and are operating with minimal flaws and have proven to be very dependable. Project managers have operational control, system watering, trouble reporting and multi level programming all in one location. There are a total of 289 controllers needed to be retro fitted with the Toro/ Sentinel Water management controllers.

Prior Council/Board Actions: The City Council was advised of the Toro/ Sentinel installation as part of the water conservation and cost reduction measures that would be implemented at the December 20th Work Session.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Sole source letter from Donald F. Ghella, National Sales Manager, Commercial Central Control, The Toro Company.

Recommended Motion (and Alternative Motions if expected): Authorize the City Manager to sole source contract to Aqua-Flo Supply in the amount of \$858,740 to install, upgrade or retrofit Toro Sentinel water management controllers in the Landscape and Lighting Districts and NE Districts and appropriate additional funds of \$322,440.

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:



Toro Irrigation

5825 Jasmine Street • Riverside, California 92504-1144 • 909/688-9221

December 2, 2010

To Whom It May Concern;

The Toro Company distributes its Sentinel Central Control products through exclusive central control distributors. This is based on stringent requirements for product knowledge, exceptional customer support and highly qualified service personnel for these companies.

Based on these parameters, our exclusive central control distributor for Southern California, including Tulare County is Aqua~Flo Supply.

If you require more information, please contact me at any time at 480.832.8590 (office), or 602.418.2295 (cell).

Thank you for considering TORO control products.

Donald F. Ghella
National Sales Manager
Commercial Central Control
The Toro Company

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

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

Agenda Item Wording: Resolution No. 2011-13, Declaring an Intention to Abandon Laurel Avenue between Shady Street and Woodland Street and setting the date of public hearing for May 2, 2011.

Deadline for Action: April 4, 2011

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Adam Ennis, Assistant Director – Engineering, 713-4323
Chris Young, Community Development Director, 713-4392

Department Recommendation: Approve Resolution No. 2011-13, Declaring an Intention to Abandon the portion of Laurel Avenue between Shady Street and Woodland Street and setting the date for public hearing as May 2, 2011.

Summary/background: The abandonment of Laurel Avenue, between Shady Street and Woodland Street, is being requested by College of the Sequoias (COS). The street closure is being requested to facilitate the construction of a planned COS parking lot for the block bounded by Woodland Street, Laurel Avenue, Tulare Avenue, and Shady Avenue (as reflected in the COS Five Year Construction Plan and Master Plan, shown on the attached exhibits).

The City of Visalia Planning Commission approved the COS parking lot expansion project (Conditional Use Permit No. 2011-04) on March 28, 2011, including the abandonment of Laurel Avenue, finding that the proposal was consistent with the City's General Plan.

If the Resolution of Intent to Abandon is approved, staff will post notices along that section of Laurel Avenue to be abandoned and a copy of the resolution shall be published for two successive weeks in a newspaper of general circulation in the City of Visalia. In addition, required notices will be sent to surrounding property owners regarding the proposed street abandonment and upcoming public hearing.

During the notification process, public utilities will be notified of the proposed abandonment. Easements for public utilities will remain within the abandoned Laurel Avenue as necessary.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Consistent with the City's Circulation Element, the City is requiring a 12-foot Irrevocable Offer of Dedication along the north side of Tulare Avenue for future street widening. COS must submit an executed Irrevocable Offer of Dedication for this right-of-way to the City's Engineering Division for review, processing, and recording. The offer of dedication can be reviewed and processed concurrently with the abandonment process with the final executed document being submitted for recording after Council approval of the abandonment.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Condition Use Permit 2011-04 Approved – Planning Commission – March 28, 2011

Alternatives: Council may elect to deny the request for the abandonment of Laurel Avenue. Council may also revise or add conditions to be fulfilled prior to the recording of the resolution ordering the closure of Laurel Avenue.

- Attachments:**
- 1.) Vicinity Map
 - 2.) COS Five Year Construction Plan
 - 3.) COS Master Plan Exhibit
 - 4.) Proposed Resolution of Intent to Abandon

Recommended Motion (and Alternative Motions if expected): I move to adopt Resolution No 2011-13, declaring an Intention to Abandon Laurel Avenue from Shady Street to Woodland Street and setting the date of public hearing for May 2, 2011.

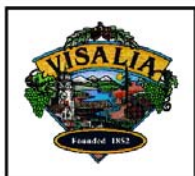
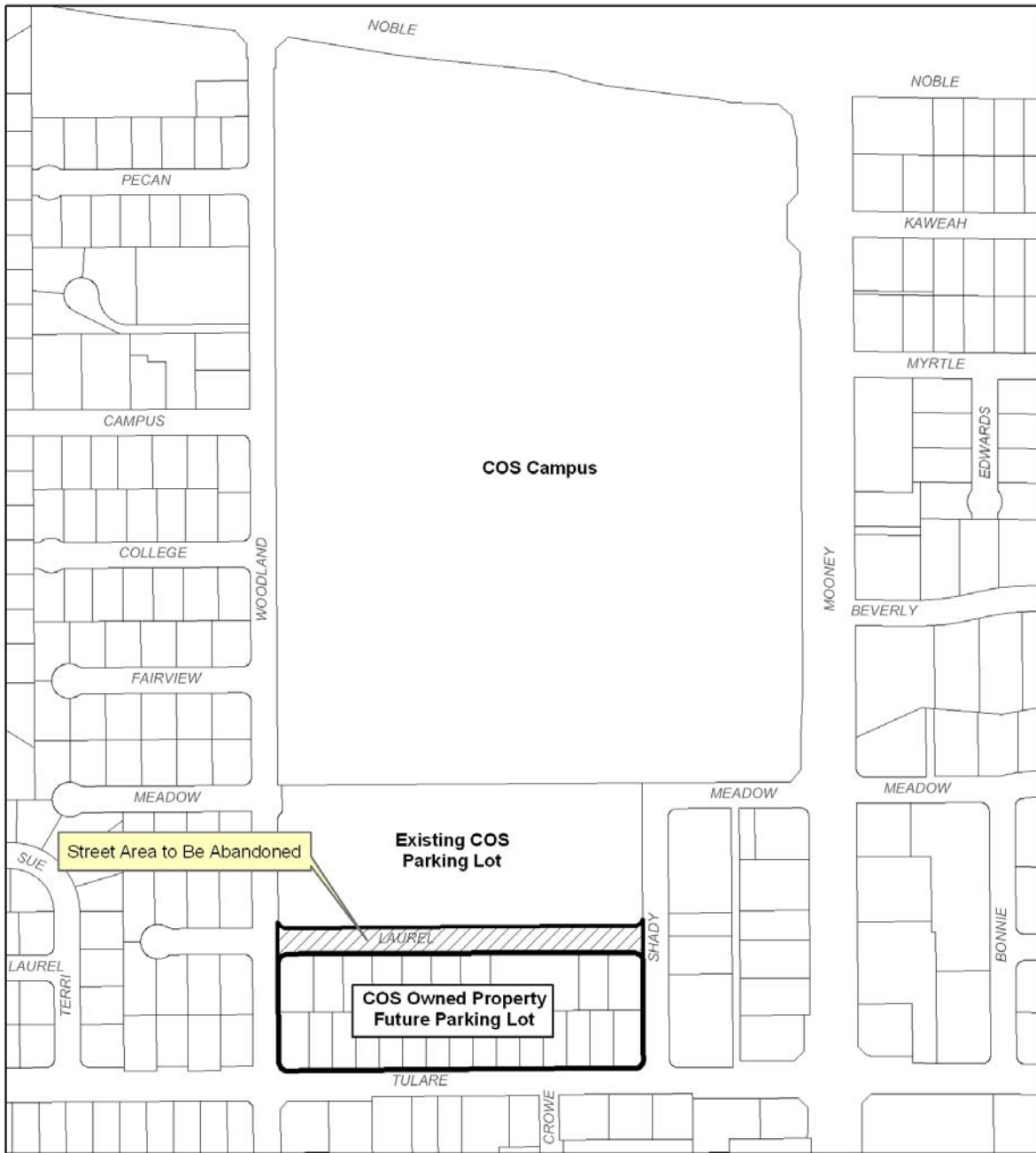
Environmental Assessment Status

CEQA Review: Supplemental E.I.R. C.O.S. Five Year Construction Plan

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:



Laurel Ave Abandonment Location Map

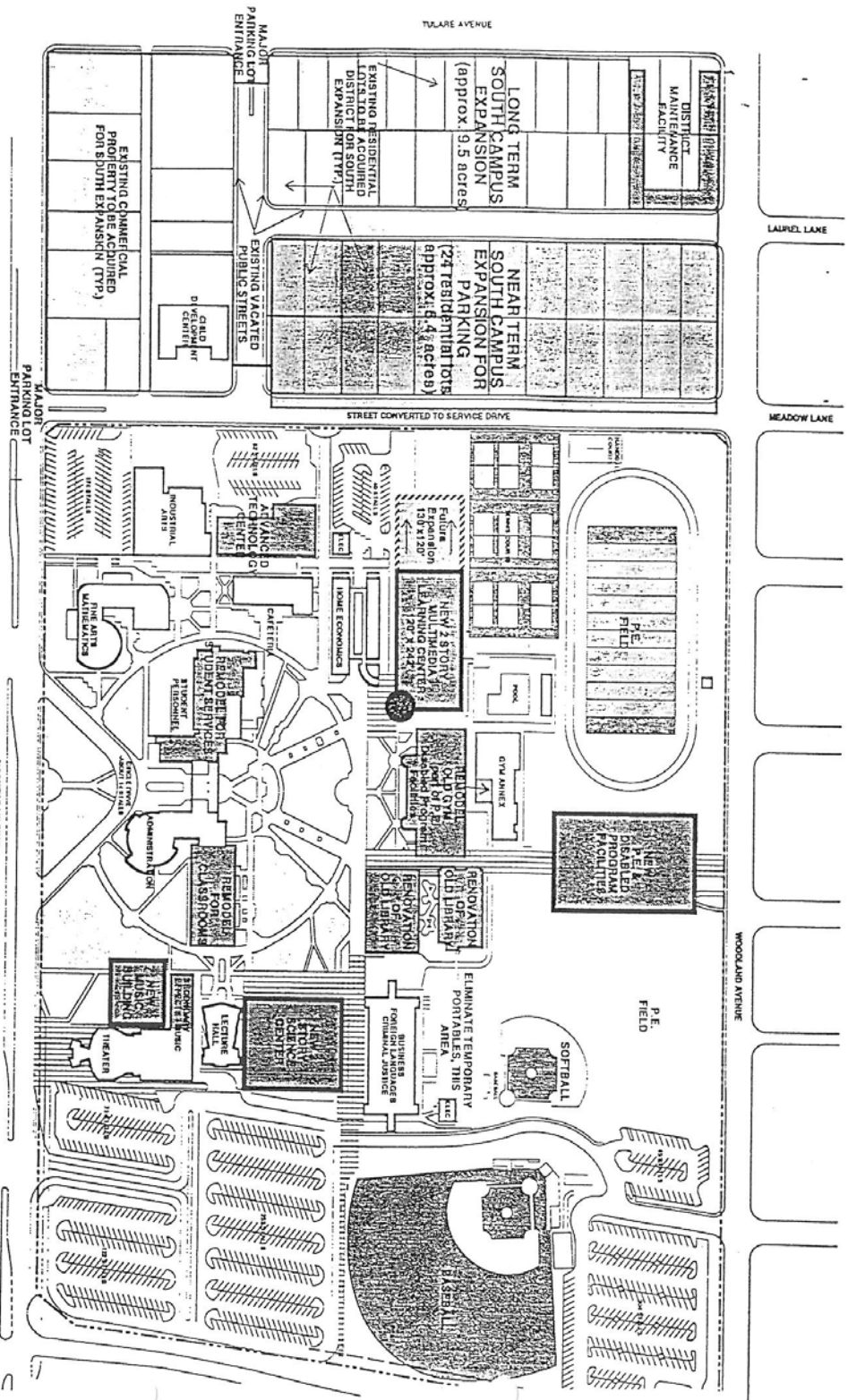


Scale: 1"= 300'

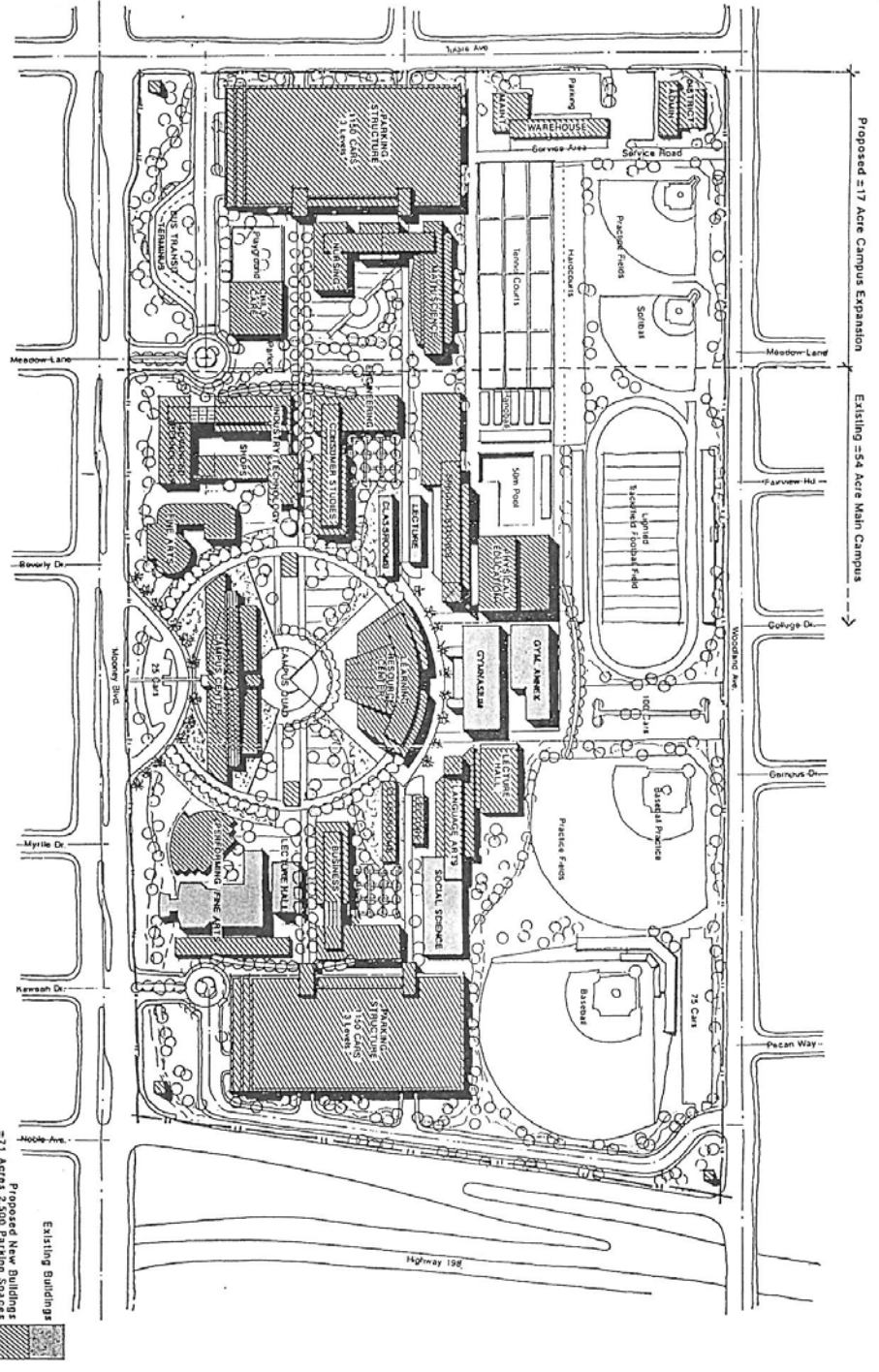
COLLEGE OF THE SEQUOIAS
 FIVE YEAR CONSTRUCTION PLAN

Existing Parking (omitting the 10 stalls across Mooney Boulevard) = 1,885 stalls. Five additional student campus, or 400,250 sq. ft. (100 acres)

FIGURE
 1-2



COS 5 YEAR CONSTRUCTION PLAN



COS MASTER PLAN

RESOLUTION NO. 2011- 13

**SETTING DATE OF PUBLIC HEARING FOR
THE ABANDONMENT OF A PORTION OF LAUREL
AVENUE BETWEEN SHADY STREET
AND WOODLAND STREET**

WHEREAS, the Council of the City of Visalia hereby declares its intention to abandon a portion of Laurel Avenue described as:

That portion of Laurel Avenue located between Shady Street and Woodland Street as shown on the map for Oak Meadows recorded in Volume 19 of Maps at Page 90 of the Tulare County Records; and more particularly described as follows,

Being that portion of Laurel Avenue as shown on said map for Oak Meadows; lying west of the northerly prolongation of the west right-of-way line of Shady Street; and lying east of the northerly prolongation of the east right-of-way line of Woodland Street.

WHEREAS, the abandonment proceedings are being conducted under Division 9, Change of Grade and Vacation; Part 3. Public Streets, Highways, and Service Easement Vacation Law Section 8300; and

WHEREAS, all persons interested in or objecting to the proposed vacation may appear at a public hearing to be held in the Council Chambers of the City Hall, 707 W. Acequia, in the City of Visalia at 7:00 p.m., May 2, 2011 and, express their interest in or objections to the proposed vacation.

NOW THEREFORE, BE IT RESOLVED, that copies of this notice of intention to vacate shall be posted in the area to be vacated not more than 300 feet apart, but at least three (3) notices shall be posted;

AND BE IT FURTHER RESOLVED, that a copy of this resolution shall be published for two (2) successive weeks in a newspaper of general circulation in the City of Visalia.

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2011

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

Agenda Item Wording: Authorization for the City Manager to enter into an amended contract in the amount of \$21,750 with the consulting firm of Dyett and Bhatia for professional services for the General Plan Update.

Deadline for Action: April 21, 2011 (this is the first scheduled General Plan Update Review Committee (GPURC) meeting for which the consultant's presence is desired but presently unfunded)

Submitting Department: Community Development-Planning

Contact Name and Phone Number: Paul Scheibel, AICP, Planning Services Manager 713-4369
Chris Young, P.E., Community Development Director, 713-4392
Mike Olmos, Assistant City Manager, 713-4332

Department Recommendation: Staff recommends amending the agreement with Dyett and Bhatia to add \$21,750 to the current contract totaling \$1,140,493 (The original contract was for \$1,129,205 and has been amended as noted in the section below).

The requested amount would defray the consultant's costs for their attendance at eight additional GPURC meetings between April 21, 2011 and August 4, 2011, and for preparation of supporting materials such as added analysis of industrial lands needs and PowerPoint presentations for the GPURC.

Summary Background: The current contract includes four minor revisions since July 2010, totaling \$11,288. Those amendments were approved at the staff level. The amendments have been primarily for preparation of the Existing Conditions Report Executive Summary and other working documents, travel and conduct of stakeholder interviews, and participation at GPURC meetings beyond those included in the basic contract.

Staff and the GPURC believe the consultant's presence is vital to maintaining progress with the General Plan Update process, and in particular, to the GPURC's and Community's of the many aspects of the GP Update. Additionally, the amendment would also enhance the public outreach efforts being undertaken at this point of the GP Update. It should also be noted the GPURC will now be meeting at approximately two-week intervals through the Growth Concepts phase of the GP Update process that is expected to continue through July 2011.

For action by:

City Council
 Redev. Agency Bd.
 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: On December 21, 2009, the City Council awarded the Comprehensive General Plan Update and Program EIR contract to the consulting firm of Dyett and Bhatia in the amount of \$1,129,205.

Alternatives: In addition to the recommended action, the City Council may also:

1. Not approve the amendment. Staff will take the lead in GPURC discussions and outreach.
2. Modify the proposed work program additions.

Attachment: Letter from consultant dated March 18, 2011, outlining the proposed extra services.

Recommended Motion (and Alternative Motions if expected): I move the City Council authorize the City Manager to enter into an amended contract in the amount of \$21,750 with the consulting firm of Dyett and Bhatia for professional services for the General Plan Update.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

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

Agenda Item Wording: Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 10-11-46, Shirk and Ferguson Trench Settlement Repairs in the amount of \$483,430.00 to the low bidder, Bill Nelson General Engineering Construction, Inc.

(Project No. 1611-00000-720000-0-8264)

Deadline for Action: April 28, 2011 (30 days after bid opening)

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Rebecca Keenan, Civil Engineer, 713-4541
Adam Ennis, Assistant Director of Engineering, 713-4323
Chris Young, Community Development Director, 713-4392

Department Recommendation: Staff recommends that the City Council award a construction contract and authorize the City Manager to execute an agreement for RFB 10-11-46 for the Shirk and Ferguson Trench Settlement Repairs in the amount of \$483,430.00 to the low bidder, Bill Nelson General Engineering Construction, Inc.

Summary: This project includes the repairs of damaged road areas located near the intersection of Shirk Street and Ferguson Avenue, which occurred during the strong storm events in December 2010. Pavement subsidence at relatively deep, existing storm and sanitary sewer lines occurred due to saturation of the soils from water leakage of the over pressurized storm drain system. Some of the storm drain piping also experienced cracking due to loss of support from the saturated soils. The storm basin for the area was completely filled, and nearly breached, during the December storm events.

One bid was received for the project of \$483,430.00, from Bill Nelson General Engineering Construction, Inc. Several other contractors appeared to be interested in the project, but did not bid due to the tight construction time frame required by the potential funding and/or workload. The engineers estimate was \$500,000.00. The construction is planned to be completed by June 20, 2011 to meet potential funding deadlines. Based on initial investigation and testing, it does not appear that the sanitary sewer pipeline was damaged or in need of replacement. However, an alternate bid was included for replacement of the sanitary sewer pipe. The alternate bid to completely replace the sanitary sewer pipe was an additional \$172,000.00. City staff will not direct any replacement of the sanitary sewer pipe unless necessary and will use a change order based on the alternate bid unit prices for any portion of the sanitary sewer pipe needing replacement.

For action by:

City Council
 Redev. Agency Bd.
 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.

Background:

The repairs will consist of excavating and compacting the existing sanitary sewer trench that subsided. The Contractor will also remove portions of reinforced concrete pipe from an existing storm drain system which was damaged during the storm. Once the portions of the storm drain pipe are replaced or repaired, the trenches will be backfilled and compacted. There may be additional repairs or replacement necessary, should inspector and/or contractor observe any additional damage during the repairs. Once all of the repairs are complete, the Contractor will repave the street. Traffic striping and markings will then be applied to match the original configuration.

On March 29, 2011, the City of Visalia opened one (1) bid for the Shirk and Ferguson Trench Settlement Repairs Project. The results of the bid opening are as follows:

	Contractor	Address	Bid Amount
1.	Bill Nelson General Engineering Construction, Inc.	401 W. Fallbrook St. #104, Fresno CA 93711	\$483,430.00

Bill Nelson General Engineering Construction, Inc. has satisfactorily completed projects for the City of Visalia in the past. The most recent include the North Sanitary Sewer Trunk Line, which was installed along Riggin Avenue, between Mooney Boulevard and Dinuba Boulevard. Staff also obtained positive references from Mr. Ken Turner of the City of Fresno, and from Mr. Verlyn Nuefeld, of the Fresno Metropolitan Flood Control District.

Financial Analysis: This project is being funded with locally generated emergency reserves. In addition, the pavement depression damage at Shirk and Ferguson may be eligible for 100% repair funding. Staff has applied for reimbursement of these expenses from the U.S. Department of Transportation Federal Highway Administration Emergency Relief Funds, which is administered by Caltrans. Authorization has been received from Caltrans Local Assistance for construction of the temporary fire department access and some of the traffic control. City staff is preparing additional information to submit to Caltrans Local Assistance in an effort to secure additional funding for the pavement repairs.

Staff has also applied to the FEMA Emergency Relief fund and the California Emergency Management Agency (Cal EMA) for potential reimbursement of these costs. FEMA and Cal EMA have not committed funds for the repair costs; however staff will work towards obtaining any eligible reimbursements.

Prior Council/Board Actions: City Council appropriated \$968,000 to temporarily fund the Response Activities and Capital Projects resulting from the storm damage on January 18, 2011.

Committee/Commission Review and Actions: None

Alternatives: None recommended

Attachments: Attachment 1 – Location Map
Attachment 2 – Bid Results
Attachment 3 – Contractor Disclosure Form

Recommended Motion (and Alternative Motions if expected):

I move to award a construction contract and authorize the City Manager to execute an agreement for RFB 10-11-46 for the Shirk and Ferguson Trench Settlement Repairs, in the amount of \$483,430.00 to the low bidder Bill Nelson General Engineering Construction, Inc. Project No. 3011-00000-720000-0-8264

Financial Impact

Funding Source:

Account Number: 3011-00000-720000-0-8264

Budget Recap:

Total Estimated cost: \$755,000.00	New Revenue:	\$
Amount Budgeted: \$968,000	Lost Revenue:	\$
New funding required: \$0	New Personnel:	\$
Council Policy Change: Yes___	No__	X

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)*

NEPA REVIEW. Preliminary Environmental Study (PES) Form submitted to Caltrans Local Assistance on March 2, 2011.

Copies of this report have been provided to:



Location Map



**Shirk and Ferguson Trench Settlement Repairs
 BID SUMMARY SHEET**

Bid Opening: 10:00 AM, March 29, 2011
 Prevailing Wage

No. 1611-00000-720000-0-8264

BASE BID				LOW BIDDER			
ITEMS	UNIT	QTY	ENGINEERS ESTIMATE		Bill Nelson General Engineering Construction, Inc. 401 W. Fallbrook St. #104, Fresno, CA 93711		
			UNIT COST	TOTAL	UNIT COST	TOTAL	
1 Mobilization/Demobilization, including final site clean-up	LS	1	\$26,500.00	\$26,500.00	\$40,000.00	\$40,000.00	
2 Pothole and Locate Existing Gas Main Prior to Start of Work.	LS	1	\$3,500.00	\$3,500.00	\$2,500.00	\$2,500.00	
3 Emergency Operations and Bypass Pumping	LS	1	\$20,000.00	\$20,000.00	\$30,000.00	\$30,000.00	
4 Early Opening of Ferguson, including Traffic Control Plan	LS	1	\$18,500.00	\$18,500.00	\$25,000.00	\$25,000.00	
5 Implement and Maintain Storm Water Pollution Plan and Dust Control Plan	LS	1	\$9,800.00	\$9,800.00	\$7,500.00	\$7,500.00	
6 Air test of existing 48" Sanitary Sewer Main at start of work.	LS	1	\$6,800.00	\$6,800.00	\$8,000.00	\$8,000.00	
7 Air test of existing 48" Sanitary Sewer Main after trench backfill, but prior to paving	LS	1	\$6,900.00	\$6,900.00	\$8,000.00	\$8,000.00	
8 Video Inspection of 30", 24", and 18" Storm Drain Main after trench backfill, but prior to paving	LS	1	\$7,800.00	\$7,800.00	\$3,500.00	\$3,500.00	
9 Video Inspection of 48" SS Main after trench backfill, but prior to paving	LS	1	\$7,800.00	\$7,800.00	\$3,500.00	\$3,500.00	
10 Flush and Clean existing 18" Storm Drain Main	LF	510	\$19.00	\$9,690.00	\$18.00	\$9,180.00	
11 Flush and Clean existing 24" Storm Drain Main	LF	190	\$21.00	\$3,990.00	\$18.00	\$3,420.00	
12 Flush and Clean existing 30" Storm Drain Main	LF	270	\$23.00	\$6,210.00	\$18.00	\$4,860.00	
13 Remove/dispose of 5" thick Asphalt Concrete	SF	13200	\$0.80	\$10,560.00	\$1.25	\$16,500.00	
14 Remove/dispose of 9" Thick Class 2 AB	SF	13200	\$0.75	\$9,900.00	\$1.25	\$16,500.00	
15 Remove/dispose of 4.5" thick Asphalt Concrete	SF	750	\$0.80	\$600.00	\$1.25	\$937.50	
16 Remove/dispose of 7.5" Thick Class 2 AB	SF	750	\$0.75	\$562.50	\$1.25	\$937.50	
17 Remove 24" Class 3, Rubber Gasket O-Ring, Reinforced Concrete Pipe	LF	20	\$41.00	\$820.00	\$50.00	\$1,000.00	
18 Remove 30" Class 3, Rubber Gasket O-Ring, Reinforced Concrete Pipe.	LF	90	\$35.00	\$3,150.00	\$30.00	\$2,700.00	
19 Furnish and Install 24" Storm Drain Pipe	LF	20	\$70.00	\$1,400.00	\$90.00	\$1,800.00	
20 Furnish and Install 30" Storm Drain Pipe	LF	90	\$79.00	\$7,110.00	\$85.00	\$7,650.00	
21 Furnish and Install Concrete Collar for Storm Drain Pipe	EA	8	\$2,500.00	\$20,000.00	\$2,000.00	\$16,000.00	
22 Furnish and Install Brick and Mortar Plug for Storm Drain Pipe	EA	1	\$2,500.00	\$2,500.00	\$750.00	\$750.00	
23 Sheeting, Shoring, and Bracing	LS	1	\$9,000.00	\$9,000.00	\$15,000.00	\$15,000.00	
24 Seal RCP joints inside 30" pipe with ortar (between manholes)	LF	280	\$32.00	\$8,960.00	\$50.00	\$14,000.00	
25 Excavate and recompact depressed area to top of existing pipe, as shown on the plans.	SF	520	\$38.00	\$19,760.00	\$15.00	\$7,800.00	
26 Trench Repair of existing 48" Sanitary Sewer Main	LF	1000	\$175.00	\$175,000.00	\$95.00	\$95,000.00	
27 Trench Repair of Existing 33" Sanitary Sewer Main	LF	17	\$210.00	\$3,570.00	\$200.00	\$3,400.00	
28 Furnish and Install Hot Mix Asphalt	TON	420	\$90.00	\$37,800.00	\$110.00	\$46,200.00	
29 Furnish and Install Class 2 AB	TON	726	\$26.00	\$18,876.00	\$50.00	\$36,300.00	
30 Furnish and Install City Standard Median Curb	LF	63	\$22.00	\$1,386.00	\$65.00	\$4,095.00	
31 Signing, Striping, and Pavement Markings	LS	1	\$8,500.00	\$8,500.00	\$7,500.00	\$7,500.00	
32 Laser level investigation, including photos of inside of 48" SS pipe and visual observation	LF	200	\$43.00	\$8,600.00	\$15.00	\$3,000.00	

**Shirk and Ferguson Trench Settlement Repairs
 BID SUMMARY SHEET**

Bid Opening: 10:00 AM, March 29, 2011
 Prevailing Wage

No. 1611-00000-720000-0-8264

BASE BID				LOW BIDDER			
	ITEMS	UNIT	QTY	ENGINEERS ESTIMATE		Bill Nelson General Engineering Construction, Inc. 401 W. Fallbrook St. #104, Fresno, CA 93711	
				UNIT COST	TOTAL	UNIT COST	TOTAL
33	Excavation of trench to bottom of pipe, observation, and photos of outside of 48" SS pipe.	LF	50	\$220.00	\$11,000.00	\$500.00	\$25,000.00
34	Backfill and Compact around existing 48" SS pipe, from trench bottom to 12" above the pipe.	LF	50	\$160.00	\$8,000.00	\$300.00	\$15,000.00
35	Modification of Existing Manhole Collars or Rings	EA	3	\$525.00	\$1,575.00	\$300.00	\$900.00
Base Bid Total					\$496,119.50		\$483,430.00
ALTERNATE BID							
36	Delete Bid Item 26	LF	1000	-\$175.00	-\$175,000.00	-\$95.00	-\$95,000.00
37	Delete Bid Item 6	LS	1	-\$6,800.00	-\$6,800.00	-\$8,000.00	-\$8,000.00
38	Remove and Dispose of Existing 48" Sanitary Sewer Main	LF	1000	\$35.00	\$35,000.00	\$20.00	\$20,000.00
39	Furnish and Install 48" Sanitary Sewer Main, complete and in place with end plugs per manufacturer's Recommendation	LF	1000	\$190.00	\$190,000.00	\$250.00	\$250,000.00
40	48" Sanitary Sewer Concrete Collar	EA	1	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
Alternate Bid Total					\$45,200.00		\$172,000.00
Total Base Bid + Alternate Bid					\$541,319.50		\$655,430.00



CITY OF VISALIA
Disclosure Contractors and Consultants

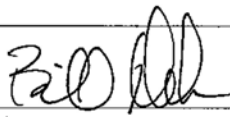
NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

Firm Name Bill Nelson General Engineering Construction, Inc.
Firm Address 401 W. FALLBROOK, Ste 104 FRESNO, CA 93711

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:

BILL NELSON, President

3-30-11
Date


Signature
BILL NELSON, Pres.
Print Name & Title

Date

Signature

Print Name & Title

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

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

Agenda Item Wording: Authorization to enter into a contract with the Bureau of Reclamation to receive unstorable water from the Central Valley Project. **(Resolution 2011- 14 required)**

Deadline for Action: April 4, 2010

Submitting Department: Administration / Natural Resource Conservation

Contact Name and Phone Number:

Kim Loeb, Natural Resource Conservation Manager, 713-4530
Leslie B. Caviglia, Deputy City Manager, 713-4317

Department Recommendation

It is recommended that the City Council pass **Resolution 2011-14** and authorize the City Manager to enter into a contract with the Bureau of Reclamation to receive unstorable water from the Central Valley Project.

Summary

The U.S. Bureau of Reclamation (USBR) has provided the City of Visalia with the opportunity to enter into a "contract for temporary water service" to receive water from the Central Valley Project Friant Division which is not storable at Millerton Lake, known as Section 215 water. (215 refers to the section of the Reclamation Reform Act that provides for ownership exemption of unstorable water).

Because this is an exceptional rainfall year and there is significant snow pack in the mountains, the USBR has notified all eligible entities that 215 contracts for water are available for those who may want to receive water.

This is the first time that such an offer has been made since the City has been in a position to execute a contract and pay the charges to receive such water. The City does not have a history of being a 215 contractor with the USBR, and both our water consultant Richard Moss of Provost and Prichard and City Attorney Alex Peltzer agree that it makes good sense for the City to establish a history of contracting with the USBR for water. In the future, having a prior contract may have important legal implications regarding how water is distributed. In addition, this water comes from outside the Kaweah Basin and importing water into our overdrafted groundwater basin is always beneficial.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent
Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC 33011

Finance

City Atty

City Mgr

While the water is technically free, there are charges associated with receiving the water and, at \$35.08/acre foot, the charges alone make it more expensive than other water offered to the City by other sources, but this cost is consistent with past purchases by the City. Staff believes, however, that making a purchase while this water is available between now and May 31, 2011, will set a precedent that may be beneficial to the City in the future. Staff recommends purchasing up to 1,000 acre feet at a cost of up to \$35,080. The City Manager is authorized to purchase up to \$100,000 annually for recharge purposes at a price not to exceed \$55/acre ft (December 1, 2008), and this proposed purchase will fall within those parameters so no additional purchasing authority is needed. The full \$100,000 amount is still available for water purchases for fiscal year 2010-11.

Once the contract is established, City staff will work with USBR and Kaweah Delta Water Conservation District staff to determine how much water to purchase (up to 1,000 acre feet), and where and when is best to take delivery. Delivery of the water will depend on adequate capacity in channels running through the City and the status of Kaweah Lake flood releases and irrigation flows. The water is only available until the end of May, so it is important to initiate the contract and arrange for delivery in the next several weeks.

Department Discussion

The USBR can execute annual contracts with non-Central Valley Project contractors (NCVPC) to utilize unstorable flood flows. Millerton Lake is a relatively small reservoir that typically fills and empties multiple times during a Contract Year (March 1 through February 28). There are times that snowmelt-produced flows exceed the storage capacity of the reservoir and are more than contractors with long-term water-service contracts choose to divert at the time.

This also can occur in the winter due to the flood control restrictions required by the U.S. Army Corps of Engineers where, although the reservoir may not be full, inflow would cause the level in the reservoir to exceed levels required to maintain flood control capacity. USBR can either spill the water into the San Joaquin River or offer it to contractors for a limited and specified time period under one year contracts.

USBR is proposing to execute 215 contracts for temporary supplies of unstorable flood flows with NCVPC during Contract Year 2011. Temporary supplies of unstorable flood flows pursuant to Section 215 of the Reclamation Reform Act may be made available to those eligible NCVPC within the Friant service district that have access to water deliveries via the Friant-Kern Canal, Madera Canal, and/or Millerton Lake.

While the water is technically “free,” there are charges associated with taking delivery of this water. There are two types of charges, one for water that is used for irrigation purposes and another for municipal and industrial use.

Cost Component	Irrigation	M&I
Rate (Cost of Service)		
Water Marketing O&M	\$6.53	\$3.79
Conveyance Capital ¹	\$5.31	\$5.63
<i>Total Cost of Service Rate</i>	<i>\$11.84</i>	<i>\$9.42</i>
Restoration Fund ²	\$9.29	\$18.59
Trinity PUD Assessment ³	\$0.05	\$ 0.05
Friant Surcharge	\$7.00	\$ 7.00
<i>Total Charges</i>	<i>\$16.34</i>	<i>\$25.64</i>

Total Rate per Acre-Foot	\$28.18	\$35.06
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¹ Conveyance and Conveyance Pumping O&M costs have been removed for ratesetting purposes and will be directly billed by the Operating Non-Federal Entity.

² Restoration Fund Charges are payments in addition to the water rates and are determined on a fiscal year basis, October 1 - September 30, pursuant to Section 3407 of the “Central Valley Project Improvement Act”, Public Law 102-575, Title XXXIV, 106 Stat. 4706.

³ The Trinity Public Utilities District Assessment is applicable to each acre-foot of water delivered.

Offers to the City by USBR to enter into a contract to receive Central Valley Project water occur infrequently. This is the first opportunity since the City has been in a position to receive and utilize this water. Entering into a contract with USBR and receiving this water will establish a precedent that may give the City some priority to receive additional water in the future. Additionally, staff believes the City’s demonstrated efforts to obtain water to replenish the City’s groundwater will serve the City well should there be an allocation or adjudication of water in the future.

Prior Council/Board Actions:

December 1, 2008 – Provided on-going authorization for the City Manager to annually purchase up to \$100,000 in water for groundwater recharge at a price that does not exceed \$55/acre foot.

Committee/Commission Review and Actions: N/A

Alternatives: To not enter into a contract with the U.S. Bureau of Reclamation

Attachments: Resolution 2011 –14
Proposed contract with the U.S. Bureau of Reclamation

Recommended Motion (and Alternative Motions if expected): I move to approve Resolution 2011- 14 authoring the City Manager to enter into a Contract for Temporary Water Service with the U.S. Bureau of Reclamation to take delivery of up to 1,0000 acre feet of unstorable Central Valley Project Friant Division water.

Resolution 2011-14

Resolution of the Visalia City Council Authorizing the Execution of a Contract between the City and the U.S. Bureau of Reclamation for Temporary Water Service

WHEREAS, the United States has constructed and is operating the Central Valley Project, California (Project) for the purposes, among others, of furnishing water for irrigation, municipal, domestic, mitigation, protection, and restoration of fish and wildlife, and other beneficial uses;

WHEREAS, the United States has determined that during the term of this Contract there may be periods of time during which a temporary supply of water not storable for Project purposes or infrequent and otherwise unmanaged flood flows of short duration may exist which can be made available to various contractors including the City of Visalia; and

WHEREAS, the City may need such Temporary Water and is willing to contract to obtain a supply of such water from the Friant-Kern Canal, Madera Canal or Millerton Lake, and

NOW, THEREFORE BE IT RESOLVED that the Visalia City Council authorizes the City Manager to enter in to a contract with the United States Department Bureau of Reclamation to obtain temporary water through May 31, 2011.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

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

Agenda Item Wording: Authorization to join with the California Partnership for the San Joaquin Valley and Southern California Gas Company in opposing the proposed diversion of the Energy Efficiency Gas Surcharge Fund to the State General Fund .

Deadline for Action: NA

Submitting Department: Administration

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Staff recommends that Council Authorize a letter to Governor Brown expressing opposition to the proposed diversion of Energy Efficiency Gas Surcharge Funds to the State General Fund to help address the State budget deficit. The California Partnership for the San Joaquin Valley has opposed this transfer of funds as stated in the attached letter from Ashley Swearingen, Partnership Chair and Mayor of Fresno. Southern California Gas Company, Visalia's natural gas purveyor, has also opposed the proposed transfer.

Summary/background: The State of California is proposing to divert funds from the Energy Efficiency Gas Surcharge (EEGS) Fund to help balance the State budget. EEGS funds are generated by natural gas ratepayers specifically to fund energy efficiency programs. The State budget proposal will raid this fund and deprive ratepayers of the beneficial energy efficiency programs funded by the gas surcharge.

Ratepayers in the service area of Southern California Gas Company pay a surcharge to support programs designed to promote gas energy efficiency for both residential and business customers. Funds generated by the surcharge are used for many energy efficiency efforts, including the following:

- Provide monetary incentives for equipment upgrades, retrofits and other improvements that achieve energy efficiency in natural gas consumption;
- Research and development for energy saving and environmental technology such as biogas, alternate fuel vehicles, building technology for energy efficiency, renewable energy, and others.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The raid of the EEGS Fund is included in the initial budget package approved by the State Assembly and Senate, and now on the Governor's desk awaiting signature. If Council takes a position in opposition to the raid of EEGS funds, Staff will prepare a letter for the Mayor's signature to forward to the Governor's office, with copies to our State legislators.

Given that EEGS funds are generated by a surcharge placed on a utility for a specific purpose, the legality of whether the funds can be diverted to the State General Fund may be questioned. Therefore, if the Governor signs legislation including diversion of these funds, potential may exist for legal challenge by stakeholder interests regarding this transfer.

The California Partnership for the San Joaquin Valley has previously expressed opposition to the raid of EEGS funds. A copy of an opposition letter from Ashley Swearingen, Partnership Chair and Mayor of Fresno, is attached for Council's information. The Gas Company is also opposing this transfer.

Prior Council/Board Actions: NA

Committee/Commission Review and Actions: NA

Alternatives: Take no position.

Attachments: California Partnership letter dated March 3, 2011

Recommended Motion (and Alternative Motions if expected): Move to authorize letter to Governor Brown expressing opposition to diversion of Energy Efficiency Gas Surcharge Funds to help address the State budget deficit.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

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

Copies of this report have been provided to: NA

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: **PUBLIC HEARING** and Introduction of Ordinance No. 2011-07 for Zoning Text Amendment 2011-05: A request by the City of Visalia to revoke the portion of previously-adopted Zoning Text Amendment No. 2010-10B wherein the Zoning Use Matrix (VMC 17.18.050) was changed to allow supermarkets/grocery stores 30,000 square feet or smaller in the C-R (Regional Retail Commercial) Zone as a Permitted Use.

Deadline for Action: None

Submitting Department: Community Development Department
Planning Division

Contact Name and Phone Number:

Brandon Smith, AICP, Senior Planner 713-4636
Chris Young, P.E. Community Development Director/City Engineer 713-4392

Department Recommendation: The Planning Commission recommends that the City Council introduce Ordinance No. 2011-07 for the first reading of Zoning Text Amendment No. 2011-05, amending Zoning Use Matrix of the Zoning Ordinance and reversing the decision to allow supermarkets/grocery stores 30,000 square feet or smaller in the C-R (Regional Retail Commercial) Zone as a Permitted Use.

All other General Plan and Zoning Ordinance changes associated with the Mooney Boulevard Corridor Zoning Study, enacted by various actions of the City Council in November and December of 2010, are not being affected by the current proposed action.

Project Background: In 2010, the City of Visalia prepared a set of recommendations for applying zoning amendments to the Mooney Boulevard corridor, with the intent of encouraging the establishment of new businesses and/or the expansion of existing ones on Mooney Boulevard. The recommendations were based upon conclusions in a Mooney Boulevard Corridor Zoning Study commissioned by the City Council. Among the amendments approved was Zoning Text Amendment No. 2010-10B, which added grocery stores 30,000 sq. ft. or smaller and other certain uses as allowed in the Regional Retail Commercial (C-R) zone.

The proposed project approval is an amendment to the previously-approved Zoning Text Amendment No. 2010-10B, consisting of a single amendment to the Zoning Use Matrix found in Section 17.18.050 of the Zoning Ordinance.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

Finance n/a
City Atty _____
(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 single amendment is the deletion of the permitted use “*Supermarket / Grocery Stores 30,000 sq. ft. or smaller*” from the C-R zone [in Line item 356]. The amendment would also remove the separate line item [Line 356] for “*Supermarket / Grocery Stores 30,000 sq. ft. or smaller*”, and remove the words “*over 30,000 sq. ft.*” from the Supermarkets / Grocery Stores line item [Line 357] so that there is one category for supermarkets / grocery stores regardless of size.

This action would result in no supermarkets or grocery stores of any size permitted or conditionally allowed in the C-R zone – the same circumstance which applied prior to implementation of recommendations in the Mooney Boulevard Corridor Zoning Study. The amendments are illustrated as follows:

PROPOSED CHANGES

		COMMERCIAL							
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S
356	— supermarkets/grocery stores 30,000 sq.ft. or smaller	C	P	P	P	P	P	-	-
357	- supermarkets/grocery stores over 30,000 sq.ft.	C	P	P	P	-	P	-	-

Changes as it would affect Zoning Use Matrix, found in Section 17.18.050 of the Zoning Ordinance.
P = Permitted; C= Conditionally allowed; - = Not Allowed.

ZONING MATRIX AFTER CHANGES

		COMMERCIAL							
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S
357	- supermarkets/grocery stores	C	P	P	P	-	P	-	-

Evaluation of Grocery Stores in the C-R Zone: Previous to the enactment of Zoning Text Amendment No. 2010-10B, no supermarkets / grocery stores were allowed in the C-R zone regardless of size. This regulation was consistent with the intent of the Regional Retail land use designation, which according to the 1991 Land Use Element, was established for large-scale commercial uses to serve shoppers from outside of the community as well as local residents (Policy 3.5.10). Thus, many commercial uses that were considered as primarily providing service to nearby residential areas and not drawing from outside of the area were generally prohibited.

The Mooney Boulevard Corridor Zoning Study was commissioned to examine possible zoning changes on the corridor which could stimulate economic development and address the impact of increasing vacancies. Grocery stores, along with several other commercial services such as car washes and convenience stores, were considered for inclusion on Mooney Boulevard on the basis of their potential to complement existing retail uses. However, while there are presently car washes and convenience stores on Mooney Boulevard as non-conforming uses, no grocery stores currently exist on the corridor.

The decision to allow limited grocery store use on Mooney Boulevard continues to be deliberated, and public opinion on the issue generally remains broad. Through outreach conducted in association with the Study, some residents favor the convenience of grocery stores on the corridor, while others would like to see the corridor reserved for more regional-type uses.

The Planning Commission's recommendation to reverse allowing grocery stores on the Mooney corridor allows for this issue to be more thoroughly evaluated with the ongoing city-wide General Plan Update. Indeed, since the City is concurrently evaluating existing and future commercial designations across the city and the role of grocery stores in these designations as part of the General Plan Update, further analysis in all appropriate venues seems warranted before making changes to one segment of the City. The balance of the zoning and design standard changes on Mooney have moved ahead since the changes were more limited in scope and appear to have broad community acceptance.

Allowed Use of Other Retail Food Stores in the C-R Zone: The Zoning Ordinance matrix of allowed uses includes other types of food stores besides supermarkets and grocery stores, the allowed status of which is not changing with this project.

Specialty food stores, for example, are listed as a separate line item in the Zoning Matrix and will continue to be permitted in the C-R zone. The matrix lists several examples of specialty food stores which differ from supermarkets in that the stores specialize in a particular type or niche of food which cannot be found in traditional supermarkets. Types of specialty food stores listed in the matrix include bakery, meat market, health food, and gourmet / imported foods.

Environmental Review: Negative Declaration No. 2010-073 was prepared for the series of entitlements related to the Mooney Boulevard Corridor Zoning Study, including Zoning Text Amendment No. 2010-10B. The Negative Declaration was adopted by the City Council on November 15, 2010, per City Council Resolution No. 2010-70. An Addendum has been prepared to incorporate the actions of this project approval to the adopted Negative Declaration's project description.

Staff considers the addendum as a minor technical change to the Initial Study and Negative Declaration. The proposed project is a revocation to a component of Zoning Text Amendment No. 2010-10, the effects of which were considered in the Initial Study and Negative Declaration. The revocation will revert this component of the Zone Text Amendment to its original condition before the original Initial Study and Negative Declaration was written.

California Environmental Quality Act (CEQA) Guidelines, Section 15164(b), allows for an addendum to an adopted Negative Declaration if only minor technical changes or additions are necessary, or none of the conditions described in Section 15162 calling for preparation of a subsequent negative declaration have occurred. Findings relating to the decision to prepare an Addendum are contained within the Addendum. In accordance with CEQA Guidelines, the City Council must consider the Addendum with the adopted Negative Declaration prior to making a decision on the project.

On March 28, 2011, the Planning Commission recommended that the City Council adopt the Addendum along with the Zoning Text Amendment No. 2011-05.

Correspondence: Correspondence pertaining to supermarkets on Mooney Boulevard was received and attached herein as Exhibit "B".

Prior Council/Board Actions: On December 6, 2010, the City Council held a work session to discuss the addition of new uses in the Zoning Use Matrix, and then approved on a 4-1 vote (Nelsen No) ZTA No. 2010-10B by adoption of the first reading of an Ordinance, as recommended by staff. The second reading of an Ordinance was approved on December 20, 2010, and the Ordinance took effect on January 19, 2011.

Committee/Commission Review and Actions: The Planning Commission held a public hearing on March 28, 2011.

Alternatives: The City Council may:

1. Approved the ordinance as contained in this transmittal; or
2. Take no action at this time.

Attachments:

- Ordinance No. 2011-07
- Exhibit "A" of Ordinance: Zoning Matrix
- Exhibit "B" - Correspondence
- Addendum to Initial Study / Negative Declaration No. 2010-073
- Initial Study / Negative Declaration No. 2010-073

Recommended Motion: I move to introduce Ordinance No. 2011-07 for Zone Text Amendment No. 2011-05, amending Zoning Use Matrix of the Zoning Ordinance and reversing the decision to allow supermarkets/grocery stores 30,000 square feet or smaller in the C-R Zone as a Permitted Use, for the first reading.

Environmental Assessment Status

CEQA Review: An Addendum has been prepared to incorporate the actions of this project approval to the Negative Declaration prepared for the original Zone Text Amendment considered by the City Council in November and December 2010.

Staff recommends that the Addendum to Initial Study / Negative Declaration No. 2010-073 be used for this project.

NEPA Review: Not Required

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

Copies of this report have been provided to:

ORDINANCE NO. 2011-07

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING ZONING TEXT AMENDMENT NO. 2011-05, A REQUEST BY THE CITY OF
VISALIA TO AMEND PORTIONS OF SECTION 17.18.050 OF THE VISALIA MUNICIPAL CODE
(ZONING ORDINANCE) TO REVISE THE LIST OF PERMITTED AND CONDITIONAL USES IN
THE REGIONAL RETAIL COMMERCIAL (C-R) ZONE**

WHEREAS, the City Council of the City of Visalia finds as follows:

1. That the Zoning Text Amendment (2011-05) enacted hereby is an amendment to the previously-approved Zoning Text Amendment No. 2010-10B, consisting of a single amendment to the Zoning Use Matrix found in Section 17.18.050 of the Zoning Ordinance. The single amendment is the deletion of the permitted use "*Supermarket / Grocery Stores 30,000 sq. ft. or smaller*" from the C-R zone. The amendment would also remove the separate line item for "*Supermarket / Grocery Stores 30,000 sq. ft. or smaller*", and remove the words "*over 30,000 sq. ft.*" from the Supermarkets / Grocery Stores line item so that there is one category for supermarkets / grocery stores regardless of size.
2. That the proposed Zoning Text Amendment enacted hereby would result in no supermarkets or grocery stores of any size permitted or conditionally allowed in the C-R zone – the same condition which applied prior to implementation of recommendations in the Mooney Boulevard Corridor Zoning Study dated August 2010, and enacted by various actions of the City Council in November and December of 2010, including Zoning Text Amendment No. 2010-10B.
3. That an Initial Study was prepared for Zoning Text Amendment No. 2010-10B consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2010-073 was adopted by the Visalia City Council on November 15, 2010.
4. That an Addendum to Initial Study and Negative Declaration No. 2010-073 has been prepared for this project consistent with necessary requirements and findings set forth in CEQA Guidelines Section 15164(b), and recommend that the City Council adopt the Addendum along with Zoning Text Amendment No. 2011-05.
5. That the City Council considered the Zoning Text Amendment 2011-05 in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
6. That the proposed Zoning Text Amendment is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties in the city.
7. That the proposed amendment is consistent with the objectives, purpose and intent of Zoning Ordinance Section 17.02.020 by fostering a workable relationship among land uses, promoting the stability of existing land uses which conform to the district in which they occur, and ensuring that public and private lands ultimately are used for purposes which are appropriate and most beneficial for the city.
8. That the proposed amendment will retain the zone's overall focus and purpose of including uses that are primarily a regional commercial draw.

9. That the proposed amendment will not have a significant impact on the ability of supermarkets / grocery stores to locate within the City of Visalia, as there are already multiple commercial-oriented zones located throughout the City of Visalia where such uses are able to locate.

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on April 4, 2011, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1: On March 28, 2011, the Planning Commission recommended that the City Council of the City of Visalia approve Zoning Text Amendment No. 2011-05.

SECTION 2 - List of uses as permit (P), conditional (C), and temporary conditional (T):
Section 17.18.050 of the Visalia Municipal Code, pertaining to the list of permitted, conditional, and temporary conditional uses, shall be amended to read as follows:

The following matrix represents all the permitted and conditional uses in the commercial, office, and industrial zone districts.

See Attached Exhibit A

EXHIBIT A
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	COMMERCIAL								OFFICE				INDUSTRIAL	
	C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
	NOTE: Numbering of lines in the following table of uses is provided for ease of reference only, and is subject to													
	administrative adjustment without need of an amending ordinance. Any discrepancy in such numbering shall													
	have no bearing on the substantive provisions of the table of uses.													

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		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
1	A														
2	AGRICULTURAL-FARMING (see also Agricultural and Rural Residential Zones)														
3	Beekeeping														
4	Farmers' Market					T	T								
5	Grain Elevators/Silos														C
6	Greenhouses (commercial growers)												P	P	
7	Horse stables/Ranch (3 or more horses)														
8	Limited Raising of Small Animals, Livestock, and fowl on a Domestic Noncommercial Scale (2 cows, 4 sheep, goats, no pigs)* *not permitted 1/2 acre and less														
9	Raising of Livestock and Fowl, except Stockyards (commercial)														
10	Raising of Field, Truck or Orchard Crop & Horticultural Specialties													P	
11	Riding Academies/Stables														
12	Roadside Stands Selling Produce Grown on Site														
13	ANIMAL SHELTERS/HUMANE SOCIETIES													C	C
14	AUDITORIUMS (see THEATERS)														
15	AUTOMOTIVE (for gas stations see SERVICE STATIONS)														
16	Auto Leasing/Renting			C			C		P						
17	Auto Dismantling/Wrecking														C
18	Auto Machine Shops								P					P	
19	Auto Oil/Lube Shops		C	P	P	C	C		P						
20	Auto Repairs, Major-Overhauling, Rebuilding, Painting					C	C		P						
21	Automotive Supplies, Parts & Accessories		C	P	P	P	P		P						
22	Automotive Upholsterers								P						
23	Boat Sales/Service								P						
24	Car Washing														
25	- self service		C	C	C	C	C	C	P						
26	- automated		C	C	C	C	C	C	P					C	
27	Car Sales - New & Used														
28	- excluding major service/repairs						C		P						
29	- including major service/repairs						C		P						
30	Motorcycles, Sales and Service								P						
31	RV/Boat Storage Yards								P					P	
32	Recreational Vehicles Sales and Service								P					P	

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		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
66	COMMUNICATIONS														
67	Communication Equipment Building	C	C	C	P		C		P		C	C		P	P
68	Radio and TV Broadcasting Studios														
69	- with antenna off-site			P		P	P		P			C		P	P
70	- with antenna on-site			C					C					P	P
71	D														
72	DAYCARE, LICENSED														
73	Adult														
74	- six or few adults	P	P	P	P	P	P		P	P	P	P	P	P	P
75	- 7 to 12 adults	P	P	P	P	P	P		P	P	P	P	P	P	P
76	- 13 or more adults	C	C	C	C	C	C		C	C	C	C	C	C	C
77	Children														
78	- eight or fewer children	P	P	P	P	P	P		P	P	P	P	P	P	P
79	- 9 to 14 children	P	P	P	P	P	P		P	P	P	P	P	P	P
80	- 15 or more children	C	C	C	C	C	C		C	C	C	C	C	C	C
81	In Conjunction with Primary Use	P	P	P	P	P	P	P	P	P	P	P		P	P
82	E														
83	EATING & DRINKING ESTABLISHMENTS														
84	Bars/Taverns														
85	- within 300 feet of any residence/public use		C	C	C	C									
86	- not within 300 feet of any residence/public use		C	C	C	P									
87	- microbreweries/restaurant: brewing, limited bottling or packaging. Consumption on premises or distribution locally in kegs (not for resale)		C	C	C	P	C		C						
88	Cafeterias		P	P	P	P	P	P	P		C	P		C	C
89	Pizza/Sandwich Shops														
90	- serving wine/beer	C	P	P	P	P	P	P		C	C	P			
91	- no alcohol	P	P	P	P	P	P	P	P	C	C	P		C	C
92	Fast Food without Drive-Thru		P	P	P	P	P	P	P		C	P			
93	Fast Food without Drive-Thru Subject to Section 17.32.161													C	
94	Fast Food with Drive-Thru		C	C	C	C		C	C		C	C			
95	Fast Food with Drive-Thru Subject to Section 17.32.161													C	
96	Ice Cream Shop	P	P	P	P	P	P	P		C	C	P			
97	Night Clubs/Discotheques					C	C								
98	Sit-Down Restaurant/Cafe														
99	- with or without full bar using less than 25% of public area	C	P	P	P	P	P	P	P	C	C	P	C	C	C
100	- full bar using greater than 25% of public area		C	C	C	C	C	P		C	C	C			
101	Speciality food store					C									
102	ENCLOSED SOLID WASTE TRANSFER STATIONS								C					C	P
103	F														
104	FLORIST	P	P	P	P	P	P						C		

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		COMMERCIAL								OFFICE				INDUSTRIAL	
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
105	FORTUNETELLING/ PALM READER (see Municipal Code)			P											
106	FUEL STORAGE														
107	Propane/Butane				P			P						P	P
108	Propane/Butane (maximum 2000 gallons)					P			P						
109	Propane/Butane within 50 feet of Residential				C				C					C	C
110	Propane/Butane within 50 feet of Residential (maximum 2000 gallons)					C				C					
111	Above Ground Tanks - Installation of above ground tanks within 100 feet of a residential use or residential zoned property to dispense Class I, II, and III-A liquids complying with the special	C	C	C	C	C	C	C	C			C		C	C
112	Above Ground Tanks - installation of above ground tanks more than 100 feet from a residential use or residential zoned property to dispense Class I, II, and III-A liquids complying with the special	C	P	P	P	P	P	P	P			P		P	P
113	Pump & Underground Storage Tank														
114	- 500 gallons or less							P						P	P
115	- more than 500 gallons							C						P	P
116	Petroleum & Petroleum Products Storage													C	C
117	Public Fuel Dispensing (see SERVICE STATIONS)														
118	FUNERAL HOME/MORTUARY			C				C		C		C			
119	G														
120	GALLERIES-ART/PHOTOGRAPHY/CRAFTS		P	P	P	P	P	C	P		C				
121	H														
122	HOME BUSINESSES (see Chapter 17.32, Section 17.32.030)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
123	HOTELS AND MOTELS			C		C	C	P				C			
124	I														
125	J														
126	K														
127	KENNELS (located 500 feet or more from a residential zone)									C				C	
128	L														
129	LAUNDRY/DRY CLEANERS														
130	Dry Cleaners (cleaning plant)	P	P	P	P	P	P		P			P			
131	Dry Cleaners (cleaning plant including carpet/rug cleaning and dyeing)			P					P					P	
132	Pick-up Point	P	P	P	P	P	P		P	P		P			
133	Diaper Supply Service			P					P					P	
134	Linen & Uniform Supply			P					P					P	
135	Self service	P	P	P	P	P	P	P	P						

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		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
136	M														
137	MANUFACTURING/ ASSEMBLING														
138	Building & Construction Trade														
139	- building materials yards (storage & distribution)								P					P	P
140	- cabinetmaker/carpenter shops								P					P	P
141	- concrete & readymix manufacture & distribution													C	C
142	- contractors equipment storage yards								P					P	P
143	- drilling/dredging/ditching service								P						P
144	- lumberyard (see also RETAIL)								P					P	
145	- sheet metal shop								P					P	
146	Chemical Products (manufacturing, compounding, packaging, bottling)														
147	- agricultural chemicals (insecticides, fertilizer, herbicides)													P	P
148	- blending/compounding perfumes, cosmetics, etc.													P	P
149	- industrial chemicals (acids, alkalis, chlorine)													P	P
150	- ink manufacture														P
151	- laboratories (i.e., organic/inorganic)											C		P	P
152	- paint, dye & glue manufacturers													C	P
153	- pharmaceuticals											C		P	P
154	- manufacture of raw plastic materials, colorants, liquids, powders, resins													C	P
155	- soap detergent & other cleaning preparations													C	P
156	Food & Beverage - Preparation & Bottling/Packing & Distribution														
157	- animal & marine fats & oils (refining & rendering)														C
158	- beer & ale distributors								P					P	P
159	- breweries and wineries														C
160	- commercial bakeries								C					P	P
161	- dairy products processing & packaging													C	C
162	- fruit & vegetable brokers & shippers													P	P
163	- grain, feed & flour mills														C
164	- ice manufacturers & storage								P					P	P
165	- meat & poultry product processing including slaughtering														C
166	- meat and food locker, butchering, packaging								P					P	P

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		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
252	- individuals			P		C	P				P		P		
253	- groups			P		C	C				P				
254	Office Associated with Industrial Uses								P			P		P	P
255	Temporary Trailers (construction)	T	T	T	T	T	T	T	T	T	T	T	T	T	T
256	P														
257	PARCEL DELIVERY SERVICES/PARCEL DISTRIBUTION (UPS, Federal Express, etc.)			P					P	C		C		P	P
258	PARKING FACILITIES - FOR OFF-SITE USES			P	P	C	C	C	P	C	C	C		C	C
259	PARK & RIDE	C	C				C	C				C		P	P
260	PHOTOCOPY SERVICES/DESKTOP PUBLISHING														
261	With Printing Press			C	C	P	C			C	P			P	
262	Without Printing Press	P	P	P	P	P	P			P	P	P	P	P	
263	PHOTOGRAPHY/PHOTO SERVICES														
264	Photography Studio	C	P	P	P	P	P	C	C	C	C		C		
265	Photography Labs/Blue Printing/Microfilming (developing, printing - no retail on site)			P			C		P	C	C	P		P	
266	Photography labs (developing, printing - no retail on site)			P			C		P			P		P	
267	Photography Labs with Retail on Site		P	P	P	P	P	P	P						
268	Retail - Drop-off/Pick-up	P	P	P	P	P	P	P							
269	PLANNED CONVENIENCE CENTERS														
270	PLANNED UNIT DEVELOPMENTS (Subject to Chapter 17.26)	C	C	C	C	C	C	C	C	C	C	C	C	C	C
271	PRIVATE CLUBS AND LODGES			C		C*	C				C				
272	PRIVATE POSTAL SERVICE (Mail Boxes, Mailing Service) (see also PARCEL DELIVERY SERVICES)	C	P				P	P				P		P	
273	PUBLIC COMMUNITY SERVICES														
274	Community & Recreation Centers		C	C			C								
275	Fire Stations			C	C	P	C	C	C		P	C		P	P
276	Police Stations & Substations		C	P	P	P	P	P			P	P		P	P
277	Post Offices						C				P				
278	Public Buildings, Offices & Grounds	C	C	C	C	P	P	P			C	C			
279	Public Golf Courses/Driving Ranges							C							
280	Public Libraries	C	C	C			P				C	C			
281	Public Parks/Playgrounds			C			P	C							
282	Post Office Substations	C	C	P	P	P	P	P		P	P	P		P	

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Ordinance No. 2011-

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
320	RETAIL														
321	General Merchandise														
322	- less/equal to 4,000 sq. ft.	P						P				C			
323	- greater than 4,000 sq. ft.	C													
324	- less/equal to 6,000 sq. ft.		P												
325	- greater than 6,000 sq. ft.		C												
326	- less/equal to 40,000 sq. ft.			P				P							
327	- greater than 40,000 sq. ft.			C				C							
328	- less/equal to 60,000 sq. ft.				P	P									
329	- greater than 60,000 sq. ft.				C	P									
330	Building/Landscape Materials														
331	- lumberyards (see MANUFACTURING/ ASSEMBLING)														
332	- fencing stores/yards								P					P	
333	- floor & wall coverings		C	P		P	P		P						
334	Garden Centers/Nurseries														
335	- located within primary use		P	P	P				P						
336	- stand alone		C	C	C				P					P	
337	Glass Stores (windows, etc. for auto, residential, commercial)			P	P				P						
338	Hardware Stores including lumberyards								P						
339	Hardware Stores					P									
340	Hardware Stores less than 10,000 square feet	C	P	P	P		P		P						
341	Paint Stores			P	P	P			P						
342	Home Improvement			P	C	P			P						
343	Department Stores/Discount Stores (greater than 40,000 sq. ft.)			P	C	P	C								
344	Drugstore/Pharmacy														
345	- including general retail merchandise		P	P	P	P	P								
346	- not including general retail merchandise		P	P	P	P	P			C	P	P			
347	- not including general retail merchandise, up to 1,500 sq. ft.	P	P		P	P		P			P				
348	- with general retail merchandise, with restrictions: *parcel must be corner property at arterial/arterial or arterial/collector intersections. Parcel size not to exceed 60,000 sq. ft. Building size not to exceed 14,000 sq. ft.										C				
349	Farm Equipment Sales								P					P	
350	Feed Stores			C					P						

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		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
351	Food Stores														
352	- convenience store - 7000 sq. ft. or less	C	C	C	C	C	C	C	C			C		C	C
353	- liquor store within 300 feet of residential/public use			C	C		C								
354	- liquor store not within 300 feet of residential/public use	C	C	P	P		C								
355	- specialty food stores, i.e. bakery, delicatessen, butcher shop, meat market, health food, gourmet/imported food, etc.	P	P	P	P	P	P			C		C			
356	supermarkets/grocery stores 30,000 sq.ft. or smaller	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>								
357	supermarkets/grocery stores over 30,000 sq.ft.	C	P	P	P		P								
358	Wine Tasting			C	C	C	C	C							
359	Appliances														
360	- small	P	P	P	P	P	P								
361	- large			P	P	P	C								
362	Furniture & Furnishings														
363	- new			P	P	P	P		P						
364	- secondhand *up to 10,000 square feet		P	P	P	P	P		P						
365	Gun Shops														
366	- within primary use		P	P	P	P	P								
367	- stand alone			P	C	P	P								
368	Magazine/Newspaper Sales (Freestanding Booth/Stand/Kiosk)														
369	- indoor	P	P	P	P	P	P	P	P	P	P	P			
370	- outdoor	C	C	C	C	C	C	C	C	C	C	C			
371	Outlet Stores														
372	- bakery			P											
373	- apparel			P	P	P									
374	- furnishings			P	P										
375	Pawnshops			P				C							
376	Pet Stores		P	P	P	P	P								
377	Pool/Spa Supplies/Equipment			P	P	P	P		P					P	
378	Secondhand Store/Thrift Shops														
379	- up to 2,000 square feet			P	P	P	P								
380	- greater than 2,000 square feet			P	C	P	C								
381	S														
382	SCHOOLS, PUBLIC AND PRIVATE (see also Quasi-Public and Residential Zones)														
383	Preschool/After-School Care			C	C		C			C	C	C	C		
384	Elementary Schools, K-6 or K-8														
385	Middle Schools														
386	High Schools														
387	Colleges/Universities (academic)					C						C			
388	Business, Trade, Vocational, or other Specialized Schools			C		C	C		C		C	C		C	
389	After Hours Academic Education Facilities (After 6:00 p.m.)			C	C	C	C			P	P	P			

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		COMMERCIAL								OFFICE				INDUSTRIAL	
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
427	<u>Also</u> including light servicing of trucks							C	P					C	

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		COMMERCIAL								OFFICE				INDUSTRIAL	
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
465	Businesses which Initially Employ more than 750 Employees					C	C			C	C	C		C	C

Brandon Smith

From: Donjia Huffmon
Sent: Tuesday, March 29, 2011 12:13 PM
To: Chris Young; Brandon Smith
Cc: Gayle Bond
Subject: FW: Grocery stores on Mooney Blvd.

Donjia Huffmon, CMC
Chief Deputy City Clerk
City of Visalia
425 E. Oak, Suite 301
Visalia, CA 93291
(559) 713-4512
(559) 713-4800 (fax)
mailto:dhuffmon@ci.visalia.ca.us

-----Original Message-----

From: Stephen Burgess [mailto:likinvikin@gmail.com]
Sent: Tuesday, March 29, 2011 10:18 AM
To: Bob Link
Subject: Grocery stores on Mooney Blvd.

Dear Mayor Link,
We have lived in Visalia for nearly 30 years. Once upon a time we had a nice Save Mart store at Mooney and Whittendale avenues. That left years ago and since then the planning commission has voted against any further development of grocery stores on the Mooney corridor. I know there is a general plan but is it no flexible at all. We have several "big boxes" that have been sitting empty for quite some time. They make wonderful pallets for "taggers" but not much more. I understand that Trader Joes and several specialty stores have explored a move to Visalia but have given up after all of the "back and forth" and what appears to be indecision. Won't you and your colleagues on the city council pleas override the planning commission vote and give us the much needed grocery store access on Mooney Blvd. Thank you. Regards,
Stephen Burgess
likinvikin@gmail.com

EXHIBIT B

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2011

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Council to receive updates and public comment regarding the following:

- 1) FEMA's new approach to analyzing levees
- 2) Federal legislation pertaining to the National Flood Insurance Program (NFIP)
- 3) FEMA's Community Rating System (CRS) Program
- 4) City consultant's work related to the Flood Insurance Rate Maps (FIRMs)
- 5) Assisting residents with FEMA – NFIP related issues

Deadline for Action: none

Submitting Department: Community Development Department/
Administration Department

Contact Name and Phone Number:

Chris Young, Community Development Director, 713-4392
Mike Olmos, Assistant City Manager, 713-4332

Recommendation: Staff requests that the City Council accept these updates, direct staff to continue to monitor Federal legislation and rule making pertaining to the Federal Emergency Management Agency (FEMA) – NFIP, and that Council provide any comments or direction it deems appropriate.

Summary: Following the direction of the City Council, City staff continues to work aggressively toward minimizing the financial impacts of FEMA's new Flood Insurance Rate Maps on our residents. Staff continues to work with our consultants, lobbyist, and FEMA itself on a number of fronts including:

- 1) FEMA's new approach to analyzing levees
- 2) Federal legislation pertaining to the National Flood Insurance Program (NFIP)
- 3) FEMA's Community Rating System (CRS) Program
- 4) City consultant's work related to the Flood Insurance Rate Maps (FIRMs)
- 5) Assisting residents with FEMA – NFIP related issues

1) FEMA's new approach to analyzing levees

FEMA recently announced that it is "exploring more precise methods for identifying flood risk in areas impacted by levees". FEMA is re-evaluating how it applies its modeling methods for areas impacted by whether or not their levees are accredited (meet Army Corps of Engineers construction standards). It is unclear exactly what methods will be used to model systems

For action by:

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

For placement on which agenda:

- Work Session
 Closed Session

Regular Session:

- Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

impacted by unaccredited levees, but it is thought that this revised modeling method will at least give “partial credit” for these unaccredited levees. City staff is working closely with FEMA’s regional headquarters in Oakland, our consultants (NHC and URS), and our lobbyist to learn what the new modeling criteria will be and when it will become effective. If it is determined that these new modeling methods will benefit the City, staff’s goal will be to make sure that these revised criteria are applied to the City as soon as possible.

2) National Flood Insurance Program Reauthorization Legislation

The National Flood Insurance Program (NFIP), the enabling legislation for flood plain mapping and the federal flood insurance program, is scheduled to expire on September 30, 2011. Congress last made major changes to the program in 2004. The House of Representatives has started work on a “discussion draft” of a reauthorization bill to extend the NFIP to September 30, 2016 and alter the program in some ways. The bill is in its early “unofficial” stages and to date, no legislators have signed on as sponsors. As the bill gets more refined, it is expected that the reauthorization bill will take on sponsors and begin moving through the federal legislative process.

A copy of the discussion draft is attached. Staff and our Federal advocates are working closely with the office of Representative Nunes to insert legislative language in the bill that would benefit Visalia, particularly our attempt to pursue a private insurance option for our residents. However, there are several other provisions that will be harmful. A brief analysis of the good and bad points of the bill is as follows:

The good:

- The bill includes requirements for FEMA to establish new floodplain mapping criteria. There is also a requirement and timeline to revisit all existing maps after the new criteria are in place. If the mapping criteria more accurately reflect actual risk and flood history, Visalia may gain by having additional properties released from the Special Flood Hazard Area (and thereby not be subject to flood insurance)
- The bill includes provisions for increasing private insurer involvement. Private sector competition can benefit Visalia and other communities by providing lower costs for flood insurance. However, the bill language on private insurance is very general and needs strengthening. In particular, the legislation should include a mandate that federal and private mortgage holders must accept authorized private insurance as equivalent to insurance available through the NFIP.

The bad:

- The NFIP is poorly implemented, inequitable and does not take in enough premiums to cover its expenditures (currently the NFIP is running an approximately \$19 billion deficit). Flood risks for some areas of the country which are deemed to be in a 100-year flood plain, including Visalia, are low. It appears more feasible for flood insurance in low risk areas to be handled in the same way as earthquake insurance, whereby property owners can assess local risk and choose on their own to buy flood insurance in the private market. If the NFIP is reauthorized, existing flood insurance mandates will remain in place for at least an additional 5 years and property owners in the flood plain will be forced to participate.
- The bill includes language to allow annual insurance premium increases up to 20% (the current cap on annual increases is 10%). This appears to be a strategy to pay down the NFIP deficit. Council has previously opposed this language in a previous bill due to the negative impact of large increases to Visalia residents.
- The bill contains no additional extensions of the Preferred Rate Program (rate reductions) for properties that have recently entered Special Flood Hazard Areas on top

of the two-year extension recently granted by FEMA that many of our residents are currently benefiting from (including many areas of Visalia). Various discounts mentioned in the bill are for properties newly entering the SFHAs if the reauthorization proposal is enacted.

- There is a provision for establishing a 250 year floodplain. This provision has potential to cause long term major problems for Visalia. The current flood plain maps, and triggers for flood insurance, are based on flood events with a chance of occurring once every 100 years. A 250 year flood scenario is a very significant flood event (with a very remote possibility of occurring). However, if established by FEMA, a 250 year flood scenario would likely place most or all of Visalia inside the flood plain (and subject to flood insurance).

As noted earlier, the NFIP reauthorization bill is in its initial stages and is likely to change substantially as it moves through the legislative process. As it is not yet “officially” a piece of legislation at this time, it is too early to take a position on the bill’s language and offer comments through our federal legislators. Staff and our federal lobbyists, Van Scoyoc Associates, are monitoring the draft bill very closely and will return to Council for additional discussion and position statements after the draft matures into legislation.

3) Community Rating System (CRS)

*FEMA’s consultant (in charge of administering the CRS Program) has notified the City that it currently qualifies for a 5% discount. **This initial 5% discount will become effective in October of 2011.*** The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum National Floodplain Insurance Program (NFIP) requirements. These activities include assisting with Elevation Certificates, providing FIRM information to residents, maintaining the City’s stormwater drainage system, ensuring that building construction complies with the appropriate “FEMA compliant” codes, etc.

City staff is working closely with FEMA’s CRS consultant to obtain a further discount of 5% (for a total of 10%) that would become effective in October of 2012. For example, the City will earn “credit points” toward this additional discount by participating with Tulare County on a Multi-Hazard Mitigation Plan. This plan will be ready for adoption by Tulare County and the participating cities in September 2011. The City’s adoption of this plan will automatically result in CRS credit points being earned. These points will be incorporated into our rating level for 2012. Staff is working to ensure that the Tulare County on a Multi-Hazard Mitigation Plan provides the maximum benefit under the CRS program. ۰

4) Progress of the City’s Engineering Consultants (NHC and URS)

NHC presented flood mitigation alternatives to the “Local Working Group” last October and the consensus of the committee was to explore the option of certifying a portion(s) of the levees (up to 3.2 miles identified as Reach “A” and Reach “B” in the flood study). This alternative was selected because of its potentially favorable cost/benefit ratio. Staff has followed up on that recommendation and has met several times with both of our consultants (NHC and URS).

NHC is one of two engineering consultants that are working with us on the “FEMA floodplain issues”. NHC’s specialty is hydrology/hydraulic modeling. The other consultant is URS who has a team of professionals with extensive experience dealing with FEMA and the Corps of Engineers (including several former FEMA and Corps engineers). URS is developing a scope and proposal for doing a forensic evaluation of a section of the levees. This probably will involve a minimal amount of geotechnical testing. Members of URS’ staff have significant recent successful experience in getting existing levees certified. They accomplish this by

demonstrating to the folks at FEMA and the Army Corps of Engineers that the levees are sound or what it would take to make them sound. Staff expects to have a proposal from URS to provide these services next week. The scope of these services will include advising the City regarding FEMA's implementation of their "new approach to analyzing levees" (item #1 above).

5) Staff's efforts to assist residents

Two City Engineering Division staff members, with the assistance of a part time volunteer, are currently handling flood zone questions/requests for an average of 22 properties per day (506 flood zone determinations in March of 2011). This represents a 146% increase in calls from March of 2010, mostly attributable to the Preferred Risk Policy Extension program offered to residents of Visalia by FEMA for policy years 2011 and 2012.

It is anticipated for call volumes to continue to climb, peaking in June when the majority of flood policies are renewed each year. By years end it is anticipated that the City will have responded to calls for letters, maps, and general flood zone questions to over 3,300 properties, representing a 60% increase from 2010.

Background: Approximately 30% of the parcels within the City of Visalia are located in a "Flood Zone" and are subject to paying expensive flood insurance premiums. Council has directed City staff to identify and implement both short term and long term (economically feasible) measures/projects to remove as many parcels as possible from the Flood Zones. Staff is proceeding with the following "work plan":

City's "Short Term Plan" (see details in background information)

- 1) Continue to assist residents with flood zone determinations, letters and exhibit maps enabling them to obtain the lowest food insurance rate possible or even be removed from the Special Flood Hazard Areas.
- 2) Continue the outreach effort to residents by providing "FEMA Floodplain Updates", insurance information, etc.

City's "Long Term Plan" (see details below)

- 1) Continue working with Congressman Devin Nunes' office to explore the possibility of establishing a community flood insurance program in partnership with private sector insurers. This will require federal legislation to require mortgage holders to accept private insurance equivalent to and in lieu of the National Flood Insurance Program.
- 2) Pursue Proposition 84 Funding for stormwater detention basin property acquisitions and "enhancement" of existing "flood protection corridors".
- 3) Staff to continue to work with our consultants, Northwest Hydraulic Consultants (NHC), to identify potential flood mitigation projects that can be built utilizing a variety of different funding sources.
- 4) URS, another City consultant is putting together a proposal for determining the feasibility of certifying portions of the levee.
- 5) Continue to work with FEMA toward obtaining additional insurance discounts thru its *Community Rating System* (CRS).
- 6) Continue to work with the United States Army Corps of Engineers (USACE) toward the potential funding of up to \$7 million toward a potential "Section 205" USACE floodplain mitigation project.
- 7) Continue to monitor Federal legislation and rule making pertaining to the Federal Emergency Management Agency (FEMA) – NFIP Reauthorization legislation.

Self-Insurance

The City is working with a local insurance company to explore the possibility of establishing a community flood insurance program. Staff believes that flood insurance rates should be based on an analysis of the “real risk” of flooding within the local region. Insurance rates should consider a region’s past history of flooding, the “scope” of damage that could occur, total amount and types of claims previously paid, and characteristics of potential flooding (depth, flow velocity, etc.). The concept of “one rate fits all” is not fair to the residents of Tulare County.

A community insurance program would be a local alternative to flood insurance available through the NFIP. This program would offer private insurance that is based on a risk assessment of actual flood conditions existing in the community. Initial discussions with private insurers indicate that private insurance based on an accurate local flood risk assessment will likely be substantially less costly than flood insurance available through the NFIP. However, legislative authority will be necessary for such a program to be implemented. Congressman Nunes’ office is evaluating potential legislative measures to enable Visalia to implement a community flood insurance program.

Financial impact of map revisions – estimated at \$12.6 million per year in NFIP insurance premiums paid

- 41,700 total parcels in the City of Visalia
- 8,900 parcels moved into a SFHA (Special Flood Hazard Area)
- 3,700 parcels remained in a SHFA
- 12,600 total parcels in a SFHA (30%)
- Average yearly cost of flood insurance is \$1,000

Proposition 84 Funding

Grant opportunities for non-structural flood corridor protection are available through the California Department of Water Resources. These grants were authorized through Proposition 1E and Proposition 84. The grants are primarily used to purchase and develop land to protect, create and enhance flood protection corridors and enhance the wildlife or agricultural value of the property. The maximum grant award per project submittal is five million dollars. The City has submitted an application for several locations along the St. John’s River and Mill Creek. The projects are primarily used for the purchase of land and development of basins for flood “layoff” to minimize the potential for flooding within the City.

The Preferred Risk Program Extended (PRP)

The PRP provided for a substantial discount on the flood insurance rate during the initial one-year period following the implementation of the new Flood Insurance Rate Maps (FIRMs). Following this initial period, the insurance rates increased substantially. The Council and staff continually worked toward having FEMA grant an extension of the PRP. Late in 2010, FEMA agreed to extend this PRP for a period of two years beginning on January 1, 2011.

Prior Council/Board Actions:

- December 15, 2003: Authorized the Mayor to send a letter to FEMA requesting that the City’s flood maps be updated
- April 19, 2004: Authorized \$100,000 to be submitted to FEMA for the update of the City’s flood maps and authorized the City Manager to sign a Cooperating Technical Partners Memorandum of Agreement with FEMA*
- May 4, 2009: Council directed staff to implement the seven recommendations made to the Council regarding FEMA’s revise Flood Insurance Study and Flood Insurance Rate Maps

- May 28, 2009: Council voted to support Congressman's Nunes' request to FEMA to extend the period of the Preferred Risk Policies, and to solicit support from Senators Boxer and Feinstein on several issues related to FEMA flood mapping
- June 6, 2009: Council received an update from staff regarding FEMA's revised Flood Insurance Rate Maps (FIRMs)
- September 21, 2009: Council received an update from staff, directed staff to work with our lobbyist on the PRP extension and to submit CRS application.
- January 19, 2010: Council received an update from staff on the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps
- February 1, 2010: Council received an update from staff, authorized staff to hire two consultants (NHC and URS), and authorized the City Manager to pursue up to \$7 million in US army Corps of Engineers – Continuing Authorities Program.
- May 17, 2010: Update regarding FEMA's revised Flood Insurance Rate Maps
- December 20, 2010: Update on Federal legislation and rulemaking pertaining to FEMA - NFIP

Alternatives: N/A

Attachments: House of Representatives Draft Bill

Recommended Motion (and Alternative Motions if expected): I move to accept this update.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A