

Visalia City Council Agenda

For the regular meeting of: MONDAY, November 3, 2008

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

Mayor: Jesus J. Gamboa
Vice Mayor: Bob Link
Council Member: Greg Collins
Council Member: Donald K. Landers
Council Member: Amy Shuklian

All items listed under the Consent Calendar are considered to be routine and will be enacted by one motion. If anyone desires discussion on any item on the Consent Calendar, please contact the City Clerk who will then request that Council make the item part of the regular agenda.

WORK SESSION AND ACTION ITEMS (as described)

5:00 p.m.

Public Comment on Work Session and Closed Session Items -

- 5:00 p.m. 1. Informational update on Youth Fire Camp Program.
- 5:10 p.m. 2. Make a Difference Day Power Point Presentation
- 5:20 p.m. 3. Update on the City of Visalia's and the Multi-Agency Gang Intervention Taskforce efforts to reduce gang participation and violence in the greater Visalia area.
4. *Item removed at the request of staff*
- 5:50 p.m. 5. Recognition of the participants of the city's first Citizens in the Know Program.

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

ITEMS OF INTEREST

CLOSED SESSION

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

6. Conference with Legal Counsel - Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case
7. Conference With Real Property Negotiators (G.C.§54956.8)
Property: 327 N. Shirk (APN: 081-040-006)
Under Negotiation: Authority to negotiate purchase terms
Negotiating Parties for City: Steve Salomon, Mike Olmos, Adam Ennis, Colleen Carlson
Negotiating Parties for Seller: Jim Olivas, Pearson Realty

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Richard Hansen, First Presbyterian Church

SPECIAL PRESENTATIONS/RECOGNITION

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

8. INFORMATION ITEMS - No Action Required

- a) Receive Planning Commission Action Agenda for the meeting of October 27, 2008.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

9. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.

- b) Authorization to read ordinances by title only.

- c) Authorization for the City Manager to execute an Agreement with Wal-Mart and Cal-Trans, for Transportation Impact Mitigation.

- d) Authorization to hire MintierHarnish planning consultants for preparation of a Housing Element update in the amount of \$90,850.

- e) Second reading and adoption of Ordinance amending Section 17.56.050 of the Visalia Municipal Code relating to the Historic Preservation Committee. **Ordinance 2008-11 required.**

- f) First reading of Ordinance amending Section 2.16.020 of the Visalia Municipal Code relating to terms of Planning Commissioners. **Ordinance 2008-12 required.**

- g) First reading of Ordinance amending Section 2.12.010 of the Visalia Municipal Code relating to Appointment of Members of the Parks and Recreation Commission. **Ordinance 2008-13 required.**

h) Adopt Resolution approving the application for a California River Parkways Grant to develop trail and riparian landscaping along Packwood Creek, and authorize the City Manager to execute agreements related to the grant application. **Resolution 2008-55 required.**

i) Authorization to award the contract for a comprehensive transit marketing plan to Multi Marketing Corp, for one year, with four one year options not to exceed \$80,000 per year.

j) Approval of changes in Council committee representatives.

k) Approval of a new Memorandum of Understanding for Public Safety Communications Shelter located on top of Town Meadows at 115 W. Murray Ave.

l) Authorization for the City Manager to execute the reimbursement agreement for the Midstate Hayes 184 Distribution Center (APN 077-360-022, 023, & 024).

10. **PUBLIC HEARING** of the proposed Substantial Amendment to the 2008/09 Annual Action Plan for the use of Neighborhood Stabilization Program (NSP) funds, considered Community Development Block Grant (CDBG) funds, from the Federal Government through the Department of Housing and Urban Development (HUD).

11. Status report on General Plan Focus Update; Authorization to release a Request for Proposal (RFP) for preparation of a Focused Land Use Element and East Downtown Implementation Plan Program EIR; Authorization to form a Technical Review Committee to assist with examining the Focused Update content and EIR.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

- Monday, November 17, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia, Visalia
- Monday, December 1, 2008, Work Session & Regular Session 4:00-6:00 p.m. Council Chambers, 707 W. Acequia, Visalia
- Monday, December 15, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. Council Chambers, 707 W. Acequia, Visalia

Note: Meeting dates/times may change, check posted agenda for correct details.

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

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 3, 2008

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Informational Update on Youth Fire Camp Program.

Deadline for Action: N/A

Submitting Department: Fire and Recreation Department

Contact Name and Phone Number:

Charlie Norman, Battalion Chief 713-4265
Mark Nelson, Fire Chief 713-4218
John Bradley 713-4585

Recommendation:
Information only

Summary/Background:

During Fall of 2007 Fire Department and Recreation personnel began the conceptual planning of a Summer Youth Fire Camp. The camp would be a 2-3 hour per day format that would introduce children to age appropriate firefighting activities while providing a safe, fun environment. At this time we have successfully completed 2 of these camps with full enrollment and very positive comments from both attendees and parents.

The Summer Fire Camp took place from June 16-20th 9 am-12 noon and enrolled 24 participants from the ages of 8-10. The camp included a mini pre-employment physical agility test, hose drills, ladder climb, rope rescue and rappelling, search techniques in a simulated, smoke filled room, and rides on the Airport Fire Apparatus.

During Fire Prevention Week we conducted an evening Fire Camp from October 6-9th 6-8pm. The enrollment of this camp was 20 including 3 previous campers from our summer camp. The evening camp was designed for children ages of 5-8.

The final day of camp culminates in several competitions including water ball and bucket brigade and a barbeque with the firefighters and recreation personnel. All in all this was a very successful public education campaign and with Council's continued support we look forward to Fire Camp becoming a bi-annual event for many years to come.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5-10

Review:

**Dept. Head: MN
10/28/08**

Finance

City Atty

City Mgr

Prior Council/Board Actions:

None

Committee/Commission Review and Actions:

None-Information Only

Alternatives:

N/A

Attachments:

N/A

Recommended Motion (and Alternative Motions if expected):

1. No Motion Required. Information only.

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*)

City of Visalia Agenda Item Transmittal

Meeting Date: November 3, 2008

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Make a Difference Day Power Point Presentation

Deadline for Action:

Submitting Department: Parks and Recreation Department

Contact Name and Phone Number: Jim Bean, Parks & Urban Forestry Manager, 713 -4564

Discussion:

On October 25, 2009, the City of Visalia held our annual Make a Difference Day Event, which is a nation-wide event. The Parks and Urban Forestry Division, along with over three hundred volunteers, planted trees, removed graffiti, and installed decomposed granite paths in the parks and riparian areas from 8 am to 11 am.

To make this event successful a committee was formed approximately two months prior to the event, which consisted of City staff and Diana Law, who was representing the Jesus Christ of Latter Day Saints Church. Diana Law has always been instrumental in providing the City staff with project coordinators and volunteers for each project. Because of Diana's efforts, the Jesus Christ of Ladder Day Saints Church provided approximately two hundred volunteers to assist with these projects. Their groups assisted with the Mill Creek Riparian tree planting project as well as tree planting at Stonebrook, Plaza, Woodland, Fairview, Willow Glen and Constitution Parks.

There were also volunteers from El Diamante High School, Golden West High School, Cub Scouts, Redwood Interact Club, the Rotary Club, the Master Gardeners, City Council Members, and the Park and Recreation Commissioner, just to name a few. Brain Kemp from the Urban Tree Foundation and Community Service and Employment Services (CSET) were also instrumental in preparing Mill Creek Riparian site for the project, installing irrigation, pre-drilling holes for planting and had the trees and plants on site on the morning of the event. The volunteers planted approximately 375 trees and plants at these locations. The Make a Difference Day event was very successful due to planning by the subcommittee and the volunteers. The subcommittee consisted of Jim Bean, Jeff Fultz, David Pendergraft, Paul Shepard, Brain Kemp, Melissa Tracy and Diana Law.

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.

Below is a partial listing of the projects that were completed on “Let’s Make a Difference Day” in Visalia for 2008:

1. Mill Creek at McAuliff Riparian Planting
 - a. 100 volunteers from Jesus Christ of Latter Day Saints Church, Cub Scouts and Golden West High School students participated.
 - b. 168 hours of work completed.
 - c. Irrigation installed prior to event with Brian Kempf and Community Services. Employment Training work force.
 - d. 300 trees and plants were planted along the riparian area.

2. Plaza Park
 - a. 19 volunteers from the Jesus Christ of Latter Day Saints Church participated.
 - b. 38 hours of work completed.
 - c. 7,600 square feet of decomposed granite path was installed.

3. Woodland, Fairview, Willow Glen & Constitution Parks
 - a. 47 volunteers participated including volunteers from Jesus Christ of Latter Day Saints Church.
 - b. 116.75 hours of work completed.
 - c. 52 trees were planted at the four parks.

4. Santa Fe between Houston and Riggins
 - a. 24 volunteers participated consisting of neighborhood members and Redwood Interact Club.
 - b. 74 hours of work completed.
 - c. 25,000 square feet of block wall was painted to remove graffiti.

5. Plaza and Stonebrook Parks
 - a. 30 volunteers participated including volunteers from Jesus Christ of Latter Day Saints Church
 - b. 50 hours of work completed.
 - c. 20 trees were planted at these two parks.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Power Point presentation for Make a Difference Day

Recommended Motion (and Alternative Motions if expected):
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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: November 3, 2008

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Update on the City of Visalia's and the Multi-Agency Gang Intervention Taskforce efforts to reduce gang participation and violence in the greater Visalia area.

Deadline for Action: N/A

Submitting Department: Police

Contact Name and Phone Number:

Chief Bob Carden 713-4215
Asst. Chief Colleen Mestas 713-4214

Department Recommendation: It is recommended that the City Council continue to support the collaborative efforts of the Multi-Agency Gang Intervention Taskforce in addressing gang participation and gang violence issues.

Summary/background: In August, of 2006, the Multi-Agency Gang Intervention Taskforce came together to address the apparent rise in gang activity in the area. The purpose of this task force was for various groups and organizations to work in a focused collaborative effort to reduce gang participation and violence. Since its inception, the Taskforce has made good headway in addressing this problem.

Recently, the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, distributed a comprehensive "Best Practices Model" to address community gang problems across the nation. This PowerPoint presentation is intended to provide a comparative analysis of the efforts of the City of Visalia and the Multi-Agency Gang Intervention Taskforce in regard to the suggested "best practices" model provided by the U.S. Department of Justice.

The Police Department recognizes and thanks all involved participants of the Task Force, including the City of Visalia and all associated departments, the County of Tulare and its various departments, the Visalia Unified School District, Tulare County Office of Education, numerous businesses, service, youth and faith-based organizations for their efforts and support in this regard.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

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.): 40

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.

Alternatives: N/A

Attachments: PowerPoint Presentation entitles: The Best Practices to Address Community Gang Problems, a Visalia Comparison.

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: Nov. 3, 2008

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Recognition of the participants of the city's first Citizens in the Know Program.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number:

Nancy Loliva at 713-4535
Leslie Caviglia at 713-4317

Department Recommendation

It is recommended that the City Council accept the report of the City's first Citizens in the Know and recognize the program's participants.

Summary

At its 2007 retreat, City Council members identified increasing citizen participation as a priority. Other tools the city currently uses include regular publication of the Inside City Hall newsletter, a monthly column titled "Visalia's Voice" in the Valley Voice newspaper, and Parks and Recreation public service announcements which air weekly on KJUG radio. A Citizens in the Know Steering Committee made up of City staff was formed with representatives selected by department heads. The committee developed an annual Citizens Academy as a way to improve communication and enhance awareness. "Citizens in the Know" is designed to provide citizens with a first-hand look at the internal workings of Visalia city government – the decision-making process, development of city policies, and how citizens can become involved and participate effectively in city government. "Citizens in the Know" is designed to provide an educational opportunity for citizens through interaction with local government officials and staff.

The Program began on Wednesday, Oct. 1, and ran for five consecutive Wednesdays. Areas covered included: Introduction to City Government; Administrative Services and Budget 101; Community Development/Housing and Economic Development/Public Works; Parks and Recreation; and Public Safety. The program concluded on Saturday, Nov. 2, with a tour of the City given by the City Manager.

A total of 23 individuals applied for and were accepted into the program. Twenty completed the program. Those individuals are: Paul Fry, general manager, Visalia Fox Theater; Rey Montero, tax preparer, H&R Block; Olivia Velasquez, instructional consultant, Tulare County Office of Education; Renee Prescott, real estate appraiser, The Hopper Company; Maria Helm, broker

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head

Finance

City Atty

City Mgr

associate, All Estates Realtors; Maile Melkonian, self-employed in commercial property; Chris Crawford, civil engineer, Lane Engineers, Inc.; Brian Newton, retired elementary school teacher; Richard Leigh, retired, part-time agriculture sampler; Fred Weber, partner, Forester, Weber & Associates, LLC; Judi Pirnstill, owner, Winners Circle Realty; Stanley Bennett, president, Cal & Stan Inc.; Micah Escobedo, team member, Target; Slade Childers, farm loan program technician, USDA-Farm Service Agency; Kevin McCusker, public information assistant, College of the Sequoias; Milton S. "Stan" Beal, retired; Michelle M. Cox, hemo-dialysis technician, DaVita Dialysis; Bob Grieb, retired school teacher; Kim Gunter, retired; and Danielle Evenson, benefits counselor, Kaweah Delta Medical Center.

Staff support for this program was commended by all participants in the program. Featured speakers for the sessions included the Mayor, Vice Mayor, City Council members, City Manager, department heads, and program managers. Approximately 38 staff members played an active role in the sessions.

Program highlights included a mock Council meeting, tours, and demonstrations, all designed to provide an interactive, educational and enjoyable experience for the participants. Sessions were held in City-owned facilities, and transportation on the tours was provided by City transit powered by compressed natural gas. Overall expenses did not exceed the \$5,000 budgeted amount for the program.

Prior Council/Board Actions: Authorized the implementation of the city's Citizens in the Know Program on July 14, 2008.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to accept the report and recognize the participants of the city's first Citizens in the Know Program.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

ACTION

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Vincent Salinas



VICE CHAIRPERSON:

Lawrence Segrue

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

MONDAY OCTOBER 27, 2008; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- | | |
|--|---|
| 7:00 TO 7:00 | 1. THE PLEDGE OF ALLEGIANCE |
| 7:00 TO 7:01
No one spoke | 2. CITIZEN'S REQUESTS - The Commission requests that a 5-minute time limit be observed for requests. Please note that issues raised under Citizen's Requests are informational only and the Commission will not take action at this time. |
| 7:01 TO 7:01
No comments | 3. CITY PLANNER AGENDA COMMENTS – |
| 7:01 TO 7:01
No changes | 4. CHANGES TO THE AGENDA – |
| 7:01 TO 7:01
Consent Calendar approved (Peck, Segrue) 5-0 | 5. CONSENT CALENDAR – All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda. <ul style="list-style-type: none"> • "Finding of Consistency for Parcel Map 2008-12 |
| 7:01 TO 7:05
Work shop set for November 6, 2008 from 5-9pm, place to be determined. | 6. Regular Item–Introduction of Vicki Stasch, Management Consultant/Trainer and Scheduling of a Planning Commission Work Shop in November |
| 7:05 TO 7:20 | 7. Regular Item –Presentation by Leslie Caviglia, Deputy City Manager: Changes to Planning Commission Terms |
| 7:20 TO 8:36 | 8. Regular Item – Presentation by Andrew Benelli, Public Works Director, Erick Frost, Chris Tavarez, Management Analyst, Doug Damko, Senior Engineer: Traffic Impact Fees |
| 8:36 TO 8:45 | BREAK |

8:45 TO 9:25

9. Regular Item – Presentation by Paul Scheibel & Brandon Smith:
Long Range Planning

9:25 TO 9:25

10. Regular Item – Presentation by Fred Brusuelas, City Planner:
“Assembly Bill 32-Global Warming Solutions Act” and “Senate Bill 375-
Green House Gas Reduction”

To be continued to a
date uncertain

9:25 TO 9:30

11. DIRECTOR'S REPORT/PLANNING COMMISSION DISCUSSION:
Meeting canceled on the 10th of November.

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, NOVEMBER 24, 2008
CITY HALL COUNCIL CHAMBERS, 707 WEST ACEQUIA**

9:30 To 9:30

Motion to Adjourn (Salinas, Peck) 5-0

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 3, 2008

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

Agenda Item Wording: Authorization for City Manager to execute an Agreement with Wal-Mart and Caltrans for Transportation Impact Mitigation.

Deadline for Action: Not Applicable.

Submitting Department: Public Works Department

Contact Name and Phone Number: Andrew Benelli, Public Works Director, 713-4340

Discussion

When the existing Wal-Mart store on Noble Avenue was built in 1992 the City did not have a traffic impact fee program in place. Wal-Mart, Caltrans and the City discussed the formation of an assessment district to pay for a portion of the improvements to the Ben Maddox Overcrossing and the Lovers Lane Interchange. The district was to be considered after traffic studies were completed and the project scope was fully understood. The City instead moved forward with the establishment of a city-wide Transportation Impact Fee. That system proportions equitably the cost of needed improvements to the city's arterial and collector street system to all new construction. Because the Wal-Mart was built prior to the creation of the fee it did not pay it.

Wal-Mart is now considering expanding their facility and would like to resolve the traffic impacts of the existing store. They would like to be able to process the entitlements for the expansion project without having unresolved traffic issues from the existing store.

Caltrans, and City staff have worked with Wal-Mart to reach an agreement. Wal-Mart has agreed to pay \$700,000 toward improvements on Ben Maddox and Lovers Lane. When the negotiations first started, the funds were to be paid to Caltrans. Caltrans would then contribute the money toward ramp improvements on State Route 198. Wal-Mart indicated that they would like to see the funds spent where their store would see the most benefit. The City's project to improve Ben Maddox is scheduled to start soon and all parties agreed that it would have the most impact on improving traffic flow in the area around the Wal-Mart store. Caltrans has consented to the having the money paid directly to the City with the condition that it be used either to improve Ben Maddox or Lovers Lane.

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 AB
10/29/08
(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.

Wal-Mart has submitted plans to the City to expand their existing store into a Super Wal-Mart. This agreement is to mitigate the existing traffic impacts. It does not address the impacts that will result from the proposed expansion. If the expansion is approved, Wal-Mart will be required to pay Transportation Impact Fees when they apply for the building permit.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Attempt to form an assessment district.

Attachments: Waiver, Release and Agreement with Wal-Mart and Caltrans

Recommended Motion (and Alternative Motions if expected):

Information only, no motion required.

Financial Impact

Funding Source:

Budget Recap:

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

Environmental Assessment Status

CEQA Review: No

NEPA Review: No

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 3, 2008

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

Agenda Item Wording: Authorization to hire MintierHarnish planning consultants for preparation of a Housing Element update in the amount of \$90,850.

Deadline for Action: Staff request action on 11/3/08

Submitting Department: Community Development

Contact Name and Phone Number: Chris Tavarez, Management Analyst, 713-4540, Paul Scheibel, AICP, Principal Planner, 713-4369

Recommendation:

Staff recommends that the City Council authorize the City Manager to sign a contract with MintierHarnish in the amount of \$90,850 for update of the Housing Element, and authorize the Selection Committee to serve as the Technical Advisory Committee for the Housing Element work program.

This project currently has a remaining prior year Council approved budget allocation of \$135,353 (Account #0011-72-9610).

The proposed contract of \$90,850 should allow the consultants and staff to cover services and expenses in an effort to file timely with the State. It should be noted that this project is time-sensitive and complex. Staff has negotiated the final terms of the successful consultant's proposal with the goal that the project would be done within the statutory deadline of August 31, 2009.

Discussion:

The City received seven proposals from qualified consultants for update of the Housing Element. The proposals were screened and rank-ordered by a selection committee comprised of three housing advocacy entities, one Planning Commissioner, and a Housing Division staff member. Following interview sessions between the City staff that will be managing the effort and the two highest scoring candidates, staff recommends MintierHarnish for update of the Housing Element. Staff requests Council authorization to proceed with a contract that will be put in place as soon as possible to begin the work necessary to meet the state's certification deadline of August 31, 2009.

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 MO 10/29
(Initials & date required)

Finance 10/23
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.

MintierHarnish is recommended due to the following strengths:

- The firm prepared our current Housing Element and guided it through HCD certification
- The firm has prepared over 40 Housing Elements, all of which were successfully certified
- The firm has a strong planning background, which will help in addressing smart growth issues
- The firm is based in Sacramento and has a strong working relationship with HCD

Background:

The Housing Element is one of the seven mandated elements of the local General Plan. Housing element law, enacted in 1969, mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. Visalia last updated its Housing Element as adopted December 19, 2005. The Housing Element is required to be updated per state Government Code Section 65588. A deadline of August 31, 2009 has been issued by the Division of Housing Policy Development set in May of 2007. State law recognizes the vital role local governments play in the supply and affordability of housing. Each local government in California is required to adopt a comprehensive, long-term general plan for the physical development of the city or county.

This Housing Element parties a required element of the General Plan. An updated Housing Element may necessitate revisions to other General Plan Elements, such as the Land Use Element, as required by State law. The Housing Element often provides the necessary conditions for preserving and producing an adequate supply of affordable housing. Among other things, the Housing Element provides an inventory of land adequately zoned or planned to be zoned for housing, certainty in permit procedures, and a commitment to assist in housing development through regulatory concessions. In addition, the Housing Element update process provides a vehicle for establishing and updating housing and land-use strategies reflective of changing needs and conditions. For example, the Housing Element update process can establish strategies to promote infill, mixed-use, or downtown revitalization.

This Housing Element update process may create opportunities to increase interest in smart growth planning strategies and facilitates the ability of the City to move to action. Both practical and policy tools may be provided to promote efficient land-use patterns while meeting critical housing needs. The housing element process provides a vehicle for coordinating infrastructure, housing finance and long-term land-use planning. Although the last update was only in 2005 some new factors may exist that identify outdated policies or modify codes that inhibit housing supply, affordability and choice.

Purpose, Objective and Services to be Provided:

The project's purpose is to provide the City with an assessment relevant to meeting housing needs as determined by the City for a comprehensive update of the Housing Element as required by State Law. An update should at a minimum provide the following sections of study to satisfy State requirements.

- Demographics and Employment Characteristics and Trends
- Housing and Household Characteristics
- Housing Overpayment
- Future Housing Needs
- Resource Inventory
- Energy Conservation Opportunities
- Current and Past Housing Programs in Visalia
- Evaluation of Existing Housing Element Accomplishments
- Obtain HCD certification approval of Housing Element by August 31, 2009

Prior Council/Board Actions:

The Budget of \$135,353 remains allocated, rollover from 2007/2008

Committee/Commission Review and Actions:

A Housing Element selection committee was formed for RFP 08-09-02 in order to bring a recommendation to staff of a consultant best suited for the proposed work.

The committee members were:

- Roland Soltesz – Planning Commission, City of Visalia
- Bob Keenan – President/CEO, HBA Tulare/Kings Counties
- Ken Kugler – Executive Director, Housing Authority of Tulare County
- Rhonda Haynes – Housing Specialist, City of Visalia
- Tom Collishaw – Vice President, Self Help Enterprises

This committee reviewed seven proposals submitted by VRPA Technologies, Inc., Pacific Municipal Consultants, MintierHarnish, RBF Consulting, Hogle-Ireland, Ramsey Group and Sigala Inc. to the City for the RFP. It is the intention of staff to ask the interview committee for further feedback during the update process. Staff subsequently interviewed the following consultants who were ranked highest in the committee’s scoring:

1. VRPA Technologies, Inc. – cost proposal \$84,184
2. MintierHarnish – cost proposal \$90,850

Staff recommends that the Selection Committee be authorized to serve as the Technical Advisory Committee during the Update process. In this capacity the Committee will provide oversight to City staff and the consultant team, particularly with regards to identification of housing policy issues, community outreach, and in vetting draft housing policy recommendations before they are forwarded to the Planning Commission and City Council for formal consideration.

Attachments:

Budget estimate and schedule for completion

Recommended Motion (and Alternative Motions if expected):

I move to authorize the City Manager to sign a contract of up to \$90,850 for MintierHarnish to begin the City’s 2009 Housing Element update, and to authorize the Selection Committee to serve as the Technical Advisory Committee for the Housing Element work program.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 6, 2008

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

Agenda Item Wording: Second reading of Ordinance 2008-11 amending Section 17.56.050 of the Visalia Municipal Code relating to the Historic Preservation Advisory Committee.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Leslie Caviglia, 713-4317;
Donjia Huffmon, 713-4512

Department Recommendation

It is recommended that the Visalia City Council hold a first reading of Ordinance 2008-11 amending Visalia Municipal Code Section 17.56.050 relating to the Historic Preservation Committee appointment and terms.

Department Discussion

At the recent Council work session, Council reviewed a number of recommendations from the Citizen's Advisory Committee and staff relating to the City's Committees and Commissions. Among the changes authorized by Council was a change in terms for all Committees and Commissions, and a procedure for alternates. It was recommended, and Council concurred, that as a matter of policy, the terms be two years each, and that each Committee member be eligible to serve up to three consecutive terms or a total of six consecutive years.

While the Council approved these changes in concept at the last meeting, the terms of office for the Historic Preservation Advisory Committee are part of the Municipal Code and an ordinance is required to officially change the Code.

If Council approves this ordinance, it will become official in 30 days.

Prior Council/Board Actions:

October 6, 2008 – Council considered these changes as part of a comprehensive set of recommendations from the Citizens Advisory Committee and staff.

October 20, 2008 – First reading of ordinance.

Committee/Commission Review and Actions:

These recommendations were reviewed by the Citizens Advisory Committee.

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 101208

Finance

City Atty

City Mgr

Attachments: Ordinance 2008-11

Recommended Motion (and Alternative Motions if expected):

I move to approve the first reading of Ordinance 2008-11.

ORDINANCE 2008-11

AMENDING ORDINANCE CODE SECTION 17.56.050
CREATION OF HISTORIC PRESERVATION ADVISORY COMMITTEE

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

Section 1: Section 17.56.050 of the Visalia Municipal Code is hereby repealed and replaced with the following new section of 17.56.050 to read as follows:

SEC.17.56.050. Creation of Historic Preservation Advisory Committee

In order to execute the purposes declared in this chapter, there is created a historic preservation advisory committee.

A. Committee Membership.

1. The historic preservation advisory committee shall consist of seven members appointed by the city council to serve without compensation. All committee members shall be residents of the city at the time of their appointment and will lose their position if they move outside the city limits during their term of office. Members shall be appointed on the basis of:

- a. Relevant professional or business qualifications;
- b. Ownership of property within the historic district;
- c. Practical experience in restoration or preservation;
- d. Exceptional civic interest.
- e. Terms of office shall be for two years.

2. Vacancies which may occur on the committee shall be filled by appointment of a new member of the city council for the duration of the unexpired term of office. The Council has the option of appointing up to two Historic Preservation Advisory Committee alternates. Should a mid-term vacancy occur, an alternate may automatically fill the unexpired term. The council shall also have the power to remove any member from the committee by an affirmative vote of three council members.

3. Four members of the committee shall constitute a quorum for the transaction of business.

B. Procedures for the Review of Applications. The operating procedures of the historic preservation advisory committee shall be prescribed from time to time by

resolution of the city council, for the purpose of carrying into effect the standards and specifications of this chapter. The committee may adopt, amend, and repeal rules and regulations governing the conduct of its meetings, as long as said rules do not violate the procedures established by the city council or the terms of this chapter.

C. Duties and Responsibilities. The historic preservation advisory committee shall review applications only as specified in this chapter, consistent with the rules and regulations adopted from time to time by resolution of the city council (as referred to in Section 17.56.050(B)). Applications shall be approved or disapproved based solely on the considerations set forth in this chapter. It is the intent of this chapter that the historic preservation advisory committee shall encourage applicants to make alterations and repairs to structures in the spirit of the architectural style of the structure. The duties and responsibilities of the historic preservation advisory committee shall include the following:

1. It shall be the duty of the historic preservation advisory committee to review all proposed zoning actions (zone changes, conditional use permits, special zoning exceptions, planned unit developments and variances) within the historic district. The committee may recommend approval, conditional approval, modification or disapproval of an application based upon the expected impact of the proposed zoning action on the historic or architectural significance of the affected structure(s), neighborhood, or the entire historic district. The committee's recommendation shall be forwarded to the planning commission for its consideration.

2. It shall be the duty of the historic preservation advisory committee to review all applications for planned development permits within the historic district for compliance with the provisions of this chapter. Items which shall be subject to review by the committee include but are not limited to vehicular access, location and screening of parking, setbacks, location of service use areas, walls and landscaping. The committee may recommend approval, conditional approval, disapproval or resubmittal of the planned development permit application. The committee's recommendation shall be forwarded to the site plan review committee for its consideration.

3. It shall be the duty of the historic preservation advisory committee to review all applications for the construction or exterior alteration or enlargement of structures within the historic district or for structures located outside the historic district and listed as "exceptional" or "focus" structures on the local register. The committee shall have the power to approve, modify or disapprove such applications before a building permit can be issued, subject to the provisions of Sections 17.56.100 and 17.56.110.

4. It shall be the duty of the historic preservation advisory committee to review all applications for sign permits within the historic district or for properties located outside the historic district and listed as "exceptional" or "focus" on the local register. The committee may recommend approval, conditional approval or denial of the sign permit application based upon the proposed design and/or materials, but not upon the proposed size or location. The application shall then be presented to the proper issuing authority for sign permits, pursuant to Chapter 17.48. Sign permits shall be issued only in compliance with the recommendation of the committee. Approval by the committee in

no way implies approval by the issuing authority for sign permits, whose approval must also be secured pursuant to Chapter 17.48.

5. It shall be the duty of the historic preservation advisory committee to review all applications for the moving or demolition of structures listed on the local register. The committee shall have the power to approve, conditionally approve, or disapprove such applications, subject to the provisions of Section 17.56.130.

6. It shall be the duty of the historic preservation advisory committee to compile and update the historic survey and inventory, and to nominate properties to the local register and the National Register of Historic Places. In selecting properties for nomination to the local register, the board shall consider:

- a. Architectural significance and style;
- b. Historic significance, including age of structure, original owners, and events related to the structure, site or original owners.

The committee shall review the local register annually, make recommendations for the addition or deletion of structures or sites, and submit said recommendations to the planning commission and city council for certification.

7. Permits may be issued for air conditioners, electrical work and plumbing work which is visible from a public right-of-way when the chief building official determines that the work insignificantly affects the exterior of a structure, or that reasonable alternatives as to location or screening have been employed. The building official may forward to the historic preservation advisory committee applications for permits for this type of work when it appears that the appearance of a structure may be significantly altered.

This subsection shall not apply to the following types of permit applications:

1. Reroofing with like materials;
2. Residing with like materials;
3. Swimming pools;
4. Masonry repairs with like materials;
5. Chimney repair with like materials. (Ord. 2001-13 § 4 (part), 2001: prior code § 7704)

Section 2: 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 3: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 4: 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: November 3, 2008

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

Agenda Item Wording: First Reading of Ordinance 2008-12 amending Section 2.16.020 of the Visalia Municipal Code relating to terms of Planning Commissioners.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Leslie Caviglia, 713-4317;
Donjia Huffmon, 713-4512

Department Recommendation

It is recommended that the Visalia City Council hold a first reading of Ordinance 2008-12 amending Visalia Municipal Code Section 2.16.020 relating to Planning Commissioner terms.

Department Discussion

At the recent Council work session, Council reviewed a number of recommendations from the Citizen's Advisory Committee and staff relating to the City's Committees and Commissions. Among the changes authorized by Council was a change in terms for all Committees and Commissions, and a procedure for alternates. It was recommended, and Council concurred, that as a matter of policy, the terms be two years each, and that each Commissioner be eligible to serve up to four consecutive terms or a total of eight consecutive years.

In addition, it was recommended that a process for alternates be devised. Staff is recommending that the Council have the option of appointing up to two Planning Commission alternates. Council would have the option of considering the alternate(s) for appointment at the time a vacancy occurs, or designating that if a vacancy occurs, the alternate would automatically advance to serve the unexpired term.

On Oct. 27, staff met with the Planning Commission to further discuss these potential changes. The Commission indicated that they would prefer that if someone resigns mid-term, that instead of being appointed to fill the unexpired term, the new Commissioner would be appointed for the remainder of the year, and then at the beginning of the new year, would be appointed to a two-year term, regardless of whether the unexpired term would have ended in the year of appointment, or the following year.

After reviewing their recommendation, and consulting with the City Attorney, staff is not recommending incorporating the Planning Commission recommendation into the new policy for

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 101208

Finance

City Atty

City Mgr

several reasons. First, the Maddy Act specifically calls for the City to post and publish information relating to terms of office, when terms are going to be up, etc. It would be difficult to fulfill the requirements of this Act if the terms were flexible. In addition, it would alter the term rotation system, since every time there was a mid-term vacancy virtually a new term would be created. It would also be much more difficult to track and ensure term limit compliance, especially since it would probably need to be implemented for both the Parks and Recreation and the Planning Commission, making it another exception to the Committees processes and another complication in an already complex tracking system.

While the Council approved these changes in concept at the last meeting, the terms of office for the Planning Commission are part of the Municipal Code and an ordinance is required to officially change the Code.

This ordinance will not be finalized until brought back to the Council for a second reading and final adoption.

Prior Council/Board Actions:

October 6, 2008 – Council considered these changes as part of a comprehensive set of recommendations from the Citizens Advisory Committee and staff.

Committee/Commission Review and Actions:

These recommendations were reviewed by the Citizens Advisory Committee.

Attachments: Ordinance 2008-12

Recommended Motion (and Alternative Motions if expected):

I move to approve the first reading of Ordinance 2008-12.

ORDINANCE 2008-12

AMENDING ORDINANCE CODE SECTION 2.16.020,
TERM OF OFFICE OF PLANNING COMMISSIONERS

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

Section 1: Section 2.16.020, of the Visalia Ordinance Code is hereby repealed and replaced with the following new section 2.16.020 to read as follows.

SEC. 2.16.020 Term of Office.

The term of office of the commissioners shall be for two years. Appointments shall be prior to the conclusion of each term, with the appointees taking office at the first Planning Commission meeting in January following their appointment. Each Commissioner shall, nevertheless, continue in office until the successor is duly appointed and qualified; provided that any Commissioner may be removed from office at any time by four-fifths (4/5) vote of the members of the Council. The Council has the option of appointing up to two Planning Commission alternates should a mid-term vacancy occur. At the time of alternate appointment, the Council has the option of designating either to consider appointing an alternate if and when a vacancy occurs, or designating that an alternate may automatically become a Commissioner if and when a mid-term vacancy occurs. The term of an alternate cannot exceed two years, and may be less. Vacancies from any cause whatever on the Planning Commission shall be filled by the Council, and all such vacancies shall be filled for the unexpired term only. Each Commissioner shall qualify by taking the oath of office before taking the office of Planning Commissioner.

Section 2: 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 3: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 4: 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: November 3, 2008

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

Agenda Item Wording: First Reading of Ordinance 2008-13 amending Section 2.12.010 of the Visalia Municipal Code relating to Appointment of Members of the Parks and Recreation Commission.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Leslie Caviglia, 713-4317;
Donjia Huffmon, 713-4512

Department Recommendation

It is recommended that the Visalia City Council hold a first reading of Ordinance 2008-13 amending Visalia Municipal Code Section 2.12.010 relating to Park and Recreation Commissioner appointment and terms.

Department Discussion

At the recent Council work session, Council reviewed a number of recommendations from the Citizen's Advisory Committee and staff relating to the City's Committees and Commissions. Among the changes authorized by Council was a change in terms for all Committees and Commissions, and a procedure for alternates. It was recommended, and Council concurred, that as a matter of policy, the terms be two years each, and that each Commissioner be eligible to serve up to four consecutive terms or a total of eight consecutive years.

In addition, it was recommended that a process for alternates be devised. Staff is recommending that the Council have the option of appointing up to two Park and Recreation Commission alternates. Council would have the option of considering the alternate(s) for appointment at the time a vacancy occurs, or designating that if a vacancy occurs, the alternate would automatically advance to serve the unexpired term.

While the Council approved these changes in concept at the last meeting, the terms of office for the Planning Commission are part of the Municipal Code and an ordinance is required to officially change the Code.

This ordinance will not be finalized until brought back to the Council for a second reading and final adoption.

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 101208

Finance

City Atty

City Mgr

Prior Council/Board Actions:

October 6, 2008 – Council considered these changes as part of a comprehensive set of recommendations from the Citizens Advisory Committee and staff.

Committee/Commission Review and Actions:

These recommendations were reviewed by the Citizens Advisory Committee.

Attachments: Ordinance 2008-13

Recommended Motion (and Alternative Motions if expected):

I move to approve the first reading of Ordinance 2008-13.

ORDINANCE 2008-13

AMENDING ORDINANCE CODE SECTION 2.12.010,
APPOINTMENT OF MEMBERS

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

Section 1: Section 2.12.010, Appointment of members, of the Visalia Municipal Ordinance Code is repealed and replaced with the following new section as follows:

SEC.2.12.010. Appointment of members. The Park and Recreation Commission shall consist of five members who shall be appointed by the city council to serve without compensation. Each member shall be a qualified elector of the city at the time of his appointment and during his incumbency, and the term of office shall be two years and/or until his successor shall be appointed and qualified. The Council has the option of appointing up to two Park and Recreation Commission alternates should a mid-term vacancy occur. At the time of the alternate appointment, the Council has the option of designating either to consider appointing an alternate if and when a mid-term vacancy occurs, or designating that the alternate may automatically become a Commissioner if and when a mid-term vacancy occurs. The term of an alternate cannot exceed two years, and may be less. Vacancies from any cause whatever on the Parks and Recreation Commission shall be filled by the Council, and all such vacancies shall be filled for the unexpired term only. Whenever, in the discretion of the city council, the best interests of the city shall be subserved thereby, any member of the commission may be removed from office by a majority vote of the council. Each Commissioner shall qualify by taking the oath of office before taking the office of Park and Recreation Commissioner.

Section 2: 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.

Section3: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 4: 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: October 24, 2008

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

Agenda Item Wording: Adopt Resolution 2008-55 approving the application for a California River Parkways Grant to develop a trail and riparian landscaping along Packwood Creek, and authorize the City Manager to execute agreements related to the grant application.

Deadline for Action: November 3, 2008

Submitting Department: Parks and Recreation

Contact Name and Phone Number: Paul Shepard 713-4209

Department Recommendation: Adopt Resolution 2008-55 approving the application for a California River Parkways Grant to develop a trail, irrigation system and landscaping and authorize the City Manager to execute all agreements related to the grant.

Summary/background: The California River Parkways grant program is funded by the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) that includes the California River Parkways Program. It is a competitive grant program for river parkways projects. Eligible projects must meet a minimum of two out of five statutory conditions and provide public access.

Staff recommends the submission of a grant application to develop a trail along the south side of Packwood Creek from a point approximately 1,100 feet east of Mooney to Caldwell. This trail project would be approximately 3,300 feet long. This section of waterway was selected because the project would continue a current Packwood Creek trail project (County Center to a point 1,100 feet east of Mooney) that will be designed this winter and built next year. Together, both projects would provide approximately 1.3 miles of new waterway trails.

Staff anticipates that the grant application will be for about \$600,000, however a final amount has not been determined yet. Although a dollar match is not required, staff recommends a 20% match from Measure R bike path funds to increase the likelihood of being awarded the grant.

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 project will include an asphalt trail, irrigation system, landscaping, signage and interpretive enhancements along the waterway. The project will create significant additional recreation improvements to the Packwood Creek trail system. The project's conservation and interpretative elements will provide educational components about the area.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Location map

Recommended Motion (and Alternative Motions if expected): Adopt Resolution 2008-55 approving the application for a California River Parkways Grant to develop a trail, irrigation and landscaping along Packwood Creek and authorize the City Manager to execute agreements related to the grant application.

Environmental Assessment Status

CEQA Review: An Initial Study will be prepared for the grant application and, if successful, CEQA compliance will be required within one year of the grant award.

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:

Resolution No: 2008-55
RESOLUTION OF THE CITY OF VISALIA
APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA RIVER
PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY
AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF
2006 (Proposition 84)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the State Resources Agency require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project

NOW, THEREFORE, BE IT RESOLVED that the City of Visalia:

1. Approves the filing of an application for the Packwood Creek Trail;
2. Certifies that Applicant understands the assurances and certification in the application; and,
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and,
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and,
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act* (CEQA), legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction, all applicable permits will have been obtained; and,
6. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

Approved and adopted the _____ day of November 2008. I, the undersigned, hereby certify that the foregoing Resolution Number _____ was duly adopted by the Visalia City Council.

Following Roll Call Vote:

Ayes: _____

Nos: _____

Absent: _____

City Clerk for the City of Visalia

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 3, 2008

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

Agenda Item Wording: Authorization to award the contract for a comprehensive transit marketing plan to Multi Marketing Corp, for one year, with four one year options not to exceed \$80,000 per year.

Deadline for Action: November 3, 2008

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

That the City Council authorize the Transit Division to award the contract to develop and implement a comprehensive transit marketing plan to Multi Marketing Corp , for one year, with four one year options not to exceed \$80,000 per year.

Summary/Background

Approximately every five years the Transit Division conducts a process to select a firm to develop and implement a comprehensive marketing plan for all transit-related services. For the past five years those services were provided by Moore Associates. While they have worked well with City staff, marketing is a dynamic component of the transit system and it was decided to go out to bid to determine if there were new approaches that could be incorporated into the marketing plan.

Transit has a budget of \$80,000 to \$100,000 per year to develop and implement a marketing plan. Staff conducted a competitive proposal process to select a qualified firm to conduct a new transit marketing plan for 2008. The City received five proposals for the marketing plan. The proposals were from Moore & Associates, Red Chair, Direct Media Inc., Multi Marketing Corp., and PMC.

The selection process included a panel that reviewed and scored the proposals. The panel included Leslie Caviglia from Administration, Elaine Martel, Transit Advisory Committee member, Monty Cox and Gamaliel Anguiano from the Transit Division. Interviews were conducted with the top four firms, Moore & Associates of Valencia, Red Chair of Visalia, Multi Marketing Corp. of Fresno, and PMC of Los Angeles.

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.

After reviewing the five proposals and interviewing the top four firms, staff recommends the selection of Multi Marketing Group to conduct the transit marketing plan for a cost not to exceed \$80,000 per year with four one year options. The evaluation panel based this recommendation on the quality of their proposal, enthusiastic presentation and fresh overall approach. Multi Marketing Corp is based out of Fresno. They have an extensive background in marketing which include media, planning, market research, and production. Multi Marketing Corp has worked with projects throughout the valley and communities similar to the City of Visalia. Multi Marketing Corp has prepared and implemented marketing projects for the Fresno Redevelopment Associations (RDA), Fresno Housing Authority, Merced Housing Authority, San Joaquin Valley Air Pollution Control District, Delaware North (serving Yosemite, Sequoia, and Asilomar National Parks.)

However, the local firm, Red Chair Marketing, showed exceptional initiative in the development of new branding initiatives and logos. Therefore, staff will be working with this firm on potential new brands/logos for Council consideration.

The marketing plan will set specific marketing objectives. For public transit, those objectives are traditionally based on ridership or farebox recovery. However, because public transit must rely upon some level of taxpayer and public support, increased awareness and support by local taxpayers and local ridership is necessary. This comprehensive marketing plan will include both marketing objectives and strategies for achieving those objectives, as well as specific tracking targets.

The funds for the marketing plan will be provided through the annual transit planning allocation from TCAG. Eighty percent (80%) will be billed through TCAG and twenty percent (20%) will come from the local transportation funds (LTF).

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: The City could elect to award the contract to one of the other proposers.

Attachments: None.

Recommended Motion (and Alternative Motions if expected):

I move that the City Council authorize the Transit Division to award the comprehensive marketing plan to Multi Marketing Group, for one year, with four one year options not to exceed \$80,000 per year.

Financial Impact

Funding Source:

Account Number:

Account Number: 4511-45451-556000

Budget Recap:

Total Estimated cost: \$80,000

New Revenue: \$ 0

Amount Budgeted: \$80,000

* Lost Revenue: \$

New funding required:\$

New Personnel: \$

Council Policy Change: Yes____ No X

City of Visalia Agenda Item Transmittal

Meeting Date: November 3, 2008

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

Agenda Item Wording: Approval of changes in Council committee representatives.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Jesus Gamboa, Mayor

Department Recommendation

It is recommended that the Visalia City Council approve the change in Council committee representatives as recommended by the Mayor.

Department Discussion

Council Member Don Landers has asked to be replaced on the SPCA Task Force and the Mayor is recommending the following:

SPCA Task Force:

Bob Link added to replace Don Landers
Amy Shuklian - current

Prior Council/Board Actions: Council made the original appointments for the 2007-2009 term in January, 2008.

Committee/Commission Review and Actions: N/A

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to approve the appointments as recommended by the Mayor.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head

Finance

City Atty

City Mgr

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: November 3, 2008

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

Agenda Item Wording: Approval of a new Memorandum of Understanding for Public Safety Communications Shelter located on top of Town Meadows at 115 W. Murray Ave., Visalia, California.

Deadline for Action:

Submitting Department: Police and MIS

Contact Name and Phone Number: Steve Scofield, Police, x4240, Danny Wristen, Fire, x4056, Mike Allen, MIS, x4515

Department Recommendation:

Approval of the new Memorandum of Understanding between the City of Visalia and Visalia Senior Housing (VSH) for construction, use and security of a Public Safety Communications Shelter on top of Town Meadows building at 115 W. Murray Ave.

Summary/background:

The City of Visalia has had an ongoing relationship with the Town Meadows and Visalia Senior Housing (the owner) where radio equipment is housed and licensed for use throughout the city. A principal transmission point for several critical radio channels is on top of Town Meadows apartment building located at 115 W. Murray. The communication equipment to date has shared space on top of the roof in an elevator equipment area.

The City has desires to:

- 1) increase the City's frequencies transmitted from the tower which requires additional storage area;
- 2) remove existing equipment from the tightly confined and inaccessible elevator equipment room;
- 3) provide a secondary source of power to the communication equipment; and,
- 4) provide better security for this essential communication equipment.

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.

To accomplish these goals, the City needs to locate an equipment shelter on top of the Town Meadows building, provide a natural gas back-up generator and install additional equipment in the shelter. To do this, the City has asked that Town Meadows allows the City access to the site to make these alterations. The City would also be willing to pay \$50 a quarter for standby natural gas access and agree to pay quarterly for all electrical power used by the shelter. The shelter will no longer have any shared equipment with Town Meadows and therefore can be secured to all personnel except for the City and its vendors.

Currently, there are Police, Fire, Visalia City Coach, and Public Works radio channels functioning and licensed from this facility. All of these entities are sharing in the cost of the communications shelter construction (CIP# 9875 from 2006/07). The most important outcome of this project will be to provide Fire with a dedicated tactical radio channel. This channel will be used by Fire when involved in a major incident, requiring command coordination. Currently, Fire must either share its one radio frequency with other Fire calls during an incident or use sight-to-sight radio communication.

The attached agreement accomplishes these goals.

The term of the agreement is for 10 years, automatically renewed unless acted upon by either party.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Proposed MOU with Visalia Senior Housing

Recommended Motion (and Alternative Motions if expected):

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

MEMORANDUM OF UNDERSTANDING PUBLIC SAFETY COMMUNICATIONS SHELTER

This is a Memorandum of Understanding (MOU) between the City of Visalia (City) and Visalia Senior Housing, Inc. (VSH) regarding the use of the Town Meadows roof to house the City of Visalia Public Safety Communications Shelter. The Town Meadows is a housing complex managed by Town Meadows Christian Church Homes of Northern California (“Town Meadows CCHNC”).

Purpose

The purpose of this MOU is to define the roles of each party in the construction, use, and security of the Public Safety Communications Shelter on the Town Meadows building rooftop. The Town Meadows building is located at 115 W Murray Ave, Visalia, California.

Visalia Senior Housing (Town Meadows) Duties

VSH and Town Meadows CCHNC will allow access to the roof of the Town Meadows building to the following persons or businesses:

- J’s Communications
- Air Mobile
- City of Visalia Information Services personnel

Town Meadows CCHNC will supply the City with keys to use in the event of an after hours equipment failure. The keys shall allow access to the exterior doors of the building and the roof access.

Employees from VSH, Town Meadows CCHNC, and their contractors shall not have access to the Public Safety Communications Shelter. If they should believe there is a problem with the shelter, they will notify the City as soon as possible so that the problem can be addressed.

Emergency personnel are excluded from these access restrictions.

City of Visalia Duties

The City shall be responsible for all permits and licensing related to the construction of the communications shelter, standby generator, and subsequent equipment moves from the existing elevator maintenance room to the communications shelter.

The City shall pay for the expense of duplicating the keys to the building and roof access.

The City will install a structure that is fire-rated to City code and that structure will contain a fire suppression system.

The City will ensure that the current roofing warranty is not voided by using a manufacturer-approved vendor for any and all roof repairs relating to the installation of the Public Safety Communications Shelter.

The City will install its own generator to supply power to the Public Safety Communications Shelter during a power failure. To meet EPA requirements, the generator must run on natural gas. The City will connect the generator to the existing natural gas line that is on the roof. This is a standby generator only, and will only be activated during a power outage.

Payments

The City agrees to pay Town Meadows CCHNC a quarterly connection fee of fifty dollars for the minimum natural gas usage during each quarter.

The City will install a power usage meter to monitor the use of electricity. The City and Town Meadows CCHNC personnel will read the meter on a quarterly basis and make quarterly payments to Town Meadows for electricity used by the City.

Town Meadows CCHNC will provide a quarterly bill with the natural gas and electricity charges to the City at: Accounts Payable, 707 W Acequia Ave, Visalia, CA, 93291.

Term of Agreement

This MOU will be in force for a period of ten (10) years, beginning _____, and will automatically renew unless written notification is given by either party at least 30 days prior to the agreement renewal. This MOU may be modified only by a written instrument executed by both parties.

Insurance and Liability

The City agrees to indemnify, save and hold harmless, and defend VSH against all fines, claims, damages, losses, judgments, and expenses arising out of, or from, any negligent or willful act or omission of the City, its officers, employees, or agents arising out of or in any way connected to activities authorized pursuant to this MOU. This obligation shall survive the termination of this MOU. This indemnification and hold harmless provisions shall be in full force and effect regardless of whether or not there shall be insurance policies covering and applicable to such damages, claims or liability.

The City agrees that it will obtain a reasonable level of liability insurance upon request by VSH; otherwise, the City shall have the option to be self-insured.

The City agrees that it shall provide adequate Worker's Compensation insurance policies to all of its employees working under this Agreement at Town Meadows. The City also agrees to require independent contractor, representative or agents that work under this Agreement at Town Meadows to carry adequate Worker's Compensation insurance.

Notifications

All shelter maintenance and billing correspondence questions shall be directed to:

VSH representative and title

VSH address

VSH telephone number

City representative and title

City address

City telephone number

The parties, having read and considered the above provisions, indicate their Agreement by their authorized signatures below:

Visalia Senior Housing

ATTEST: DOUG LAWRENCE
Board President
Of the Visalia Senior Housing

City of Visalia

ATTEST: STEVEN SALOMON
City Manager
Of the City of Visalia

By
City Clerk

Approved as to form:
City Counsel

DRAFT

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 3, 2008

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

Agenda Item Wording: Request that the City Council's authorize the City Manager to execute the reimbursement agreement for the Midstate Hayes 184 Distribution Center (APN 077-360-022, 023 & 024).

Deadline for Action: N/A

Submitting Department: Community Development Department
Engineering Division

Contact Name and Phone Number:

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

Recommendation:

That the City Council authorize the City Manager to execute the reimbursement agreement between the City of Visalia and the Allen Group.

Summary/background:

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

Midstate Hayes 184 was developed by the Allen Group in Visalia. The project is located at the southeast corner of American Street (Road 76) and Ferguson Avenue. The project improvements included storm drain lines, a ponding basin, and street improvements on Ferguson Avenue and American Street. Upon completion of the major street construction, the developer submitted a reimbursement request package consisting of contracts, invoices and change orders. The requested reimbursement amount is \$452,307.61. The engineering staff and the DRRC have reviewed these submittals and determined that the reimbursement request for \$452,307.61 is correct.

Prior Council/Board Actions: None

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: Reimbursement Agreement
Location Map

Recommended Motion (and Alternative Motions if expected):

I move to authorize the City Manager to execute the reimbursement agreement for the Midstate Hayes 184 Distribution Center.

Environmental Assessment Status

CEQA Review: None required

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)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 3, 2008

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Public Hearing of the proposed Substantial Amendment to the 2008/09 Annual Action Plan for the use of Neighborhood Stabilization Program (NSP) funds., considered Community Development Block Grant (CDBG) funds, from the Federal Government through the Department of Housing and Urban Development (HUD).

Deadline for Action: November 17, 2008

Submitting Department: Housing & Economic Development Department

Contact Name and Phone Number:

Ricardo Noguera, Housing & Economic Development Director (713-4190); Rhonda Haynes, Housing Specialist (713-4460)

Recommendation: Staff recommends that the City Council:

- 1) Approve and adopt the proposed Substantial Action Plan Amendment, in the use of the Neighborhood Stabilization Program (NSP) funds herein treated by HUD as a special Community Development Block Grant (CDBG) allocation to address the problem of abandoned and foreclosed homes; and
- 2) Authorize City Manager, or Housing & Economic Development Director to adjust program goals to maximize expenditure of NSP funds.

Summary / Background: On September 29, 2008, the Office of the Secretary of the U.S. Department of Housing and Urban Development advised the public of the allocation amounts and grantees, alternative requirements, and the waivers of regulations granted to grantees under Title III of Division B of the Housing and Economic Recovery Act of 2008 (HERA), for the purpose of assisting in the redevelopment of abandoned and foreclosed homes under the Emergency Assistance for Redevelopment of Abandoned and Foreclosed Homes heading, referred to as the Neighborhood Stabilization Program (NSP). Attached as (Exhibit "A") is a Program Summary to review the requirements, eligible uses and other pertinent information.

Allocation: The City of Visalia shall receive an allocation in the amount of **\$2,388,331**. HUD is treating the NSP funds as CDBG funds, therefore requiring a substantial amendment to the annual action plan. The City will also have a total of eighteen (18) months to obligate the funds from time of receipt. The State will receive a separate allocation of \$145,071,506 (Exhibit B). The City can apply for state funds as well and they're expecting to be available in early 2009.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The deadline for submittal of the Substantial Amendment to the 2008/09 Action Plan is **December 1, 2008**.

Priority for Areas of Greatest Need Distribution of the NSP funds, are being given to metropolitan areas, cities, urban and rural areas, low and moderate income areas, and other areas with the greatest need, including those:

- (1) With greatest percentage of foreclosures
- (2) With the highest percentage of homes financed with sub prime loans
- (3) Identified as likely to face a significant rise in the rate of home foreclosures

Salient Features of Visalia’s NSP Program

Highlights	Incomes Between 50 & 120% AMI	Incomes Less than 50% AMI
Allocations (Proposed) 10% or \$238,331 maximum set aside for Administration	\$1,550,000	\$600,000
Minimum No. of Homes to be Purchased	10	10
Required to purchase homes at a discount of 15% or more of the Appraised Market Value. It is the intent to purchase at a lesser price.	Yes	Yes
Inspections of Properties to be completed prior to purchase	Yes	Yes
First Mortgages through Private or Conventional Lenders	Yes	Yes
Second Mortgages through the City (Possible sources: HOME, Redevelopment Low/Mod)	Yes	Yes
Counseling Required	8 hours	8 hours
Required Fix Rate Mortgages	Yes	Yes

Plan to Purchase Homes for Households Between 50 to 120% of Area Median Income

(AMI): Approximately \$1,550,000 will be allocated to assist in the purchasing of properties in areas of greatest need; rehabilitated; thereafter, resold to families with incomes ranging between 50 and 120 percent AMI. Staff’s goal is to purchase between 8 to 10 homes, focusing on the Washington School and Lincoln Oval Park area neighborhoods in order to boost homeownership rates. However, the City will also purchase homes outside of the areas as well, which meet the Area Benefit Activity requirements. These properties are required to be purchased at least 15 percent below appraised market value. Appraisals must be completed within sixty (60) days prior to purchase. The City will also be working closely with local banks, county recorder’s office and many others in identifying properties and addressing the abandoned and foreclosed properties. Staff has initiated contact with CalHfa, Citibank, Wells Fargo and Fannie Mae, and shall continue making contact with lending institutions to discuss purchasing of properties within the city limits.

The City will conduct building inspections of all properties prior to purchase, complete cost estimates for rehabilitation if necessary and be prepared to complete such improvements prior to selling of the homes. Financing will be made available to families/households meeting the income requirements and other program guidelines, such as 3% down payment requirement, debt ratios between 30% - 35%, verification of employment, credit review and income certification. The borrower will need to obtain a first mortgage through a local lender that meets

the requirements of the program (must provide a fixed rate mortgage) or possibly through one of the lending institutions which the City currently works with in its' first time homebuyer program. The City will make no profit in the sale of the properties or turnover by sellers. It is the intent of the use of NSP funding to stabilize communities and rebuild neighborhoods. Depending upon the borrowers' family income and cost of the home and qualifications, the borrower may need gap financing. The City will utilize the existing second mortgage guidelines and incorporate affordability covenants as required with the use of NSP funding, in addition to an equity share mechanism through a second mortgage, following regulations applicable to the funding source utilized.

Counseling requirements for financing: Families are required to attend no less than eight (8) hours of homeowner education counseling in order to participate, obtain a mortgage loan from a lender in compliance with bank regulator's guidance, non-traditional mortgages (fixed rate, low interest rate, covenants to maintain affordability of the property). The City may also provide a second mortgage as gap financing utilizing either HOME, Redevelopment or NSP funding.

Revolving use of NSP Funds: All funds initially invested in the purchase and rehabilitation of the home with NSP funding will be paid in full through the new first mortgage. The NSP funding is then returned to the City and reinvested in additional properties in accordance with NSP regulations. No profit may be earned by the City on these transactions. While the City is estimating to purchase between 8 and 10 homes, the actual total number of purchases may be 30 to 40 homes depending on the success of the re-use of the funds.

Use of funds for borrowers at our below 50% of Area Median Income (AMI): Approximately, \$600,000 will serve to assist in purchasing properties and rehabilitating them. An affordability covenant will be placed on these properties as well. The City will seek assistance from such local groups as Habitat for Humanity, Self Help Enterprises, CSET and Proteus to identify prospective new buyers. This program calls for the buyer to secure a first mortgage through a local lender that meets the requirements of the program (must provide a fixed rate mortgage) or possibly through one of the lending institutions that the City is working with, to provide the new borrower with a first mortgage. If the borrower is unable to obtain financing through a conventional lender, the City may serve as the Lender/Mortgagee, incorporating a right of first refusal in all mortgage documents. This is in essence how the City's current program with Habitat for Humanity functions. Affordability covenants and an equity share mechanism will apply.

Administration and Planning: (Housing and Economic Recovery Act § 2301 (c) (3)) regulation indicates that an amount of up to 10% of an NSP grant provided to the City and up to 10% of program income earned may be used for general administration and planning activities as defined at 24 CFR 570.205 and 206. For all grantees, including states, the 10 percent limitation applies to the grant as a whole. There is an enormous amount of work required with respect to marketing the program; completing the initial property purchase; packaging loan documents; conducting inspections; environmental review; and working with realtors, lenders and title companies.

Community Meeting: Staff coordinated the public community meeting to review the Neighborhood Stabilization Program funding. The public and community groups (Citizens Advisory Committee (CAC), Northern Visalians Advisory Committee, Washington Residents for a Better Community, and Disability Advocacy Committee members, in addition to the general public were invited. The public comments are included in the Action Plan Amendment report. As per the NSP regulations, public comments are required to be included and posted on the City website by November 15, 2008.

Prior Council/Board Actions: 2008-09 Annual Action Plan adopted on April 21, 2008

Committee/Commission Review and Actions: None,
Community meeting scheduled – October 29, 2008.

Alternatives: None

Attachments:

- Exhibit “A” NSP Program Summary
- Exhibit “B” State Allocations
- Exhibit “C” Substantial Action Plan Amendment Report

Recommended Motion (and Alternative Motions if expected): Staff recommends that the City Council:

1. Approve and adopt the proposed Substantial Action Plan Amendment, in the use of the Neighborhood Stabilization Program (NSP) funds herein treated by HUD as a special Community Development Block Grant (CDBG) allocation to address the problem of abandoned and foreclosed homes; and
2. Authorize City Manager, or Housing & Economic Development Director to adjust program goals to maximize expenditure of NSP funds.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: Underway for the use of the NSP funds.

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:

Exhibit "A"
NSP Program Summary

Deadlines

- November 15, 2008. By November 15, 2008, grantees must publish and post their proposed NSP Substantial Amendments to their websites for the required 15-day public comment period.
- December 1, 2008. Grantees must submit a *substantially complete* Substantial Amendment by the December 1, 2008 deadline. Failure to submit a substantially complete Substantial Amendment on time means that HUD may reallocate the funds set aside under the formula.

Public Comment

- The proposed action plan must be published via the usual methods used for the grantee's consolidated plan and action plans, and on the (lead) grantee's public website for at least 15 calendar days for public comment.
- The final NSP Substantial Amendments must include a summary of public comments

Internet Postings

Grantees must maintain a website available to the general public containing the following information:

- Proposed NSP Substantial Amendment (for at least 15 days prior to final Substantial Amendment),

Areas of Greatest Need

Jurisdictions that receive NSP funds must give priority emphasis to the areas of greatest need within their states, including those:

- (1) with the greatest percentage of foreclosures,
- (2) with the highest percentage of homes financed by subprime mortgage related loans, and
- (3) identified as likely to face a significant rise in the rate of home foreclosures.

Eligible Uses of NSP Funds

NSP funds may be used for activities which include, but are not limited to:

- Establishing financing mechanisms for purchase and redevelopment of foreclosed homes and residential properties;
- Purchasing and rehabilitating homes and residential properties abandoned or foreclosed;
- Establishing land banks for foreclosed homes;
- Demolishing blighted structures; or
- Redeveloping demolished or vacant properties

Low/Moderate/Middle Income (LMMI) Requirements

- All NSP funds shall be used to benefit individuals and families whose incomes do not exceed *120 percent of area median income*, measured as 2.4 times the current [Section 8 income limit](#) for households below 50 percent of median income, adjusted for family size.
- At least 25 percent of NSP funds shall be used for the purchase of abandoned or foreclosed upon homes or residential properties that will be used *to house* individuals or families whose incomes do not exceed *50 percent of area median income*.

Exhibit "B"
State Allocations

<i>State</i>	<i>Community</i>	<i>NSP Allocation</i>	<i>Local Foreclosure Rate</i>	<i>Local Abandonment Risk</i>	<i>Statewide Foreclosure Rate</i>	<i>Statewide Abandonment Risk</i>
CA	CALIFORNIA STATE PROGRAM	\$145,071,506	5.4%	Medium	6.7%	Low
CA	RIVERSIDE COUNTY	\$48,567,786	8.9%	High	6.7%	Low
CA	LOS ANGELES	\$32,860,870	6.8%	Medium	6.7%	Low
CA	SAN BERNARDINO COUNTY	\$22,758,188	9.6%	High	6.7%	Low
CA	SACRAMENTO COUNTY	\$18,605,460	7.3%	High	6.7%	Low
CA	LOS ANGELES COUNTY	\$16,847,672	5.6%	Low	6.7%	Low
CA	SACRAMENTO	\$13,264,829	8.9%	Medium	6.7%	Low
CA	STOCKTON	\$12,146,038	12.3%	High	6.7%	Low
CA	MORENO VALLEY	\$11,390,116	11.2%	High	6.7%	Low
CA	KERN COUNTY	\$11,211,385	9.7%	High	6.7%	Low
CA	FRESNO	\$10,969,169	9.4%	High	6.7%	Low
CA	STANISLAUS COUNTY	\$9,744,482	11.3%	High	6.7%	Low
CA	SAN DIEGO	\$9,442,370	5.0%	Low	6.7%	Low
CA	SAN JOAQUIN COUNTY	\$9,030,385	10.5%	Low	6.7%	Low
CA	BAKERSFIELD	\$8,982,836	8.4%	High	6.7%	Low
CA	SAN BERNARDINO	\$8,408,558	11.8%	High	6.7%	Low
CA	OAKLAND	\$8,250,668	8.1%	High	6.7%	Low
CA	MODESTO	\$8,109,274	10.8%	High	6.7%	Low
CA	PALMDALE	\$7,434,301	9.5%	High	6.7%	Low
CA	FRESNO COUNTY	\$7,037,465	9.3%	High	6.7%	Low
CA	LANCASTER	\$6,983,533	10.4%	High	6.7%	Low
CA	RIVERSIDE	\$6,581,916	9.2%	Medium	6.7%	Low
CA	CONTRA COSTA COUNTY	\$6,019,051	4.8%	Medium	6.7%	Low
CA	FONTANA	\$5,953,309	9.9%	Medium	6.7%	Low
CA	SANTA ANA	\$5,795,151	8.8%	High	6.7%	Low
CA	SAN JOSE	\$5,628,283	4.0%	Low	6.7%	Low
CA	RIALTO	\$5,461,574	11.4%	High	6.7%	Low
CA	VICTORVILLE	\$5,311,363	11.1%	High	6.7%	Low
CA	SAN DIEGO COUNTY	\$5,144,152	5.2%	Low	6.7%	Low
CA	LONG BEACH	\$5,070,310	6.8%	Medium	6.7%	Low
CA	HESPERIA	\$4,590,719	11.2%	High	6.7%	Low
CA	ANTIOCH	\$4,049,228	7.7%	High	6.7%	Low
CA	CORONA	\$3,602,842	7.4%	Medium	6.7%	Low
CA	POMONA	\$3,530,825	8.2%	High	6.7%	Low
CA	RICHMOND	\$3,346,105	9.1%	High	6.7%	Low
CA	ORANGE COUNTY	\$3,285,926	4.0%	Low	6.7%	Low
CA	COMPTON	\$3,242,817	10.8%	High	6.7%	Low
CA	APPLE VALLEY	\$3,064,836	10.3%	High	6.7%	Low
CA	HEMET	\$2,888,473	10.8%	High	6.7%	Low
CA	CHULA VISTA	\$2,830,072	6.2%	Low	6.7%	Low
CA	ONTARIO	\$2,738,309	9.3%	Low	6.7%	Low
CA	VALLEJO	\$2,657,861	9.7%	Low	6.7%	Low
CA	ANAHEIM	\$2,653,455	6.7%	Low	6.7%	Low
CA	ELK GROVE	\$2,389,651	6.7%	Low	6.7%	Low
CA	VISALIA	\$2,388,331	7.1%	High	6.7%	Low
CA	RANCHO CUCAMONGA	\$2,133,397	6.3%	Low	6.7%	Low
CA	ALAMEDA COUNTY	\$2,126,927	5.0%	Low	6.7%	Low
<p>Note: Foreclosure start rate is sum of foreclosure starts over 18 months; estimated for local areas. Risk score based on vacancies in Census Tracts with high rates of high cost loans. See methodology.</p>						

Exhibit "C"
Substantial Action Plan Amendment Report

CITY OF VISALIA, CALIFORNIA
THE NSP SUBSTANTIAL AMENDMENT

Jurisdiction(s): City of Visalia <i>(identify lead entity in case of joint agreements)</i>	NSP Contact Person: Steven M. Salomon
Jurisdiction Web Address: www.ci.visalia.ca.us <i>(URL where NSP Substantial Amendment materials are posted) See below</i>	Address: 425 East Oak, Suite 301 Visalia, California 93291
	Telephone: (559) 713-4312
	Fax: (559) 713-4800
	Email: ssalomon@ci.visalia.ca.us
	Second Contact: Ricardo Noguera, Housing & Economic Development Director; 315 East Acequia, Visalia, CA 93291; (559)713-4190; rnoguera@ci.visalia.ca.us
HTTP://WWW.CI.VISALIA.CA.US/DEPTS/HOUSING_N_ECONOMIC_DEVELOPMENT/AFFORDABLE_HOUSING/PUBLICATIONS.ASP	

A. AREAS OF GREATEST NEED

Provide summary needs data identifying the geographic areas of greatest need in the grantee's jurisdiction.

***Note:** An NSP substantial amendment must include the needs of the entire jurisdiction(s) covered by the program; states must include the needs of communities receiving their own NSP allocation. To include the needs of an entitlement community, the State may either incorporate an entitlement jurisdiction's consolidated plan and NSP needs by reference and hyperlink on the Internet, or state the needs for that jurisdiction in the State's own plan. The lead entity for a joint program may likewise incorporate the consolidated plan and needs of other participating entitlement jurisdictions' consolidated plans by reference and hyperlink or state the needs for each jurisdiction in the lead entity's own plan.*

HUD has developed a foreclosure and abandonment risk score to assist grantees in targeting the areas of greatest need within their jurisdictions. Grantees may wish to consult this data [LINK – to HUD USER data], in developing this section of the Substantial Amendment.

Response:

The City of Visalia is an entitlement city. This acts as the City's substantial amendment to the 2008/09 Action Plan and Consolidated Plan. The information provided includes the needs of the community (Visalia), in which \$2,388,331 NSP Funds have been set aside to address foreclosures, vacant and abandoned properties, and other eligible uses.

HUD has created Excel files for each state that shows every Census Block Group (part) and whether or not it qualifies as an area of low-, moderate, and middle-income (LMMH) benefit, where more than 51 percent of the people in the area had incomes in 2000 less

than 120 percent of Area Median Income. This information has been imported into the City's Geographical Information System (GIS) and clearly identifies the areas of greatest need. The City must identify the service area of each NSP-funded activity. This data comes from four sources that were used to predict whether or not a neighborhood has a "high" or "low" risk for foreclosed and abandoned homes. A score for each neighborhood from 0 to 10, where 0 indicates that our data suggest a very low risk and 10 suggest a very high risk was used. The City of Visalia was identified as one of the city's in the Central Valley, with a local foreclosure rate of 7.1%, a Local Abandonment Risk of "High. The Statewide Foreclosure Rate is 6.7% with a Statewide Abandonment Risk of "Low" This is shown through (Exhibit "A", Foreclosure/Abandoned Property Risk Score). An estimate up to the 10.0% for current abandoned at risk properties are shown.

(Exhibit "B", Percentage of 120% AMI Block Groups) map clearly shows areas with family income at or below the 120% Area Median Income (AMI) levels. This map identifies areas throughout the city that meet the area benefit requirements.

Based upon the estimated foreclosure/abandonment risk score analysis, with the use of the City of Visalia's Geographic Information System (GIS), Census Tract statistical block group geography obtained from the huduser.org site, the estimated 18 month prediction rate for the City of Visalia ranges from 5.6 % to 11.7%, throughout the city limits with highest concentration in the northern central portion of the city. This map, (Exhibit "C", Predicted 18 month Foreclosure Rate) does not provide the actual level of problem in each neighborhood, but rather indicates there is a risk for problems.

Also based upon HUD data, collected from the U. S. Postal Service, the estimated residential vacancy rate for Visalia is up to 5.6% is (Exhibit "D", USPS Residential Vacancy Rate) which is data provided by the United States Postal Services on residential addresses identified as being vacant for 90 days or longer as of June 2008 at the Census Tract Level.

The Federal Reserve Home Mortgage Disclosure Act (HMDA) data on percent of all loans made between 2004 and 2006 that are high cost at the Census Tract Level was collected from the huduser site as well, which indicates between 20% and 48%. This is interpreted as the percentage of homes financed by a sub prime mortgage related loan. (Exhibit "E", Hi Cost Loan Rate Areas); the high-risk loan rate and address vacancy data are at the neighborhood (Census Tract) level.

The City is working closely with its local Real Estate Brokers, County of Tulare Records for up to date foreclosure information. The City is also utilizing the Foreclosure Radar system to identify properties at the various stages of foreclosure as well. Additionally, Staff has begun working with Citibank, Wells Fargo, FannieMae, CHFA and FHA directly to address the REO property purchases in Visalia and identifying bank loan products that may assist a new homebuyer.

B. DISTRIBUTION AND USES OF FUNDS

Provide a narrative describing how the distribution and uses of the grantee’s NSP funds will meet the requirements of Section 2301(c)(2) of HERA that funds be distributed to the areas of greatest need, including those with the greatest percentage of home foreclosures, with the highest percentage of homes financed by a subprime mortgage related loan, and identified by the grantee as likely to face a significant rise in the rate of home foreclosures. **Note:** The grantee’s narrative must address these three stipulated need categories in the NSP statute, but the grantee may also consider other need categories.

Response:

As indicated above and shown in Table I below, “Neighborhood Stabilization Program funding (CDBG) Objective and expected Outcome”, the funds awarded will be utilized geographically in areas with the greatest need. Identified through the 2008-2009 Action Plan, are two neighborhoods (Washington School and Lincoln Oval Areas) have been targeted to address the needs, such as building homeownership, code enforcement, public improvements with allocated 2008-2009 CDBG funding. Clearly identified through data provided by HUD and local resources, the greatest area of need is the Washington and Lincoln Oval areas. However, funding will be allocated to other areas identified. The eligible use and funding allocation shall be set aside as follows:

Table I			
Neighborhood Stabilization Program funding (CDBG) -Objective and expected Outcome	Allocation	Percentage of Allocation	Priority & Unit Goal
Objective 1: Provide suitable living environment through affordable housing to low, moderate and middle-income (LMMI) income (up to 120% AMI)			
(Activity: Housing) Provide permanent residential structures that will be occupied by a household whose income is at or below 120% of the area median income;			
Purchase approximately 8 to 10 homes, targeting the Washington School and Lincoln Oval Areas	\$ 1,550,000	65%	10
Objective 2: Provide suitable living environment through affordable housing to families at very low income (up to 50% AMI)			
(Activity: Housing) Provide permanent residential structures that will be occupied by a household whose income is at or below 50% of the area median income;			
Purchase approximately 6 to 8 homes, targeting the Washington School and Lincoln Oval Areas	\$ 600,000	25%	8
Objective 3: Provide administration and planning activities			
Administration, oversight and coordination. Reasonable costs of overall program management, coordination, monitoring, and evaluation.	\$ 238,331	10%	
Total Allocation	\$ 2,388,331	100%	H

Neighborhood Stabilization Program (NSP) through Community Development Block Grant Funded (CDBG) Objective 1: Suitable Living Environment through affordable housing to low, moderate and middle-income (LMMI) up to 120% AMI.

Plan to purchase homes for households between 50% - 120% of Area Median Income (AMI): Approximately \$1,550,000 will assist in purchasing properties in areas

of greatest need (not exceeding the area income requirement of 120%), then rehabilitated, thereafter, resold to families with incomes ranging from 50% to 120% AMI. Staff's objective is to purchase between 8 to 10 homes, targeting the Washington School and Lincoln Oval Park area neighborhoods in order to boost homeownership rates. However, staff will also purchase homes outside of the area as well, which meet the Area Benefit Activity requirements. Staff hopes to purchase homes in bulk at a negotiated rate (requirement of HUD) from a bank or banks. These properties are required to be purchased at least 15% below appraised market value. The appraisal must meet Uniform Standards of Professional Appraisal Practice (USPAP). The current market appraised value of a property under the NSP is to be an appraisal conforming to the requirements of the Uniform Relocation Act and may not be more than sixty (60) days old at the time that the property is acquired. The City will also be working closely with local banks, County recorder's office and many others in identifying properties and addressing the abandoned and foreclosed properties. Staff has initiated contact with CalHfa, Citibank, Wells Fargo and Fannie Mae, and shall continue making contact with lending institutions to discuss purchasing of properties.

Upon the purchase of the properties by the City, rehabilitation of a property may be required to bring the home into compliance with local building code, health and safety codes, as well as housing quality standards. Prior to purchasing of a property, the City will conduct an inspection of the home/property with the use of its designated Neighborhood Preservation City Building Inspector, to ensure health and safety codes are met, housing quality standards and identify improvements needed, if any. Additionally, the scope of work will have a "master cost analysis" which is maintained for use as verification that the contractor bid is within 10% of the cost, ensuring costs are not exorbitant. The Inspector will also conduct inspections through to final inspection.

Upon preparing the home for resale, the properties will be made available to families meeting the program guidelines, such as 3% down payment requirement, debt ratios between 30% -35%, verification of employment, credit review and income certification. The borrower would obtain a first mortgage through a local lender that meets the requirements of the program (must provide a fixed rate mortgage) or possibly through one of the lending institutions that the City is working with, to provide the new borrower with a first mortgage. The City will make no profit in the turnover of the property to a new homeowner. It is the intent of the use of NSP funding to stabilize communities, rebuild neighborhoods. It is also the intent to look to the lending institutions, such as those listed above, to finance the first mortgage for the new borrower. In the event the borrower is not financed through a local lender, the City will act as the Lender/Mortgagee, (first mortgage, below market fixed rate interest (between 3% - 6%), 30 year term) incorporating a right of first refusal in all mortgage documents. The family will be required to meet loan underwriting criteria, similar to a lending institution.

Dependent upon the borrowers' family income and cost of the home and qualifications, the borrower may also need gap financing. The City will be incorporating affordability covenants as required, in addition to an equity share mechanism through a fixed rate (between 3% to 4%) second mortgage, following regulations applicable to the funding source utilized.

Counseling requirements for financing: Families are required to attend no less than eight (8) hours of homeowner education counseling in order to participate, obtain a mortgage loan from a lender in compliance with bank regulator's guidance non-traditional mortgages (fixed rate, low interest rate, covenants to maintain affordability of the property). The City may also provide a second mortgage as gap financing utilizing either HOME, Redevelopment or NSP funding. The second mortgage requirements will follow the rules of the funding source (deferred, deferred with amortization for a portion of the term, etc) and regulations under the first mortgage loan (i.e. not have previously owned a home in 3 years, etc).

Revolving use of NSP funds: All funds initially invested in the purchase and rehabilitation of the home with NSP funding will be paid in full through the new first mortgage. The NSP funding is then returned to the City and reinvested in additional properties under the NSP regulations. No profit may be earned by the City on these transactions. The City will also be placing a covenant on the property, in addition to equity share, if the borrower/family sells the home in the future. Therefore, the total number of units to be acquired with use of the NSP funds may significantly increase the City's ability to continue purchasing properties as it sells them.

Neighborhood Stabilization Program (NSP) through Community Development Block Grant Funded (CDBG) Objective 2: Suitable Living Environment through affordable housing to very low-income up to 50% AMI.

Use of funds for borrowers at or below 50% of Area Median Income (AMI): Approximately \$600,000, will be reserved to assist in purchasing properties, again, in areas of greatest need, then rehabilitated, thereafter, resold to families with income not exceeding 50% of AMI. As relayed above regarding the purchase, rehabilitation and resale, apply to these properties as well, with the difference being the income requirements of the participating families. An affordability covenant will be placed on these properties as well, maintaining affordability. Again, the targeted neighborhoods are Washington School and Lincoln Oval Park area neighborhoods. It is the City's goal to work through Habitat for Humanity, Self Help Enterprises, Proteus, and CSET to obtain buyers with income levels at or below 50% of the AMI. The borrower would obtain a first mortgage through a local lender that meets the requirements of the program (must provide a fixed rate mortgage) or possibly through one of the lending institutions that the City is working with to provide the new borrower with a first mortgage. If the borrower is unable to obtain a mortgage, the City will act as the Lender/Mortgagee, (first mortgage, below market fixed rate of interest (between 3% - 6%) 30 year term) incorporating a right of first refusal in all mortgage documents. The borrower will need to meet program underwriting guidelines that will be established. Also, dependent upon the income of the family and cost invested in the home, the City may also carry a low interest (between 3% to 4%), fixed rate, second mortgage with available funding sources (NSP, HOME or Redevelopment Low/Mod). The City's loan(s) will incorporate the required affordability covenants and an equity share mechanism.

Although the two objective listed above pertain to acquisition, rehabilitation and resale, market conditions may change, therein the area with the highest need, in addition to the eligible use of funding, therefore Staff is requesting through the authorization of the City Council to authorize City Manager, or Housing & Economic Development Director to adjust program goals to maximize expenditure of NSP funds.

Correlated Eligible Activity from the CDBG Entitlement Regulations:

The correlated eligibility activity from the CDBG Entitlement Regulations for the use of the NSP funding is as follows:

- 24 CFR 570.201 (a) Acquisition
- 24 CFR 570.202 Eligible rehabilitation and preservation activities (if applicable)
- 24 CFR 570-201 (b) Disposition and
- 24 CFR 570.201 (n) direct homeownership assistance to persons whose incomes do not exceed 120% of median income.

C. DEFINITIONS AND DESCRIPTIONS

(1) Definition of “blighted structure” in context of state or local law.

Response:

Under the Federal Register / Vol. 73, No. 194 / Monday, October 6, 2008 / Notices, “Blighted structure”, is defined as: “A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.”

Under the City of Visalia, City Municipal Code, Chapter 15.44, Housing Standards, “Blighted Structures” may be interpreted as the definition under 15.44.020, “Housing quality standards” which reads: “means the existence of any buildings or structures which are structurally unsafe or which constitute a fire hazard or which otherwise adversely affect the health, safety or well being of a human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire or disaster damage, rodent infestation, or abandonment, as defined in Section 17920.3 of the California Health and Safety Code.”

Under the State of California, Health and Safety Code, Section 17920.3 reads: “Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building”.

*(2) Definition of “affordable rents.” **Note:** Grantees may use the definition they have adopted for their CDBG program but should review their existing definition to ensure compliance with NSP program –specific requirements such as continued affordability.*

Response:

The City will follow the requirements of the program funding and ensure compliance with the Fair Market Rents.

The following table shows is an example of the Final FY 2009 FMRs by unit bedrooms for the Visalia MSA.

**Visalia-Porterville, CA MSA
Final FY 2009 FMRs By Unit Bedrooms**

Size/Type of Unit	Fair Market Rent
Efficiency	\$518
1 Bedroom	\$580
2 Bedroom	\$674
3 Bedroom	\$964
4 Bedroom	\$990

Also included for reference are the HOME Program Rent limits for reference. HOME Rent Limits Requirement: Qualification as Affordable Housing: Rental Housing - 24 CFR 92.252

Home Program Rent Limits 2008

Size/Type of Unit	Rent - Low	Rent - High
Studio	\$471	\$471
1 Bedroom	\$504	\$526
2 Bedroom	\$605	\$612
3 Bedroom	\$699	\$875
4 Bedroom	\$780	\$899
5 Bedroom	\$860	\$1,034
6 Bedroom	\$941	\$1,117

Housing is considered to be affordable if gross housing costs (gross = rent + utility) are 30% or less of a person's income. For assisted housing projects, rents are set to be affordable to households at specific levels (Very Low Income, Low Income, etc.). Rents are adjusted higher for larger units and lower for smaller units according to formulas set by the Federal government. Rent limits for assisted housing are for gross rents. The actual rents charged to tenants are calculated by subtracting utility allowances from the gross rents. It is not the City of Visalia's initial intent to purchase rental properties, however, if the market dictates the need, rental properties will be considered and the City will follow the most strict regulation based upon funding sources.

(3) Describe how the grantee will ensure continued affordability for NSP assisted housing.

Response:

Upon purchasing homes at a discount rate (up to 15% discount from the appraised market value), there will be a difference in the cost and value. Also, if the property requires rehabilitation, to bring the property into compliance with State and Local laws, additional NSP funding will be invested into the property. Upon preparing for the sale of the home, the purchase price will comply with the requirements of HERA and the NSP regulations. The borrower will obtain a first mortgage, at an affordable rate and terms from a local lender. The borrower may also require a second mortgage, in which the City will utilize either HOME, CalHome or Redevelopment Low Mod funds as gap financing. An affordability covenant will be placed upon the property for a period of 30 to 45 years, dependent upon the use and source of funding needed for a second mortgage. If a second mortgage is not needed, a covenant will be placed upon the property for at least a 30 to 45 year term for the amount of the discount received during the initial purchase of the property.

If a borrower is unable to obtain a first mortgage the City shall act as the Beneficiary (carrying the first mortgage). The loan will be serviced and monitored through the City's loan servicing agency, AmeriNational Community Services, Inc. The Property will be subject to a Resale Restriction Agreement and Right of First Refusal. The Agreement shall run with the land and shall bind Owner and all of Owner's successors in interest as owners of the Property.

(4) Describe housing rehabilitation standards that will apply to NSP assisted activities.

Response:

The City of Visalia worked with its Building Division to amend its city assisted, housing rehabilitation standard work specification standards in 2007. The policy follows local and state regulations and codes. The City will follow the standards, just as it does with its existing housing rehabilitation CDBG and HOME funded programs.

D. LOW INCOME TARGETING

Identify the estimated amount of funds appropriated or otherwise made available under the NSP to be used to purchase and redevelop abandoned or foreclosed upon homes or residential properties for housing individuals or families whose incomes do not exceed 50 percent of area median income: **\$600,000**.

Note: At least 25% of funds must be used for housing individuals and families whose incomes do not exceed 50 percent of area median income.

Response:

Use of funds for borrowers at or below 50% of Area Median Income (AMI):

Approximately \$600,000, will be reserved to assist in purchasing properties, again, in areas of greatest need, then rehabilitated, thereafter, resold to families with income not exceeding 50% of AMI. As relayed above regarding the purchase, rehabilitation and resale, apply to these properties as well, with the difference being the income requirements of the participating families. An affordability covenant will be placed on these properties as well, maintaining affordability. Again, the targeted neighborhoods are Washington School and Lincoln Oval Park area neighborhoods. It is the City's goal to work through Habitat for Humanity, Self Help Enterprises, Proteus, and CSET to obtain buyers with income levels at or below 50% of the AMI. The borrower would obtain a first mortgage through a local lender that meets the requirements of the program (must provide a fixed rate mortgage) or possibly through one of the lending institutions that the City is working with to provide the new borrower with a first mortgage. If the borrower is unable to obtain a mortgage, the City will act as the Lender/Mortgagee, (first mortgage, below market fixed rate of interest (between 3% - 6%) 30 year term) incorporating a right of first refusal in all mortgage documents. The borrower will need to meet program underwriting guidelines that will be established. Also, dependent upon the income of the family and cost invested in the home, the City may also carry a low interest (between 3% to 4%), fixed rate, second mortgage with available funding sources (NSP, HOME or Redevelopment Low/Mod). The City's loan(s) will incorporate the required affordability covenants and an equity share mechanism.

Although the two objective listed above pertain to acquisition, rehabilitation and resale, market conditions may change, therein the area with the highest need, in addition to the eligible use of funding, therefore Staff is requesting through the authorization of the City Council to authorize City Manager, or Housing & Economic Development Director to adjust program goals to maximize expenditure of NSP funds.

E. ACQUISITIONS & RELOCATION

Indicate whether grantee intends to demolish or convert any low- and moderate-income dwelling units (i.e., \leq 80% of area median income).

If so, include:

- *The number of low- and moderate-income dwelling units—i.e., \leq 80% of area median income—reasonably expected to be demolished or converted as a direct result of NSP-assisted activities.*
- *The number of NSP affordable housing units made available to low-, moderate-, and middle-income households—i.e., \leq 120% of area median income—reasonably expected to be produced by activity and income level as provided for in DRGR, by each NSP activity providing such housing (including a proposed time schedule for commencement and completion).*
- *The number of dwelling units reasonably expected to be made available for households whose income does not exceed 50 percent of area median income.*

Response:

It is not the City's initial goal to utilize NSP funding to demolish substandard housing, however, if the market indicates that there is a higher demand and need, the city will

consider this approach with revolved NSP funding. The City of Visalia Code Enforcement Officer must ensure that vacant, abandoned and substandard buildings and residences in the City of Visalia are sufficiently secured to avoid neighborhood blight, health and environmental issues and other potential problems that may arise. Last year, the City of Visalia contracted services for approximately 21 board-ups. There were additional miscellaneous issues that required some type of property preservation service as well. The City is currently sending out a Request for Bids (RFB) seeking to enter into a contract with a Contractor who will assist and report to the City of Visalia Neighborhood Preservation Division. Additionally, the Neighborhood Preservation Division also has budgeted funding to address substandard housing and has recently hired a second Building Inspector to address substandard housing issues.

F. PUBLIC COMMENT

Provide a summary of public comments received to the proposed NSP Substantial Amendment.

Response:

Staff coordinated a public community meeting, held on Wednesday, October, 29, 2008, held at the City Hall, Council Chambers from 6:00 p.m. to 7:30 p.m. The community’s four (4) committees, listed below, and the public in general were invited to attend. As identified in the Citizens Participation Plan, the community committees, Citizens Advisory Committee, Northern Visalia Neighborhood Committee, Disability Advocacy Committee and Washington for a Better Community Committee, along with the general public. The community comments and City Staff responses are identified below:

City of Visalia 2008 Action Plan Amendment- Neighborhood Stabilization Program	
Community Input, Council Input & Public Testimony Notes	
<i>Community Meeting: Presentation of Draft Substantial Action Plan 08/09 Amendment,</i>	
Public Comment:	City Response
<i>City Council Public Hearing Meeting: Presentation of 2008 Action Plan Amendment (NSP) November 03, 2008</i>	
Public and Council Comments:	City Response

In addition to inviting the public and committees, Staff published the public hearing notice in the Visalia Times Delta and El Sol. The notice was also posted at City Hall East, West and North, Post Office and Public Library. A copy of the public notice is attached as **Exhibit “F”**.

G-1. NSP INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)

(1) Activity Name: City of Visalia NSP Acquisition, Rehabilitation and Resell Program (Areas up to 120% AMI)

(2) Activity Type: (include NSP eligible use & CDBG eligible activity) The Activity type is “Purchase and Rehabilitation”. The identified NSP eligible uses and the CDBG eligible activity’s are as follows:

- *NSP: §2301(c)(3)(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed, in order to sell, rent, or redevelop such homes and properties; and*
- *CDBG: 24 CFR 570.201(a) Acquisition; (b) Disposition, (i) Relocation, and (n) Direct homeownership assistance (as modified below); 24 CFR 570.202 eligible rehabilitation and preservation activities for homes and other residential properties (HUD notes that rehabilitation may include counseling for those seeking to take part in the activity).*

And “Financing Mechanism”

- *NSP: §2301(c)(3)(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate- income homebuyers*
- *CDBG: As part of an activity delivery cost for an eligible activity as defined in 24 CFR 570.206. Also, the eligible activities listed below to the extent financing mechanisms are used to carry them out.*

(3) National Objective: *(Must be a national objective benefiting low, moderate and middle income persons, as defined in the NSP Notice—i.e., ≤ 120% of area median income).*

Housing Activities: The City of Visalia will be providing or improving permanent residential structures that will be occupied by a household whose income is at or below 120% of area median income (LMMH).

- Acquisition, Rehabilitation, Rental, Sale, Conversion, Construction of Housing Units
- Homeownership Assistance
- Infrastructure for housing as part of redevelopment
- All Units must be occupied by those meeting the low- and moderate-income requirement.

(4) Projected Start Date: March 2009

(5) *Projected End Date: Funds to be obligated by September 2010 and any program income returned to HUD by March 2013 in accordance with the Housing and Economic Recovery Act §2301(c)(1).*

(6) *Responsible Organization: (Describe the responsible organization that will implement the NSP activity, including its name, location, and administrator contact information)*

HUD has designated the City of Visalia as an entitlement city by virtue of having a population exceeding 50,000 residents. The City is also a Participating Jurisdiction. The City of Visalia will implement the NSP activity. Location and administrator contact information is as follows:

City Contact:

City of Visalia
Steven M. Salomon, City Manager
425 East Oak Street, Suite 301
Visalia, California 93291
Duns#030999866

Staff Contact:

Steven M. Salomon, City Manager (559) 713-4312
Ricardo Noguera, Housing & Economic Development Director (559) 713-4190
Rhonda Haynes, Housing Specialist (559) 713-4460

(7) *Location Description: (Description may include specific addresses, blocks or neighborhoods to the extent known.)*

Areas of concentration are those with the greatest need, which include two neighborhoods in which we are focusing our initial energies toward revitalization. The two targeted neighborhoods are Washington School and Lincoln Oval Park area neighborhoods. The Washington School neighborhood lies within Census Tract areas 17.01.1, 17.01.2, 17.01.3, 17.01, 4, 17.01.5, 18.00.1, and 18.00.2. This is a neighborhood in which the City is currently addressing, not only foreclosures, but also revitalization through rehabilitation, homeownership, addressing police and code enforcement issues, lighting issues through engineering and other needs of the community. Again, the needs of surrounding neighborhoods, with the greatest needs, shall be addressed as well. Census Tracts are not noted herein for the surrounding neighborhoods at this time.

The second neighborhood is Lincoln Oval Park neighborhood, lies within Census Tract areas 10.00.2, 10.00.4, 11.00.1, 11.00.2, 11.00.3. This is another area in which the city has been concentrating its efforts to address the needs of families in the community. Efforts include community outreach in collaboration with our Park & Recreation, Police, Engineering and Neighborhood Preservation Departments.

(8) *Activity Description:*

Include a narrative describing the area of greatest need that the activity addresses; the expected benefit to income-qualified persons; and whether funds used for this activity will be used to meet the low income housing requirement for those below 50% of area median income.

For housing related activities, include:

- *tenure of beneficiaries--rental or homeownership;*
- *duration or term of assistance;*
- *a description of how the design of the activity will ensure continued affordability.*

For acquisition activities, include:

- *discount rate*

For financing activities, include:

- *range of interest rates*

As indicated above, the two neighborhoods that the City of Visalia will be initially targeting are the Washington School and Lincoln Oval area neighborhoods. The two neighborhoods are both within identified areas with the greatest need. The activities shall include acquisition of vacant, abandoned and foreclosed properties. The properties shall be evaluated by the City of Visalia's building inspector to identify health and safety issues. The City shall follow the rules and regulations of the NSP funding in acquiring properties. It is the intent to purchase the property at a discount (between 5% -15%) below the appraised market value. The appraisal shall be conducted (meeting the 60 day requirement). The housing related activities involved with the acquisition of the property may include rehabilitation.

Upon preparing the home for resale, the properties will be made available to families meeting the program guidelines. Due to the purchase discount, an affordability covenant will be placed upon the property based upon 5% to 15% discount value for a 30 to 45 year term and a first right of refusal clause.

The borrower would obtain a first mortgage through a local lender that meets the requirements of the program (must provide a fixed rate mortgage) or possibly through one of the lending institutions that the City is working with to provide the new borrower with a first mortgage. The City will make no profit in the turnover of the property to a new homeowner. It is the intent of the use of NSP funding to stabilize communities and rebuild neighborhoods. It is also the intent to look to the lending institutions, such as those listed above, to finance the first mortgage for the new borrower. In the event the borrower is not financed through a local lender, the City will serve as the Lender/Mortgagee (first mortgage, below market fixed rate of interest (between 3% - 6%) 30 year term), incorporating a right of first refusal in all mortgage documents. The family will be required to meet loan underwriting criteria, similar to a lending institution.

Dependent upon the borrowers' family income and cost of the home and qualifications, the borrower may also need gap financing. The City will provide a second mortgage with the use of HOME, CalHome or Redevelopment Low/Mod funding to qualified families, with a below market interest rate of 3% to 4%.

The City will be incorporating affordability covenants as required, in addition to an equity share mechanism through a second mortgage, following regulations applicable to the funding source utilized.

It is the City’s goal to work through Habitat for Humanity, Self Help Enterprises and CSET to obtain buyers with income levels at or below 50% of the AMI. Approximately \$600,000 of the NSP Funds shall address the needs of families with income at or below 50% AMI.

I. Total Budget: (Include public and private components)

Table II Total Budget				
Neighborhood Stabilization Program funding (CDBG) -Objective and expected C	NSP Budget (City purchase properties)	Public Component (HOME, CalHome, Redev	Private Component	Total Investment
Objective 1: Provide suitable living environment through affordable housing to low, moderate and middle-income (LMMI) income (up to 120% AMI)				
(Activity: Housing) Provide permanent residential structures that will be occupied by a household whose income is at or below 120% of the area median income;				
Purchase approximately 8 to 10 homes, targeting the Washington School and Lincoln Oval Areas	\$ 1,550,000	\$ 400,000	\$60,000	\$ 2,010,000
Objective 2: Provide suitable living environment through affordable housing to families at very low income (up to 50% AMI)				
(Activity: Housing) Provide permanent residential structures that will be occupied by a household whose income is at or below 50% of the area median income;				
Purchase approximately 6 to 8 homes, targeting the Washington School and Lincoln Oval Areas	\$ 600,000	\$ 100,000	NA	\$700,000
Objective 3: Provide administration and planning activities				
Administration, oversight and coordination. Reasonable costs of overall program management, coordination, monitoring, and evaluation.				
	\$ 238,331	n/a	NA	\$ 238,331
Total Allocation	\$ 2,388,331	\$ 500,000	\$60,000	\$ 2,948,331

J. Performance Measures (e.g., units of housing to be acquired, rehabilitated, or demolished for the income levels of households that are 50 percent of area median income and below, 51-80 percent, and 81-120 percent):

It is the intent as previously shown in Table 1, to initially purchase, rehab and resell between 18 to 20 properties, of those 8 to 10 properties for families at or below 50% of the AMI. If the City is able to continue building its relationship with the local banks, and purchase properties at a large discount, in bulk additional properties and families will benefit and the City will be able to address a larger number of properties in areas with the greatest need.

Exhibit “A”, Foreclosure/Abandoned Property Risk Score
Exhibit “B”, Percentage of 120% AMI Block Groups
Exhibit “C”, Predicted 18 month Foreclosure Rate
Exhibit “D”, USPS Residential Vacancy Rate
Exhibit “E”, Hi Cost Loan Rate Areas
Exhibit “F”: Public Hearing Notice
Exhibit “G” Certifications
Exhibit “H” NSP Substantial Amendment Checklist

DRAFT

EXHIBIT "A"

MAP - FORECLOSURE/ABANDONED PROPERTY RISK SCORE

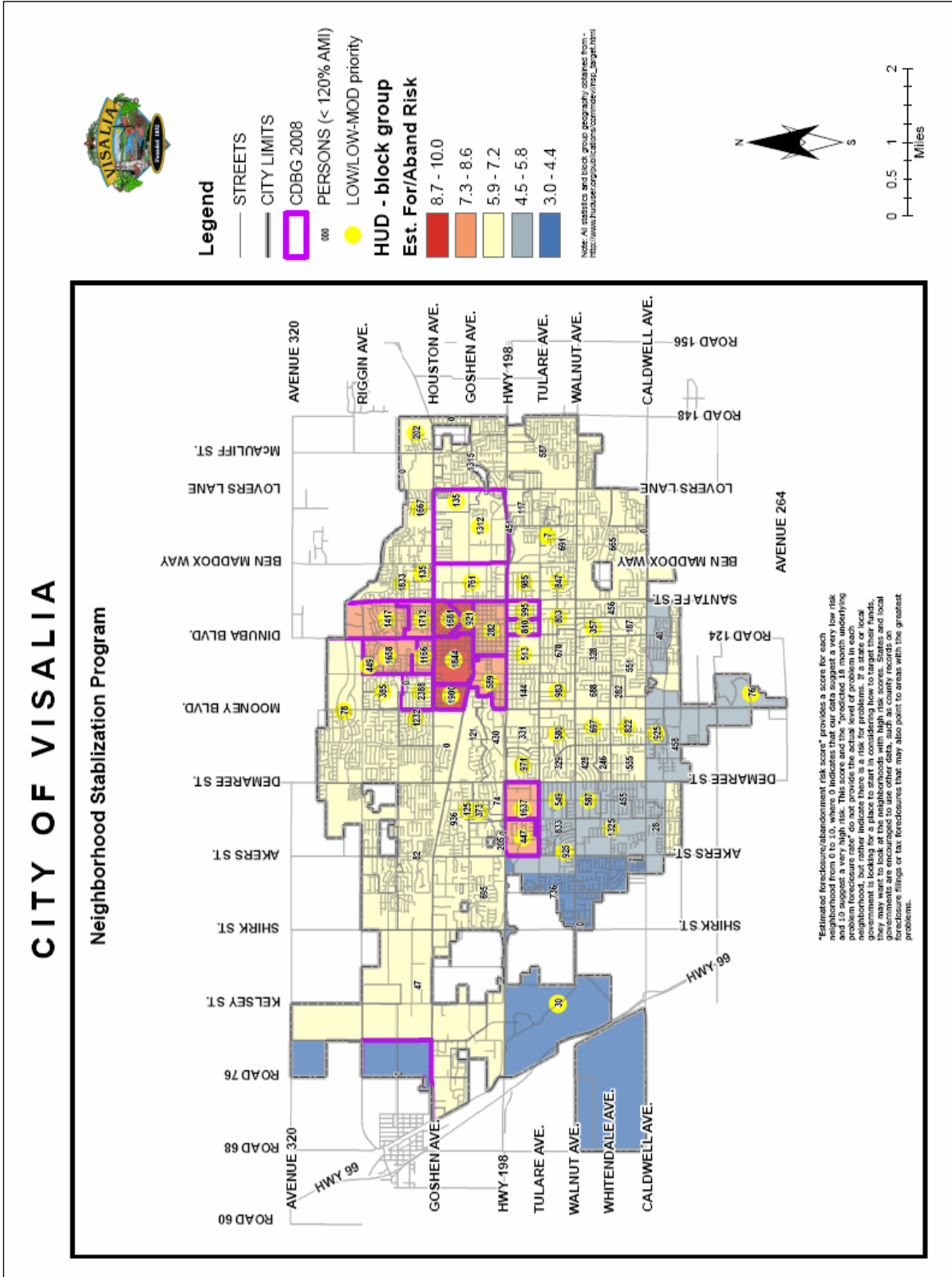


EXHIBIT "C"

PREDICTED 18 MONTH FORECLOSURE RATE

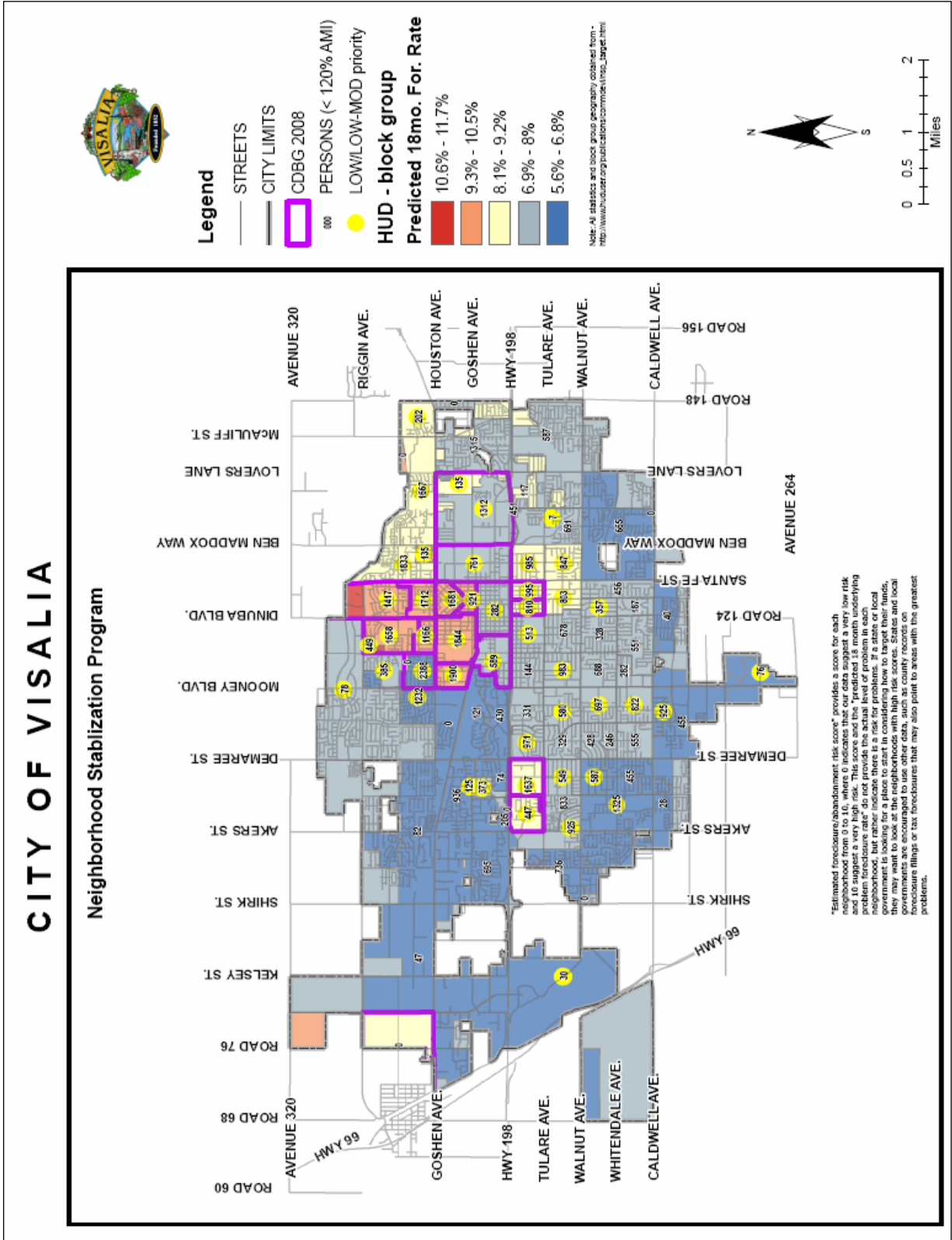


EXHIBIT "D", USPS RESIDENTIAL VACANCY RATE

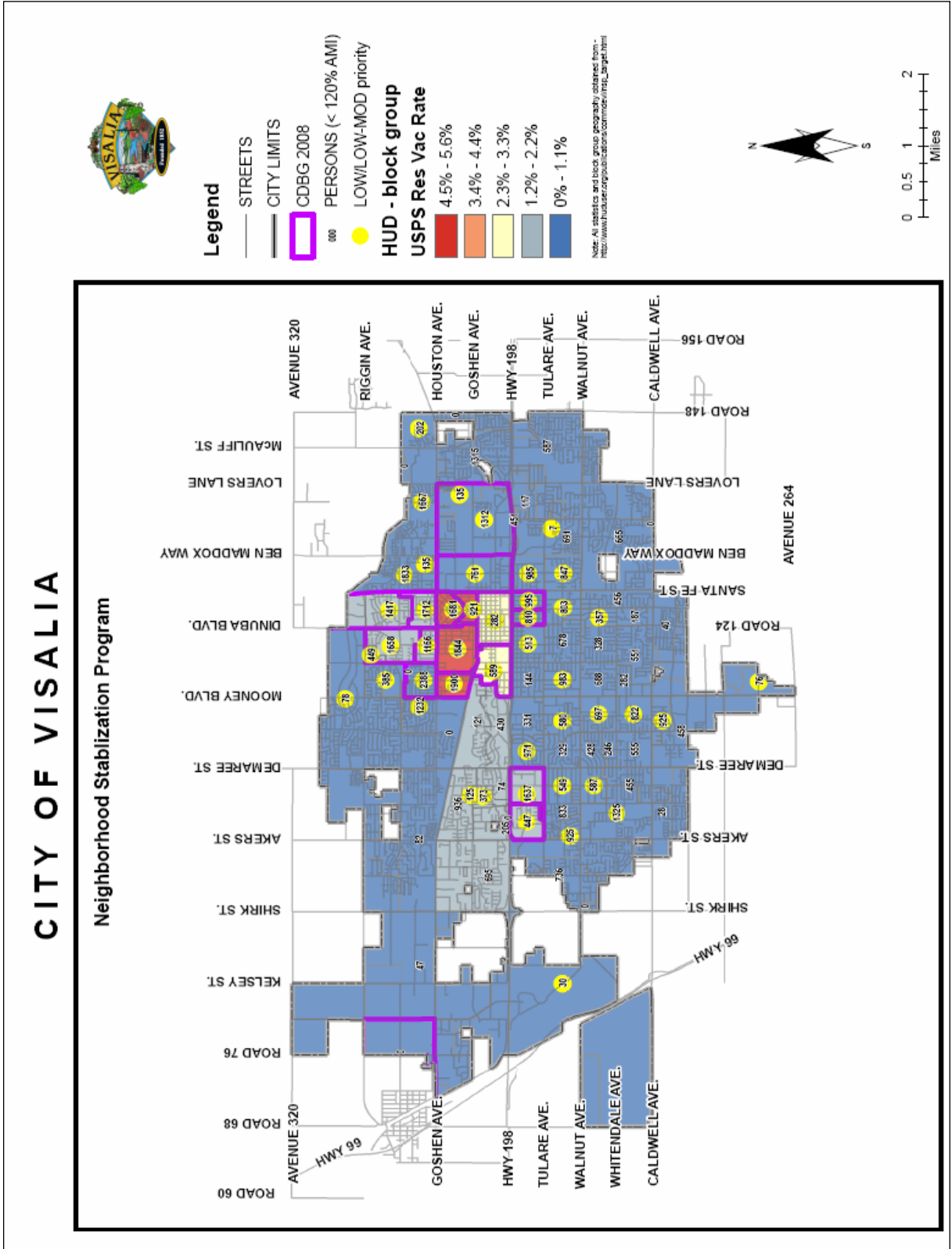
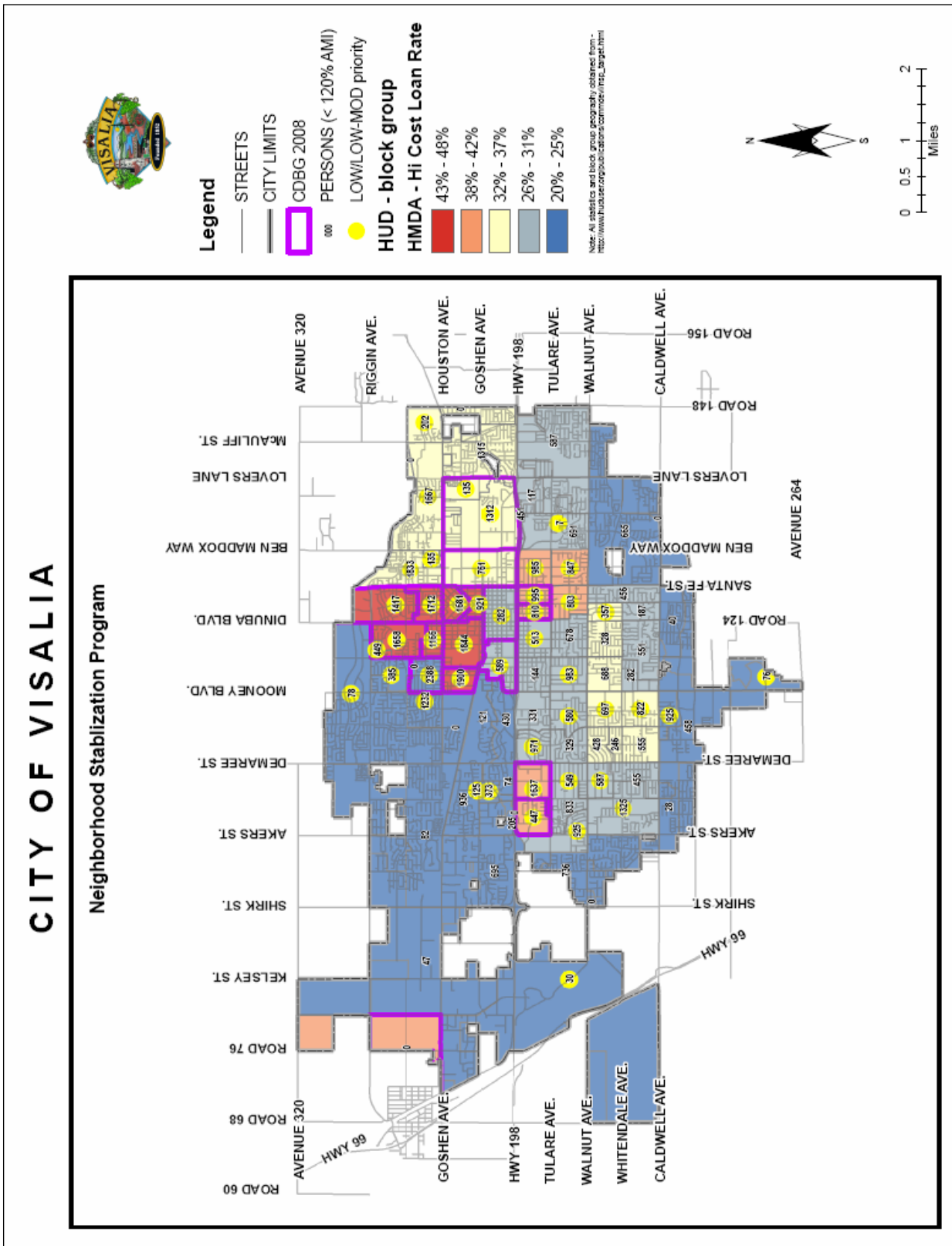


EXHIBIT "E", HI COST LOAN RATE AREAS




CITY OF VISALIA

Neighborhood Stabilization Program

**EXHIBIT "F":
PUBLIC HEARING NOTICE**



**HUD ANNOUNCES FUNDS FOR
THE NEIGHBORHOOD STABILIZATION PROGRAM**



**NOTICE OF COMMUNITY MEETING
AND
CITY COUNCIL PUBLIC HEARING
INTENT TO AMEND THE 2000/2009 ANNUAL ACTION PLAN
(Substantial Amendment)**

Community Meeting:
Time: 6 – 7:30 p.m.
Date: Wednesday, October 29, 2008
Location: City Hall Council Chambers, 747 W. Acosta, Visalia

City Council Public Hearing:
Time: 7:00 p.m.
Location: City Hall Council Chambers, 747 W. Acosta, Visalia
Date: Monday, November 3, 2008

HUD announced under Title II of Division B of the Housing and Economic Recovery Act of 2008 (HERA), the allocations to state and local governments, for the purpose of assisting in the redevelopment of abandoned and foreclosed homes and/or the strategic assistance for Redevelopment of Abandoned and Foreclosed Homes leading referred to throughout as the Neighborhood Stabilization Program (NSP).

The City of Visalia's allocation is \$2,300,331 million. The NSP grant is a special Community Development Block Grant (CDBG) allocation to address the problem of abandoned and foreclosed homes. Funds will be targeted to areas of greatest need including, but not limited to, areas with: 1) the greatest percentage of home foreclosures; 2) areas with the highest percentage of home foreclosures with sub prime mortgage related loans; and/or 3) areas identified as likely to face a significant rise in the rate of home foreclosures.

The City of Visalia 2000/2009 Action Plan was previously reviewed and adopted by the City Council of the City of Visalia, to address the housing and community development needs identified in the 2005-2010 Consolidated Plan. This is a substantial amendment to the City of Visalia 2000/2009 Action Plan and approved consolidated plan.

The City Council of the City of Visalia will hold a Public Hearing on Monday, November 3, 2008 at 7:00 p.m. The meeting will be held at City Hall Council Chambers, 747 W. Acosta Avenue, Visalia, California, to adopt a substantial amendment to the 2000/2009 Annual Action Plan and 2005-2010 Consolidated Plan, and incorporate the Neighborhood Stabilization Program (NSP) funding.

In addition to the City Council meeting, a community meeting will be held with the public.

The Public comment period on the substantial amendment to the 2000/2009 Action Plan and Consolidated Plan begins October 20th, 2008, and ends November 03, 2008. During this time the Action Plan Amendment may be viewed and obtained at the City of Visalia Housing and Economic Development Department, located at 315 East Acosta, Visalia or by telephoning Rhonda Haynes, Housing Specialist at (559) 733-4499.

Any questions or written comments may be directed to Rhonda Haynes, Housing & Economic Development Director, or Rhonda Haynes, Housing Specialist, at the City of Visalia at the address and phone number listed above.

Please note if you challenge the listed items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Visalia; or prior to the public hearing.

For hearing requests, if signing is desired, please call (559) 733-4612 (exterior 224) before in advance of the meeting and such services will be provided as soon as possible following the meeting.

Publishing dates: Monday, October 20, 2008 and Friday, October 31, 2008

EXHIBIT "G"

CERTIFICATIONS

- (1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.
- (2) **Anti-lobbying.** The jurisdiction will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.
- (3) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.
- (4) **Consistency with Plan.** The housing activities to be undertaken with NSP funds are consistent with its consolidated plan, which means that NSP funds will be used to meet the congressionally identified needs of abandoned and foreclosed homes in the targeted area set forth in the grantee's substantial amendment.
- (5) **Acquisition and relocation.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24, except as those provisions are modified by the Notice for the NSP program published by HUD.
- (6) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- (7) **Citizen Participation.** The jurisdiction is in full compliance and following a detailed citizen participation plan that satisfies the requirements of Sections 24 CFR 91.105 or 91.115, as modified by NSP requirements.
- (8) **Following Plan.** The jurisdiction is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.
- (9) **Use of funds in 18 months.** The jurisdiction will comply with Title III of Division B of the Housing and Economic Recovery Act of 2008 by using, as defined in the NSP Notice, all of its grant funds within 18 months of receipt of the grant.
- (10) **Use NSP funds \leq 120 of AMI.** The jurisdiction will comply with the requirement that all of the NSP funds made available to it will be used with respect to individuals and families whose incomes do not exceed 120 percent of area median income.

(11) **Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if NSP funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with NSP funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than NSP funds if the jurisdiction certifies that it lacks NSP or CDBG funds to cover the assessment.

(12) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from, a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(13) **Compliance with anti-discrimination laws.** The NSP grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(14) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(15) **Compliance with laws.** The jurisdiction will comply with applicable laws.

Signature/Authorized Official

Date

Title

EXHIBIT "H "

NSP Substantial Amendment Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the NSP Substantial Amendment and SF-424.

Contents of an NSP Action Plan Substantial Amendment

Jurisdiction(s): Visalia, California Lead Agency City of Visalia Jurisdiction Web Address: www.ci.visalia.ca.us (URL where NSP Substantial Amendment materials are posted)	NSP Contact Person: Rebecca Zaklin Address: 600 Harrison Street, 3 rd Floor San Francisco, CA 94107-1300 Telephone: (415) 489-6579 Fax: (415) 489-6602 Email: Rebecca.zaklin@hud.gov
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The elements in the substantial amendment required for the Neighborhood Stabilization Program are:

A. AREAS OF GREATEST NEED

Does the submission include summary needs data identifying the geographic areas of greatest need in the grantee's jurisdiction?

Yes No Verification found on page 1,2.

B. DISTRIBUTION AND USES OF FUNDS

Does the submission contain a narrative describing how the distribution and uses of the grantee's NSP funds will meet the requirements of Section 2301(c)(2) of HERA that funds be distributed to the areas of greatest need, including those with the greatest percentage of home foreclosures, with the highest percentage of homes financed by a subprime mortgage related loan, and identified by the grantee as likely to face a significant rise in the rate of home foreclosures?

Yes No Verification found on page 3-5.

Note: The grantee's narrative must address the three stipulated need categories in the NSP statute, but the grantee may also consider other need categories.

C. DEFINITIONS AND DESCRIPTIONS

For the purposes of the NSP, do the narratives include:

- a definition of "blighted structure" in the context of state or local law,
Yes No Verification found on page 6.
- a definition of "affordable rents,"
Yes No Verification found on page 6 - 7.
- a description of how the grantee will ensure continued affordability for NSP assisted housing,

Yes No . Verification found on page 7 - 8.

- a description of housing rehabilitation standards that will apply to NSP assisted activities?

Yes No . Verification found on page 8.

D. INFORMATION BY ACTIVITY

Does the submission contain information by activity describing how the grantee will use the funds, identifying:

- eligible use of funds under NSP,

Yes No . Verification found on page 3 - 5, 8.

- correlated eligible activity under CDBG,

Yes No . Verification found on page 6.

- the areas of greatest need addressed by the activity or activities,

Yes No . Verification found on page 3, 23-13, 16-20.

- expected benefit to income-qualified persons or households or areas,

Yes No . Verification found on page 3-5.

- appropriate performance measures for the activity,

Yes No . Verification found on page 3, 11-12.

- amount of funds budgeted for the activity,

Yes No . Verification found on page 3, 14.

- the name, location and contact information for the entity that will carry out the activity,

Yes No . Verification found on page 1, 12.

- expected start and end dates of the activity?

Yes No . Verification found on page 11, 12.

E. SPECIFIC ACTIVITY REQUIREMENTS

Does each activity narrative describe the general terms under which assistance will be provided, including:

If the activity includes acquisition of real property,

- the discount required for acquisition of foreclosed upon properties,

Yes No . Verification found on page 7, 13.

If the activity provides financing,

- the range of interest rates (if any),

Yes No . Verification found on page 4, 5, 13.

If the activity provides housing,

- duration or term of assistance,
Yes No . Verification found on page 4, 5, 13.
- tenure of beneficiaries (e.g., rental or homeownership),
Yes No . Verification found on page 3, 4, 6, 11- 13.
- does it ensure continued affordability?
Yes No . Verification found on page 4 -5, 8-9, 13-14.
- does the applicant indicate which activities will count toward the statutory requirement that at least 25% of funds must be used to purchase and redevelop abandoned or foreclosed upon homes or residential properties for housing individuals and families whose incomes do not exceed 50% of area median income?
Yes No . Verification found on page 9, 14.

F. LOW INCOME TARGETING

- Has the grantee described how it will meet the statutory requirement that at least 25% of funds must be used to purchase and redevelop abandoned or foreclosed upon homes or residential properties for housing individuals and families whose incomes do not exceed 50% of area median income?
Yes No . Verification found on page 9, 14.
- Has the grantee identified how the estimated amount of funds appropriated or otherwise made available will be used to purchase and redevelop abandoned or foreclosed upon homes or residential properties for housing individuals or families whose incomes do not exceed 50% of area median income?
Yes No . Verification found on page 3, 9, 14.
Amount budgeted = \$600,000.

G. DEMOLISHMENT OR CONVERSION OF LOW- AND MODERATE-INCOME UNITS

Does grantee plan to demolish or convert any low- and moderate-income dwelling units?

Yes No . (If no, continue to next heading)
Verification found on page _____.

Does the substantial amendment include:

- The number of low- and moderate-income dwelling units—i.e., $\leq 80\%$ of area median income—reasonably expected to be demolished or converted as a direct result of NSP-assisted activities?
Yes No . Verification found on page _____. N/A
- The number of NSP affordable housing units made available to low-, moderate-, and middle-income households—i.e., $\leq 120\%$ of area median income—reasonably expected to be produced by activity and income level as provided for

in DRGR, by each NSP activity providing such housing (including a proposed time schedule for commencement and completion)?

Yes No Verification found on page _____. N/A

- The number of dwelling units reasonably expected to be made available for households whose income does not exceed 50 percent of area median income?

Yes No Verification found on page _____. N/A

H. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the grantee jurisdiction’s usual methods and on the Internet for no less than 15 calendar days of public comment?

Yes No Verification found on page 21.

Is there a summary of citizen comments included in the final amendment?

Yes No Verification found on page _____.

I. WEBSITE PUBLICATION

The following Documents are available on the grantee’s website:

- SF 424 Yes No
- Proposed NSP Substantial Amendment Yes No
- Final NSP Substantial Amendment Yes No
- Subsequent NSP Amendments Yes No

Website URL: www.ci.visalia.ca.us

K. CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|--|---|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-lobbying | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (3) Authority of Jurisdiction | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (4) Consistency with Plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (5) Acquisition and relocation | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (6) Section 3 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (7) Citizen Participation | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (8) Following Plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (9) Use of funds in 18 months | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (10) Use NSP funds ≤ 120 of AMI | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (11) No recovery of capital costs thru special assessments | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (12) Excessive Force | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (13) Compliance with anti-discrimination laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (14) Compliance with lead-based paint procedures | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (15) Compliance with laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 3, 2008

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Status report on the General Plan Focus Update; Authorization to release a Request for Proposal (RFP) for preparation of a Focused Land Use Element and East Downtown Implementation Plan Program EIR; Authorization to form a General Plan Review Committee to assist with examining the Focused Update content and EIR.

Deadline for Action: N.A.

Submitting Department: Community Development Dept. – Planning Division

Contact Name and Phone Number:

Brandon Smith, AICP, Senior Planner 713-4636
Paul Scheibel, AICP, Principal Planner, 713-4369

Department Recommendation: Staff recommends that the City Council:

- 1) accept the status report on the General Plan Focus Update efforts, and
- 2) authorize the City Manager to release a RFP for the preparation of a Program Environmental Impact Report (EIR) by a qualified consultant. The Program EIR will be an update of the City's Land Use Element Program EIR, including assessment of impacts from the East Downtown Implementation Plan, in compliance with the California Environmental Quality Act.

- 3) authorize forming a General Plan Review Committee to assist with examining the Focused Update content and EIR.

Summary: It is recommended that the City Council support the decision to prepare a complete update to the 1991 Program EIR, including assessment of impacts associated with the East Downtown Implementation Plan, and authorize the release of a Request for Proposal for preparation of a Program EIR by a qualified consultant. A draft copy of the RFP is attached to this report as Exhibit "A".

A General Plan Review Committee is also recommended to provide oversight for the duration of the process. The Committee would be tasked with assisting in the EIR consultant selection, providing input on the formation of new policies and measures, and assist with reviewing the content of the Focus General Plan Update and Program EIR. A suggested composition of the Committee is:

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.) 45 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.

- 2 City Council members,
- 2 Planning Commissioners,
- 2 Parks & Recreation Commissioners,

and one member/representative of each of the following groups:

- Historic Preservation Advisory Committee,
- Environmental Committee,
- Home Builders Association,
- Chamber of Commerce,
- Economic Development Council, and
- an Affordable Housing organization.

Preparation of Program EIR: A “Program” EIR is defined as an environmental assessment that serves as a framework for tiered or project-level environmental documents prepared in accordance with a General Plan. Visalia currently relies on its Program EIR from 1991 to evaluate cumulative impacts from growth allowed under the zoning designations.

A comprehensive update to the Program EIR will place the City on a solid framework as growth ensues over the next 10 or more years. The update will examine growth and redevelopment taking place city-wide and into areas identified for expansion by the Urban Development Boundaries, using the assumptions developed by the focus update for more compact and sustainable growth. The EIR will reflect the planning efforts in the Southeast Area Specific Area, which should be completed before the EIR is considered for adoption.

The dated nature of the current EIR (17 years old) puts the City at risk for adopting flawed environmental documents tiered from the obsolete information in the EIR and its failure to address key emerging air quality, Greenhouse Gas, circulation, energy, and water conservation mandates. Also, several new ordinances and policies have been adopted to mitigate impacts identified in the EIR; however no written updates have been made to the EIR to acknowledge these mitigations.

The importance of having a legally defensible EIR has become even more evident with the passage of new legislation on environmental matters, particularly greenhouse gases as addressed in AB 32 and SB 375. The County of San Bernadino and the City of Stockton have recently faced and lost legal challenges on their EIRs’ abilities to address greenhouse gases. The current Land Use EIR is silent on this issue, and requires a comprehensive update to assess current conditions and recommend mitigation for future residential development under the new growth policies.

City staff has concluded that a comprehensive update to the 1991 Land Use Element EIR is the best and most practical approach to complement the Focus Updates. This decision is based on the savings in time, consultant selection, work production, and finances in combining the efforts of meeting CEQA requirements for the Focus Updates and updating the baseline conditions of the 17 year old EIR.

Inclusion of East Downtown Implementation Plan into EIR: The City Council accepted the East Downtown Strategic Plan in December 2005 as a road map for creating a new urban framework to compliment the existing downtown and promote residential, mixed use, and civic uses. Several efforts have been launched to implement the Strategic Plan. This effort, collectively referred to as the East Downtown Implementation Plan, includes four interrelated components as follows:

- East Downtown Strategic Plan
- Civic Center Master Plan

- Parks and Infrastructure Master Plan
- East Downtown Zoning Ordinance

It was determined that a new EIR would be needed to precisely evaluate the effects of the EDIP as the area transitions out of a service commercial hub and adds new housing, commercial, and civic uses.

Staff is recommending that the efforts of the EDIP be evaluated as part of the comprehensive update of the Program EIR. Doing so allows these new East Downtown land uses to be evaluated in the context of the entire City framework, and in context of the increased residential densities and other focus updates evaluated in the EIR. It is also anticipated to achieve a significant cost savings (10% - 15% total consultant costs) combining the East Downtown with the city-wide Focus Update EIR than preparing separate EIRs.

Financing: Staff estimates that the cost to prepare the Program EIR as described above to be approximately \$500,000 based on an informal survey of other cities' recent experiences. However, the exact cost will not be known until proposals received from qualified consultants are received.

The cost of the Focus Update EIR has not been authorized or funded by the City Council. Staff proposes that the EIR be funded in part by the General Plan Maintenance Fees. Approximately \$200,000 has been collected in General Plan Maintenance Fees since they were enacted in 2004. The City may consider increasing the processing fees for tiered environmental applications (i.e. Negative Declarations) to recoup the remaining costs.

Timeframe: It is estimated the preparation and adoption of the Program EIR will take approximately 24 months. The Request For Proposals informs consultants that "in-house" efforts for a Focus Update of the General Plan will be ongoing during the preparation of the EIR. Because the EIR is dependent upon the policies developed through the Focus Update efforts, the final adoption date of the EIR may be put off until such time that the updates are completed. In the early stages of the EIR preparation, staff will tend to the in-house focus updates while the consultant will evaluate the current EIR and develop baseline conditions of existing development. Staff will communicate with the consultants throughout the process to ensure the Program EIR will evaluate the impacts of the new growth management policies as they become more solidified.

Background on General Plan Focus Update

The Planning Division first addressed the critical need to update the City's General Plan and companion Program EIR at the January 2008 City Council retreat. A Comprehensive Update of the General Plan, consisting of a unified examination and rewriting of the seven mandatory elements, is the preferred method to carry out a long range vision of growth and planning over the next 15 to 30 years. Authorization was then given for staff to begin efforts on a comprehensive update of the mandated General Plan elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety.

In June 2008 the City Council commissioned staff to take on an alternate approach for updating the General Plan, focusing on measures that maximize the efficiency of development in the current Urban Development Boundaries. The Focus Update would also address critical needs and revisions mandated for all cities by the state. Seeing that the 2020 plan has been a foundation for successfully managed growth over the last 17 years, the City Council favored relying on the plan for forthcoming development while implementing some fine tuning to promote compact and sustainable urban expansion. The City Council also found the projected

cost of a Comprehensive Update, likely in excess of \$1 million, to be cost prohibitive under the current weak economic outlook.

Status Update (see Exhibit “B” for accompanying timeline)

Staff considers the Annexation Policies as one of the first steps towards addressing the growth management issues that form the basis for the Focus Update. The City Council recently initiated a General Plan Amendment to codify these policies, estimated to be completed in late 2009. Staff has made the determination that the GPA can be processed using a Negative Declaration because the implications of these policies do not do beyond the environmental impacts already considered in the 1991 General Plan EIR. This allows the process to move on a timeline separate from the remainder of the Focus Update.

The City Council’s interest to see higher densities with new residential development laid the groundwork for an annexation policy requiring residential areas to meet midrange or higher densities specified in the Land Use Element. A component of the Focus Updates will be to revise Land Use Policies (4.1.17 through 4.1.20) so that land inside the City must also meet higher residential densities. Work on this component of the Focus Update will commence once the City has selected an EIR and has confirmed the scope of the EIR.

Staff anticipates commencing work on other Growth Management Policies in 2009 after an EIR consultant has been selected. These policies will expand on the groundwork laid by the 2020 Plan to facilitate orderly growth expanding from the City’s Core Area, and will help to more effectively curtail sprawl inside of the City’s Urban Development Boundaries. Staff plans to organize a series of City Council workshops and public outreach meetings beginning in 2009 to determine the exact scope of the efforts. Based on previous retreats and work sessions, the current scope of the Growth Management Policies should include:

- Creation of an aggressive infill and redevelopment program
- Implementation of practices for the best utilization of land and sprawl reduction in the Urban Growth Boundaries, including raising the population and/or buildout criteria needed to advance to future growth areas
- Re-evaluating the 165,000 UDB expansion area North of St. Johns River
- Revise the density ranges for all future residential development

The City Council will be asked on November 3, 2008 to select a consultant that will prepare a Update to the General Plan Housing Element. The Update will include an update of housing stock characteristics and available land inventory, analyze Visalia’s share of the Regional Housing Needs, and adoption of a policy document. Work on the Housing Element Update will be a high priority item in the first half of 2009 since the State must accept the document before August 31, 2009.

Under Government Code Section 65302.1, the State has mandated cities and counties in the San Joaquin Valley to prepare Air Quality Amendments to the General Plan by August 31, 2010 – one year after jurisdictions must have an updated Housing Element. Staff believes that much of the required work, which includes developing a report containing an emissions inventory and local attainment status, can be achieved working together with other cities and the County of Tulare. The County has already devoted much staff time to address this issue for the greater benefit of the Cities. In 2006, Tulare County Association of Governments (TCAG) adopted a template Air Quality Element which can be used by other cities. Staff anticipates these amendments to be an ongoing process, with much of the work to be completed in late 2009 and early 2010.

Prior Council/Board Actions: The City Council previously commissioned work on a Focus Update of the General Plan, confirmed at a joint meeting by the City Council and Kaweah Delta Hospital Board on June 23, 2008.

Committee/Commission Review and Actions: N.A.

Alternatives: Proceed with preparing updates to the Program EIR only as they pertain to the Focus Updates and East Downtown Implementation Plan.

Attachments:

- Exhibit "A" – Draft Request for Proposals
- Exhibit "B" – Preliminary Work Schedule for Focus Update & Annexation Policies

Recommended Motion:

I move to

- 1) accept the status report on the efforts to prepare a General Plan Focus Update, and
- 2) authorize the City Manager to release a Request for Proposal (RFP) for the preparation of a Program Environmental Impact Report (EIR) by a qualified consultant.
- 3) authorize forming a Review Committee to assist with examining the Focused Update content and EIR.

Alternative Motion:

- 2) authorize the City Manager to release a Request for Proposal (RFP) for a qualified consultant to prepare focused updates to the Program Environmental Impact Report (EIR) pertaining to the Focus Updates and East Downtown Implementation Plan.

Environmental Assessment Status

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

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: