

# Visalia City Council Agenda

For the regular meeting of: MONDAY, December 15, 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

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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.

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## **WORK SESSION AND ACTION ITEMS (as described)**

**3:30 p.m.**

### **Public Comment on Work Session and Closed Session Items –**

- 3:30 p.m. 1. Receive the Citizens Advisory Committee's recommendations for procedural changes and provide direction on the 2008/2009 Public Opinion Survey.
- 3:45 p.m. 2. Mid-year report by Glenn Morris, CEO, Visalia Convention and Visitors Bureau.
- 4:10 p.m. 3. City-wide Code Enforcement Status Report; first reading of Ordinance amending Sections 8.40.060, 15.44.050, 15.44.070 and 15.44.160 of the Visalia Municipal Code revising Code Enforcement Inspections and Violation Notices; authorization of receivership process and use of Visalia Municipal Code Section 15.44.240 noticing property owners with rental housing used for drug activity. **Ordinance 2008-15 required.**
4. *Item removed at the request of staff*
- 4:35 p.m. 5. Authorize selection of New Animal Control Facility (ACF) Site.
- 5:00 p.m. 6. Approval of representatives on the General Plan Update Review Committee to work with staff on a Focused Update of the General Plan Land Use Element and Program EIR.

*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)**

7. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of G.C. §54956.9)  
Name of Case: Vadnais v. City of Visalia TCSC #08226539
8. Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: two potential cases

## **REGULAR SESSION**

**7:00 p.m.**

### **PLEDGE OF ALLEGIANCE**

**INVOCATION** - Reverend Jim Rouse, Visalia Rescue Mission

### **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.

9. **INFORMATION ITEMS** (no action needed) - Receive Planning Commission Action Agenda for the meeting of December 8, 2008.

### **CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION**

10. **CONSENT CALENDAR** - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
  - a) Authorization to read ordinances by title only.
  - b) Authorize changes to the non-profit grant funding application process as recommended by the Citizens Advisory Committee.
  - c) Award the construction contract for the Highway 198 Overcrossing at Santa Fe Street to the low bidder Agee Construction Corporation in the amount of \$5,360,147.10. Project # 3011-00000-720000-0-9236.

- d) Approval of the 2008/09 Transit Agreement with Tulare County.
- e) Award of design contracts to the RRM Design Group for the design of the Packwood Creek trail from County Center to 1,100 ft east of Mooney; and to Sierra Designs for the design of the St. John's Riverwalk project at Ben Maddox and the St. John's River and authorize the City Manager to execute the consultant agreements for each project.

*Authorize Notice of Completion for the following:*

- f) Parcel Map 2007-06 (Orchard Walk East – a commercial property located at the NE corner of Riggin Avenue and Dinuba Blvd. - 6 lots).
- g) Construction of Parking Lot 44 Improvement Project at Tipton Street and Oak Avenue, with the final contract amount of \$102,687.54. Project No. 4511-720000-0-0-9377-2007.
- h) Renovation of the Plaza Park irrigation system, Project 0011-0-72-0-9754, for the construction of on-site improvements at a final cost of \$605,005.14.
11. Authorization to prepare and release a Request for Proposal (RFP) for the retention of a consultant to complete an economic study analyzing whether a rent control program for the mobilehome parks in Visalia is economically warranted and authorization to select and contract with a consultant for such study.
12. **PUBLIC HEARING** - Appeal of Historic Preservation Advisory Committee action HPAC 2008-18, filed by Mr. Wayne Atkins, to change exterior stairs for 944 S. Court Street.
13. Hearing to adopt a Resolution of Necessity on portions of the following properties to acquire real property by Eminent Domain for the Ben Maddox Way Bridge widening project: Portions of Mary's Vineyard (APN: 100-020-011, 012, 013); Portions of 1375 E. Mineral King (Galante/Flyers; APN 100-030-015); Portions of Galante - No situs (APN: 100-030-005, 007, 018) east and west of highway entrance/exit north of Noble; Portions of Wal-Mart - 1819 E. Noble (APN: 100-040-038, 100-050-001, 100-050-007). **Resolution 2008-60 required.**
14. **PUBLIC HEARING** authorizing the formation of Revised Underground Utility District No. 19 along Walnut Avenue from 300 feet west of centerline of Mooney Boulevard (State Route 63) to approximately 140 feet east of the centerline of Central Street. **Resolution 2008-61 required.**
15. Review and accept the FY 2007-08 Measure T Audit Report, as recommended by the Citizens Advisory Committee (CAC).

**REPORT ON ACTIONS TAKEN IN CLOSED SESSION**

**REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS**

**Upcoming Council Meetings**

- Monday, January 5, 2009, Work Session 4:00 p.m. Regular Session 7:00 p.m. - Council Chambers, 707 W. Acequia, Visalia
- Monday, January 12, 2009, 6-8 p.m., Joint Meeting of Visalia City Council and Visalia Unified School District Board of Trustees, Convention Center, 303 E. Acequia, Visalia
- Tuesday, January 20, 2009, Work Session 4:00 p.m. Regular Session 7:00 p.m. Council Chambers, 707 W. Acequia, Visalia

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

*In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services. Any written materials relating to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291, during normal business hours.*

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 1

**Agenda Item Wording:** Citizens Advisory Committee (CAC)  
Requesting Direction from Council for 2008/2009 Public Opinion Survey.

**Deadline for Action:** n/a

**Submitting Department:** Citizens Advisory Committee

**Contact Name and Phone Number:** Dirk Holkeboer, Citizens Advisory Committee Chairman, 651-1000 ext. 631  
Kim McGee, Staff Liaison to CAC, 713-4391

**Recommendation:** In previous years, the Public Opinion Survey has been conducted solely by placing telephone calls to residents from a random list of land line telephone numbers. The Citizens Advisory Committee recommends the following two major procedural changes in the Public Opinion Survey methods this year:

- 1. **Utilize the "in-person" survey method instead of telephoning by allowing the Citizens Advisory Committee to:**
  - (a) select four supermarkets – one in each quadrant of the city and conduct surveys at the supermarkets on weekends until 100 responses from each quadrant is received. The CAC will select four different chains of supermarkets - one in each quadrant - to further strive for a diverse sample representative group of survey respondents.
  - (b) implement demographic controls by tracking demographics on completed surveys and targeting underrepresented groups while conducting the in-person surveys.
  - (c) provide a small thank-you gift should be given to each survey participant at the time they complete the survey to reward participation.
- 2. **Conduct an interactive survey on the City's website utilizing survey software.** The information acquired from the interactive survey should be used as a comparative to the in-person surveys. A separate analysis of the interactive surveys will determine if the responder's demographics mirror the demographic makeup of the in-person surveys and it will provide additional useful information for the Council and for future direction of the Public Opinion Survey.

**Summary/background:** Some concerns exist about the validity of the telephone survey method of conducting the annual Public Opinion Survey and whether the demographics from

**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 random telephone survey are a valid representative sample of the citizens of Visalia. The Citizens Advisory Committee would like to recommend some procedural changes in conducting the 2009 survey that should improve the survey results.

The Public Opinion Survey has most recently been conducted by calling citizens from a random telephone list based only upon residential land lines. Citizens Advisory Committee members have found in recent years that this random calling to residences resulted in many unanswered calls, telephone answering machines, and people who didn't want to participate in the survey. Today, many people carry only cell phones and no longer have land line telephones at their homes, so the survey callers were not able to reach this part of the population. Also, with random calling, there is no way to measure whether those citizens who participated were a good representation of all areas of the city and it takes many evenings of calling to reach 400 survey respondents. Another area of concern was that those who answered their telephone and wanted to participate were mostly older or retired citizens, so again, the random calling was missing certain demographics of the city population.

*Demographics:*

These concerns are brought out by an examination of the 2007/2008 Public Opinion Survey's demographics. As shown below in Table I, U.S. Census vs. 2007/2008 Public Opinion Demographic information provided by the most recent U.S. Census for the City of Visalia further reveals that the telephone surveys do not represent Visalia's demographics.

TABLE I  
U.S. CENSUS vs. 2007/2008 PUBLIC OPINION DEMOGRAPHICS

	Year 2000 US Census	2007/2008 Public Opinion Survey Respondents	Difference
Male	48%	39%	-9%
Female	52%	61%	+9%
Family Households	74%	79%	+5%
Non-family households	26%	21%	-5%
Owns Home	63%	80%	+17%
Rents	37%	17%	-20%
Age 18 to 34	31%	16%	-15%
Age 35 to 54	41%	27%	-14%
Age Over 55	28%	57%	+29%
Caucasian	55%	77%	+22%
Hispanic/Latino	36%	16%	-20%
African American	2%	2%	-
Asian	5%	2%	-3%
Other	2%	3%	+1%
Median Income	\$41,349	\$63,292	+\$21,943

As the above chart clearly shows, the differences in the demographics for Visalia from the most recent US Census for Year 2000 compared to the 2007/2008 Public Opinion Survey clearly show that the method used for conducting the survey missed significant segments of Visalia's residents.

The greatest disproportions show that the survey respondents were home owners (17% more than the census shows), over 55 (29% higher than the census), and Caucasian (22% higher). Also, while \$41,349 is the median income as shown by the U.S. census, the median income by respondents is \$63,290. Additionally, the survey respondents who were Hispanic were 20% fewer than shown by the US Census as the percentage of the Visalia population.

*Alternative Options to Recommendations:*

Staff has investigated and participated in discussions with the Citizens Advisory Committee resulting in alternative options to consider for improving the Public Opinion Survey in addition to the CAC recommendations.

1. Focus groups – this method is not scientific in sampling, but it is an option to consider.
  - Survey responses could be sought at different events depending on what demographic we are seeking to add to our responses.
  - The surveyors could attend events in the community and distribute surveys at the each event.
  - Again, some form of encouragement to participate would assist in gathering responses.
  - This option could also be used as a supplement to another method.

This method would not be random in nature because particular groups would be targeted. It would be better used accompanying another method.

2. Monitored demographics.

- Continuing the present method of surveys using telephone calls, the callers could monitor the demographics as responses are given and target surveys in underrepresented groups by asking questions about the demographics first, then if we already have a representative sample from that group, thank the person and move on to the next call.

This method would still miss the residents who don't have land-line telephones and it would extend the number of call nights. There were nine call nights to get the responses needed for the 2007-2008 survey.

*Recommendations:*

Through our discussions, the Citizens Advisory Committee suggests that this year be a year of transition for the Public Opinion Survey to determine what method works best to adopt for future surveys. The CAC is interested in trying some new methods as follows if council agrees:

1. The Citizens Advisory Committee recommends for the purposes of the official Public Opinion Survey for 2008/2009 to utilize the in-person method by selecting 4 different supermarkets – one in each quadrant of the city to conduct in-person surveys on weekends until 100 responses in each quadrant is received.
  - A method of tracking demographics on completed surveys and targeting underrepresented groups should be used while conducting the surveys at the supermarkets.
  - This recommendation has two additional options as follows:

- a. A small participation reward is recommended.
- b. This method of solicitation may also be attempted with no offer of a reward for participation.

2. Additionally, the Citizens Advisory Committee recommends utilizing the survey software with staff assistance by setting up a separate interactive survey to be available on the city's website.

- Notices to citizens would be e-mailed utilizing the Parks & Recreation Department e-mail database with a link to the survey.
- Send inserts in garbage bills with website information and instructions on how to complete the survey.
- Survey responses would be received on an on-going basis beginning in January until the maximum number of responses that the software allows are received (5000).
- This on-line survey will be informational only and a report will be prepared separately from the official survey being conducted at supermarkets.
- The separate report will allow staff to analyze the on-line survey results and compare them to the in-person method to determine how to better proceed with the surveys in the future.

The Citizens Advisory Committee believes that expanding our methodology for acquiring survey responses will enhance the representative sample of respondents future Public Opinion Surveys.

The Citizens Advisory Committee requests direction from the council as to how they prefer the 2008/2009 Public Opinion Survey to be conducted and whether there will be funds available to offer a small gift for participants to encourage responses from citizens.

**Prior Council/Board Actions:** The public opinion survey is presented to Council for review and consideration on an annual basis. No prior actions have been taken regarding future direction.

**Committee/Commission Review and Actions:** The Citizens Advisory Committee has reviewed options and offers their recommendation as explained above.

**Alternatives:**

1. Adopt the Citizens Advisory recommendation, except with no offer of reward for participation.
2. Continue the random telephone survey as in years past, except to implement demographic controls for a representative sample.
3. Attend local events to distribute copies of the survey implementing demographic controls for a representative sample.
4. Further direction as to how council wishes to proceed.

**Attachments:** None.



**Recommended Motion (and Alternative Motions if expected):**

Adopt the Citizens Advisory Committee recommendation for in-person and website survey formats for the 2008/2009 Public Opinion Survey.

***Environmental Assessment Status***

**CEQA Review:**

n/a

**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:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 2

**Agenda Item Wording:** Mid-year report by Glenn Morris, CEO, Visalia Convention and Visitors Bureau.

**Deadline for Action:** N/A

**Submitting Department:** Administration

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

**Department Recommendation:**

It is recommended that the City Council receive and comment on the mid-year report from the Visalia Convention and Visitors Bureau (CVB) which will be presented by Glenn Morris, CEO of the Visalia Convention and Visitors Bureau.

**Summary/background:**

The CVB will be presenting a mid-year report focusing on their recent marketing, promotion and sales efforts, with an emphasis on changes in convention sales. Earlier this year, the report on the Convention Center operations that was conducted by HVS convention, sports and entertainment consultants indicated that overall, the Convention Center was operated appropriately, but that a significant number of potential meeting planners were not aware of the meeting potential in Visalia. Both the Convention Center and the Convention and Visitors Bureau have been working together to revamp the marketing and sales efforts into a more targeted approach. This report will outline recent accomplishments in tourism, and the changes to the marketing and sales efforts.

**Background:**

In 2005, the Visalia City Council formed a task force to review how convention and visitor services were operated in Visalia. The task force reviewed several successful CVB formats and recommended that Visalia's services be handled by a non-profit organization. During the formation process, the Bureau was under the auspices of the Chamber of Commerce. In 2007, it became an official independent non-profit organization with a 15-member independent Board of Directors. Since 2006, the Visalia City Council has funded the CVB at a consistent level of \$239,000 annually. In addition, the City of Visalia funds visitor marketing and promotion through

**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 12708**

**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 Tulare County Economic Development Corporation. This fiscal year's contribution to area wide tourism is an additional \$20,974.

The City of Visalia has three members on the CVB Board, two Council representatives and the Manager of the Convention Center. The current board is comprised of:

Joe Kuhn	Marriott Hotel	Board Chair
Anil Chagan	Infinite Hospitality	Vice Chair
Wally Roeben	Visalia Convention Center	Treasurer
Amy Shuklian	Visalia City Council	Executive Committee
Samantha Rummage	Holiday Inn Hotel & Con Cnt	Past Chair
Robert Lee	Lamp Liter Inn	Board Member
Sue Sa	Sue Sa's Creative Catering	Board Member
Greg Collins	Visalia City Council	Board Member
Kathleen Remillard	Creative Center Foundation	Board Member
Cathy Parker	Premier Color Graphics	Board Member
Mark Tilchen	Sequoia Natural History Assn	Board Member
Greg Kirkpatrick	Kirkpatrick Farms	Board Member
Tom Seidler	Visalia Rawhide	Board Member

(Currently one food service position is vacant)

**Prior Council/Board Actions:**

- 2005 – formed task force to review CVB organization
- 2006 – Council funded an independent CVB organization
- 2007 & 2008 – Council approved a contract for services with the CVB.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

- Copy of CVB Report
- Copy of current contract work program

**Recommended Motion (and Alternative Motions if expected):** None required.

# MEMORANDUM

TO: Visalia City Council

FR: Visalia Convention & Visitors Bureau

DT: 3 December 2008

The purpose of this memorandum is to update the members of the Visalia City Council on the activity of the Visalia Convention & Visitors Bureau pursuant to professional services agreement that the Bureau enjoys with the City.

This report will provide some baseline background on the organization and operation of the Convention & Visitors Bureau as well as details about the programs and activities of the Bureau in the following specific areas:

- Regional Tourism
- Major Events
- Community Event Coordination
- Convention Sales Program

## BACKGROUND

The Visalia Convention & Visitors Bureau (CVB) is an incorporated non-profit agency organized for the purposes of promoting the City of Visalia as a destination for conventions, large group events, and general tourism. The CVB was incorporated in 2006, under the facilitation of the City of Visalia and a citizens' Visitors Task Force, to develop and implement marketing programs, provide visitor information, and serve as a one-stop service for meeting planners and tour promoters.

The CVB operates under the direction of a 15-member board of directors, of which four members represent the hotel industry, two members represent the food service industry, three members represent the City of Visalia, and six members represent hospitality and related businesses at large. The CVB currently has a staff of two full-time professionals, a part-time information specialist, and a part-time executive director. Funding for the CVB operations comes primarily from our relationship with the City of Visalia, with additional revenues being received from membership sales, cooperative marketing programs, and special events. The CVB's contract with the City of Visalia started at \$239,000 for FY2006-2007 and has been renewed annually with no increases.

The adopted budget for the CVB for FY2008-2009 is roughly \$270,000. Of this amount, roughly one quarter is spent directly on marketing (e.g. advertising, trade shows, etc.). This represents a change in strategy from past years when close to 45% of our budget was

dedicated to activities of this type. The change this year represents the desire of the Board of Directors to concentrate more on direct selling rather than passive marketing. Consequently, personnel related costs were increased from 42% of the budget to 61%.

The budget is also divided between Tourism Promotion and Convention Sales activities. When personnel costs are included, the split is 51% Tourism Promotion to 49% Convention Sales; without personnel costs, the split is 61% Tourism to 39% Convention.

## **REGIONAL TOURISM**

The CVB has enjoyed success in creating a tourism promotion program for the City of Visalia and the surrounding area. In large part, this has been accomplished via the regional tourism partnership — Sequoia Valley Visitors Council — which the CVB has been instrumental in establishing and nurturing. The regional council includes representatives from most of the cities in Tulare County, the County itself, the National Park and National Forest Services, and several private organizations which have a stake in tourism. Much of our outreach marketing activities (e.g. advertising in the California state Visitors Guide, participation in travel shows in LA/Orange County and the Bay Area) are done collaboratively through the regional partnership, allowing us to do more with the resources we all bring to the table.

### Online Marketing and Information

Given the limited resources we have to work with and the potential mass reach available via the internet, the CVB has focused much of its tourism information efforts on electronic media. Our website ([www.visitvisalia.org](http://www.visitvisalia.org)) contains a significant amount of information helpful to individuals visiting our area, including suggested day trips, references for lodging, dining, and attractions, and historical/cultural background information. The site today receives an average of just over 135,000 visits per month. Additionally, the website currently generates an average of 70 specific requests for visitor guides or other print materials each month. Of note, it is our regular experience that the CVB site is one of the top five listings that come up now in Google searches for phrases related to tourism and the Sequoias.

The site is currently being redesigned to make it more user-friendly and to add additional marketing functionality.

In terms of outreach marketing, the CVB currently produces a regular electronic newsletter highlighting activities of interest to tourists in our area. This e-blast is distributed to approximately 1,000 individuals.

Another example of a successful electronic marketing effort has been our partnership with a travel-focused “electronic magazine/radio show” known as the Big Blend Magazine. This program produces a web-based radio program with a listenership (live and follow-up online) of nearly 100,000 people. The CVB has coordinated approximately 12 features on regional attractions, artists, and events over the past 18 months on this program. In addition, on their website we have included profiles of the communities in our area, event calendars, and features on the National Park, National Forest, and the Kaweah Oaks Preserve. These pages currently generate some 70,000 views per month as well.

### Resources for Visitors

One of the key areas of emphasis for the CVB is making sure that visitors to our community have easy access to information about their options. To accomplish this, we have collaborated with Valley Voice Publishing for the past several years on the publishing of the *Discover Tulare County Visitor Guide*. This bi-annual magazine has served as the primary tourism information piece distributed by the CVB. The publication is available in local hotels, on street racks, and has been placed in several of the California Welcome Centers by the CVB.

The CVB has also been a key partner in the production of several other key resources which have been published by the regional tourism partnership. These include a Farm Trails Map and a Mural Trails Map, both of which have proven very popular with visitors and locals. A third map in the series (Outdoor Recreation Trails Map) is currently being produced as well.

The CVB now staffs a Visitors Center at the Chamber of Commerce to receive visitors, assist them with their planning and resource needs, and to refer them to local businesses which can meet their needs. A CVB staff member manages the Center directly about half-time; additional staff members cover the center on an "on call" basis the rest of each day.

In order to extend our visitor information services further, we are currently in the planning stages for a series of interactive kiosks which would be placed at key locations (including potentially a portable unit which could be used at major events) around the community. The kiosks, which essentially offer touch-screen versions of our databases and websites, will allow guests to self-select information they need, get directions, and potentially make reservations or purchase tickets – 24 hours a day. While the kiosks will require a significant initial capital investment, they will significantly expand our ability to put current information directly at the fingertips of visitors.

#### Focus on Extending Stays

One of the priorities the CVB established early for our Tourism Promotion program was to work toward extending the average stay of a visitor, making our area a destination, rather than a stop on the way somewhere else.

One of the key tools we have developed in this regard is a series of themed itineraries which are available on our website and distributed via our visitor information systems. Each itinerary includes recommended activities for one-day, two-day, and three-day trips. Currently, itineraries exist for the following themes:

- Arts & Culture
- Eco-Tourism
- Farms & Ag
- Gourmet Adventures
- Sequoia National Park
- Western Americana

We are currently working on adding two additional itineraries, one focusing on family/kid friendly activities and another building on the Amgen Tour of California opportunity which will highlight Cycling Adventures.

Similar to these itineraries, the CVB is also working with several local groups to develop a series of Progressive Historical Dinners which would feature historical buildings and stories, while

highlighting the varied cuisine of Visalia. The dinners will likely be scheduled quarterly to start with and will be offered in partnership with our hotels. They will also be available to conventions or other groups coming to Visalia on a special request basis.

## **MAJOR EVENTS**

As part of our effort to increase the visibility of Visalia and the surrounding area, the CVB has become involved in two major events, one local and one statewide. We are engaged in these events to raise awareness of the tourism assets that the community offers to potential visitors, develop a reputation for our area as one that has the ability to effectively produce large scale events, and to provide support for area businesses which offer services and experiences for visitors and local leisure.

### Sequoia Adventures Expo

The Sequoia Adventures Expo was launched in the spring of 2008 as part of a new strategy within the CVB's tourism promotion efforts. Designed primarily to introduce regional residents to the tourism and leisure assets which we generally promote to out-of-area visitors, the Expo gives businesses and organizations which cater to tourists the chance to gain awareness among "locals" as well.

The first event featured approximately 60 vendors and attracted several hundred participants, many of whom spent significant amounts of time with vendors exploring specific activities and itineraries which they could use for vacations or recreation. This program will be expanded in 2009 to include more vendors from within the region (defined as Yosemite to the Kern River) and to include additional marketing outreach to increase the size of the public audience. Additionally, marketing training and support will be offered to the participating vendors, many of whom are very small businesses without significant expertise or resources.

### Amgen Tour of California

The Amgen Tour of California (ATOC) will celebrate it's fourth year as the largest professional cycling race in the United States and the third most important in the international circuit. The 2009 Tour will include significant stretches of the Central Valley for the first time, including a stage on Thursday, February 19 which will run from Visalia to Paso Robles. The CVB was responsible for preparing the bid which led to Visalia's selection as a host city for the 2009 Tour and is serving as the lead support agency for the local organizing committee.

In addition to the expected 5,000 to 7,000 spectators who will be in downtown Visalia on the 19<sup>th</sup> of February and the resulting publicity which will come from being part of a major international sporting event, the CVB became involved in this event primarily to create and promote awareness of our community as a site for major sporting events.

The CVB Board of Directors adopted as a key strategy for our current fiscal year a new emphasis on sports tournaments and events as a target of our sales and marketing efforts. The 2009 Tour is our entry into that world.

## **COMMUNITY EVENT COORDINATION**

In the summer of 2008, the CVB launched a new community-wide online calendar portal intended to be the central source of information about activities and events in the community.

The web-based program is available at no cost to non-profit organizations, local event organizers, and anyone else who is creating entertainment, cultural, or recreational activities for the general public. The calendar is expected to become the one-stop reference for events in Visalia and the surrounding area.

The calendar has been designed with a generic community brand so that it could be utilized by any organization without any implied endorsement of specific agency. The calendar can be viewed online at [www.visaliainc.com](http://www.visaliainc.com), or by selecting the community calendar link on the CVB's website, the City of Visalia's website and soon the websites of other partner organizations like the Chamber of Commerce, Arts Visalia, and others.

### **CONVENTION SALES PROGRAM**

Since its inception, one of the key missions for the CVB has been to identify events which would be appropriate to be held in Visalia and to take the lead in selling Visalia and our meeting facilities to the planners/promoters of these events. A significant portion of our annual budget has always been dedicated to this activity, with admittedly mixed results. During the past year, the leadership of the CVB evaluated the success of our efforts in this area and determined that a new strategy was needed. This analysis was confirmed by the report commissioned by the Visalia Convention Center and prepared by HVS Consultants which showed that Visalia suffers from very low brand recognition among professional meeting planners and is not currently recognized as a viable option among many decision makers as a location for holding professional, trade, or organizational events.

As a result of this review, changes were made in CVB personnel and budgets. Specifically, the following steps were or are being taken to strengthen the CVB's effectiveness as a convention sales organization beyond our success as a tourism marketing organization.

- Convention Sales Manager. The CVB has hired a new sales manager to lead our convention sales effort. The individual selected has several years of direct CVB experience prior to joining the Visalia team. Rather than having this individual live and work in Visalia, we located our sales manager in the Sacramento metro area as that is where the vast majority of our potential customers are located. This approach was selected in order to give the sales manager greater opportunities to become integrated into the marketplace she will be selling to and to maximize her "time on task," while minimizing travel time and costs. While the transition to a more experienced sales executive located in Sacramento required increasing our personnel budget, we expect that her ability to directly engage in sales calls and activities on a regular basis will generate greater returns over time than a similar investment in print ads, trade show booths, or "sales visits" from out of town.
- New Sales Strategy. In addition to making a personnel change, the CVB has also developed a new sales strategy which is designed to identify organizations with a higher potential for holding meetings in Visalia. The strategy, which is being led collaboratively by the CVB Convention Sales Manager and the Convention Center Sales Manager involves the following elements:
  - First, our database of prospects has been increased several fold. Membership directories from several statewide professional organizations, including



professional meeting planners, government meeting planners, and association (including agricultural organizations) executives have been added to our databases over the summer. The current tracking database maintained by the CVB now numbers in excess of 1,500 individuals.

- Second, our database is being qualified and segmented to allow for targeted communications. Sales staff for the CVB and Convention Center are reviewing the organizations listed in our database and applying a series of qualifying filters against them to determine if they fit our profile of an organization most likely to bring a city-wide convention to Visalia. The filters include:
  - Group holds regular meetings for between 200 and 800 attendees and which run over multiple nights
  - Group draws attendees from statewide audience
  - Group has demonstrated a willingness to meet in second or third tier cities

Our expectation is that this exercise will generate a primary target list of 300 to 500 prospects from within the total database. We also expect to uncover a large number of opportunities which, while they don't meet the criteria of a city-wide event, could be serviced well by individual hotels or meeting facilities within the community. These leads will be turned over to our partner properties for them to pursue on their own.

- A new branding piece, featuring the tagline *Visalia – Central to Your Group's Success* has been developed and will be direct mailed to key prospects in the CVB's database on approximately an every-other-month basis. This mailing piece is designed to be customized each time with a specific benefit message, while still carrying a consistent brand message to build and secure overall awareness within the convention planning marketplace.
- An electronic newsletter has been designed which will be distributed to all prospects in the CVB database each month. The first edition was sent in November, 2008, and carried an overall "introducing Visalia" message. Subsequent issues will focus more specifically on key selling benefits including the Convention Center, our local hotels, the broad array of dining and entertainment options in the city, and the benefits of being able to "drive, not fly" to a central location within the state. The system being used to distribute the electronic newsletter allows us to track specifically which recipients open the piece, whether they follow links to additional information, or in other ways demonstrate additional interest, thereby allowing us to target follow-up communications to the most interested parties.
- Collaborative and Focused Sales Efforts. The final piece of our new approach is a more effective partnering focus between the CVB and its member properties. Sales professionals representing the CVB, local hotels, and the Convention Center are already making joint sales calls to present a "one-stop package" approach to prospective clients. At the same time, the sales teams are making a greater effort to focus on different parts of the market, thereby expanding our overall reach. For instance, the CVB takes the

lead when a prospect represents a potential city-wide event, while the Convention Center leads when a prospect is uncovered who might bring an event needing large space but few sleeping rooms.

Another area where the CVB and properties have begun to collaborate is by sharing the costs of incentives that are determined to be needed in order to secure a particular event for the city. An example of this would be a case where a convention is requesting a free shuttle to help their guests who are staying at non-downtown hotels get to and from the convention center. The CVB and its partners recently agreed to a collaborative approach whereby all participating parties would share in the cost of this incentive on a total revenue proportion basis. Criteria have been established and the sales managers from the various properties now have the collective authority to add this kind of a tool to their sales efforts as needed.

The new approach to Convention Sales that has been undertaken by the CVB will take some time to generate significant returns. However, based on some very early results, we are encouraged. Specifically, in the past 60 days, we have generated Request for Proposals for 5 groups, representing a potential 5,200-plus visitors and roughly \$850,000 in economic impact and increased tax receipts.

### **SUMMARY**

Tourism and Conventions are a growing part of the local economy. We are seeing increased investment in terms of new hotels and hotels that are remodeling and expanding their facilities. Transportation Occupancy Taxes continue to increase, although we expect to see some slippage in the second quarter of this fiscal year due to the economic downturn.

That said, we have a lot of work yet to do, particularly in the Convention Sales arena to create a reputation for Visalia as a unique, attractive location for Californians to do business, conduct trainings, and enjoy recreating.

## **EXHIBIT "A"**

The work contracted for under this AGREEMENT is intended to generate and enhance tourism and convention attraction in CITY. The work by the Visalia Convention and Visitor's Bureau, shall generally include, but not be limited to:

- **Organizational Matters**

Operated the Bureau as a separate entity known as the Visalia Convention and Visitor's Bureau (VCVB). Maintain a separate, non-profit organization. Hold regular monthly Board and Executive Board meetings. Maintain a separate fiscal accounting for the Bureau, and include regular financial reports to the Board and an annual report to the City that summarizes the activities undertaken to implement the contract points described herein.

- **Continue implementation of a membership program to offset any additional budget needs.**

Any membership program shall include a membership for the Visalia Convention Center based on the contribution included in this contract.

- **Convention Sales**

Sell Visalia as an optimum convention location for multiple day events. In the case of smaller conventions that would generally only involve one hotel property, the CVB will generate the lead and provide all pertinent information to all appropriate properties in a timely manner. When a convention has the potential to involve multiple properties, the CVB will generate the Request for Proposal and coordinate the proposal submission.

Generate leads that result in at least new 3,000 convention room nights within the City of Visalia. Rebooking of previous conventions that have been held within the last three years are not considered new events.

The CVB board will receive monthly updates showing prospective events that have been added to the proposal pipeline, their current status, and their projected room nights.

Process and track Requests for Proposals for all citywide rebookings, and for any citywide leads generated by other properties. Copies of all Visalia proposals for Citywide events, whether generated by the CVB or another source, will be provided to all proposing properties.

Aggressively identify and work with local leaders who are in positions of influence for professional, industry, and other statewide events. These contacts are to be tracked, and included in regular reports to the Board, and in the annual report to the City.

Begin to develop a plan for marketing Visalia as a destination for a variety of sporting events including soccer, softball, basketball, wrestling, boxing and other applicable sports.

- **Convention Servicing**

Bureau to continue servicing conventions including arranging, upon request, for tours, spousal activities, special events, housing, and fulfilling other special requests by the convention organizer.

- **Trade Show Attendance**

Attend important and effective trade and travel shows associated with the business of tourism and convention attraction and following an analysis of the benefits versus the cost effectiveness of doing so and the degree to which the City of Visalia's exposure will be enhanced. It is important that close connections be established with Visalia hotels and the convention center. Representatives from these entities should be invited and encouraged to participate with the Bureau at each trade show.

A report on each tradeshow should be included in each monthly report to the CVB Board. An overall analysis of tradeshow activity should be included in the annual report to the City. The analysis on the benefit of each show should examine the return on investment of each show including the number of leads generated, number of proposals requested and other industry standards.

Any leads generated from a Trade Show shall be distributed to the Visalia Convention Center and the Visalia hotel properties within one week of the trade show.

- **Meeting Planner Contacts**

It is important that previous contacts with meeting planners be continued, especially those established with the meeting planners in the Sacramento area. The Bureau staff should make regular contacts with meeting planners in the Sacramento area, and should also develop a strategy for developing the southern California and other markets. Visalia hotel and convention center staffs should be invited to participate. A review of the success of these trips should be included in regular reports to the Board and in the annual report.

- **Collaborate with regional partners to develop a region-wide tourism marketing plan**

Visalia CVB will continue to play a leadership role in the Sequoia Valley Tourism organization (Tulare County EDC) in pushing for greater cooperation on tourism marketing and in securing additional funding from the County, other communities, and related industry and/or non-profits.

Work with the county EDC and other partners to develop a comprehensive marketing plan for 2008-2009, and present that plan, including Visalia's contributions to the plan, to the CVB Board by September 15, 2008. Regular updates are also to be included at CVB Board meetings.

- **Tracking System**

Create a system to track tourism, in coordination with local hotels, through walk-in traffic, through 1-800 calls, through responses to advertising, and other appropriate mechanisms. In particular, a system for quantifying the success of the CVB's tourism activities is to be developed. The product of Bureau's tracking efforts shall be included in regular reports to the Board and in the annual report to the City.

- **Brochures and Publications**

Bureau will maintain, enhance and distribute tourism brochures and publications. Copies of new publications should be included in the quarterly and annual report. Said publications should include:

- a. Visitors Guide
- b. General interest/information brochure promoting Visalia and its attractions with information on Sequoia and Kings Canyon National Parks, and continue to print/produce an adequate number of the brochures and publications to distribute to the public and to provide to City's Convention Center and City Manager's Office so that each location may distribute same to the public.

- **Advertisement**

Bureau to continue to advertise in publications that enhance Visalia tourism and convention attraction. An analysis of the benefits versus the cost effectiveness of each ad and the degree to which the City of Visalia's exposure will be enhanced, and copies of the ads, should be included in the annual report.

- **Walk-On/Bus Tours**

Bureau to continue to conduct to track bus tours attracted by the CVB, and a tracking of the tours services by the CVB, including the level of service. The Bureau will continue to conduct walk-on tours with bus companies to the extent feasible and to refer these walk-on tours to Visalia hotels and attractions. Bureau to focus on attracting large tour company bus tours through attendance at tradeshow, marketing, direct mail/advertising, telemarketing and in cooperation with local Visalia hotels.

- **National Park Promotion**

Bureau to maintain contacts with National Parks and feature parks to enhance tourism, and work directly with the City and the National Park to promote both the Gateway Shuttle and the internal shuttle in the Sequoia National Park.

- **Mini-Tours**

Bureau to develop tours such as those described in the Sequoia Regional Visitors Council marketing report. New tours, and how both existing and new tours are promoted to and utilized by tourists, are to be included in the annual report.

- **Web Site**

Update the website on a continual basis, and update applicable website links for major features, including the Sequoia Shuttle, all hotels, and the See and Go options on a regular basis.

Update website on an ongoing basis, with attractions added on at least a quarterly basis.

Provide an analysis of website traffic and activity to the CVB Board on a regular basis, and in the annual report to the City.

- **Visitor Site**

Establish and stock a Visitor Information Center that is open and available during usual and normal business hours with a goal of having visitor information readily available during non-business hours.

- **Organizational Membership**

Maintain memberships in important and effective organizations that are in the business of tourism and convention attraction following an analysis of the benefits versus the cost effectiveness of doing so. The benefit derived from such memberships is primarily the ability to generate tour and convention leads through attendance at industry trade shows. Additionally, in some instances, trade publications are made available exclusively to members. An analysis regarding the benefit of membership in each association shall be included in the annual report including an assessment on whether continued membership is worthwhile, is to be presented to the CVB Board annually.

The benefit derived from the foregoing memberships consists primarily of the ability to generate tour and convention leads through attendance at industry trade shows. Additionally, in some instances, trade publications are made available exclusively to members. Membership also promotes interaction with people and organizations with similar interests in tourism.

An analysis regarding the benefit of membership in each association shall be included in the annual report including an assessment on whether continued membership is worthwhile.

# City of Visalia Agenda Item Transmittal

**Meeting Date:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 3

**Agenda Item Wording:** 2008 City Wide Code Enforcement Status Report including a recommendation for implementation of a Substandard Housing Inspection Program involving several text amendments.

**Deadline for Action:** None

**Submitting Department:** Housing and Economic Development

**Contact Name and Phone Number:**

Ricardo Noguera, Housing & Economic Dev Director 713-4190  
Tim Burns, Neighborhood Preservation Manager 713-4172  
Jason Salazar, Police Lieutenant 713-4102  
Charles Norman, Battalion Chief 713-4265  
Norm Goldstrom, Associate Engineer 713-4638  
Alex Peltzer, City Attorney 636-0200

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**Department Recommendation:**

- Receive Status Report for 2008 City Wide Code Enforcement efforts
- Authorize introduction of Ordinance 2008-15 making text amendments to the Visalia Municipal Code to increase the applicability of mandatory three year inspections for substandard properties, clarify enforcement capabilities and provide for continuity in the appeal process involving different Visalia Municipal Code Titles

**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.

- Authorize use of the Receivership process to abate nuisance properties.
- Authorize use of Visalia Municipal Code Section 15.44.240 noticing property owner's with rental housing used for drug activity.

### **Summary/background:**

The City of Visalia has been actively engaged in code enforcement efforts for the past several years. These enforcement activities are undertaken by several departments including: Police, Fire, Public Works, Parks and Recreation, Building and most recently the Housing and Economic Development Department. This report summarizes enforcement efforts at the city-wide level. It also introduces code enforcement tools and text amendments which will aid in the City's neighborhood preservation efforts.

### **What is Code Enforcement and its' role in the Community?**

Code enforcement is a function of local government to prevent, detect, investigate and pursue violations of statutes or ordinances regulating public health, safety and welfare, public works, business activities and consumer protection, building standards, land use, or municipal affairs. Potential code violations are referred to code enforcement through citizen complaints, referrals from other departments/agencies (including police and fire).

### **Code Enforcement Activities Carried Out By Various Departments**

Pursuant to the Visalia Municipal Code, enforcement responsibilities are delegated to the various departments throughout the City. The primary departments responsible for code enforcement are:

- Housing and Economic Development Department: Substandard Housing, Contaminated Pools, "Public Nuisance" properties, "Conditional Use" permit compliance monitoring, Land Use and Zoning violations, Non Permitted Signage, Non Permitted Vending
- Visalia Fire Department: Weeds, Junk, Trash, Debris, Private Property Vehicle Abatement
- Visalia Police Department: Aggressive Solicitation, Scavenging, Noise Complaints, Illicit Drugs, Gang Activity, Public Property Vehicle Abatement, Parking and Traffic Complaints
- Parks and Recreation Department: Graffiti Abatement program
- Public Works Department: Obstructions, Street Lights (malfunctioning or not working)
- Community Development Department: Business Tax Certificate, Home Occupation permits, Building Code compliance, Encroachments
- Administration Department: Water Conservation

In certain situations the departments have a shared responsibility.

### **Housing and Economic Development Department Neighborhood Preservation Division**

In 2004, the City took the first step toward establishing a Neighborhood Preservation Division through the hiring of a Code Enforcement Officer. Over the next four years, the Division has expanded to include two building inspectors and two additional code enforcement officers; one code enforcement officer works exclusively in the Oval Park and Washington School neighborhoods while a building inspector was hired this past Fall to work closely with the police department on gang suppression, narcotics, and community-oriented policing activities.

### **Past Accomplishments**

#### **2004-2007 Substandard Housing Accomplishments**

- 2004-185 complaints were received, 173 were closed.
- 2005-198 complaints were received, 165 were closed
- 2006-232 complaints were received, 186 were closed



- 2007-241 complaints were received, 137 were closed

### **2004-2007 Stop Work Orders Issued/Closed**

- 2004-18 were issued, 18 were closed
- 2005-92 were issued, 74 were closed
- 2006-113 were issued, 93 were closed
- 2007-109 were issued, 64 were closed

### **2008 Land Use/Zoning**

- 3,092 Non permitted signs have been removed;
- 65 Non permitted vendors were issued written warnings to cease (this is a new process this year);
- In 2008, 7 “Conditional Use” Permit recipients properties were inspected for compliance (this is a new process this year);

### **2008 Historical Preservation**

- 18 projects have been reviewed by the Advisory Committee;
- 2 committee members and 2 alternates have been appointed by Council;
- The Committee has comprised a letter that will be sent in December of 2008 to Historical property owners reminding property owners of the prerequisites for construction. Letters will be sent out annually in the future as a reminder.

### **Revenue Generation**

- 2003- \$520.00
- 2004- \$1,549.00
- 2005- \$7,102.00
- 2006- \$32,,513.00
- 2007- \$108,641.00
- 2008- \$154,814.00 (as of November 30, 2008), collected to date \$41,734

### **Administrative Citation and Hearing Process.**

.In 2007, representatives from the Police and Fire Departments, the Neighborhood Preservation Division and City Attorney’s Office worked together to finalize the process creating a hybrid procedure that allows for all trained City employees to use the Administrative Citation as a tool to encourage compliance. In June 2007, the Administrative Citation and Administrative Hearing process were implemented. Administrative Appeal hearings are held on the 4<sup>th</sup> Wednesday of every month in the Council Chambers. Since implementation:

- 598 Administrative Citations have been issued city wide;
  1. Police Department- 294
  2. SPCA- 151
  3. Code Enforcement- 85
  4. Fire Department- 50
  5. Water Conservation- 24
  6. Parks and Recreation- 2
- 29 Citations have been appealed, 6 were dismissed;
- \$107,245 in fines have been assessed;
- \$39,505 have been collected ( remaining fines due are either in process, have been tax rolled or sent to collection agency for collection)

### **Neighborhood Preservation Division Accomplishments**

#### **Code Enforcement**

- 918 code enforcement complaints have been received between 1/1/08 and 12/30/08;

- In 2008 1,024 code enforcement complaints have been resolved to date (this number reflects open cases carried over from previous years that have been closed this year);

### **Housing 2008**

- 263 complaints involve substandard housing, 249 have been closed.
- 13 properties have been identified as “Public Nuisance” properties (excessive public safety calls for service) ;
- 13 substandard buildings have been removed by property owners’ at staff’s direction;
- 2 Historical properties have been significantly rehabilitated at staff’s direction;
- 60 Properties are posted as “Unsafe to Occupy”
- 41 “Stop Work” Orders have been issued;
- 48 Contaminated pool complaints were resolved, 7 pools were drained (although this has not been a significant problem in the past with the dramatic increase in foreclosures and the potential health risk from West Nile Virus this became a significant issue in 2007 and staff anticipates that it will remain a high priority in the next year);
- 27 Vacant/abandoned unsecured properties have been boarded.

**Note: in some instances the homes which were posted as “Unsafe to Occupy” also required boarding and/or pool draining.**

### **2008 Code Enforcement Complaint Profile**

- 659 Single family residences
- 25 Duplexes
- 17 Triplexes
- 23 Fourplexes
- 15 Complexes with 5-8 units
- 9 Complexes with 9-15 units
- 7 Complexes with 20+ units
- 20 Commercial properties
- 143 Other (vacant parcels, multiple complaint at the same property)
- 321 of the 918 complaints involve rental properties
- 127 of the 321 rental properties involve absentee property owners

### **Subdivision Monitoring Committee (New in 2008)**

In response to the foreclosure crisis and abandonment of new subdivisions still under construction, the City established a Subdivision Monitoring Committee in March 2008. Committee members are:

- Norm Goldstrom, Associate Engineer;
- Don Hunter, Senior GIS Analyst;
- Doug Elliott, Combination Building Inspector.

The goal of this Committee has been to contact developers and/or property owners of the subdivisions to ensure that homes are either completed and sold or demolished. Currently 64 subdivisions are being monitored for compliance. 19 subdivisions have recorded Notices of Completion. 13 Stop Work Orders have been issued to developers who do not have an approved final map improvement agreement and/or bonding in place.

The committee is working with 6 problematic subdivisions that are currently changing ownership through the foreclosure process to maintain a secure compliant site by addressing weed and graffiti abatement and construction abandonment. A total of nine (9) homes have been foreclosed on and are for sale; 5 are still under construction; 10 models are being maintained and for sale; and 4 homes are proceeding through the foreclosure process at this time. All undeveloped parcels are being maintained by the developers.

A process to grant time extensions for justified Subdivision Improvement Agreements is under review by the committee. Once the process is finalized requests will be reviewed by the Community Development Assistant Directors of Engineering and Planning, the Chief Building Official, the Engineering Manager and the Committee Chairman for approval or denial. Implementation of the process will require the adoption of an ordinance which is in the process of being formulated for future Council review and consideration.

### **Housing & Economic Development Department Goals and Objectives for 2009**

The Neighborhood Preservation Division will utilize the following approach for addressing issues city-wide. Primary enforcement efforts will continue to focus on and substandard housing, blighted properties and abandoned and boarded structures. Goals to attain for 2009 are:

- A. Respond to unsecured and contaminated pool complaints within forty-eight hours of receiving the complaint;
- B. Abate 5 abandoned or boarded properties through either rehabilitation or demolition;
- C. Rehabilitate 24 Substandard Properties;
- D. Purchases 6 foreclosed properties;
- E. Assist 4 applicants to become homeowners through the Homeownership Program for Low-income Homeowners;
- G. Inspect all "Conditional Use" Permits for adult businesses, bars and recycling facilities;
- H. Generate \$150,000 in Cost Recovery Fee Revenues.
- I. Corridor Neighborhood Planning: This effort will focus on Locust, Court Santa Fe and Noble Streets to consider commercial zoning along these roadways with considerable traffic
- J. Implement Receivership Program. This is a new program geared toward removal of abandoned and boarded up properties where the owner is unidentifiable or unable to address the deteriorated conditions of their property. A receiver is brought into the process to administer the disposition of the property and eventual demolish, rehabilitate or sell the property. There are minimal costs to the City in this program.

### **Visalia Police Department Accomplishments**

#### **Two Police District Substations**

These stations were opened in July 2007 in accordance with the Measure T Public Safety Plan as well as the Department's commitment to the Community Oriented Policing philosophy. These substations provide a neighborhood presence for the patrol function of the Department to enhance policing efforts within the Districts. (City Wide)

#### **Police Sector Officers**

The Department also revamped its police service sectors reducing them from approximately 50 sectors to 16 sectors with 3-4 officers assigned to each sector. This strategy enhances the community's ability to interact with officers and for sector officers to respond to community needs. (City Wide Effort.)

#### **Public Information Officer**

In addition to having a Police Sergeant assigned as the Department's full-time Public Information Officer, the Department identified a need for greater outreach to the Spanish speaking population in the City of Visalia. As a result, the Department has trained and made available a Spanish speaking Police Officer assigned the collateral responsibility of acting as a Public Information Officer to the Spanish speaking community in Visalia. The Department has sought to improve its relations with the Spanish media in our community and with community groups within the City to improve communications and cooperative efforts with the Department. (City Wide & Oval Area Effort.)

### **Chief's Hispanic Advisory Committee**

This committee was re-established by the Department in order to create greater communication between the Department and leaders within Visalia's Hispanic Community. The group meets once a month to discuss citizen concerns, Police Department efforts within Visalia, and to discuss identified trends and enhance partnerships to address those concerns. *(City Wide Effort.)*

### **GangWatch**

Gang Watch is a program that was implemented by the Department in late 2007. Modeled on the Neighborhood Watch format, Gang Watch seeks to provide information to community members about the origins of gangs, gang behavior and identification, and means for the community to become involved in anti-gang efforts. To date, there have been approximately 60 Gang Watch presentations given to various businesses, community groups, churches, etc. *(City Wide Effort.)*

### **Enhanced Policing in Commercial Areas**

In Spring 2007, the Department expanded its Commercial Policing Unit from the Mooney Boulevard and Downtown Visalia Districts to include the East Main Extension and Mary's Vineyard Districts. This was in response to an increase in calls for service in the Mary's Vineyard and East Main Street areas. This has resulted in increased cooperation and partnerships with the businesses in those areas and had a positive impact on crime on the East Main Street Extension. Prior to this assignment, burglaries, thefts, and transient issues were frequent in that area and have since decreased substantially.

## **Visalia Police Department Goals & Objectives for 2009**

### **Abandoned Vehicle Abatement**

The Department will seek to reduce the number of abandoned vehicles city-wide through 2009 by 10%. The objective of this goal is to reduce community blight and improve quality of life within neighborhoods. The Department will accomplish this goal through the use of directed patrols by Community Service Officers and Department VIPS (Volunteers in Police Service) in cooperation with the Department's Traffic Unit and Sector Officers. In addition, the Department will work cooperatively with the Fire Department to report and address private property abandoned vehicle abatements. *(City Wide Effort.)*

### **Reduce Violent Crime**

The Department will seek to reduce violent crime in the City of Visalia by 5% through 2009. The objective of this goal is to reduce violent crimes such as murder, assault w/ deadly weapons, shooting at inhabited residences, robberies, and assaults, especially those related to gang activity, through the enforcement of the civil gang injunction in the north Visalia safe zone, the use of parole and probation compliance checks, sector officer deployment, and gang enforcement details (SEB, MAGNET, Tulare County Gang Task Force), increased police presence through directed patrol details in high-crime areas. *(Citywide Effort.)*

### **Reduce Increasing Property Crime Trends**

The Department will seek to reduce property crime trends in the City of Visalia by 5% throughout 2009. The past couple of years have seen an increase in thefts involving recyclable metals and copper wire for their recycling value. In addition, other property crimes such as stolen vehicles, vehicle burglaries, and identity theft are increasingly used by criminals and largely associated to narcotics offenses. The objective of this goal is to impact narcotics offenders and their impact on quality of life, as well as to reduce these crimes of opportunity through both preventive and suppressive policing tactics. The Department will accomplish this goal by working with Code Enforcement and the City Attorney in efforts to emphasize and gain compliance with metal recycling laws and ordinances on recycling businesses. The Department will also utilize probation & parole compliance checks in conjunction with criminal investigations to target property crime offenders. The Department's Property Crime Unit will conduct special details in areas where property crime trends are identified and work in conjunction with the T-RATT Task Force to target stolen vehicle trends. *(Citywide Effort.)*

## Visalia Fire Department Accomplishments

### Background

The Fire Prevention Division of the Visalia Fire Department is regularly staffed by the Fire Marshal and two Fire Inspectors. Currently, one of the positions is temporarily frozen due to fiscal restraints. The major duties of the fire prevention division are fire prevention inspections of multi-residential, commercial and business occupancies, fire investigation, and site plan review for new construction. The Fire Department is also responsible for enforcement of fire codes and ordinances on improved and unimproved properties. These duties include weed abatement, vehicle abatement, and general property maintenance. In 2008, the fire department initiated an engine company inspection program. Each company is responsible for 120 inspections per year (which totals approximately 2000 inspections per year). The goal is to inspect every mandated occupancy and business annually.

In recent history, the Fire Department has taken on several approaches in increasing public awareness in the area of fire prevention. The most recent being public school fire safety presentations, fire station open houses, and the inspection of apartment complexes and businesses.

Over the last several years the fire department has committed significant staff hours to property maintenance. The following is a general list of those current Hazard Abatement Programs and associated statistical data accumulated since 2004. In addition, we have listed the associated city wide fire department emergency calls and associated fire dollar loss:

Since 2004, there have been more than approximately \$ 18.2 million in losses from fires and other emergencies. The Department has focused on four code enforcement activities city-wide: abandoned/inoperable vehicles, property maintenances, law enforcement and weed abatement. Since 2004, there have been more than 1531 abandoned and inoperable vehicles reported with more than 1008 abated either by the Department or the owner. Weed abatement has remained high at more than 267 per year in part due to the foreclosure crisis. Staff's ability to gain compliance continues to be a challenge with approximately two-thirds of all cases being resolved. See Table Below:

### 2004-2007 City Wide

<u>Hazard Cases</u>	Cases	Department		
	Received	Abated	Self Abated	Unresolved/Pending
ABANDONDED / INOPERABLE VEHICLE	1531	71	937	523
PROPERTY MAINTENANCE	607	20	245	342
WEED ABATEMENT	1068	273	348	447
<b>TOTALS</b>	<b>3206</b>	<b>364</b>	<b>1530</b>	<b>1312</b>

### Visalia Fire Department Goals and Objectives for 2009

The Department will pursue the following activities over the next year:

- 1. Inspections:** Attempt to inspect all apartment complexes in the City of Visalia. In addition, we will continue to annually inspect Business, Manufacturing, Storage, Hazardous, and Institutional occupancies in all areas of the City.
- 2. Abandoned Vehicles:** Dedicate one day per week for a fire inspector to identify abandoned vehicles; property maintenance and weed abatement issues in these areas;
- 3. Participate in the SMART Team;**

**4. Public Education:** Focus public education in these areas by performing open houses, education in the schools, and supply fire safety information to local businesses.

**5. Reduce Fire Dollar Loss by 20% in 2009**

**6. Reduce fire calls for service through Fire and Life Safety Inspections and Public Education.**

## **FUTURE MULTI- DEPARTMENT COLLABORATIVE EFFORTS**

As this report reflects, there has been a considerable amount of time and resources allocated for code enforcement efforts during the past years throughout the City of Visalia. In an organized effort to more effectively address future code enforcement concerns and more effectively monitor results a project team identified as the SMART Project Team has been organized to focus on future collaborative code enforcement efforts.

### **SMART Project Team**

On October 24, 2008, members from the Police, Fire, Public Works, Parks and Recreation and Housing and Economic Development Departments met to discuss future strategies for the abatement of nuisance properties located throughout the City to improve the quality of life for the residents who reside in those areas where attention is focused. Discussions also involved developing a method for monitoring the progress of the Project Team. As a result of the meeting a project team comprised of appropriate department members was created to identify specific projects and monitor progress.

The team has been identified through the acronym **SMART**. The acronym stands for:  
**S**=Specific **M**=Measurable **A**=Achievable **R**=Relevant **T**=Time-bound

Future projects will include:

- Abandoned/non operational vehicle removal on public and private property;
- Alleyway cleanup;
- Traffic safety and lighting improvement;
- Reduction in public safety calls for service to multi family housing units with excessive calls fore service that can be reduced through increased property management efforts.

The Project Team will meet in January of 2009 and begin to identify future projects requiring a collaborative effort to successfully resolve. Initially the team will meet twice a month. Minutes from the meeting will be taken and provided to Executive Management for their information and comment. Council will be provided with a written quarterly report on SMART Project Team efforts. A semi annual report will be presented to Council to share efforts, project progress and concerns.

### **Proposed Ordinance and Text Amendments**

On January 25, 2008, the Council held its' annual retreat and directed staff to investigate the establishment of a Residential Rental Inspection Program. The intent was to take a pro-active approach to reduce substandard housing conditions throughout the City with a focus on rental properties.

During the past year, staff conducted significant outreach with the Tulare County Board of Realtors, the California Apartment Association and the Home Builders Association. Based on discussions with the private real estate community, staff has concluded that effort should be focused on addressing substandard housing conditions in both owner-occupied and renter occupied dwellings as opposed to the formation of a Rental Inspection Program which would apply to all rental units regardless of their condition and maintenance.

The Board of Realtors expressed concern that the vast majority of owners of rental properties are not responsible for substandard housing conditions in the City and should not be the targeted focus of an inspection program. Following a lengthy review of the City's substandard housing database, staff has concluded that with respect to substandard housing violations staff spends a majority of it's time addressing a minority of properties regarding substandard property complaints and violations. Staff has reviewed the database for substandard housing complaints and there are a minimum of 400 outstanding building related complaints city-wide at any given time. Most complaints involve rental properties which frequently involve absentee landlords.

## **Suggested Visalia Municipal Code Text Amendments**

The staff is recommending four text amendments to the City's municipal code to address substandard housing conditions.

Existing sections of the Visalia Municipal Code provides that an owner, after failing to abate nuisances, as defined in the code, shall be subject to required inspections for a 3 year period for the subject property.

By adopting a new ordinance, utilizing existing codes and amending other codes flagrant repeat and uncooperative owners of vacant and substandard residential properties will be required to have their substandard properties inspected annually at their expense for a minimum of 3 years.

To reinforce existing code, staff recommends that the mandatory inspection provisions be expanded to include instances where a nuisance has been declared twice or more in two calendar years, regardless of whether there was a failure to abate the nuisance. Staff further recommends that mandatory inspections be available as a remedy for rental properties for which structurally unsound conditions are identified.

## **Substandard Housing Inspection Program**

To institute these changes, Staff and the City Attorney's office has prepared the attached proposed Ordinance 2008-15, making the following text amendments to the Visalia Municipal Code:

- Visalia Municipal Code Section 15.44.160 (A) (4) is added to include text requiring mandatory inspections for 3 years at the property owner's expense for properties identified with a major substandard housing violation(s) caused as a result of deferred maintenance or neglect (dangerous electrical, inadequate sewage disposal, inadequate heating system, lack of smoke detector).
- Amend Visalia Municipal Code Section 15.44.160 (A) (2) to require mandatory inspections for 3 years at the property owner's expense for properties identified as habitually non compliant (a second substandard housing violation).
- Amend Visalia Municipal Code Section 15.44.050 (A) and (B) to comply with the specific administrative appeal requirements contained in Chapter 1.13. Section 15.44.050 does not contain the specific language required to proceed with a hearing that is required by section 1.13.080.
- Amend Visalia Municipal Code Section 8.40.060 (D) to comply with the requirements of Visalia Municipal Code Section 1.13.060 (B) which details the noticing process.

If Council accepts staff recommendations and introduces Ordinance 2008-15, the ordinance will be brought back at the next Council meeting for final adoption, along with any changes as directed by the Council.

## **Pro Active Substandard Housing Enforcement Effort**

Prior to October 2008, the Housing & Economic Development Department had one building inspector whose primary assignment was to investigate all substandard housing complaints. With the addition of the second Building Inspector authorized by Council in June of 2008 staff will be able to proactively address the 400 plus properties which are not in compliance. **The second Inspector duties will include:**

- **Assisting the Police Department in pursuing substandard properties associated with criminal activity related to gang and/or drug activity. Although substandard housing is not a prerequisite for gang and drug activity, frequently the activity occurs at substandard properties and encourages blight throughout the surrounding neighborhood;**
- Inspecting properties on the mandatory 3 year inspection list;
- Inspecting Contaminated Pool complaints;
- Conducting a Housing Stock Survey in the Lincoln Oval Park and Washington Elementary School neighborhoods.

## **Receivership Program**

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Pursuant to California Health and Safety Code Section 17980.1 the City can request through the City Attorney that a Superior Court Judge appoint a receiver to assist in the abatement of difficult nuisance properties. The City is considering this process to pursue the rehabilitation of derelict and abandoned properties where all other reasonable remedies have been exhausted.

Through a Court Order the appointed receiver then has the authority to take temporary possession of the nuisance property and proceed to rehabilitate the property through whatever steps have been agreed to with the court to abate the nuisance. Once the abatement is complete the property will be sold with the proceeds going to pay:

1. County/ City liens,
2. City Cost Recovery expenses including accrued attorney expenses,
3. Appointed receivership expenses including construction and sale of the property,
4. Mortgage holder, with
5. Equity remaining to property owner.

### **NAAT Team**

The acronym **NAAT** stands for:

**N**=Nuisance **A**=Assessment **A**=Abatement **T**=Team

The NAAT Team is a Collaborative effort involving the Police Department, the Neighborhood Preservation Division and the City Attorney's Office to address "Nuisance Properties" in Visalia where excessive public safety response has been required.

Pursuant to Visalia Municipal Code Section 15.44.160 C the Management Quality Standards 6 or more police and/or fire calls, to a single family residential property, over a one year period other than for medical emergency would justify an inspection of the property. There is a formula for multi family housing as well.

Frequently these situations involve rental properties with inadequate or ineffective property management.

Once a property has been identified as a potential "Nuisance Property" staff meets and identifies the reason for the excessive responses. If appropriate, the property owner is notified that the property has been identified as a "Public Nuisance" and they are required to meet with the Team members to discuss the situation and develop a plan of action for abatement. Failure to comply will result in additional enforcement action being taken to insure compliance.

The current process is triggered through repetitive calls for service being reported by the patrol officer to the patrol supervisor. **In 2009 through a pro active collaborative effort, a threshold will be established through the CAD (computer assisted dispatching) system and properties with calls in excess of the threshold will be reviewed by the NAAT Team to determine whether the property qualifies as a "Nuisance Property" requiring follow up. Once identified staff will contact the responsible property owners to develop a plan of action to reduce the excessive calls for service at the property.**

### **Housing Used For Drug Activity Notification**

Pursuant to Visalia Municipal Code Section 15.44.240 the Police Department will be noticing property owners where housing has been identified as being used for drug activity that pursuant to the Municipal Code, a landlord shall not knowingly cause or permit any rental unit to be used or maintained for any drug related use, illegal drug dealing activity or drug related nuisance.

Once noticed, the landlord may obtain voluntary surrender of the unit, commence an unlawful detainer proceeding against the tenant (eviction) or demonstrate to the City Attorney that an eviction is not warranted.

Failure by the property owner to act can result in criminal, civil or administrative proceedings against the property owner.



**Significant Event Notification**

When dealing with "Nuisance Properties", rental property owners frequently indicate that if someone would have notified them of the problem they would have taken corrective action to resolve the situation. In an effort to be proactive, in 2009 staff will send property owners a Courtesy Notice advising them when a significant event has occurred at their property such as a search warrant having been served or where someone has been seriously injured.

**Prior Council/Board Actions:** On January 25, 2008, at the Council Retreat; Council directed staff to investigate the establishment of a Residential Rental Inspection Program.

**Committee/Commission Review and Actions:** None

**Alternatives:** Conduct business as usual utilizing existing tools.

**Attachments:**

1. Proposed Ordinance 2008-15
2. Code Enforcement map reflecting substandard housing throughout Visalia.
3. Code Enforcement map reflecting code enforcement complaints received throughout Visalia.
4. California Health and Safety Code Section 17920.
5. Subdivision Monitoring Committee Status Report.
6. Letter of support from the Tulare County Association of Realtors, California Apartment Association and the Home Builders Association.

**Recommended Motion (and Alternative Motions if expected):**

- Receive Status Report for 2008 City Wide Code Enforcement efforts
- Authorize introduction of Ordinance 2008-15 making text amendments to the Visalia Municipal Code to increase the applicability of mandatory three year inspections for substandard properties, clarify enforcement capabilities and provide for continuity in the appeal process involving different Visalia Municipal Code Titles
- Authorize use of the Receivership process to abate nuisance properties requiring a court appointed receiver.
- Authorize use of Visalia Municipal Code Section 15.44.240 noticing property owner's with rental housing used for drug activity.

***Environmental Assessment Status***

**CEQA Review: N/A**

**NEPA Review:**

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

Copies of this report have been provided to:

**ATTACHMENT #1**

**ORDINANCE NUMBER 2008 -- \_\_\_\_\_**

**AMENDING SECTION 8.40.060, SECTION 15.44.050, SECTION 15.44.070 AND SECTION 15.44.160 OF THE VISALIA MUNICIPAL CODE REVISING CODE ENFORCEMENT INSPECTIONS AND VIOLATION NOTICES**

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

**Section 1:** Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry by requiring the maintenance of property or premises within the City. Therefore, the City Council of the City of Visalia recommends the following revisions to the Municipal Code.

**Section 2:** Section 8.40.060 of the Visalia Municipal Code is hereby repealed and replaced with the following amended Section 8.40.060as follows:

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

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

1. The enforcement officer may inspect a residential unit upon receiving a complaint regarding public nuisance or substandard building conditions from any person upon the premises, who has viewed the premises or who has reason to believe that such conditions exist;
2. The enforcement officer may inspect a premises which he/she reasonably believes fails to meet the requirements of this code or other uniform codes adopted hereunder;
3. The owner, after failing to abate nuisance(s) as defined in this chapter, shall be subject to required annual inspections for a three year period for the subject property.

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

C. Management Quality Standards. Management quality standards justifying an inspection are:

1. For an individual residential unit, more than six police and/or fire calls over a one year period (other than a medical emergency);
2. For a complex containing between two and four residential units, more than a monthly average of one police and/or fire call per unit over a six month period (other than a medical emergency);
3. For a complex containing more than four residential units, more than a monthly average of .20 police and/or fire calls per unit over a six month period (other than a medical emergency);

4. Any violation of this chapter or the continued presence of graffiti for more than a two week period;
5. Any determination by the health officer that a pest vector is present;
6. Any violation of the Uniform Building Code or Uniform Housing Code relating to maximum occupancy or health and safety standards.

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

TO THE PROPERTY OWNER:

Property Address:

Property Owner's Address (if different) \_\_\_\_\_

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

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

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

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

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

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

**Section 3:** Section 15.440.050 of the Visalia Municipal Code is hereby repealed and replaced with the following amended Section 15.440.050:

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**15.44.050 Notice of public nuisance.**

A. The enforcement officer is authorized and directed to declare, through an administrative enforcement order issued pursuant to Chapter 1.13 of this Municipal Code or through such other process as may be authorized by law, that the existence of any of the conditions set forth in Section 15.44.010 or in the definition of "Public Nuisance" contained in Section 155.44.020 constitute a public nuisance and direct the responsible person to abate any such conditions set forth in Section 15.44.010 which may exist on said person's property at his or her expense. The responsible person may appear before the enforcement officer for a hearing at an arranged time and place to show cause why such conditions should not be abated by the city at such person's expense.

B. B. Notice of an administrative enforcement order issued pursuant to this Chapter shall be made in the time and in the manner as set forth in Chapter 1.13 of the Municipal Code. Such notice shall, in addition those elements set forth in Section 1.13.060 (B) of this Municipal Code, include the following:

:

NOTICE IS HEREBY GIVEN, that on the \_\_\_\_ (date) pursuant to Section 15.44.010 of the Municipal Code of the City of Visalia, the City Planner and/or Enforcement Officer of the City of Visalia declares that the following conditions exist on said property which are in violation of Section 15.44.010 of the Municipal Code. Said conditions constitute a public nuisance and such nuisance must be abated by the repair, rehabilitation, demolition or removal of said conditions within thirty (30) days of the date first noted above:

Conditions to be Abated in Violation of Section 15.44.010:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Restructure, repair or removal of said conditions must be completed and maintained by the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ as approved by the enforcement officer.

Failure to abate said conditions by the date specified above shall result in the City acquiring jurisdiction to abate the conditions at the owner's expense pursuant to Section 15.44.050 of the Visalia Municipal Code and additional administrative penalties may be incurred.

All property owners or responsible persons who wish to object to the proposed abatement of the conditions cited in this notice are hereby notified that they have the right to attend an appeal hearing as set forth elsewhere herein.

Any costs incurred for such abatement, including but not limited to relocation of displaced tenants, storage of materials and supplies, attorney's fees, inspection fees, administrative costs, and other related costs, will constitute a special assessment on the property. The cost of abating such

nuisance shall include a per parcel charge to cover the costs of administering this Article.

MUNICIPAL CODE SECTION 15.44.110 PROVIDES THAT AFTER THE ASSESSMENT IS MADE AND CONFIRMED; IT IS A LIEN ON THE PROPERTY.

Any property owner, or other responsible person, who, after notification by the Enforcement Officer, fails to abate a condition as set forth in Section 15.44.030 shall become liable for the expenses of persons involved in the abatement of said nuisance, including injury to City employees or contractors for work performed which is determined to have been caused by or attributed to said conditions. This shall also include necessary police assistance in the abatement of said nuisances. Such expenses shall become a lien on the property.

THE FAILURE OF ANY OWNER OR OTHER PERSON TO RECEIVE THIS NOTICE SHALL NOT AFFECT THE ENFORCEMENT OF THIS ORDINANCE.

A notice containing the above provisions shall satisfy the requirements of Municipal Code Section 15.44.060.

**Section 4:** Section 15.44.070 of the Visalia Municipal Code is amended to allow appeals pursuant to the administrative process in Chapter 1.13 and reads as follows:

**15.44.070 Hearing.**

The administrative enforcement officer's determination as set forth in an administrative enforcement order issued pursuant to Municipal Code Section 15.44.050 and Section 1.13.060 of the Municipal Code shall be subject to appeal only as provided in Chapter 1.13.

**Section 5:** Visalia Municipal Code Section 15.44.160 is hereby repealed and replaced with the following amended Section 15.44.160:

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

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

1. The enforcement officer may inspect a residential unit upon receiving a complaint regarding public nuisance or substandard building conditions from any person upon the premises, who has viewed the premises or who has reason to believe that such conditions exist;

2. The enforcement officer may inspect a premises which he/she reasonably believes fails to meet the requirements of this code or other uniform codes adopted hereunder. *In addition, if the enforcement officer identifies a property as habitually non-*

*compliant, meaning more than one notice of public nuisance being sent to it in a two-year period, then the enforcement officer may order mandatory annual inspections for three years as a condition in addition to abatement of the nuisance. The property owner or responsible person shall have the right to object to the mandatory inspections along with the proposed abatement through the appeal procedures listed in this Chapter. If the property owner is required to allow mandatory inspections, then the property owner may subsequently request in writing that the code enforcement officer determine that the mandatory inspection condition may be removed due to substantial changes in property. Substantial changes in the property include, but are not limited to, showing the property has been sold for valid consideration, demolished, or substantially renovated. The code enforcement officer's determination regarding substantial changes shall be considered an administrative enforcement order subject to appeal as provided in Chapter 1.13 of the Municipal Code. If the property owner is not required to abate the nuisance, no mandatory inspections may be ordered;*

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

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

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

C. Management Quality Standards. Management quality standards justifying an inspection are:

1. For an individual residential unit, more than six police and/or fire calls over a one year period (other than a medical emergency);

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

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

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

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

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

**Section 6: Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 7: 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 8: Effective Date.** This Ordinance shall take effect thirty days after its adoption.

**Section 9: Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

\_\_\_\_\_  
Jesus Gamboa, Mayor

ATTEST:

\_\_\_\_\_  
Steven M. Salomon, City Clerk

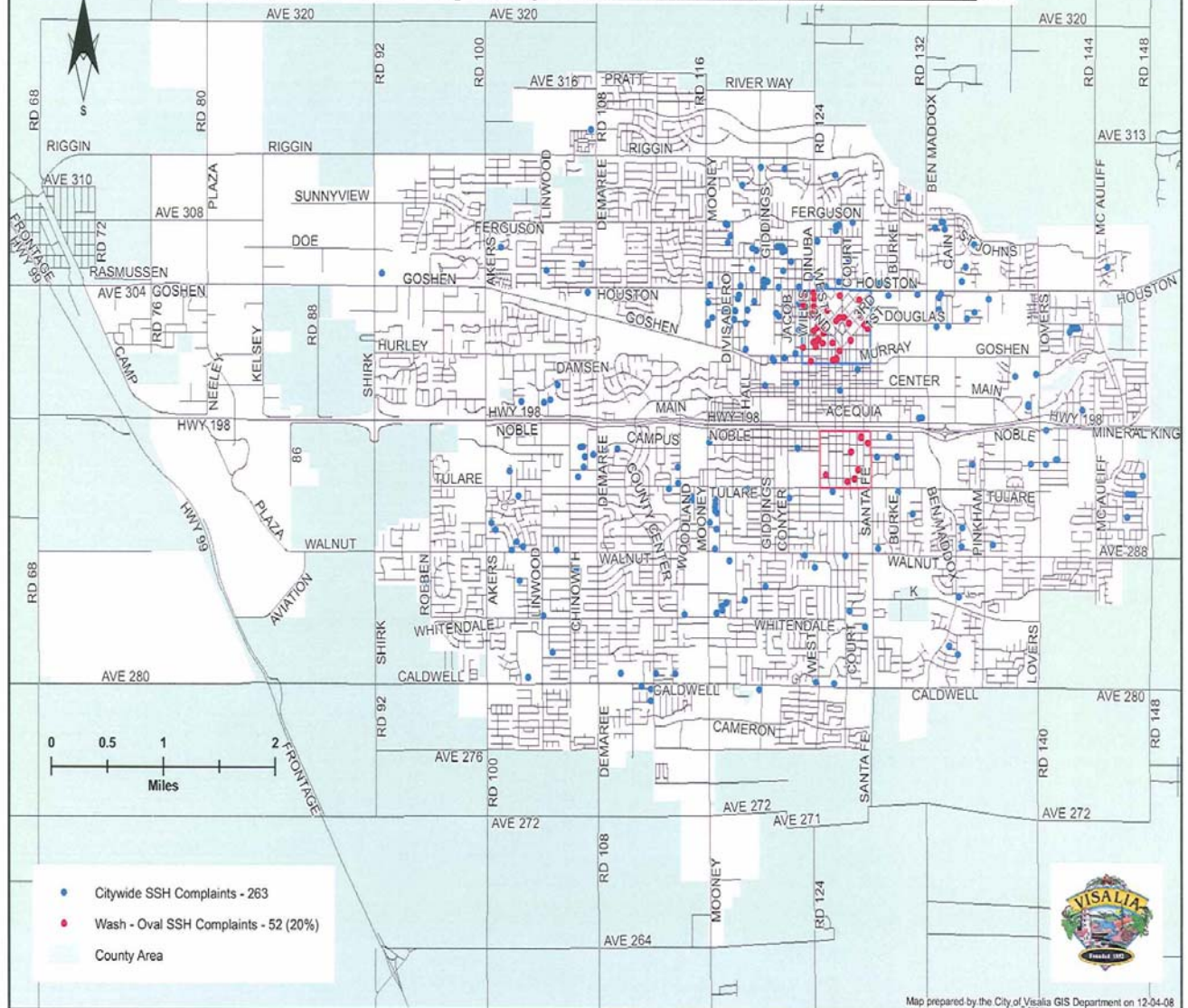
APPROVED AS TO FORM  
BY CITY ATTORNEY:

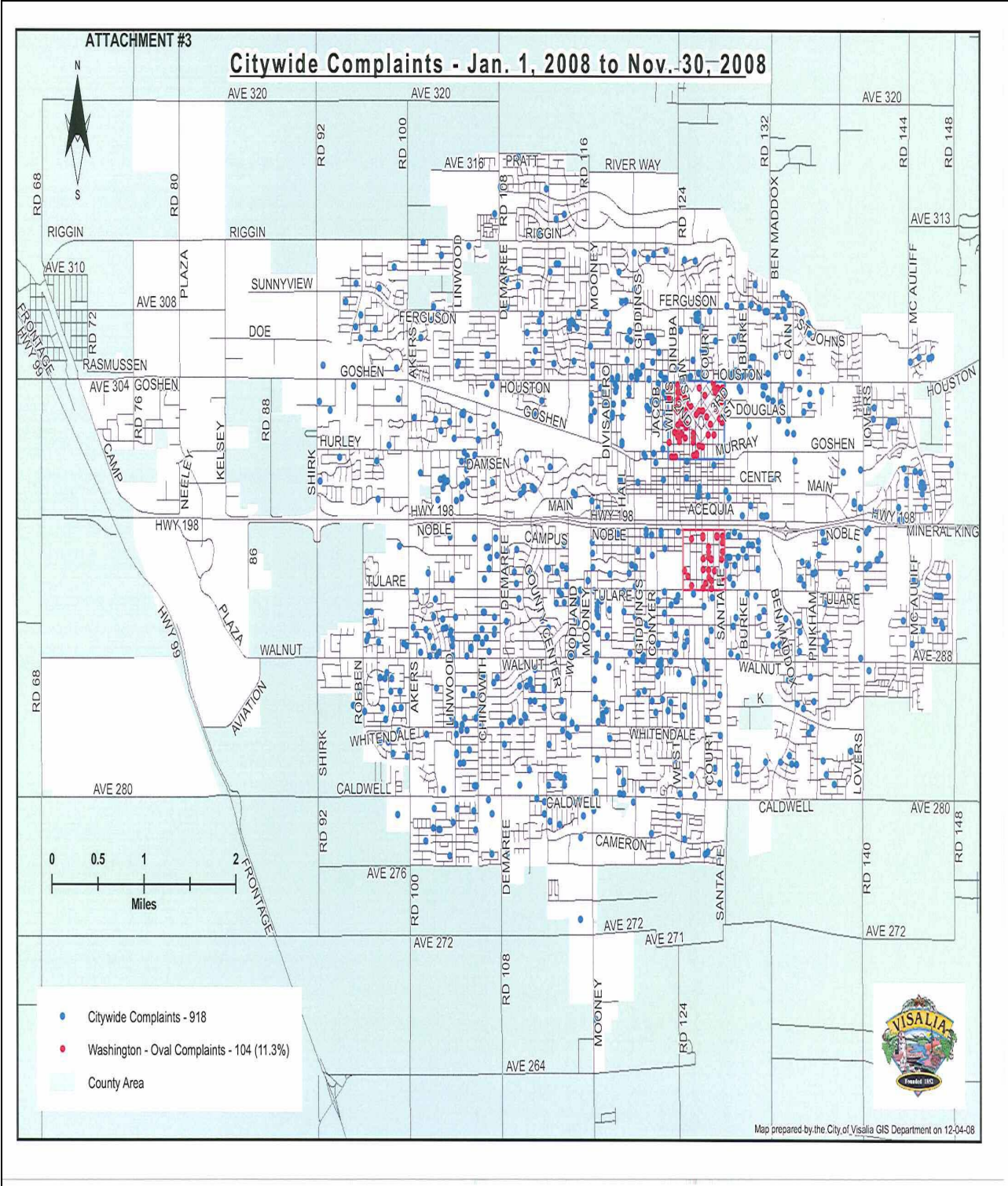
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Alex M. Peltzer, City Attorney



ATTACHMENT #2

Sub-Standard Housing Complaints - Jan. 1, 2008 to Nov. 30, 2008





## **ATTACHMENT #4**

### **SUBSTANDARD HOUSING VIOLATIONS**

#### **Substandard Housing**

Pursuant to California Health and Safety Code Section 17920 .3 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 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 declared to be a substandard building:

#### **A. Inadequate sanitation:**

1. Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
2. Lack of, or improper kitchen sink.
3. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
4. Lack of adequate heating.
5. Lack of, or improper operation of required venting equipment.
6. Lack of minimum amounts of natural light and ventilation.
7. Room and space dimensions less than required by code.
8. Lack of required electrical lighting.
9. Dampness of habitable rooms.
10. Infestation of insects, vermin, or rodents.
11. General dilapidation or improper maintenance.
12. Lack of connection to required sewage disposal system.
13. Lack of adequate garbage and rubbish storage and removal facilities.

#### **B. Structural hazards shall include, but not be limited to the following:**

1. Defective or deteriorated flooring or floor supports.
2. Flooring or floor supports of insufficient size to carry imposed loads with safety.
3. Members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
4. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
5. Fireplaces or chimneys which list, bulge or settle due to defective materials or deterioration.
6. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
7. Any nuisance.
8. All wiring, except that which conforms with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
9. All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
10. All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

#### **C. Faulty weather protection, which shall include but not be limited to the following:**

1. Deteriorated, crumbling, or loose plaster.
2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

4. Broken, rotted, split, or buckled exterior wall covering or roof coverings.
5. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
6. All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.
7. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, or conditions constitute fire, health or safety hazards.
8. Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.
9. All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increase in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
10. All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conform with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
11. All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.
12. Inadequate structural resistance to horizontal forces.

## ATTACHMENT #5

### Subdivision Monitoring Committee Highlights

1. Subdivision NOC's since inception – 14
2. Subdivisions Monitored since inception – 66
3. Sent 13 Stop Work notices to developers that have approved construction plans with no approved final map, improvement agreement or bonding in place.
4. Problematic subdivisions – 6 – of which I have been in contact with each owner/developer or bank and working thru the immediate issues of maintaining a secure site (weed abatement, graffiti, construction abandonment) in to work towards a final (NOC) for these subdivisions through the bonding (surety) or their individual efforts.
5. The Committee is working towards a formal process for Subdivision Improvement Agreement time extensions. This will include adoption updates of the Subdivision Ordinances and City Municipal Codes.
6. Worked with 2 developers to finish 15 started abandoned homes of the 29 reported. Five more of those are finished models and now being maintained. On the remainder the City has received a letter from the developer requesting building permit extensions. They are working very slowly on these homes and they are secured with construction fencing.
7. See separate Subdivision Monitoring spreadsheet for further details.

ATTACHMENT #6



**Tulare County Association of REALTORS®**  
**Tulare County Multiple Listing Service (MLS)**  
2424 E. Valley Oaks Drive - Visalia, CA 93292-6713  
Tel: 559-627-1776 Fax: 559-627-9441  
Web: [www.tcmis.org](http://www.tcmis.org)



09/02/2008

The Honorable Mayor Jesus Gamboa and the members of Visalia City Council

At the request of Tim Burns, the Neighborhood Preservation Manager of the City of Visalia, after months of joint meetings with a committee made up of representatives of the Tulare County Association of Realtors, local property management companies, the California Apartment Association, the Home Builder's Association, the Visalia Police Department and the City Attorney's Office, we would like to offer you the following findings and recommendations on the issue of Substandard Housing in the City of Visalia.

It is the consensus and opinion of the committee members that under the current Housing Standards and the existing City Ordinance Chapter 15.44, it is not necessary to impose any further mandatory inspections and unnecessary expense to those property owners who are not in violation of the mentioned Housing Standards.

On the other hand, after extensive discussions and deliberation we support the City of Visalia Neighborhood Preservation Department's proposed text amendment to the existing Visalia City Ordinance Section 15.44.160 etseq:

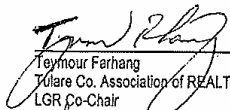
\* Allowing code enforcement cost recovery fees to be appealed to the Hearing Officer through the Administrative Hearing process.

\* Property owners who have properties which are identified with substandard housing violations (reoccurring offenders) placed on a mandatory inspection list for not less than 3 years at the property owner's expense and

\* Properties with a flagrant violation or violations automatically placed on a mandatory inspection list for not less than 3 years at the property owner's expense (major life safety, Health and Safety Code violation(s)).

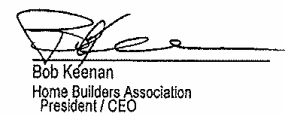
The Committee members look forward to the continued working relationship with the City of Visalia Neighborhood Preservation Department in our joint ongoing effort to reduce the Substandard Housing conditions in our community.

Sincerely,

  
Teymour Farhang  
Tulare Co. Association of REALTORS  
LGR Co-Chair

  
Brian Icenhower  
Tulare Co. Association of REALTORS  
LGR Co-Chair

  
Stephanie Espinosa  
California Apartment Association  
Regional Director

  
Bob Keenan  
Home Builders Association  
President / CEO

# City of Visalia Agenda Item Transmittal

**Meeting Date:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 5

**Agenda Item Wording:** Selection of New Animal Control Facility (ACF) Site

**Deadline for Action:** None

**Submitting Department:** Community Development Department

**Contact Name and Phone Number:**

Mario Cifuentez, Airport Manager, 713-4480  
Adam Ennis, PE, Engineering Services Manager 713-4323  
Paul Scheibel, AICP, Planning Services Manager 713-4369  
Rebecca Keenan, PE, Civil Engineer 713-4541

**Department Recommendation**

Staff recommends Council take the following action:

1. Review the conceptual site design and supporting information and select the current Animal Control Facility (ACF) location as the site for a new facility, as recommended by the Site Selection Subcommittee;
2. Authorize the City's consultant to prepare preliminary site, building, and operational plans; and,
3. Direct staff to return to Council with preliminary plans, construction and phasing schedules, and financing plan.

**Background:**

Staff presented numerous alternate sites to the City Council between August 4, 2008, and October 20, 2008. The most recent recommendation for the County Center site was not accepted by the City Council on October 20<sup>th</sup>. The City Council directed staff to re-convene the Site Selection Subcommittee for further review of a full range of alternative sites. The Subcommittee was comprised of Councilmembers Amy Shuklian and Bob Link, and interim VOSPCA Executive Director Donna Bailey.

**Subcommittee Action:**

The Subcommittee met three times (August 13, 2008, November 6, 2008, and December 4, 2008). The Subcommittee voted unanimously to endorse the current ACF location (also referred to as Airport site in this report). Their decision was based on considerations of overall suitability, timely development entitlements, and functionality. The Subcommittee made no other endorsements or rank ordering for other alternate sites.

**For action by:**

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

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 20

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**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.

## **Location and Facility Description:**

The proposed new facility location is adjacent to the north of the existing ACF grounds. The size facility would be between 16,000 and 25,000 sq.ft (please see Exhibit A for 25,000sq.ft. size conceptual site design), and would include best management practices (BMP) technology for animal care and kenneling. As part of the Comprehensive Needs Assessment completed in 2007, the City's consultant determined a 25,000 sq.ft. could handle 15,000 dogs and cats per year. The next phase of planning for the site will determine an optimal size for the initial building construction and potentially include facility phasing for future expansion.

The facility size and animal number estimates can potentially be reduced due to successful spay/neutering and education programs resulting in a significant reduction in stray and unwanted animals, and similar increase in pet adoptions. However, animal number reductions to be achieved may be affected by economic conditions, as is being experienced now with the home foreclosure crisis. Therefore, the facility size and phasing could be established to accommodate service demand trends or renewed participation by contract cities or addition other cities. This is because the site enjoys very little if any size constraints and the facility can be designed for modular expansion of the kennel and exercise areas to the south as service demands increase over time.

The design features of the new facility emphasize best management practices (BMP) technology to maximize animal well-being, staff and volunteer efficiency and workplace environment quality and safety. BMP technology includes modern ventilation, high pressure cleaning systems, closed-system floor drains, and enclosures and cages to accommodate a broad range of animals and varied circumstances. The BMP care and kenneling features to be built into the facility include separation of incoming and outgoing animals. That floor plan design is essential to minimize contamination among healthy animals and sick or potentially dangerous animals being brought into the facility. The new facility will also feature onsite veterinary medicine and evaluation areas, and kennel areas that are easily maintained and comfortable for the animals. The kennels, enclosures and both interior and exterior enclosure areas will be designed to provide safe and comfortable settings for dogs, cats, nursing litters, and other animals such as rabbits and fowl that each have unique kenneling requirements.

The site's current and pending FEMA rating is not considered to be a significant factor in the site's development costs or overall feasibility. If the FEMA rating remains the same, the building pad will need to be raised approximately four feet above the natural grade. There is sufficient fill in the immediate area to accomplish this without it being cost prohibitive. A more likely scenario is that the new FEMA map will be adopted in June 2009, well before construction permits are issued. In this case the building pad will need to be elevated approximately 1.5 feet. Elevating the finished floor height by this amount is considered standard practice for commercial/industrial buildings.

## **Entitlement and Development Process:**

Following the decisions of the City Council as to the location of the new ACF facility, the City's consultant, Mr. Bill Meade of Shelter Planners of America, will be directed to prepare preliminary site, building, and operational plans, pursuant to the second phase of his contract with the City. Once those plans are prepared, they will form the basis of the project for RFP content, and discretionary and environmental review processes. The preliminary site, building and operational plans will be presented to the City Council for authorization to proceed with the above-mentioned procedures, including release of the RFP. At that time staff will file a Conditional Use Permit (CUP) for consideration by the Planning Commission, and prepare or contract for preparation of CEQA/NEPA documents. Concurrently, the County Airport Land Use



Commission will be consulted to confirm the project's consistency with the County Airport Master Plan. No consistency or other issues of concern are anticipated by either process.

The RFP will be for complete architectural and civil design plans. The results of the RFP process should yield an accurate cost for the facility, which will be subject to the City Council's authorization. This is anticipated to occur within 90 days of the release of the RFP, and will be done concurrently with the City's CUP, CEQA and NEPA (for potential federal economic stimulus funding), and airport land use consistency processes.

It is anticipated that construction would commence within eight months to one year of the selected architect being granted an authorization to proceed by the City. Construction of the new facility would not interfere with current ACF operations going on adjacent to the construction site, or with Airport operations. The total time between selecting the site and opening the new facility is estimated to be 24 months.

**Committee/Commission Review and Actions:**

The Site Selection Committee and City staff met on August 13<sup>th</sup>, 2008, November 6, 2008, and December 4, 2008, to review potential sites for the Animal Control Facility. On December 4, 2008, the Subcommittee endorsed the current ACF location as the preferred site.

**Alternatives:**

1. Consideration of additional sites.
2. No project.

**Exhibits:**

- A. Conceptual 25,000 sq.ft. Facility at Airport Site
- B. Airport Area Map

**Recommended Motion (and Alternative Motions if expected):**

I move to:

1. Select the current Animal Control Facility (ACF) location as the site for a new Animal Control Facility (ACF);
2. Authorize the City's consultant to prepare preliminary site, building, and operational plans; and,
3. Direct staff to return to Council with preliminary plans, construction and phasing schedules, and financing plan.

***Environmental Assessment Status***

**CEQA Review:** The appropriate environmental review will be completed in conjunction with preliminary Project design and after the site is selected by the City Council.

**NEPA Review:** NEPA review will be completed in conjunction with CEQA review in the event federal funding becomes available

**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:** December 15, 2008

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

**Agenda Item Wording:** Approval of representatives on the General Plan Update Review Committee to work with staff on a Focused Update of the General Plan Land Use Element and Program 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:** It is recommended that the City Council review the representative list for the General Plan Update Review Committee and authorize the committee to work with staff on the preparation of a Focused Update of the General Plan Land Use Element and Program EIR.

**Background:** On November 3, 2008, the City Council authorized the formation of a General Plan Update Review Committee, with the added direction that the Committee's composition be expanded to include representation from several key stakeholders.

The City Council also authorized the City to prepare and publish a Request for Proposals (RFP) to begin the Program EIR consultant selection process. The form of the RFP has been finalized and will be distributed to consultants and published on December 16, 2008.

**Summary:** The General Plan Update Review Committee will gather on a regular basis until the Focused Update and the Program EIR are adopted by the City Council, expected in mid-2010. Under the Planning Division's direction, the Committee will be tasked with helping staff with the Program EIR consultant, and with providing input on new critical policies and measures intended to promote more compact and sustainable residential development and with contemporary policies for future commercial, office, and other land uses.

Letters were sent on November 7, 2008, to organizations and committees / commissions, asking for a representative to be selected and serve on the Review Committee. Each group was also individually contacted by phone to verify their participation in the Committee. The groups asked by the City Council to serve on the Committee are:

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.) 30 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.

Visalia City Council (2 members)  
 Visalia Planning Commission (2 members)  
 Parks & Recreation Commission (2 members)  
 Citizens Advisory Committee  
 Historic Preservation Advisory Committee  
 North Visalia Neighborhood Advisory Committee  
 Environmental Committee  
 Bicycle, Pedestrian & Waterways Trails Committee  
 Tulare / Kings Home Builders Association  
 Tulare County Affordable Housing  
 Visalia Economic Development Council  
 Visalia Chamber of Commerce  
 Hispanic Chamber of Commerce  
 Tulare County Board of Realtors  
 Visalia Unified School District  
 Kaweah Delta Hospital  
 Tulare County Farm Bureau  
 College of the Sequoias

To date, representative selections have been received from seventeen of eighteen (17 of 18) groups, which have yielded a Committee of nineteen (19) persons not including staff representatives from the Planning Division. The Committee members and their respective affiliations are:

REPRESENTATIVES

Vice Mayor Link  
 Councilmember Collins  
 Vincent Salinas  
 Larry Segrue  
 Dirk Holkeboer  
 Tim Burns  
 Bill Huott (Tom Lockwood – Alternate)  
 Dean Mann (Brian Rouch – Alternate)  
 Bob Brown (Ben Filiponi – Alternate)  
 Mike Knopf  
 Ken Kugler  
 Jim Robinson  
 Josh McDonnell  
 Raymond Macareno  
 Brian Icenhower  
 Randy Groom  
 Dena Cochran  
 Brian Blain (Patricia Stever – Alternate)  
 Eric Middlestead

GROUP NAME

Visalia City Council  
 Visalia City Council  
 Visalia Planning Commission  
 Visalia Planning Commission  
 Citizens Advisory Committee  
 Historic Preservation Advisory Committee  
 N. Visalia Neighborhood Advisory Committee  
 Environmental Committee  
 Bicycle, Ped., Waterways Trails Committee  
 Tulare / Kings Home Builders Association  
 Tulare County Housing Authority  
 Visalia Economic Development Council  
 Visalia Chamber of Commerce  
 Hispanic Chamber of Commerce  
 Tulare County Board of Realtors  
 Visalia Unified School District  
 Kaweah Delta Hospital  
 Tulare County Farm Bureau  
 College of the Sequoias

The Parks and Recreation Commission will be selecting representatives at their next meeting scheduled for December 16<sup>th</sup>.

**Release of RFP:** Upon City Council’s approval of the Committee roster, the Planning Division will immediately release a Request for Proposal (RFP) seeking a qualified environmental consulting firm to prepare the Program EIR Update. The RFP project description is written for a Program EIR Update that will analyze impacts of new growth management policies emerging

from the Focused Update, as well as impacts from execution of the East Downtown Implementation Plan. The EIR Update will also renew baseline conditions from the City's built environment and will bring the City's General Plan into conformance with current CEQA practices.

The City Council affirmed its direction for a Focused Update of the General Plan when it took action on November 3, 2008, to authorize release of the RFP and to form the Review Committee. The RFP is prepared and will soon be released for public distribution.

**Financing:** Staff estimates that the cost to prepare the Program EIR as described above to be approximately \$500,000, based on a 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 will be funded through the general fund that is budgeted for the General Plan Update. A total of \$350,000 is budgeted in the FY 08/09 (\$250,000 of this amount is frozen until the mid-year review), and an additional \$350,000 is budgeted in the FY 09/10. These budgeted amounts are in addition to the \$200,000 in General Plan Maintenance Fees collected on annexations since 2004.

**Prior Council/Board Actions:** The City Council previously commissioned work on a Focus Update of the General Plan on June 23, 2008.

On November 3, 2008, the City Council authorized to release an RFP for the preparation of a Program Environmental Impact Report (EIR) assessing impacts from the Focused Update and the East Downtown Implementation Plan, and authorized forming a General Plan Review Committee to assist with examining the Focused Update content and EIR. The City Council approved these actions on a 3-1 vote (Shuklian – no; Landers – absent).

**Committee/Commission Review and Actions:** N.A.

**Alternatives:** None.

**Attachments:**

- Exhibit "A" – Preliminary Work Schedule for Focus Update & Annexation Policies

**Recommended Motion:**

I move to

1) approve the representatives selected for the General Plan Update Review Committee to oversee a Focused Update of the General Plan Land Use Element and Program EIR.

**Alternative Motion:**

None.



# ACTION

## PLANNING COMMISSION AGENDA

CHAIRPERSON:

Vincent Salinas



VICE CHAIRPERSON:

Lawrence Segrue

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

MONDAY DECEMBER 8, 2008; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- |   |  |
|---|--|
| 7:00 TO 7:01  | 1. THE PLEDGE OF ALLEGIANCE  |
| 7:01 TO 7:0<br>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 7:02<br>No comment  | 3. CITY PLANNER AGENDA COMMENTS  |
| 7:02 TO 7:02<br>Approved to continue to 1/12/09<br>(Peck, Segrue)<br>5-0  | 4. CHANGES TO THE AGENDA – Applicants requested item #9 to be continued to January 12, 2009  |
| 7:02 TO 7:02<br>No items on Consent Calendar  | 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"> <li>• No items on Consent Calendar</li> </ul>                                |
| 7:02 TO 7:04<br>Approved to continue to January 12, 2009 (Lane, Segrue)5-0  | 6. PUBLIC HEARING – Presented by Andrew Chamberlain<br><br>Continuation of Conditional Use Permit No. 2008-45, a request by Ranjit and Navdeep Nagra to allow an 18,863 sq. ft. single family residence in the R-1-6 zone, located at 4744 W. Lark Lane (APN 077-170-042)  |
| 7:04 To 7:11<br>Approved As recommended (Segrue, Soltesz) 5-0<br>Open: 7:06<br>Close: 7:08<br>Spoke:<br>1. Gordon<br>Kegg | 7. PUBLIC HEARING – Presented by Andrew Chamberlain<br><br>Conditional Use Permit No. 2008-42: A request by Visalia Pavilion, LLC to allow a 2,400 sq. ft. medical office (Premier Walk-In Medical Inc.) in a commercial center in the C-CM (Community Commercial) zone. The site is located in the Visalia Pavilion Shopping Center on the east side of Chinowth Street (APN: 119-340-019). |

7:11 To 7:16

Approved as  
recommended  
(Peck, Segrue)  
5-0

Open: 7:12

Close: 7:13

Spoke:

1. Sandra  
Stevenson

## 8. PUBLIC HEARING – Presented by Andrew Chamberlain

Conditional Use Permit No. 2008-43: A request by R&R Development Company, LLC to allow a 6,446 sq. ft. health club in a commercial center in the C-CM (Community Commercial) zone. The site is located in the Visalia Pavilion Shopping Center on the south side of Caldwell Avenue (APNs: 119-340-016, 004).

## 9. PUBLIC HEARING –Paul Scheibel

- a. General Plan Amendment No. 2008-02: A request by Paul Ridenour and Greg Nunley to amend the General Plan land use designations from RLD (Low Density Residential) and RHD (High Density Residential) to CSO (Shopping / Office Commercial), PAO (Professional/ Administrative Office), and RHD (Residential High Density) on 19.93 acres. The site is located generally on the southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017
- b. Change of Zone No. 2008-03: A request by Paul Ridenour and Greg Nunley to change the zoning designations from R-1-6 (Single-Family Residence, 6,000 sq. ft. minimum lot size) and R-M-3 (Multi-family Residential; 1,500 sq. ft. minimum site area per unit) to P-C-SO (Planned Shopping/Office Commercial), P-PA (Planned Professional/Administrative Office), and R-M-3 (Multi-family residential zone, 1,500 sq. ft. minimum site area per unit) on 19.93 acres. The site is located generally on the southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017
- c. Tentative Subdivision Map No. 5540: A request by Greg Nunley for the Oakwood Ranch 2 & Professional Center to create 20 lots for a mix of multi-family residential and office development, and two common areas. The site is located generally on the southwest corner of Demaree Street and Houston Avenue. APNs: 077-660-001 (portion), 077-660-003, -018, 077-090-015 (portion), and 077-090-016 (portion)
- d. Conditional Use Permit No. 2008-18: A request by Paul Ridenour to develop a self-storage facility with caretaker unit totaling 206,272sq.ft. on 10.8 acres. The site is located generally on the northwest corner of Goshen Ave. and Demaree St. APNs: 077-660-001, 077-090-015, -016, -017
- e. Conditional Use Permit No. 2008-19: A request by Greg Nunley for a planned mixed-use development consisting of 13 units totaling 56 multi-family residences on 3.72 acres, and eight salable lots and two commercial lots for office buildings totaling 49,045sq. ft. on 4.35 acres. The site is located generally on the southwest corner of Demaree Street and Houston Avenue. APNs: 077-660-001 (portion), 077-660-003, -018, 077-090-015 (portion), and 077-090-016 (portion)

Continued to  
January 12,  
2009



7:16 To 8:25

## 10. PUBLIC HEARING - Presented by Paul Scheibel

Motion to deny was passed (Segrue, Peck) 5-0

Open: 7:35  
Close: 7:36  
No one spoke

Motion to reopen was passed (Lane, Soltesz) 5-0

Spoke:  
1. Mike Lane

General Plan Amendment No. 2008-08: A request by the City of Visalia to amend the General Plan Land Use Element from RLD (Residential Low Density) to PCSO (Planned Shopping/Office Commercial) for 31.2 -acres located on the east side of Dinuba Highway, between Shannon Parkway and the St. Johns River riparian setback, then easterly to the logical extension of Court St. (APNs 079-080-045, 079-071-001, 016, 018, and 020)

8:25 To 8:28

## 2. DIRECTOR'S REPORT/PLANNING COMMISSION DISCUSSION:

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

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

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JANUARY 12, 2009  
AT THE VISALIA CONVENTION CENTER, 303 E. ACEQUIA, VISALIA**

8:28 TO 8:29  
Motion to Adjourn (Segrue, Lane) 5-0

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 10b

**Agenda Item Wording:** Authorize changes to the non-profit grant funding application process.

**Deadline for Action:** None

**Submitting Department:** Citizens Advisory Committee

**Contact Name and Phone Number:**

Chris Gomez- Subcommittee Co- Chair 625-9600  
Dirk Holkeboer- Subcommittee Co-Chair 651-1000, ext 631  
Kim McGee – Staff Liaison to CAC 713-4391

**Recommendation:** That Council authorize the following changes in the non-profit grant funding application process:

- (1) To reduce the minimum grant amount from \$5,000 to \$3,000;
- (2) To require attendance at a CAC grant-writing workshop as a condition for applying for a grant; and,
- (3) To require that the board resolution accompanying the application include a declaration that:
  - (a) the funds received from the City of Visalia will not be used for religious purposes and,
  - (b) the program will be available to any person regardless of religion, race, ethnicity, or sexual orientation.

**Summary:** Council previously directed the Citizens Advisory Committee (CAC) to administer the nonprofit grant process and make agency funding recommendations to the Council. The CAC has completed two cycles of reviewing applications and recommending grant awards.

The CAC is making recommendations to improve the process and clarify expectations. The substantive changes recommended by the CAC are

1. To reduce the minimum grant amount from \$5,000 to \$3,000;
2. To require attendance at a CAC grant-writing workshop as a condition for applying for a grant; and,

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):\_5\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

3. To require that the board resolution accompanying the application include a declaration that:

- (a) the funds received from the City of Visalia will not be used for religious purposes and
- (b) the program will be available to any person regardless of religion, race, ethnicity, or sexual orientation.

The proposed changes have the following rationale:

1. The reduction of the minimum grant amount will give the CAC more flexibility in considering small requests or new programs.
2. The grant workshop will improve the quality of the applications and assist the CAC in its evaluation and comparison of the various proposals.

Each grant workshops will be 1 to 1-1/2 hours and will be offered on different days of the week at different times of the day. At least one workshop will be offered on a Saturday. The dates and times of the workshops will be announced at the time the availability of the Non Profit Grant applications is publicized.

Two grant workshops were offered last year, but they were not mandatory. They gave the attendees the opportunity to ask questions about the program and they gave the CAC subcommittee the opportunity to explain how the applications should be completed so that the information received on the applications will be comparable. In the prior two years, some applications were received that noted "See Attached" instead of the applicant completing pertinent areas of the application. These applicants attached their financial statements or tax returns to the application in lieu of completing the questions. Those who attended one of the workshops completed their application thoroughly and completely and they did not attach anything other than the documents specified in the application packet. It is difficult, if not impossible for the CAC subcommittee to interpret the individual data from the many different types of financial statements or tax returns in order to fairly compare the need for funds to the other applications. Completeness and consistency in the responses assists the CAC in evaluating and comparing the applications. Workshop attendance should be mandatory to ensure fair comparability.

3. Non-preferential treatment of participants of the Non-Profit programs is required by law. Including affirmative statements about religion, race, ethnicity and sexual orientation addresses concerns raised by Council Members during last year's funding process. The language of the board resolution was drafted in consultation with Alex Peltzer, City Attorney.

### **Background:**

At the May 1, 2006 Council meeting, the CAC recommended the following guidelines which were approved by Council.

- Who to Fund

Funding should be made available to nonprofit and local government agencies to fund programs or projects to benefit youth, including at risk youth. A minimum of 25% of all budgeted funds should specifically fund gang prevention/intervention activities.

- Activities to Fund

Funding may be used for operation or capital expenditures. Preference should be given for capital expenditures as opposed to operational expenditures.

- Length of Funding

Chosen nonprofits will be funded for a maximum of three years. After the three year period, the program or project would no longer be eligible for funding.

- Amount of Funding

Grants will be awarded at a minimum of \$5,000 and are limited to a maximum of 30% of the annual funding for the Visalia Non-Profit Program.

At the November 19, 2007 Council meeting, the CAC recommended the following changes to the guidelines which were approved by Council:

- Amount of Funding

The maximum award amount was reduced to 20% of the annual funding for the Visalia Non-Profit Program.

- Length of Funding

Clarification that agencies may apply for three *consecutive* years to fund the same program.

The proposed 2009/2010 Non Profit Funding Application is attached for Council's review.

**Prior Council/Board Actions:** Approved policies for administering the funding of nonprofits, May 1, 2006. Approved the awarding of funds, June 18, 2007. Approved changes to policies for administering the funding of nonprofits November 19, 2007. Approved the awarding of funds, June 16, 2008.

**Committee/Commission Review and Actions:**

**Alternatives:** Make no changes to the application for the funding of nonprofits.

**Attachments:** 2009/2010 Non Profit Funding Application with recommended changes.

**Recommended Motion (and Alternative Motions if expected):**

1) Move to approve the CAC's recommended changes to the nonprofit funding application.

***Environmental Assessment Status***

**CEQA Review:**

n/a

**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:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 10c

**Agenda Item Wording:** Award the construction contract for the Highway 198 Overcrossing at Santa Fe Street to the low bidder Agee Construction Corporation in the amount of \$5,360,147.10. Project Number 3011-00000-720000-0-9236.

**Deadline for Action:** December 15, 2008

**Submitting Department:** Community Development  
Engineering Division

**Contact Name and Phone Number:** Fred Lampe 713-4270,  
Adam Ennis, 713-4323, Chris Young, 713-4392

**Department Recommendation:** Staff recommends that the Visalia City Council award the construction contract for the Highway 198 Overcrossing at Santa Fe Street to the low bidder (Agee Construction Corporation) in the amount of \$5,360,147.10. Project Number 3011-00000-720000-0-9236. This project is fully funded by Measure-R.

**Summary/background:** The Highway 198 Overcrossing at Santa Fe Street is a project that is identified in the Circulation Element of the City of Visalia General Plan. The overcrossing will connect south Santa Fe Street to downtown Visalia enhancing traffic circulation and improving bus, bicycle, and pedestrian access to the proposed Civic Center Complex, the existing Transit Center, and businesses in the east downtown area.

The project includes removal of the abandoned railroad bridge at Santa Fe Street, and construction of a new five-lane vehicular overcrossing in its place. The project will widen Santa Fe Street for one-half block north of Mineral King Avenue and one-half block south of Noble Avenue to match the width of the proposed five-lane structure. Two new traffic signals will be installed and interconnected to, and synchronized with, the City's downtown signal timing system. Work will be done within the State Highway 198 right-of-way pursuant to Caltrans encroachment permits and a cooperative agreement between Caltrans and the City of Visalia.

**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.

On December 2<sup>nd</sup>, 2008 the City of Visalia opened eight bids submitted for the Highway 198 Overcrossing at Santa Fe Street. The result of the bid opening is as follows:

Contractor	Total
Agee Construction Corporation (Clovis)	\$5,360,147.10
FCI Constructors, Inc. (Benicia)	\$5,608,879.45
RNR Construction, Inc. (Sacramento)	\$5,880,478.85
Emmett's Excavation (Clovis)	\$5,901,476.73
Viking Construction Co. (Rancho Cordova)	\$6,056,381.10
Shasta Constructors (Redding)	\$6,067,556.85
MCM Construction, Inc. (North Highlands)	\$6,127,478.52
Lee's Paving (Visalia)	\$6,693,181.70
Engineer's Estimate	\$6,800,000.00

Agee Construction Corporation is a reputable contractor with experience building transportation related structures. Located in Clovis, California, they have worked with Caltrans in District – 6 which includes Madera, Fresno, Tulare, Kings, and Kern Counties. Agee's subcontractors include five companies from Clovis and Fresno. One subcontractor is from Visalia (AC Electric, doing approximately \$300,000 of traffic signalization and related work).

Agee Construction has built projects similar in size and scope to the Highway 198 Overcrossing at Santa Fe Street. Some examples include the Highway 99 Pedestrian Overcrossing in the community of Goshen, the Shaw – Marks Underpasses in Fresno, and the 800' Kansas – Needham Overcrossing in Modesto.

The City's construction management firm, Mendoza and Associates, has worked on projects with Agee Construction. All of the projects were successfully completed.

**Prior Council/Board Actions:**

1999/2000 City budget authorized Capital Improvement Project 3001-00000-720000-0-9236

Further budget appropriations: 2000-2008

November 18, 2002 Council adopted a Mitigated Negative Declaration (Resolution #2002-117)

September 2004 – April 2005 Council reviewed conceptual architectural designs for the project

August 6, 2007 Council approved appraisals of properties 1, 2, 7 and 8.

August 20, 2007 Council approved appraisals of properties 3, 4, 5, and 6.

August 4, 2008 Council approved a Resolution of Necessity on property-6 located at 500 S. Santa Fe Avenue. Resolution 2008-43

July 14, 2008 Council approved an agreement with Mendoza and Associates for construction management services.

**Committee/Commission Review and Actions: None**

**Alternatives:**

Reject all bids and re-releasing the project for bid in a revised scope or form.

**Attachments:** Project location map.

**Recommended Motion (and Alternative Motions if expected):** I move to authorize the City Manager to execute a contract with Agee Construction Corporation for construction of the Highway 198 Overcrossing at Santa Fe Street.

***Environmental Assessment Status***

**CEQA Review:** Mitigated Negative Declaration, adopted by City Council on November 18, 2002 by Resolution 2002-117

**NEPA Review:** Federal funding will not be used on this project.

**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:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 10d

**Agenda Item Wording:** Approval of the 2008/09 transit agreement with Tulare County.

**Deadline for Action:** December 15, 2008.

**Submitting Department:** Administration – Transit Division

**Contact Name and Phone Number:**

Monty Cox 713-4591

**Department Recommendation:** Approve the 2008/09 transit agreement with Tulare County and authorize the City Manager to execute the necessary documents.

**Summary/background:** This agreement is an annual agreement between the City of Visalia and Tulare County to provide Visalia City Coach (VCC) service to the unincorporated areas of the greater Visalia Urbanized Area contiguous to the City, including Goshen.

The agreement includes a transfer of \$325,544 from the County to the City equal to the County portion of the VCC service provided. Of this amount \$176,019 is transferred from the County's portion of the Local Transportation Fund and the remainder \$149,525 is comprised of federal funds and farebox revenues which the City collects and retains. This \$325,544 covers the service to Goshen and the other county pockets within the Visalia Urbanized Area. It does not include any service to Farmersville or Exeter as this will be addressed through separate agreements with those cities.

Various formulas are used to determine the percentage of service provided to the County and then this percentage is applied to the entire VCC budget to determine the County's share. The formulas were developed the first year of the annual agreement in 1981 and updated each year since. The formulas are based on a percentage of the ridership who reside in the County (5% for Fixed Route & 8% for Dial-A-Ride), a multiplier factor adjusting for the distance to get to and from the County (1.3), and the number of service hours expended within the County areas(10%). The funds are taken from the County's share of the Federal Transit Administration (FTA) Section 5307, County Local Transportation Fund and farebox revenues.

**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.

**Prior Council/Board Actions:** Since 1981, the City and County have entered into annually updated agreements for the provision and coordination of public transit services in the Visalia Urbanized Area.

**Committee/Commission Review and Actions:** None

**Alternatives:** The City could elect not to service the unincorporated sections of the Visalia Urbanized Area, requiring the County to find an alternate provider. Such action could result in less efficiency and increased costs in the Visalia Region.

**Attachments:** Copy of the Agreement

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move that the City Council approve the 2008/09 Transit Agreement between the City of Visalia and the County of Tulare providing Visalia City Coach (VCC) service to the unincorporated sections of the greater Visalia Urbanized Area contiguous to the City, and authorize the City Manager to execute the necessary documents.

***Financial Impact***

**Funding Source:**

Account Number:

**Budget Recap:**

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

***Environmental Assessment Status***

**CEQA Review:**

Required? No  
Review and Action: Prior:  
Require:

**NEPA Review:**

Required? No  
Review and Action: Prior:  
Require:

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 10e

**Agenda Item Wording:** Award of design contracts to the RRM Design Group for the Packwood Creek trail and to Sierra Designs for the St. John's Riverwalk projects and authorize the City Manager to execute the consultant agreements for each project.

**Deadline for Action:** N/A

**Submitting Department:** Park & Recreation Department

**Contact Name and Phone Number:** Paul Shepard 713-4209 & Vince Elizondo 713-4367

**Department Recommendation:** Recommend award of trail design contracts to the RRM Design Group for \$63,845 for the design of the Packwood Creek trail and to Sierra Designs for \$114,889 for CEQA environmental review and design of the twelve acre St. John's Riverwalk project and authorize the City Manager to execute the consultant agreements for each project.

**Summary/background:**

In June the City advertised for proposals (RFP) for environmental and design services for the St. John's Riverwalk project (east of Ben Maddox Way at the St. John's River) and Packwood Creek trail (County Center Dr. to 1,100 feet east of Mooney). The St. John's Riverwalk project includes development of 12 acres with paths, a picnic area, a nature area, displays, and a small parking lot. The Packwood Creek project includes 3,700 feet of ADA compliant trail, landscaping and irrigation, and site signage. Thirteen firms responded to the Request for Proposal for these projects; The HLA Group; Wallace Group; Odyssey Design Group; Nuvis; Blair, Church and Flynn; Precision; Design Lab 252; Pacific Coast Land Design; Rick Engineering; Royston, Hamamoto, Alley, and Abey; RRM Design Group; Sierra Design; and TCLA Inc.

The selection process followed the criteria set forth in the Request for Proposal. A group of four raters, including Brian Kempf (representing the Bicycle, Pedestrian and Waterway Trails Committee), Vince Elizondo (Parks & Recreation Director), Peter Spiro (Engineering) and Paul Shepard (project manager) participated in the rating process. Three firms were selected to make presentations to the selection committee; The HLA Group, Sierra Designs, and RRM Design Group. The committee evaluated the firms for their ability to provide innovative trail

**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)

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designs, experience in conducting public participation processes, and their track record in delivering projects within budget.

The committee recommended that the St. John’s Riverwalk environmental work and design and Packwood Creek trail design be awarded to Sierra Design and RRM Design Group as follows:

Project	Firm	Fee	Design	Project Completed
St. John’s Riverwalk environmental and design	Sierra Design	\$114,889	Winter 2009	Spring 2010
Packwood Creek trail design	RRM Design Group	\$63,845	Winter 2009	Fall 2009

Sierra Design Inc. is a Visalia landscape design firm that was selected for environmental and design work for the St. John’s Riverwalk project. Principals Dan Veyna and Kay Hutmacher are very familiar with this project. Mr. Veyna originally developed the St Johns River Master Plan. They are currently developing landscape plans for two storm basins for the engineering division. Engineering services will be provided by Provost and Pritchard Engineering and environmental work by Live Oak Associates.

RRM Design Group is a landscape design and engineering firm in San Luis Obispo and they were selected to design the Packwood Creek trail project. RRM worked on Visalia’s Waterways and Trails Master Plan and has designed recreational trail projects throughout California.

The Bicycle, Pedestrian and Waterway Trails Committee has been given monthly updates on this selection process. Committee member Brian Kempf was one of the raters. Part of the scope of work for the projects is to make design presentations to the committee to get their feedback.

The St. John’s Riverwalk project is funded by a Prop 50 California River Parkways grant. The Packwood Creek trail project is funded by a TEA grant and Measure R funds.

**Prior Council/Board Actions:** N/A

**Committee/Commission Review and Actions:** Bicycle, Pedestrian and Waterway Trails Committee has been provided updates on the RFP process.

**Alternatives:**

**Attachments:** Maps

**Recommended Motion (and Alternative Motions if expected):** Move to recommend award of contracts to the RRM Design Group for \$63,845 for the design of the Packwood Creek trail project and to Sierra Designs for \$114,889 for CEQA environmental review and design of the St. John's Riverwalk project and authorize the City Manager to execute the consultant agreements for each project.

***Environmental Assessment Status***

**CEQA Review:** To be completed during design phase.

**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:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 10f

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Parcel Map 2007-06 (Orchard Walk East - a commercial property located at the N.E. corner of Riggins Avenue and Dinuba Boulevard - 6 lots).

**Deadline for Action:** None

**Submitting Department:** Community Development  
Engineering Division

**Contact Name and Phone Number:**

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

**Department Recommendation:**

City staff recommends that City Council give authorization to file a Notice of Completion for the Parcel Map 2007-06 (Orchard Walk East).

**Summary/background:**

This commercial development (Orchard Walk East) includes a Target, Sportsman Warehouse and other businesses. All the necessary improvements for this parcel map have been completed and are ready for acceptance by the City of Visalia. The project was developed by Donahue Schriber. Donahue Schriber has submitted a maintenance bond in the amount of \$99,981.83 as required by the Subdivision Map Act. This bond serves to guarantee the improvements against defects for one year. The landscaping will be maintained by the owner and not by the City.

**Prior Council/Board Actions:**

Final Map recording was approved at Council meeting of June 23, 2008. Resolution 2008-35 forming Landscape & Lighting Assessment District 2008-05 for the maintenance of street lights was approved at Council meeting of June 23, 2008. Council approved reimbursement agreement for Court Street and Shannon Parkway improvements on June 23, 2008.

**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 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.

**Committee/Commission Review and Actions:** The tentative Parcel Map 2007-06 (known as Orchard Walk East) was approved by Planning Commission on May 29, 2007.

**Alternatives:** N/A

**Attachments:** Location/vicinity map  
Disclosure statements

**Recommended Motion (and Alternative Motions if expected):**

I hereby authorize filing a Notice of Completion for Parcel Map 2007-06 known as Orchard Walk East.

***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:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 10g

**Agenda Item Wording:** Requesting authorization to file a Notice of Completion for the construction of Parking Lot #44 Improvement Project, located at Tipton Street and Oak Avenue, with the final contract amount of \$102,687.54 (Project No. 4511-720000-0-0-9377-2007).

**Deadline for Action:** None

**Submitting Department:** Community Development  
Engineering Division

**Contact Name and Phone Number:**

Eric Bons, Senior Civil Engineer – 713-4350  
Chris Young, Assistant Community Dev. Director – 713-4392

**Department Recommendation:**

Staff recommends that the City Council authorize City staff to file a Notice of Completion for the Parking Lot #44 Improvement's Project. All the work has been completed by the contractor (A & D Construction). The final contract amount was \$102,687.54

**Summary/background:**

The project included the installation of new lighting, repaving portions of the lot, a driveway approach, slurry-sealing the existing pavement, and striping the parking lot. This parking lot provides 150 off-street public parking spaces to support businesses in the area, the Transit Center and transit related functions

On June 17, 2008 Engineering Staff opened six (6) bids submitted for the Parking Lot 44 Improvements Project that ranged from \$82,593 to \$125,361. The construction contract was awarded to the low bidder (A & D Construction of Tulare, California). The original contract amount was \$82,593.

This site was formerly being used as a storage lot for Gas Company equipment/ vehicles and later leased for storage of vehicles for an auto dealership. The original design called for simply slurry-sealing the existing pavement. After the start of construction, significant areas of existing pavement were identified as being significantly deteriorated and had to be replaced. Other "unforeseen conditions" and their related change orders are described below.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 3

**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.

<u>Change Order No</u>		<u>Description</u>	<u>Cost</u>
1	Change in Scope	Added foundation rebar cages, electrical service, and additional pavement	\$10,431.04
2	Unforeseen Conditions	Removal of a portion of old concrete loading dock	\$800.00
3	Change in Quantities	Additional asphalt paving associated with trenching and railroad facility relocation.	\$8,863.50

Total: \$20,094.54

The first change order (\$10,431.04) covered several items including:

- The installation of rebar “cages” and concrete for twelve light poles to extend the “foundation” 30 inches above the parking lot surface to protect the poles themselves.
- An existing electrical service/meter/pole had to be relocated due to a field conflict
- Areas of existing substandard parking lot pavement were replaced

The second change order (\$800.00) covered the removal of an existing loading dock (concrete slab) that was discovered during the construction. This concrete was just below grade and had to be removed to allow the construction of the new driveway.

The third change order (\$8,863.50) covered additional paving/grade preparation needed for the following:

- Additional electrical trenching needed to power parking lot lighting
- Area of the parking lot that was disturbed because of the relocation of a railroad facility (electrical “house”).

In summary, there were three change orders required to complete this project (with a cost increase totaling \$20,094.54) bringing the final contract amount to \$102,687.54. This represents a 24% increase over the originally awarded contract amount. These change orders were all reviewed and approved by the Change Order Committee. Not including site/acquisition costs, the improvement cost per space for this 150 space public parking lot is \$685.

**Alternatives:** None recommended.

**Attachments:** Location Map,  
Site Plan

**Recommended Motion (and Alternative Motions if expected):** Staff recommends that the City Council authorize City staff to file a Notice of Completion for the construction of the Parking Lot 44 Improvement Project.

**Environmental Assessment Status**

**CEQA Review:**

Required? Yes  No  
Review and Action: Prior:  
Required: Cat-Exempt -.

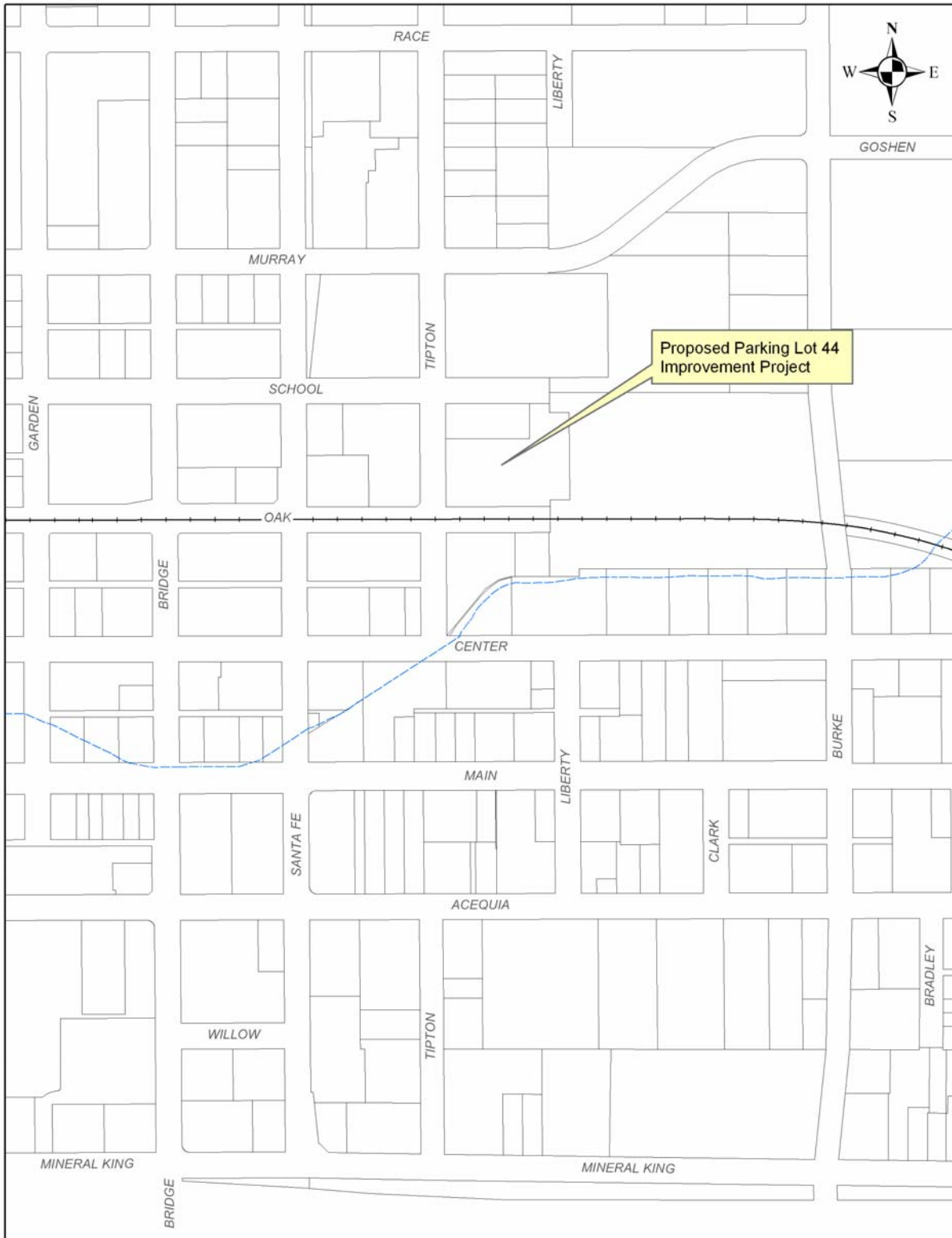
**NEPA Review:**

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

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

Copies of this report have been provided to:

# Location Map





**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 10h

**Agenda Item Wording:** Request authorization to file a Notice of Completion for the renovation of the Plaza Park irrigation system, Project No. 0011-0-72-0-9754, for the construction of on-site improvements at a final cost of \$605,005.14.

**Deadline for Action:** None

**Submitting Department:** Park and Recreation Department

**Contact Name and Phone Number:** Vince Elizondo, 713-4367

**Department Recommendation:** Authorize staff to file a Notice of Completion on Project No. 0011-0-72-0-9754 for the renovation of the Plaza Park irrigation system. Westscapes, Inc. from Hanford, CA. completed the project at a final cost of \$605,005.14.

**Summary/background:** The project included the renovation of the irrigation system south of Airport Drive; modifications to the existing pump and filtration system; installation of satellite controllers; installation of a new water system for both domestic and quick coupler uses; and a new irrigation system in the area north of Plaza Drive (dog park and softball field #5). The improvements replaced the old existing system which was nearly 30 years old.

The original contract amount for the project was \$592,604.56 and an additional \$12,400.58 for three (3) change orders, for a total project cost of \$605,005.14. This represents change orders of just over 2% for the total project.

A summary of the change orders are as follows:

1. Change order #1 was for \$5,496.00 for a bore under a large permanent group picnic area (on a permanent concrete base) to provide sleeves for some controller wire, domestic water lines, and phone communication lines. The original design designated the lines to run adjacent to a large vintage Oak Tree. The other side of the picnic area also has a large vintage Oak Tree. To avoid the drip lines of the Oak Trees, and to prevent damage to the root systems of the Oak Trees, the change order required a bore

**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 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.

below the picnic area. Installing lines that close to the base of the Oak Trees would have violated our local Oak Tree Ordinance.

2. Change order #2 was for \$1,433.99 for a re-dig of a trench due to storm damage from Mill Creek and for the replacement of a transformer at the pump station.
  
3. Change order #3 was for \$5,470.59 for a bore across Plaza Drive to add a second communication cable to a controller located near the dog park. In order for the two (2) master valves to work independently of each other, it was necessary to hard wire the MC controller located adjacent to the park pond and the dog park controller north of the Plaza Drive. Work I consisted of boring under Plaza Drive 60' and installing 2" pipe for communication cable, then extending communication cable from the main controller to the dog park controller. They are two separate watering systems and must operate independently of the other.

**Prior Council/Board Actions:** Award of construction contract on December 17, 2007.

**Committee/Commission Review and Actions:**

**Alternatives:** None.

**Attachments:** None.

**Recommended Motion (and Alternative Motions if any:  
Move to authorize Notice of Completion for renovation of Plaza Park irrigation system.**

***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:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 11

**Agenda Item Wording:** Request authorization to prepare and release a Request For Proposal (RFP) for the retention of a consultant to complete an economic study analyzing whether a rent control program for the mobile home parks in Visalia is economically warranted, and authorization to select and contract with a consultant for such study.

**Deadline for Action:** None

**Submitting Department:** Housing and Economic Development

**Contact Name and Phone Number:** Ricardo Noguera, Housing & Economic Development Director; 713-4190, James Koontz, City Attorney; 636-0200

**Department Recommendation:** Authorize staff to prepare a scope of work and release an RFP for the selection of a consultant to complete an economic study on mobile home parks in the City of Visalia; and authorize the City Manager to select a consultant following the response to the RFP, and to enter into an agreement for the completion of the identified study.

**Summary/Background:** On September 2, 2008, City Council received a status report from the City's consultant, Jim Harbottle, on the various activities surrounding the mobile home parks in Visalia. Among the issues discussed during that agenda item was the possibility of adopting a rent control ordinance, either by itself or in conjunction with a model lease program similar to the one currently in place in Visalia. Since then, the Mayor and Vice-Mayor have completed a tour of the mobile home parks to assess their physical condition. Additionally, staff has reviewed mobile home park rent control and master lease programs adopted in other cities throughout California in an effort to ascertain issues regarding rents and affordability within mobile home parks, and the effectiveness of rent control for mobile home parks.

The Council has expressed an interest in moving forward with some form of mobile home park lease program with a rent control option, if such action is warranted by the economic condition of the rent experience at mobile home parks in Visalia.

Over the past decade or more, the City has promoted the use of a master lease by the park owners for their residents, in the hopes that use of this lease would help stabilize rent levels and provide a more even playing field for the park residents. The master lease program has proved to be unsatisfactory based on the level of participation in the program by park owners. Therefore, staff has considered proposing for adoption by the Council a master lease program backed by a rent control ordinance that would be applicable to parks that do not participate in the master lease program.

This document last revised 1:30 PM 12/12/2008

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File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2008\121508\Item 11 Mobile Home Park - RFP Selection of Consultant.doc

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_

**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.



Before crafting such an ordinance and proposing it for adoption, staff believes that the economic justification for a rent control ordinance needs to be more specifically determined. Rent control ordinances in general are often subject to challenge on the basis that they infringe upon the property rights of the owners of the property subject to rent control. This has certainly been the case with rent control as applied to mobile home parks.

A long and complicated series of court cases specifically on mobile home rent control has resulted in the establishment of certain requirements for a city to meet before adopting rent control. The details of this case law are beyond the scope of this report. In general, courts that have considered the constitutionality of mobile home rent control ordinances have upheld the ordinance if the city was able to demonstrate two things: 1) the economic justification for rent control, in the form of evidence of increasing space rents as compared to other rents in the same area; and 2) evidence that a rent control ordinance would still leave a fair return for the mobile home park owners.

Whether the Council ultimately decides to move forward with rent control, a study by an independent economic consultant will be necessary to assess both the wisdom of a rent control ordinance as well as the ability to defend the ordinance against a constitutional challenge.

**Staff Recommendation – Release an RFP for the Selection of a Consultant to Prepare an Economic Study on Need for and Impact of Mobile Home Rent Control in Visalia**

Staff is recommending authorizing the release of an RFP for the selection of a consultant to complete an economic study on mobile home parks in the City of Visalia. Such studies have routinely been completed in other cities as a precursor to determining whether to adopt rent control ordinances, and staff proposes to work with these other cities to develop a detailed scope of work that would form the basis of the RFP.

Staff further recommends authorizing the City Manager to select a consultant following the response to the RFP, and to enter into an agreement for the completion of the identified study. Staff anticipates that the study can be accomplished for less than \$25,000. If the RFP process identifies a cost greater than this amount, specific authorization would be sought from the Council.

**Recommended Motion (and Alternative Motions if expected):** Authorize staff to prepare a scope of work and release an RFP for the selection of a consultant to complete an economic study on mobile home parks in the City of Visalia; and authorize the City Manager to select a consultant following the response to the RFP, and to enter into an agreement for the completion of the identified study.

**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** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 12

**Agenda Item Wording:** Appeal of Historical Preservation Advisory Committee action HPAC 2008-18, by Mr. Wayne Atkins to change exterior stairs for 944 S Court Street.

**Deadline for Action:** December 15, 2008

**Submitting Department:** Housing & Economic Development

**Contact Name and Phone Number**  
**Tim Burns, Neighborhood Preservation Manager 713-4172:**

**Department Recommendation:** Uphold Historical Preservation Advisory Committee's decision regarding HPAC 2008-17 requiring the removal of the cement from the south and west sides of the house's steps and replace solely with wooden steps.

**Summary/background**

Mr. Atkins recently purchased a single family residence in foreclosure at 944 S Court Street in Visalia. The residence is identified as a Colonial Revival and classified as a "focus" structure. The residence is located in the historical district and is listed on the local registry.

On October 10, 2008, Mr. Atkins was issued a "Stop Work" Order when non permitted work was discovered occurring at the residence. Mr. Atkins complied; paying \$506.67 in cost recovery fees for staff time and he requested to have his project reviewed by the Historical Preservation Advisory Committee which is the City's process for considering proposed modifications of designated historical properties.

On November 12, 2008, Mr. Atkins' project was reviewed by the Committee. He requested consent to:

- Demolish a shed.
- Demolish a "Granny" unit
- Permit 4 sets of brick and cement steps to remain as replacement for the previous wooden steps that were deteriorated and termite infested (the replacement with brick and cement steps was completed prior to Historic Preservation Advisory Committee review).
- Install a chain link fence with wood slats on the east side of the parcel which runs parallel to the alleyway.

**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.

- Remove a 6' wooden fence on the south side of the residence with a white picket fence that matches the pre existing picket fence.

The Historical Preservation Advisory Committee's findings were:

- Allow the shed to be demolished
- Allow the "Granny" unit to be demolished
- Permit the cement and brick steps on the north and east side of the residence which are not visible from the public right-of-way to remain. **Remove and replace the steps visible from the public right-of-way on the west and south side with wooden steps similar to those that previously existed.**
- Install a wooden fence on the south side of the residence that runs parallel to the alleyway.
- Remove the 6' wooden fence on the south side of the residence and replace it with a white picket fence that matches the existing picket fence.

The Committee consented to the majority of Mr. Atkins proposal, however denied his request to allow the cement and brick replacement steps visible from the public right-of-way to remain, indicating that they were not consistent with the previous steps. The previous steps were constructed of wood. The Committee also denied the request to allow the alleyway chain link fence indicating the past practice was to require wooden fencing. The highlighted area is the subject of Mr. Atkins' appeal which pertains only to the replacement of the steps.

On November 19, 2008, the property owner filed a written appeal with the City Clerk, appealing the Committee's decision indicating that it will cost \$5,000 to remove and replace the cement and brick steps. The property owner indicated that he had not been aware that the residence was a historical property otherwise he would not have done the work without prior approval from the Committee.

On November 26, 2008, Mr. Atkins attempted to obtain a demolition permit to remove the "Granny" unit. Mr. Atkins was advised that a demolition permit could not be issued until the matter was reviewed by Council as a result of the appeal having been filed.

#### **Pertinent Municipal Code Sections.**

Pursuant to Visalia Municipal Code Section 17.56.040 no historic structure that is located in the historic district and is listed as an "exceptional" or "focus" structure shall be altered unless a permit has been issued pursuant to the terms of the Historic Preservation District Ordinance.

Pursuant to Visalia Municipal Code Section 17.56.050 3 it is 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 district and listed as "exceptional" or "focus" structures on the local register. The Committee shall have the power to approve or disapprove such applications before a building permit can be issued pursuant to Sections 17.56.100 and 17.56.110.

Pursuant to Visalia Municipal Code Section 17.56.060 any person aggrieved by a decision of the Historic Preservation Advisory Committee may appeal the committee's finding in writing within 10 days to the City Council to review the committee's findings. The Council may reverse, affirm or modify the actions of the Historic Preservation Advisory Committee.

**Prior Council/Board Actions:** None

**Committee/Commission Review and Actions:** On November 12, 2008 the Historical Preservation Advisory Committee partially approved Mr. Atkins project

**Alternatives:** Permit Mr. Atkins to proceed with his project as requested.

**Attachments:**

1. Historical Preservation Advisory Committee Project description, request and committee findings;
2. Site aerial;
3. File photograph;
4. Photograph of new cement and brick steps;
5. Termite report on stairs;
6. Stair diagram;
7. Photograph of "Granny" unit that is pending demolition;
8. Photograph of garage proposed for demolition;
9. Termite report

**Recommended Motion (and Alternative Motions if expected):**

I move to uphold the action of the Historic Preservation Advisory Committee and deny the appeal.

***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:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 13

**Agenda Item Wording:**

A hearing to adopt a Resolution of Necessity on portions of the following properties:

1. Mary's Vineyard (APN: 100-020- 011, 012, 013)
2. 1375 E. Mineral King (Galante/Flyers) (APN: 100-030-015);
3. Galante – No situs (APN:100-030-005, 007 &018) – east and west of highway entrance/exit north of Noble
4. Wal-Mart -1819 E. Noble (APN: 100-040-038, 100-050-001, 100-050-007)

Resolution 2008-60 required

**Deadline for Action:** None

**Submitting Department:** Community Development  
Engineering Division

**Contact Name and Phone Number:**

Steve Salomon, City Manager: 713-4312  
Michael Olmos, Assistant City Manager: 713-4332  
Chris Young, Assistant Community Dev. Director: 713-4392  
Adam Ennis, Engineering Design Division Manager: 713-4323  
Alex Peltzer, City Attorney: 636-0200

**Recommendation:**

The need for the Ben Maddox Way Bridge Project (see detailed project description below) was identified in a 2003 engineering study. Since that time, funding for the design and construction of this project has been allocated and the design has been nearly completed. The designed roadway improvements require that the City acquire portions of the properties described above. The property owners have all been cooperative, but for the various reasons described below, the acquisition of the needed properties has been delayed. Now that the project is nearing its construction phase, and recognizing the importance of these improvements to the City's system of roadways, is critical that the City moves to ensure that these acquisitions are made in a timely manner.

Staff recommends adopting a Resolution of Necessity (Resolution 2008-60) regarding the properties listed above to proceed with acquisition of the above properties through eminent domain. A hearing is required by the Eminent Domain Law for this purpose and owners were notified of the hearing date in accord therewith. Offers to purchase initially went to landowners in February, 2008 and negotiations are ongoing, but one landowner has decided to get 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.): 5

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

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secondary appraisal which should be completed soon, another is working on title refinance/lien issues, and another is in escrow, so this step is being taken to preserve the project timeline discussed below as well as to eventually address issues that could not be negotiated, if any. All owners have indicated a willingness to work with the City regarding early possession to commence the project and the details of such arrangement are in progress.

**Project Summary/Timeline:**

The Ben Maddox Way Bridge Project includes widening the existing bridge crossing State Highway 198 by three lanes, to accommodate a total of eight lanes. The Project will also widen 2200 feet of Noble Avenue between Ben Maddox and Lovers Lane, upgrade three existing traffic signals (Ben Maddox at Noble, Ben Maddox at Mineral King, and Noble at the eastbound SR 198 on/off ramp), and re-stripe Ben Maddox, Mineral King and Noble Avenue.

The project is currently scheduled to go to construction in June, 2009. This would entail bidding for and hiring a construction manager to begin work in March, 2009, then putting the project to bid in April in order to award the project in late May, 2009.

**Eminent Domain Process:** The taking of property through eminent domain generally involves the following steps: a) statutorily required offer of fair market value based on an appraisal adopted by Council; b) offer of up to \$5,000 reimbursement toward secondary appraisal that complies with statutory standards; c) reasonable time for owner to obtain secondary appraisal and respond to offer; d) negotiations; e) Notice of intent to adopt resolution of necessity and opportunity to appear and be heard; f) City Council consideration (hearing) and adoption of Resolution of Necessity; g) filing and serving eminent domain complaint and notice of pending action; h) deposit of probable compensation; i) motion to obtain possession in order to begin project; and j) prosecution of the eminent domain complaint to judgment.

**Summary of Negotiations:** Staff has completed tasks a through d above with all owners. All owners have been cooperative and generally indicate their belief that the Project will be beneficial to their commercial operations and that an amicable, negotiated agreement can likely be reached. A variety of individual issues, such as cleaning up title issues among owners, refinancing, obtaining tenant releases/estoppels, and obtaining partial reconveyances on various liens have indicated it will be time-consuming to address and work through the various issues.

The City's willingness to continue to negotiate has been strongly conveyed as the preferred acquisition method. Each owner has been advised that while these issues are being addressed, the City has a project schedule which it is trying to maintain and, therefore, each was advised that the resolution of necessity process would be commenced in order to preserve the schedule. Again, although this is the first step in the eminent domain process, staff will nevertheless continue to work diligently to negotiate reasonable settlements.

**Findings Required to Adopt Resolution of Necessity:** The City Council may adopt a resolution of necessity only after giving notice to each person whose property is to be acquired by eminent domain that it intends to adopt a resolution of necessity and that they have a right to appear at such hearing and be heard on the proposed resolution. Notice was given by first class mail on November 17, 2008, to each of the listed property owners.

Additionally, in order to adopt the Resolution, Council must make the following findings:

1. The public interest and necessity require the proposed Project;



2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project;
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

The bridge expansion project is a component of the 2001 Circulation Element and specifically included within the scope of the 2000 Circulation Element EIR Update (Printed – Appendix D, Page VI-14 “SR-198 – Mineral King/Noble at Ben Maddox” and “SR-198 Ramps – Noble at Ben Maddox”). The Project is consistent with the Project Study Report (PSR) that studied the State Route Corridor of Highway 198 between Mooney Boulevard to Road 148 (Printed – Caltrans EA 06152-3922 OK, 3/15/00).

Existing and future traffic operations have been quantified through the determination of Level of Service (“LOS”). This is a quantitative measure of traffic operating conditions, whereby a letter grade “A” through “F” is assigned to an intersection or roadway segment representing progressively worsening traffic conditions.

Prior to 2001, The City of Visalia, the Tulare County Association of Governments (TCAG), and Caltrans completed and approved a Project Study Report (PSR) for the State Route 198 corridor between Mooney Boulevard and Road 148 which identified needed roadway improvements along or adjacent to this corridor. That PSR reviewed six alternatives and selected Alternative 6. This Alternative 6 was further divided into seven phased-implementation segments. PSR Segment 5 (of Alternative 6) identifies the need for the Ben Maddox Way Bridge improvements. A separate PSR (initiated in 2001 and finalized in 2003) identified the specific improvements needed for the Ben Maddox Bridge Project. This study indicated the intersections of Ben Maddox Way with Noble Avenue and Mineral King Avenue, and the intersection Noble Avenue with the Mary’s Vineyard Shopping Center entrance were all operating at a LOS D. The minimum level of service required by the City is LOS D or better, while Caltrans requires a LOS C or better. Due to increased population growth, and further development in this prime commercial area, the level of service for both of these intersections has deteriorated, and will continue to deteriorate to unacceptable levels.

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

On February 29, 2008, each owner was mailed an offer to purchase the property needed for the project from their parcel(s). These offers were prepared in accord with the Eminent Domain Law (Government Code Section 7267.2) and were based on fair market value determined by appraisals.

Staff recommends Council consider the information above which supports the Resolution of Necessity and proceed to adopt it.

As indicated above, offers to purchase were sent to the various owners in February, 2008. Since that time, numerous discussions have occurred with the landowners or their representatives. Mary’s Vineyard is cooperating with City regarding the project, however due to an IRS lien affecting the property that relates to a prior inheritance tax issue, it will be necessary to provide to the IRS evidence that a lawsuit has been commenced to take the property in order to work through the lien issue. Wal-Mart and City have reached agreement and are in escrow. The Galantes continue to negotiate with the City and have expressed a willingness to provide early

possession, however they are obtaining a secondary appraisal and cannot continue with negotiations until they receive such appraisal, which they expect within the next month or so.

**Notices to Property Owners and Objections in Response:** As noted above, notice of intent to adopt a resolution of necessity was sent to all affected property owners on November 17, 2008. The notices state that in order to appear at the hearing, the property owners must give the City notice within 15 days of their intent to appear and object to the resolution of necessity, or waive such objection. Only one property owner provided this notice within the required 15 days. See attached letter from attorney Philip Laird, on behalf of the Galante family as owners of several of the parcels affected. Mr. Laird asserts a number of procedural shortcomings in the City's offer and notice regarding the resolution of necessity. Mr. Laird did not make any specific assertion regarding objections to the nature of the take area or any other substantive objection.

The City Attorney has discussed the objections outlined in the letter with Mr. Laird, and believes the objections will be waived through a "right-of-entry" agreement by which the property owners consent to early possession of the property while preserving the right to challenge the valuation of the property taken. Even if such an agreement is not arrived at, the City Attorney is of the opinion that the objections do not have merit. As noted above, all of the various procedural requirements have been met by the City, including but not limited to: a statutory offer was made on the basis of an appraisal, the property owners were provided a detailed summary of the appraisal upon which the offer was based, the owners were afforded the opportunity to obtain at the City's cost a second appraisal, environmental review was completed for the project consistent with the California Environmental Quality Act and National Environmental Policy Act, and careful attention has been paid to designing the project in a manner that provides the most public benefit at the least harm to private property owners.

**Funding Sources:** As part of the 1999/2000 Capital Improvement Budget Council authorized this project and has appropriated funding each year since for a total of \$6,580,000. The Project is assigned project number 3011-00000-720000-0-9242 and is being funded by a combination of funding sources including gas tax, transportation impact fees and federal grant(s).

**Prior Council/Board Actions:**

1999/2000 -- Capital Improvement Project #3011-00000-720000-0-9242  
July 21, 2003 Adopted Mitigated Negative Declaration for Project (Resolution #2003-84)  
January 22, 2008 – Council approved appraisals and authorized negotiations

**Committee/Commission Review and Actions:** None

**Attachments:**

1. Map/right-of-way project exhibit
2. Resolution of necessity
3. Laird Objections Letter

**Recommended Motion (and Alternative Motions if expected):** I move to adopt Resolution of Necessity No. 2008-60.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 14

**Agenda Item Wording:** Resolution 2008-61, authorizing the formation of Revised Underground Utility District No. 19 along Walnut Avenue from 300 feet west of centerline of Mooney Boulevard (State Route 63) to approximately 140 feet east of the centerline of Central Street.

**Deadline for Action:** N/A

**Submitting Department:** Community Development  
Engineering Division

**Contact Name and Phone Number:**

Adam Ennis 713-4323  
Manuel Molina 713-4491  
Chris Young 713-4392

**Department Recommendation:**

City Staff recommends adopting Resolution 2008-61 authorizing the formation of Revised Underground Utility District No. 19 along Walnut Avenue from 300 feet west of centerline of Mooney Boulevard (State Route 63) to approximately 140 feet east of the centerline of Central Street. This revision was required because of an error in Southern California Edison's original design which required an alignment revision.

**Summary/background:**

The original underground Utility District No. 19 was authorized for formation on January 7, 2008. The original district boundaries were along Walnut Avenue from the east right of way line of Mooney Boulevard (State Route 63) to approximately one hundred eighty feet (180') east of Central Avenue. Southern California Edison (SCE) originally designed the underground district to run along the south side of Walnut Avenue. During the final stages of their design, Southern California Edison (SCE) became aware of a design flaw that positioned transmission (high voltage) lines directly over Union Bank's building which is not allowed by SCE standards. As a solution, SCE is working on re-designing the underground district to run east and west along the north side of Walnut Avenue. In addition, SCE recommended extending the district an additional 300 feet to the west of Mooney Boulevard to accommodate their design. The extension of the district will not increase the cost of the project due to credits offered for eliminating poles.

The City has been working with Caltrans to improve the Walnut and Mooney Intersection. As

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 10

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

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part of these improvements the existing power poles need to be relocated to allow the streets to be widened. The poles in this area support two sets of SCE wires; one set for distribution (low voltage) and one set for transmission (high voltage). Telephone and cable television wires are also mounted on the poles. This project will convert the existing distribution wires, telephone and cable television wires to an underground system. Due to the higher cost of undergrounding high voltage wires, the existing transmission wires will remain overhead but will be mounted on large metal poles. Staff has worked with Southern California Edison and determined that this is the most cost effective method to allow both Mooney and Walnut to be widened. Leaving all of the wires and cables overhead would require installing very large and tall metal poles because of the length of the span needed to cross Mooney. Converting all of the lines except for the transmission wires will also substantially improve the aesthetics of the area.

Staff is recommending the formation of Revised Underground Utility District No. 19 based on the following justifications: 1) the undergrounding is along a public street and will be done under the California Public Utility Commission Rule 20B program, 2) the necessary right of way will be available to construct the underground district, 3) the undergrounding will be constructed concurrently with the Walnut Avenue Widening project and Caltrans Mooney Boulevard (State Route 63) widening project, and 4) undergrounding of the low voltage lines will allow for the use of smaller poles for the remaining overhead high voltage lines.

Revised Underground Utility District No. 19 will remove two (2) poles and the overhead low voltage lines. Forming the district will also prohibit future poles and additional overhead lines within the underground utility district. The conversion of the low voltage overhead facilities is planned to be completed by March 1, 2009. When the underground project is completed in conjunction with the Walnut Avenue widening project, it will result in an area reduced of overhead lines and utility poles between Mooney Boulevard and Central Street.

SCE's estimated cost to underground the low voltage overhead lines and services is \$775,000. The cost of this conversion was anticipated and will be paid by the City out of the Walnut Avenue (between Yale Street and Central Street) street widening and related improvements project. The creation of this district will require that all future electrical distribution and service lines be placed underground. As noted earlier, this revision to the district will not result in increased underground costs.

**Prior Council/Board Actions:** N/A

**Committee/Commission Review and Actions:** N/A

**Alternatives:** None recommended

**Attachments:** Exhibit "A" – Revised Underground Utility District No. 19 Site Map  
Exhibit "B" – Pole Locations  
Resolution 2008-61.

**Recommended Motion (and Alternative Motions if expected):**

I move to adopt Resolution 2008-61 authorizing the formation of Underground Utility District No. 19 along Walnut Avenue from 300 feet west of centerline of Mooney Boulevard (State Route 63) to approximately 140 feet east of the centerline of Central Street.

***Environmental Assessment Status***

**CEQA Review: Completed**

**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. 2008-61**

**AUTHORIZING THE FORMATION OF  
REVISED UNDERGROUND UTILITY DISTRICT No. 19**

**WALNUT AVENUE BETWEEN MOONEY BOULEVARD AND  
DIVISADERO STREET**

**BE IT RESOLVED** by the Council of the City of Visalia as follows, to wit:

**WHEREAS**, a public hearing was called for December 15, 2008, at the hour of 7:00 p.m., in the Council Chambers of the City Hall, 707 West Acequia Avenue, Visalia, California, to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles, low voltage overhead wires, associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or other similar or associated services along Walnut Avenue 300 feet west of Mooney Boulevard and 140 feet east of Central Street. (see attached Exhibit "A"); and

**WHEREAS**, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and utilities concerned in the manner and for the time required by law; and

**WHEREAS**, such hearing has been duly and regularly held and all persons interested have been given an opportunity to be heard; and

**WHEREAS**, Revised Underground Utility District No. 19 will be along Walnut Avenue having an ultimate right of way width beginning at a point located 300' west of the centerline of Mooney Boulevard to a point 140 feet east of the centerline of Central Street. With an exception for the pole on the north side of Walnut located approximately 147 feet east of the centerline of Mooney Boulevard and 45 feet north of the centerline of Walnut Avenue.

**WHEREAS**, Revised Underground Utility District No. 19 is located along a public street and is proposed as a Tariff Rule 20B project, which is fully funded by interest groups including the City of Visalia; and

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Visalia, now and forever as follows:

Section 1. The proposed project relates to the replacement and reconstruction of existing utility systems described in "Class 2" of the categorical exemptions under the State CEQA Guidelines and the Local CEQA Guidelines and is therefore exempt from the requirement for preparation of environmental documents.

Section 2. Pursuant to Chapter 13.24 of the Municipal Code of the City of Visalia, the above described area is hereby declared an Underground Utility District, and is designated as Revised Underground Utility District No. 19 of the City of Visalia. Attached hereto, marked "Exhibit A," and hereby incorporated as part of this resolution is a map delineating the boundaries of said District.

Section 3. After consultation with Southern California Edison Company, Revised Underground Utility District No. 19 qualifies as a Tariff Rule 20B project funded by interest groups.

Section 4. Revised Underground Utility District No. 19 will exclude facilities over 50,000 volts within the limits of the underground district,

Section 5. March 1, 2009, is hereby fixed as the date on which affected property owners must be ready to receive underground service.

Section 6. All poles, overhead wires and associated overhead structures for utilities below 50kv shall be removed and underground installations made in Underground Utility District No. 19 with the following times and conditions:

- 1) Installation of underground conduits and structures by utility companies not later than March 1, 2009.
- 2) Installation and reconnection of property owner services to underground facilities by utility companies not later than March 1, 2009.
- 3) Removal of poles, overhead wires and other associated overhead structures not later than March 1, 2009.

Section 7. The City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within Revised Underground Utility District No. 19 of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that if they or any person occupying such property desires to continue to receive electric, communication or other similar or associated service, they or such occupant shall, by the date fixed in this Resolution, provide all necessary changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this Resolution together with a copy of Chapter 13.24, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** December 15, 2008

**Agenda Item Number (Assigned by City Clerk):** 15

**Agenda Item Wording:** Council review and accept the fiscal year 2007-08 Measure T Audit Report, as recommended by the Citizens Advisory Committee (CAC).

**Deadline for Action:** December 15, 2008

**Submitting Department:** Finance

**Contact Name and Phone Number:**  
Gus Aiello - 713-4423

**Department Recommendation:** That Council accept the 2007-08 Measure T Audit Report as recommended by the Citizens Advisory Committee.

**Summary/background:** With the passage of Measure T in 2004, the City is required to conduct an annual procedures audit by an independent audit firm. M. Green and Company LLP, Certified Public Accountants, has performed their fourth audit of the Measure T funds for the fiscal year ended 2007-08. The final report is presented for Council review and acceptance. At its monthly meeting on November 5, 2008, the CAC reviewed and concurs with the final audit report and recommends that Council accept the report as written.

The report concludes that in fiscal year 2007-08, the City collected more Measure T revenue than expended. The report also contains a corrective "finding" for which City management staff has provided a response and resolved. Staff recommends that excess Measure T funds be applied to Measure T projects that are not fully funded and to maintain our economic uncertainty fund.

For an historical background on Measure T, please see Attachment I – Measure T Background.

**Discussion**

At its March 29, 2004 meeting, Council approved the accountability policies for Measure T. One of these policies includes an annual audit of Measure T funds by an independent auditor. The City contracts M. Green and Company LLP, Certified Public Accountants, to conduct the annual audit. The 2007-08 annual audit report is presented for Council consideration and acceptance.

**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.



Included in the accountability policies is the CAC review and acceptance of the final audit report. At its November 5, 2008 meeting, the CAC heard a presentation discussing the audit report in detail. The CAC made a motion to accept the report as written and recommends that Council do the same.

### First 4 Year Plan Accomplishments

Measure T was designed to increase public safety efforts in Visalia. The measure runs by a detailed plan (see Attachment II) of items to complete over the 20 year period of the plan. Included are hiring of personnel and construction of capital projects. [Attachment I, page 3 – Measure T Background](#), recaps the accomplishments achieved during the first four years of Measure T implementation, from July 2004 to June 2008.

### Financial Status

During the first year of Measure T implementation, fiscal year 2004-05, revenues came in below plan by (\$361,066). In fiscal year 2005-06, revenues came in \$489,963 higher than the plan, and likewise in 2006-07, revenues exceeded plan by \$535,730. In fiscal year 2007-08, revenues came in over budget by \$173,666. Since inception, Measure T revenues have exceeded the plan by \$838,293. [Chart I – Total Measure T Revenue](#), displays budget to actual details by fiscal year.

**Chart I - Total Measure T Revenue**

<b>Fiscal Year</b>	<b>Budget</b>	<b>Actual</b>	<b>Variance</b>
2004-05	\$4,578,250	\$4,217,184	(\$361,066)
2005-06	4,792,400	5,282,363	489,963
2006-07	4,916,000	5,451,730	535,730
2007-08	5,206,800	5,380,466	173,666
<b>Total</b>	<b>\$19,493,450</b>	<b>\$20,331,743</b>	<b>\$838,293</b>

[Chart II – Measure T Operating Expenditures](#), displays operational expenses during the first four years of implementation of the Measure T plan. Overall, expenses have come in under budget by \$487,564.

**Chart II - Measure T Operating Expenditures**

<b>Fiscal Year</b>	<b>Budget</b>	<b>Actual</b>	<b>Variance</b>
2004-05	\$566,600	\$517,841	(\$48,759)
2005-06	\$1,317,170	\$1,040,068	(\$277,102)
2006-07	\$2,060,847	\$1,965,264	(\$95,583)
2007-08	\$2,726,513	\$2,660,393	(\$66,120)
<b>Total</b>	<b>\$6,671,130</b>	<b>\$6,183,566</b>	<b>(\$487,564)</b>

### Plan Implementation

The Measure passed by the voters indicates that the Plan must be implemented in the following order:

- **Implement the current year plan.** Based on the current level of revenues, funding should be sufficient to implement the fiscal year 2008-09 plan. Although there are excess revenues over the last three years of the plan, staff recommends not

accelerating any elements of the plan, as the excess revenues will be spent on capital projects that will cost more than the original budget. For example, the NW fire project was budgeted at \$4.9 million in the Measure T plan. However, due to construction costs increases, it will actually cost \$6.4 million, requiring an additional \$1.5 million to fully fund.

- **Fund the economic uncertainty fund** The economic uncertainty fund is a savings account to maintain Measure T roll-out in the event of a financial crisis. The Measure requires that the economic uncertainty fund be funded each year. At the end of fiscal year 2007-08, the uncertainty fund had a balance of \$1,380,785, which exceeds the required 25% of budgeted revenues. The funds earned \$60,345.04 interest on its balances. This criteria has been implemented.
- **Accelerate the Plan**, if excess funding is available. Because capital projects costs are higher than the original plan anticipated, excess funding will not be available and the plan will not be accelerated.
- **Add new plan elements** if all three of the above criteria are met. This is not applicable, as all three criteria have not been met.

## **Audit Process and Results**

The audit conducted by M. Green was an agreed upon procedures audit in which the City outlines the scope of work. M. Green was asked to review all the compliance agreements spelled out in the ballot proposition.

The audit performed by M. Green is an “agreed upon procedures” audit. As opposed to a financial audit, where an auditor will attest to the financial statements, an agreed upon procedures audit is one in which the auditor performs functions the City asks them to perform. The audit firm tests compliance with the ballot measure provisions specified in the audit engagement. Their goal is to test if the Measure is being implemented as approved by voters. Attachment III – City of Visalia Measure T Compliance Procedures Schedule, details items the audit firm has agreed to review during the Measure T audit.

After reviewing all the items in Attachment III – City of Visalia Measure T Compliance Procedures Schedule, M. Green found that the City complied with the ballot measure as outlined in the audit procedures. The auditor made one finding as cited below from pages 2 and 3 of the audit report:

(6) We performed procedures to verify the summaries of Measure ‘T’ receipts, disbursements and unexpended funds pertaining to the fiscal year 2007-08 prepared by the City.

### **Finding:**

Our review of personnel and payroll records determined that inadequate controls exist for salary expenditures allocated to Measure ‘T’ funds and because of this the hiring goals have not been properly allocated for year four of the Measure ‘T’ Plan.

During our review, we found several instances where the police department’s records indicated a police officer was to be expended from a different fund than what was indicated on the employee’s CV9 form.

Our review also indicated that twenty police officers and four firemen were hired as of June 30, 2008 in accordance with plan objectives. However, due to the lack of adequate accounting controls regarding the proper allocation of labor charges for Measure 'T' officers to Measure 'T' funds, one police officer hired during the 2007-08 fiscal year was never charged to a Measure 'T' fund. The salary related to the officer amounted to \$70,167 which was charged to the City's General Fund instead of the Measure 'T' Police Fund.

**Recommendation:**

We recommend that the City take further steps and work closely with the police department to ensure that proper records are maintained in the police department that indicate the fund an officer's salary is to be charged to and that proper measures are followed to ensure a CV9 form is filled out each time an officer is hired, terminated, or transferred to a different fund.

We also recommend that the Measure 'T' Police Fund reimburse the City's General Fund for those expenditures related to the officer mistakenly charged to the General Fund during the 2007-08 fiscal year.

**Management Response:**

The Measure T fund uses the same division number as in the General Fund. The City of Visalia typically has one division number per fund. Police wants to maintain all officers with the same division number, no matter what fund they are paid from. This created a problem with one employee. One employee's salary was mistakenly paid from the General Fund when it should have been charged to the Measure T fund.

During the audit year, the Police Department began noting in the comment section of the CV9 form if the employee is a Measure T or General Fund employee.

Management agrees with the recommendation to prepare an adjusting journal entry to move expenses for salaries from the General Fund to the Police Measure T fund. \$70,167.32 in salary expense for the one Officer has been moved from the General Fund to the Police Measure T fund.

Please note that one error occurred, not several. Further, the above action to reclass the expense from the General Fund to the Measure T Police Fund correctly states the expenses of Measure T Police. General Fund expenditures were reduced by \$70,167.32 and Measure T expenditures were increased by the same amount.

**Fiscal Year 2008-09**

Looking into the current year of the Measure T plan, there is much to accomplish. The plan calls for the hiring of 4 new police officers and the purchase of 4 new police vehicles. The northwest fire station and training facility will open sometime in early 2009. If funding is available, the planned public safety building and the future civic center in East Downtown are anticipated to move to design stage in 2008-09.

If sales tax revenues come in strong enough, Measure T should not have a problem implementing year 5 of the plan. From inception through fiscal year 2007-08, the Measure T

revenues have exceeded plan by \$838,293. Additionally, expenses have come in under budget by \$487,564. Over the last four years, Measure T has not spent its budgeted amount.

Finance has analyzed the General sales tax revenues for fiscal year 2008-09. In fiscal year 2007-08, the taxes came in less than in 2006-07 by \$700,000. New auto sales, building materials and furniture combined for a \$1.2 million decrease from the prior year. Service stations and energy combined for a \$500,000 gain over the prior year. Taking the decreases of \$1.2 million and the increases of \$500,000 yields an overall decrease in sales tax of \$700,000. For fiscal year 2008-09, we expect the service station and energy sales tax to decline to previous levels. There is probability that the City will experience \$500,000 less in sales tax than in 2007-08. Applying the City-wide sales tax revenue forecast to Measure T results in a revenue shortfall. Chart III – Measure T Financial Projection For Fiscal Year 2008-09 shows that the projected Measure T revenues may fall short of budget by (\$152,921).

**Chart III  
Measure T Financial Projection  
For Fiscal Year 2008-09**

	<u>Police</u>	<u>Fire</u>	<u>Total</u>
Budgeted Revenues	\$3,064,400	\$2,042,900	\$5,107,300
Projected Revenues	\$2,972,627	\$1,981,752	\$4,954,379
<b>Variance - Revenues</b>	<b>(\$91,773)</b>	<b>(\$61,148)</b>	<b>(\$152,921)</b>
<hr/>			
Budgeted Expenses	\$2,989,390	\$643,610	\$3,633,000
<b>Projected Revenues over (under) Budgeted Expenses</b>	<b>(\$16,763)</b>	<b>\$1,338,142</b>	<b>\$1,321,379</b>

If less revenue is received than budgeted, the costs to implement year 5 of the plan will need to be closely monitored and adjustments may need to be made. If the scenario presented in Chart III occurs, police Measure T revenues will fall short by \$16,000 in 2008-09. Fire is projected to have more than sufficient money to implement their plan elements. The purpose, however, of the economic uncertainty fund is to continue the implementation of the plan despite ups and downs in revenues. Measure T has more than sufficient monies to handle the Police short fall, if it occurs as projected. If a prolonged shortfall in revenue occurs, the City will need to consider this problem at its next recertification of the Measure T plan in June of 2009.

For further Measure T Plan detail, please see Attachment II which details the annual plan over a 20-year period.

**Conclusion**

Measure T is being implemented according to plan. The results of the recent audit by M. Green and Company LLP, Certified Public Accountants support the fact that the plan is moving forward as approved by voters.

**Prior Council/Board Actions:**

- January 11, 2006 – Approval and acceptance of the 2004-05 Measure T audit report
- January 16, 2007 – Approval and acceptance of the 2005-06 Measure T audit report

- January 7, 2008 – Approval and acceptance of the 2006-07 Measure T audit report

**Committee/Commission Review and Actions:** Citizens Advisory Committee review and approval on November 5, 2008.

**Alternatives:** Do not accept the 2007-08 Measure T final audit report

**Attachments:** Attachment #I – Measure T Background  
Attachment #II – Measure T Plan  
Attachment #III – Measure T Compliance Procedures Schedule  
Attachment #IV – CAC memo

**Recommended Motion (and Alternative Motions if expected):** I move that Council accept the 2007-08 Measure T Audit Report as recommended by the Citizens Advisory Committee.

### ***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to: