


Visalia City Council Agenda

For the regular meeting of: TUESDAY, February 17, 2009

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

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

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

CLOSED SESSION

6:30 p.m.

1. Conference with Legal Counsel – Anticipated Litigation (2)
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: two potential cases.
2. Conference with Real Property Negotiators (GC 54956.8)
Property: (APN 085-010-096)
Negotiators: Steve Salomon, Mike Olmos, Sam Sciacca
Under Negotiation: Terms and conditions of potential lease agreement

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Fr. Jim Rouse from the 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.

3. INFORMATION ITEMS - (No action required)

- a) Receive Planning Commission Action Agenda for the meeting of February 9, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

4. 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) Authorization to submit an application to the State of California Department of Housing and Community Development (HCD) for Tulare County Enterprise Zone designation.
Resolution 2009-06 required.
- c) Authorize the purchase of 100 golf carts to replace the existing golf cart fleet at Valley Oaks Golf Course in the amount of \$250,096 from Yamaha.
- d) Authorize the City Manager to approve the reimbursement for the arterial and collector improvements for the Fieldstone Oaks Subdivision per the executed subdivision improvement agreement.
- e) Request authorization to file a Notice of Completion for Parcel Map 2006-04, located south of Goshen Avenue between American Street and Gateway Street containing 25 Industrial lots.
- f) Request authorization to file a Notice of Completion for Parcel Map 2006-05, located south of Goshen Avenue between American Street and Camp Drive containing 46 industrial lots.
- g) Request authorization to file a Notice of Completion for Parcel Map 2006-06, located on the north side of Mineral King Avenue between Chinowth and Bollinger Street containing 6 commercial lots.
- h) Authorization to negotiate the appropriate contracts to accept from Tulare County the contractual assignment of Central Valley Project water delivered via the Cross Valley Canal.
- i) Authorization to support efforts to add a formula based operations and maintenance funding stream to the federal transportation bill, specifically the Paul S. Sarbanes transit in parks program, Section 3021 of the SAFETEA-LU (49 U.S.C. 5320), which could assist in funding transportation programs to and within National Parks such as the Sequoia Shuttle.

5. Santa Fe Overcrossing project update and authorization for the City Manager to enter into professional service agreements with Quad Knopf for construction engineering/design and survey/construction staking services and BSK Associates for materials testing. Project Number 3011-00000-720000-0-9236.

6. Update on the Development Standards and authorization for implementation of the Development Standards Work Program.

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

- Monday, February 23, 2009, 6:00 p.m. Jt. Meeting City Council and Kaweah Delta Health Care District Board of Directors, Kaweah Delta Medical Center, 400 W. Mineral King, Acequia Wing Lobby, Visalia
- Monday, March 2, 2009, Work Session 4:00 p.m. Regular Meeting 7:00 p.m., Council Chambers, 707 W. Acequia, Visalia
- Monday, March 16, 2009, Work Session 4:00 p.m. Regular Meeting 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.

ACTION

ITEM 3

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Lawrence Segrue



VICE CHAIRPERSON:
Adam Peck

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

MONDAY FEBRUARY 9, 2009; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- | | |
|---|---|
| 7:00 TO 7:00 | 1. THE PLEDGE OF ALLEGIANCE |
| 7:01 TO 7:00 | 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. |
| No one spoke | |
| 7:00 TO 7:03 | 3. CITY PLANNER AGENDA COMMENTS – Change in order of items on agenda; #7 was moved to 6 th , #10 to 7 th , #11 to 8 th , #6 to 9 th , #8 to 10 th , and #9 to 11 th . |
| 7:03 TO 7:03 | 4. CHANGES TO THE AGENDA – |
| 7:01 TO 7:02 | 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">• No items on consent calendar |
| 8:37 TO 8:45 | 6. PUBLIC HEARING – |
| Approved as recommended (Salinas, Peck) 5-0 | Variance No. 2009-02: is a request by Bill Clark (Canby Architecture Studio, agent) to implement a Sign Program for 13 multi-tenant monument signs, including modified sign setback and size, for Mission Oaks Plaza, a professional office development in the P-A (Professional/Administrative Office) zone. The site is located on the west side of Akers Street, between Hillsdale Avenue and State Highway 198. (APNs: 085-240-019 thru 027). |
| Open: 8:42
Close: 8:43
Spoke:
1. Lyle Munch | |
| 7:03 TO 8:12 | 7. PUBLIC HEARING – |
| Approved As recommended with changes to wording in condition #8 (Peck, Salinas) 5-0 | Conditional Use Permit No. 2009-13: A request by Dushawn Johnson (Owner), to allow live entertainment and dancing within the existing Firkin and Hound Restaurant in the C-R (Regional Retail Commercial) zone. The site is located at 4023 South Mooney Boulevard. (APN: 126-050-025) |
| Open: 7:16
Close: 7:44 | |

Spoke:

- 1. Dushawn Johnson
- 2. Rick Haskill (VPD)
- 3. Brian Winter (VPD)
- 4. Don Hullon
- 5. Bill Balsley

8:45 TO 10:15

Approved as recommended with condition #4 amended (Salinas, Soltesz) 5-0

Open: 8:56

Close: 9:29

Break:

9:45 TO 9:55

Spoke:

- 1. Darrin Cantrell
- 2. Cliff Dunbar
- 3. Paul Fry
- 4. Lisa Dock
- 5. Harvey May
- 6. Brad Maaske

8. PUBLIC HEARING –

Conditional Use Permit No. 2009-05: a request by the Taylor Terter Partnership, to allow the establishment of a 11, 556 square foot Crossroads Community Center with office space, meeting rooms, and classroom-like settings, in the CDT (Commercial Downtown) zone. The site is located at 309 W. Main Street. (APN: 094-326-002).

10:15 TO 11:00

Item to be continued to February 23, 2009

Open: 10:25

Close: Did not close

Spoke:

- 1. Christina Frankel
- 2. Sandra Stephenson
- 3. Willie Case
- 4. Mark May

9. PUBLIC HEARING –

- a. Conditional Use Permit No. 2009-10: is a request by Derivi Construction and Architecture, Inc. to amend Conditional Use Permit No. 401 to allow the renovation of an existing 19,030 sq. ft. racquet and tennis club facility to be expanded to 32,931 sq. ft. on 4.82 acres in the R-1-6 (Single-family Residential – 6,000 sq. ft. minimum lot size) zone. The site is located at 909 North Demaree Street. (APN: 085-212-019)
- b. Variance No. 2009-01: is a request by Derivi Construction and Architecture, Inc. to allow an increase in building height from 35 feet to 44 feet for the purpose of allowing the renovation of an existing 19,030 sq. ft. racquet and tennis club facility on 4.82 acres in the R-1-6 (Single-family Residential – 6,000 sq. ft. minimum lot size) zone. The site is located at 909 North Demaree Street. (APN: 085-212-019).

8:12 TO 8:31

Approved as recommended (Salinas, Soltesz) 5-0

Open: 8:20

Close: 8:30

Spoke:

- 1. Laura Ancheta
- 2. Nick Velarde

10. PUBLIC HEARING –

Conditional Use Permit No. 2009-09: A request by Laura Ancheta to allow the establishment of a 5,000 square foot daycare in the IL (Light Industrial) zone. The site is located at 7137 W. Pershing Court. (APN: 081-150-015). Site Plan Review No. 2008-149.

8:31 TO 8:37

Approved as recommended (Soltesz, Segrue) 5-0

Open: 8:36

Close: 8:37

Spoke:

- 1. Sam Bruce

11. PUBLIC HEARING -

Conditional Use Permit No. 2009-11: A request by Sam Bruce, to allow a 7,500 sq. ft. indoor basketball recreational facility within the Visalia Ceramic Tile industrial warehouse building in the IL (Light Industrial) zone. The site is located at 917 N. American Ave. (APN: 073-200-002)

12. 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, FEBRUARY 23, 2009
AT THE VISALIA CONVENTION CENTER, 303 E. ACEQUIA, VISALIA**

11:00 TO 11:00
Motion to Adjourn (Soltesz, Peck) 5-0

City of Visalia Agenda Item Transmittal

Meeting Date: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 4b

Agenda Item Wording: Authorization to submit an application to the State of California Department of Housing & Community Development (HCD) for Tulare County Enterprise Zone designation. **Resolution 2009-06** required.

Deadline for Action: February 17, 2009

Submitting Department:
Housing & Economic Development Department

Contact Name and Phone Number:
Ricardo Noguera, Housing & Economic Development Director-
559-713-4190
Nancy Renovato, Administrative Analyst 559-713-4462

Department Recommendation: Staff is recommending that City Council authorize submittal of an application by the Tulare County Economic Development Corporation (TCEDC) to the Department of Housing & Community Development for State Enterprise Zone designation. Staff is also recommending that City Council authorize an amendment to the Joint Powers Agreement of 1998.

Summary/Background: In 1998, Tulare County was designated as a Targeted Tax Area (also known as the Business Incentive Zone "BIZ"). The BIZ is administered by the Joint Powers, (City of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and Tulare County) who in 1998 entered into an agreement outlining the financial and administrative commitments of each; including the Workforce Investment Board (WIB). Should HCD approve the application, the Joint Powers Agreement of 1998 will need to be amended.

With the BIZ designation expiring in 2012, the TCEDC has discussed the possibility of legislation to extend and/or renew the designation when it expires. While legislation could be introduced, the likelihood of it passing the legislature is remote, as most would prefer to see the program eliminated. Therefore, faced with the probability that the BIZ designation will no longer be available after 2012, TCEDC has proposed to prepare and submit an Enterprise Zone application.

An Enterprise Zone is a 15-year commitment and partnership between local governments, agencies, and private companies to generate new private-sector investment and growth, by providing state tax credits and other local incentives to businesses. It is expected that six (6) additional enterprise zones will be designated in the next two years, four (4) in 2008 and two (2) in 2009. There will be no more new enterprise zone designations until 2031, unless new designations are created by special legislation.

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.

Proposal:

It is proposed that an enterprise zone application be prepared and submitted in 2009 for substantially the same area that currently is designated as the BIZ. If the designation is approved, TCEDC would voluntarily suspend operations as a BIZ in favor of the Enterprise Zone.

The Enterprise Zone designation would allow for all businesses located in the area to receive incentives, while currently only designated industries may receive the benefit in the BIZ. Another major difference is that under the BIZ a tax credit voucher can be issued for anyone residing in the BIZ boundaries; however, under the Enterprise Zone, it will be required to designate "target employment areas" in which an employee must live in order for the company to receive the tax credit voucher. These areas are designed to be those with the highest unemployment and poverty within the area.

Prior Council/Board Actions: Authorization to expand Targeted Tax Area 4/21/08

Committee/Commission Review and Actions: None

Alternatives: None

Attachments:

Resolution
Joint Powers Agreement (1998)
Amended Joint Powers Agreement
Visalia Enterprise Zone Maps

Recommended Motion (and Alternative Motions if expected):

I move that the City Council approve the submission of an application to the State of California Department of Housing & Community Development (HCD) for an Enterprise Zone designation and authorize an amendment to the Joint Powers Agreement of 1998 through the adoption of Resolution 2009-06.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
Authorizing the submittal of an Enterprise Zone application to the State of California Department
of Housing and Community Development

WHEREAS, the State of California Department of Housing and Community Development, Division of Community Affairs has released a "Request for Proposals" for new designations in the California Enterprise Zone Program to encourage and facilitate business investment and job development in distressed areas of the State; and

WHEREAS, the City of Visalia as part of the Tulare County application desires to submit an application to the State of California Department of Housing and Community Development for an Enterprise Zone designation; and

WHEREAS, the City of Visalia, hereby satisfies the criteria that an area must meet in order to be eligible for California Enterprise Zone designation.

NOW, THEREFORE, BE IT RESOLVED by this Council as follows:

- CITY OF VISALIA finds that the application area is a depressed area and that designation of the area as an Enterprise Zone is necessary in order to attract private sector investment to the application area;
- CITY OF VISALIA authorizes the submittal of the application;
- CITY OF VISALIA authorizes and supports job development, job creation, and economic development;
- CITY OF VISALIA authorizes that staffing shall be made available to maintain record-keeping, monthly updates on zone activities, and to discuss these activities with program auditors;
- CITY OF VISALIA shall develop a self-evaluation process to measure its progress in meeting its goals and objectives; and, that this process shall be submitted to the Department for review, approval and inclusion in the Memorandum of Understanding (MOU) prior to final designation;
- CITY OF VISALIA agrees to complete all actions stated within the application that apply to the City of Visalia should the proposed Enterprise Zone be awarded designation; and
- The City Manager, Steve Salomon, is authorized to sign the application, the MOU and other documents necessary for the implementation of the Enterprise Zone.

PASSED AND ADOPTED: _____

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

I, _____, City Clerk of the City of Visalia, certified the foregoing is the full and true Resolution No. 2009-06, passed and adopted by the Council of the City of Visalia at a regular meeting held on _____.

DATED:

_____, CITY CLERK

JOINT POWERS AGREEMENT

THIS JOINT POWERS AGREEMENT FOR THE PURPOSE OF ADMINISTRATION OF A TARGETED TAX AREA, made and entered into this 5th day of October, 1998, by and between the City of Dinuba, a municipal corporation, hereinafter referred to as "Dinuba", the City of Exeter, hereinafter referred to as "Exeter", the City of Farmersville, a municipal corporation, hereinafter referred to as "Farmersville", the City of Lindsay, hereinafter referred to as "Lindsay", the City of Porterville, a municipal corporation, hereinafter referred to as "Porterville", the City of Tulare, a municipal corporation, hereinafter referred to as "Tulare", the City of Visalia, a municipal corporation, hereinafter referred to as "Visalia", the City of Woodlake, a municipal corporation, hereinafter referred to as "Woodlake", and the County of Tulare, a political subdivision of the State of California, hereinafter referred to as the "County". County, Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake, are hereinafter collectively referred to as the "parties".

W I T N E S S E T H

WHEREAS, Assembly Bill 1217, authored by Assemblymember Cruz Bustamante, authorized the creation of Targeted Tax Areas to stimulate growth in economically distressed areas; and

WHEREAS, the parties are desirous of encouraging economic growth by encouraging businesses, industries, corporations, and companies to move to their respective jurisdictions and/or remain in their areas, providing jobs, goods and services to their inhabitants; and

WHEREAS, the parties wish to have certain planned commercial/industrial areas of their respective jurisdictions designated as part of a Tulare County City and County to be known as the "Tulare County Business Incentive Zone." The Zone will allow for new and existing businesses within the Zone to claim (A) tax credits towards their State sales and use taxes paid on the purchase of certain machinery, machinery parts and equipment; (B) hiring tax credits for each qualified employee hired; (C) fifteen year net operating loss carry-forward; (D) accelerated expensing deduction; and (E) other benefits which might be available at present or in the future for Targeted Tax Areas; and

WHEREAS, the joint application of the parties for a certain portion of the area within their geographic jurisdictions to be designated as a Targeted Tax Area has been granted; and

WHEREAS, in order to receive the benefits of an Targeted Tax Area, the governing boards of the parties wish to enter into a Joint Powers Agreement to administer this "Targeted Tax Area"; and

WHEREAS, the Targeted Tax Area carries with it the development of a "welfare to work" component, a plan will be developed that is a part of the Targeted Tax Area which is consistent with the CalWorks and Tulare Works plans; and

WHEREAS, Lindsay and Porterville currently have state enterprise zone designations, it is recognized that, should it be awarded, the Targeted Tax Area will "overlay" the existing zones until such time as they expire.

NOW, THEREFORE, in consideration of their mutual promises as hereinafter set forth, the parties agree as follows:

I. EXISTENCE OF SEPARATE LEGAL ENTITY.

Pursuant to the provisions of Section 6503.5 et seq. of the Government Code, the parties hereby create a separate legal entity which is to be known as the Tulare County Business Incentive Zone, (the "BIZ"). It is the intent of the parties to this Agreement that the debts and other liabilities of the BIZ shall not be the debts or liabilities of the parties to this Agreement.

II. TERM OF AGREEMENT

This Joint Powers Agreement, hereinafter referred to as the "Agreement", will remain in full force and effect for the life of the BIZ, (which is at least fourteen (14) years from the date of approval of the targeted tax area designation by the State of California,) or until this Agreement has been terminated by the parties as set forth herein, whichever period is shorter.

III. Purpose of the Agreement; Powers to Be Exercised.

The purpose of this Agreement is to jointly exercise some or all of the powers common to the Members, as appropriate, with the goal of investigating, identifying, planning, developing, financing and implementing, either alone or together with the State of California, reasonable and financially feasible regional long-term solutions to the lack of economic development within the Targeted Tax Area, and for the exercise of such additional powers as may be authorized by law in the manner hereinafter set forth.

The BIZ as a whole shall have the power in its own name to do any of the following:

A. To exercise the common powers of its Members in investigating, identifying, planning, developing, financing and implementing a reasonable and financially feasible plan for the economic development of the lands within the boundaries of the

Members which lands have been designated as a Target Tax Area.

B. To exercise the common powers of its Members to develop, collect, provide and disseminate to the Members, and others, including but not limited to legislative, administrative and judicial bodies, as well as the public generally, information on the opportunities and advantages to locating new businesses and/or expanding existing businesses in the geographic area within the jurisdiction of the Members which is designated as a Targeted Tax Area.

C. To exercise the common powers of its Members to enter into contracts with private or public agencies, including but not limited to contracts with individual parties to this Agreement.

D. To make and enter contracts necessary to the full exercise of its powers including but not limited to contract for the services of engineers, attorneys, planners, financial consultants, and separate and apart therefrom, to employ such other persons as it deems necessary and to enter into agreements with the United States of America, the State of California or any other public or private entity necessary to accomplish the purposes of the BIZ.

E. To acquire and to hold and dispose of property necessary to the full exercise of its powers.

F. To incur debts, liabilities or obligations subject to limitations herein set forth.

G. To issue bonds, notes and other indebtedness, and to enter into leases, installment sale and installment purchase contracts, all as hereinafter provided.

H. To sue and be sued in its own name.

I. To apply for, accept and receive state, federal or local licenses, permits, grants, loans or other aid from any agency of the United States of America, the State of California or other public or private entity necessary for the BIZ's full exercise of its powers.

J. To perform all acts necessary or proper to carry out fully the purposes of this Agreement.

IV. MEMBERSHIP

Each of the parties to this agreement shall be and is a Member of the BIZ. The governing body of the BIZ, shall be known as the Job Creation Council, (the "Council"). The Council has all policy and fiscal responsibility and its consent is required for approval

of staffing commitments for the BIZ. The Council shall consist of one Director appointed by each Member, (plus a second Director appointed by the County of Tulare,) who shall be a member of the governing board of that Member at the time of appointment and at all times while serving as a Director of the Authority. Each Director and an Alternate Director shall be appointed by action of the governing body of the Member, and such appointment shall be effective upon the appointment date as communicated in writing to the BIZ. Each Director shall serve on the Council from the date of appointment by the governing body of the Member he/she represents at the pleasure of such governing body. Except as set forth herein, an Alternate shall assume all rights of the Director, representing the appointing Member and shall have the authority to act in the absence of the Director or in the event that a Director has a conflict of interest which precludes participation by the Member in any decision-making process of the Board of Directors. The Alternate may be the city manager, county administrative officer or other employee of the Member which appointed him or her, or a consultant or a member of the governing body of the Member, however the Alternate for one of the two Director appointed by the County of Tulare shall have been nominated by the Tulare County Private Industry Council, (the PIC), and shall serve at the pleasure of the PIC.

A. Vacancies in the Office of Director. A vacancy in the office of Director or Alternate Director shall be filled in the same manner as is provided for herein for the appointment of Directors or Alternate Directors.

B. Meetings of Directors. The Council of Directors shall meet at least annually in order to adopt its annual budget and, after the first year, to adopt its audit. The Directors should attend the annual meeting rather than Alternates, however such attendance is required if the Council is requested to adopt the annual budget. The Council shall be governed by the Ralph M. Brown Act and shall adopt a resolution pursuant thereto establishing its regular time and place for its meetings.

C. Quorum and Voting. Directors representing at least a majority of the Council shall constitute a quorum for the purposes of transacting the BIZ's business. In the absence of a Director, the Alternate which had been appointed by that same Member shall be counted toward establishing a quorum. Except as otherwise provided herein or by law, allocations of the Council must be taken by a majority vote of a quorum. Each Member shall have one (1) vote. The vote of each Member shall be cast by the Director from that Member, if present, or, in the absence of the Director or in the event the Director has disqualified himself due to conflict of interest, then the vote of that Member may be cast by the Alternate. A simple majority of a quorum of the Council shall be adequate to decide issues including the adoption of the annual budget.

D. Powers and Limitations Thereon. All the power and authority of the BIZ will be exercised by the Council, subject however, to the rights reserved by the Members as herein set forth; provided, however, that the Council may delegate such powers and authority to the Executive Director as the Council may determine by motion, or resolution or order. The Council may also delegate such powers and authority to advisory or subcommittees as the Council may determine by motion, resolution, or order.

E. Minutes. The Secretary of the BIZ shall cause to be kept minutes of all meetings of the Council, and shall cause a copy of the minutes to be forwarded to each Director, each Alternate and to each of the Members and Associate Members hereto.

F. Rules. The Council may adopt from time to time such bylaws, rules and regulations for the conduct of its affairs as may be required.

G. Vote or Assent of Members. The vote, assent, or approval of the Members in any matter requiring such vote, assent or approval hereunder, shall be evidenced by a certified copy of the resolution of the governing board of such Member filed with the BIZ.

H. Officers. The Council of Directors shall choose one of its members, (either an Alternate or a Director) to serve as Chairman, who shall act as presiding officer at meetings of the Council of Directors, and a Vice-Chairman, who shall act as presiding officer in the absence or disqualification of the Chairman. There also shall be selected a Secretary, who may, but need not be, a member of the Council. The Secretary shall be an officer of the BIZ and, as such, shall also serve as the BIZ's Treasurer. An audit of the accounts and records of the agreements shall be made at least once each year by a certified public accountant and a report thereof shall be filed as a public record with each of the Members. Such reports shall be filed within 12 months after the end of the fiscal year or years under examination. The Secretary/Treasurer shall draw warrants and pay demands against the BIZ when such demands have been approved by the Council, and, along with such additional persons as the Council may designate from time to time who have charge of or access to BIZ property, shall file an official bond insofar as and to the extent as is required by the Government Code and the Council of Directors. All officers shall remain in office at the pleasure of the Council of Directors, or for such regular term of office as may be fixed by the Council of Directors by motion, resolution or order from time to time.

I. Privileges and Immunities: All of the privileges and immunities from liability, exemptions from laws, ordinances and rules which apply to the activity of officers, agents, or employees of any of the Members when performing their respective functions

shall apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Agreement. None of the officers, agents, or employees appointed by the Council shall be deemed by reason of their employment by the Council to be employed by any of the Members or by reason of their employment by the Council to be subject to any of the requirements of such Members.

J. Liabilities. It is the intent of the parties to create a separate legal entity by virtue of this agreement which is the BIZ. The debts, liabilities and obligations of the BIZ shall be the debts, liabilities or obligations of the BIZ alone and not of the parties to this Agreement, except as may otherwise be expressly set forth herein.

V. FINANCIAL OBLIGATIONS

The costs incurred to operate the BIZ as set forth in this Agreement will be paid by the parties as outlined in Exhibit "A". The annual cost for implementation of the BIZ will be borne by the members and the Private Industry Council, (PIC). The first year's budget is provided in Exhibit "A". For the remaining years of this Agreement, the Council shall conduct an annual review of the costs and may adjust costs based on program need. An annual budget will be presented to the Council for approval. Other than as expressly set forth in this Agreement, each party will bear its own costs, including that of staff time.

VI. ATTORNEY'S FEES

It is the intent of this Agreement that each jurisdiction absorbs its own legal expenses.

VII. PAYMENT OF COSTS

The administering agency of the BIZ shall invoice each of the parties for their proportional share of the cost of the annual operation of the BIZ. Each invoice shall include the allocation based upon the formula set forth in Exhibit "A". Payment of all costs incurred under this Agreement shall be made within 30 days after the presentation of the invoice, except as otherwise expressly provided herein. The County of Tulare shall be reimbursed for the costs associated with the Environmental Impact Report Addendum and the GIS mapping, if required by the County. Other members may request prior approval from the Council for expenses incurred on behalf of the Council in order to qualify for reimbursement.

VIII. MANAGEMENT AND SPECIAL SERVICES

The Council shall award management of the BIZ to an appropriate entity. A separate professional services agreement shall be completed to describe the scope of work. Said contracted entity shall designate the BIZ Manager, provide staff support to the Council, provide coordination of the parties and implement the BIZ program.

IX. FINANCIAL REVIEW

The Chairman of the Council shall require a review of the program and financial records as defined in the management section of the BIZ application plan. The review is to be completed within sixty (60) days after the close of the fiscal year. The fiscal year for the BIZ is defined as July 1 through June 30. The findings shall be presented to and approved by the Council each year.

X. RESOLUTION MECHANISM

All parties agree that, if they have questions concerning the programs, activities, management, funding and results of the BIZ, to raise them immediately to the Executive Director of the BIZ. All questions concerning the BIZ which the Executive Director is unable adequately to address shall be taken to the Council. All parties agree to address concerns promptly and work to achieve creative solutions to the individual party's concerns in order to maintain complete participation by all of the parties. The Executive Director may be included in this discussion, as appropriate. Should the matter not be resolved by the Council, the Council may name an impartial mediator. The mediator shall meet with the concerned parties within thirty days after being named to a hear the dispute and work with the complaint to arrive at a resolution. Agreed upon change shall be implemented within thirty days and reviewed for effectiveness by the Council thirty to ninety days thereafter.

XI. TERMINATION

The right to terminate this Agreement under this provision may be exercised without prejudice to any other right or remedy to which the terminating party may be entitled at law or under this Agreement. A majority vote in favor of termination by the governing body of each of the parties to this Agreement shall serve to terminate this Agreement. Termination of this Agreement shall not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of

pre-termination contract activities. Upon termination and/or completion of this Agreement, any surplus funds shall be returned to the then Members in proportion to the contributions made.

XII. NOTICES

Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY OF TULARE

Tom Campanella, CAO
County of Tulare
2800 West Burrel Ave.
Visalia, CA 93277

With Copy to:

Mike Coffield, Director
Resource Management Agency
County of Tulare
5961 S. Mooney Blvd.
Visalia, CA 93277

CITY OF DINUBA

Ed Todd, City Manager
City of Dinuba
405 E. El Monte Way
Dinuba, CA 93618

With Copy to:

Dan Meinert
City of Dinuba
405 E. El Monte Way
Dinuba, CA 93618

CITY OF EXETER

Roy Chase, City Manager
City of Exeter
P. O. Box 237
Exeter, CA 93221

Felix Ortiz
City of Exeter
P. O. Box 237
Exeter, CA 93221

CITY OF FARMERSVILLE

Ken Whorton, City Manager
City of Farmersville
147 East Front Street
Farmersville, CA 93223

La Rue Quine, City Clerk
City of Farmersville
147 East Front Street
Farmersville, CA 93223

CITY OF LINDSAY

Bill Drennan, City Manager
City of Lindsay
P. O. Box 369
Lindsay, CA 93247

Scot Townsend
City of Lindsay
P. O. Box 369
Lindsay, CA 93247

CITY OF PORTERVILLE

Guy Huffaker, City Manager
City of Porterville
P. O. Box 432
Porterville, CA 93258

Michael Unser
City of Porterville
P. O. Box 432
Porterville, CA 93258

CITY OF TULARE

Kevin Northcraft
City Manager
City of Tulare
411 E. Kern Avenue
Tulare, CA 93274

Howard Edson
City of Tulare
411 E. Kern Avenue
Tulare CA 93274

CITY OF WOODLAKE

Bill Lewis, City Manager
City of Woodlake
350 North Valencia
Woodlake, CA 93286

Ruth Gonzales
City of Woodlake
350 North Valencia
Woodlake, CA 93286

CITY OF VISALIA

Steve Salomon, City Manager
City of Visalia
707 W. Acequia
Visalia, CA 93291

Dianne Guzman, Ass. City Manager
City of Visalia
315 E. Acequia
Visalia, CA 93291

With a courtesy copies to:

PRIVATE INDUSTRY COUNCIL

Joe Daniel, Administrator
Private Industry Council
P. O. Box 3146
Visalia, CA 93278

TULARE COUNTY EDC

Bill Evans
TCEDC Executive Director
113 South M Street
Tulare, CA 93274

TULARE COUNTY HEALTH AND HUMAN SERVICES

Ron Probasco
Agency Director
Health & Human Services
County of Tulare
5957 S. Mooney Blvd.
Visalia, CA 93277

Lou Fernandez
Program Manager
Health & Human Services
County of Tulare
5957 S. Mooney Blvd.
Visalia, CA 93277

Notice personally delivered or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

XIII. ADMISSIONS OF NEW PARTIES.

Additional parties may become Members or Associate Members upon such terms and conditions as are determined by the Council of Directors of the BIZ upon the affirmative vote of a majority of all Directors, by executing a counterpart signature page to this Agreement and providing the Authority written acknowledgment of any conditions for membership established by the Authority Board.

XIV. AMENDMENTS:

This Agreement may be amended upon written approval of any amendment by a majority vote of the governing boards of each of the Members.

XV. CONSTRUCTION

This Agreement reflects the contributions of all parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

XVI. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument.

XVII. NO THIRD PARTY BENEFICIARIES INTENDED

Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

XVIII. GOVERNING LAW

This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. Any litigation arising out of this Agreement shall be brought in Tulare County, California. The parties waive the removal provisions of California Code of Civil

Procedure Section 394.

XIX. WAIVERS

The failure of any party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by any party of either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by any other party.

XX. ASSIGNMENT

There shall be no assignment or transfer of any of the rights or privileges or any part thereof of this Agreement without the written consent of all parties. However, it is expressly agreed that the County of Tulare may assign its rights and obligations in the Agreement to the Tulare County Redevelopment Agency.

XXI. INTEGRATION

This Agreement represents the complete and entire understanding between the parties as to those matters contained herein. No prior oral or written understanding, except as expressly provided herein, shall be of any force or effect with respect to those matters covered herein. This Agreement may only be modified or amended in writing, signed by all parties, except as otherwise specifically provided herein. All of the parties acknowledge that the hearings used herein are for reference only and that the terms of this Agreement are set out in the text under such headings.

XXII. SEVERABILITY

If any term, condition, covenant, provision or part thereof of this Agreement is, or is declared, invalid, void unenforceable for any reason, the remainder of this Agreement shall continue in full force and effect.

CITY OF DINUBA

By: Raymond H. Millard
Mayor

Attest: Linda Barkley
City Clerk, City Dinuba

CITY OF TULARE
By: [Signature]
Mayor

Attest: [Signature]
Deputy City Clerk, City Tulare



CITY OF VISALIA
By: [Signature]
Mayor

Attest: [Signature]
City Clerk, City Visalia



COUNTY OF TULARE
By: [Signature]
Chairman, Board of Supervisors

Attest: [Signature]
Deputy Clerk, Board of Supervisors



CITY OF LINDSAY
By: [Signature]
Mayor

Attest: [Signature]
Deputy City Clerk, City Lindsay

CITY OF EXETER
By: [Signature]
Mayor

Attest: [Signature]
City Clerk, City Exeter

CITY OF FARMERSVILLE
By: [Signature]
Mayor

Attest: [Signature]
City Clerk, City Farmersville

CITY OF WOODLAKE
By: Paul Soms
Mayor

Attest: Anna Longly
Deputy City Clerk, City Woodlake



CITY OF PORTERVILLE
By: Judith Ann Johnson
Mayor

Attest: [Signature]
City Clerk, City Porterville

Exhibit "A"
Budget and Cost Allocation

Tulare County Business Incentive Zone
November 1, 1998- June 30, 1999

1. PROJECTED BUDGET	8 MONTH
Salary	\$ 24,000
Overhead	6,000
Auto allowance	667
Expenses	667
Training/ meetings	4,000
Marketing: Ad development/placement	22,200
Staff support	<u>4,666</u>
TOTAL	\$ 66,200

2. COST SHARING

PART	POPULATION	%	CONTRIBUTION
Dinuba	15,250	.0611	\$4,050
Exeter	8,475	.0339	1,600*
Farmersville	7,450	.0299	1,600*
Lindsay	8,975	.0359	1,600*
Porterville	36,350	.1458	9,650
Tulare	40,900	.1639	10,850
Visalia	94,000	.3769	24,950
Woodlake	6,200	.0249	1,600*
County of Tulare	<u>31,850</u>	<u>.1277</u>	<u>10,300</u>
TOTAL	249,450	100 %	\$ 66,200

*Designated first year contribution for cities under 10,000 population.

3. PRIVATE INDUSTRY COUNCIL – BIZ NEW \$ BUDGET

4 Employer Resource Specialists -	\$203,810
Equipment	18,960
Op expenses	19,800
Travel	1,200
Promotion – Business Ret. & Exp.	55,000
Training and meetings	<u>4,000</u>
Total	\$302,770

Amendment # 1 – Joint Powers Agreement
Administration of California Enterprise Zone

WHEREAS, a Joint Powers Agreement was made and entered into on October 5, 1998 by and between the City of Dinuba, a municipal corporation, hereinafter referred to as “Dinuba”, the City of Exeter, hereinafter referred to as “Exeter”, the City of Farmersville, a municipal corporation, hereinafter referred to as “Farmersville”, the City of Lindsay, hereinafter referred to as “Lindsay”, the City of Porterville, a municipal corporation, hereinafter referred to as “Porterville”, the City of Tulare, a municipal corporation, hereinafter referred to as “Tulare”, the City of Visalia, a municipal corporation, hereinafter referred to as “Visalia”, the City of Woodlake, a municipal corporation, hereinafter referred to as “Woodlake”, and the County of Tulare, a political subdivision of the State of California, hereinafter referred to as the “County”. County, Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake, are hereinafter collectively referred to as the “parties”.

WHEREAS, the parties have administered the Targeted Tax Area consistent with the provisions of the agreement and respective state regulations; and

WHEREAS, the parties wish to have certain planned commercial and/or commercial areas designated as part of the California Enterprise Zone program; and

WHEREAS, a joint application of the parties for a designation for a California Enterprise Zone program is being prepared; and

WHEREAS, the parties wish to maintain the current administration of the Targeted Tax Area for the California Enterprise Zone should such a zone be designated for the period of such designation.

NOW, THEREFORE, in consideration of their mutual promises as hereinafter set forth, the parties agree to the following amendment of the Joint Powers Agreement dated October 5, 1998 as follows:

1. Provided that an Enterprise Zone is designated, the term of the Agreement shall be extended an additional 15 years from the date of the Enterprise Zone designation is final by the State of California.
2. All references to the Private Industry Council shall be Workforce Investment Board, the successor organization to the Private Industry Council.
3. The costs incurred to operate the Enterprise Zone will be paid by the parties as outlined in Exhibit B.
4. The management of the Council and the Enterprise Zone shall be assigned to the Economic Development Corporation, which is the administrator of the current Targeted Tax Area.

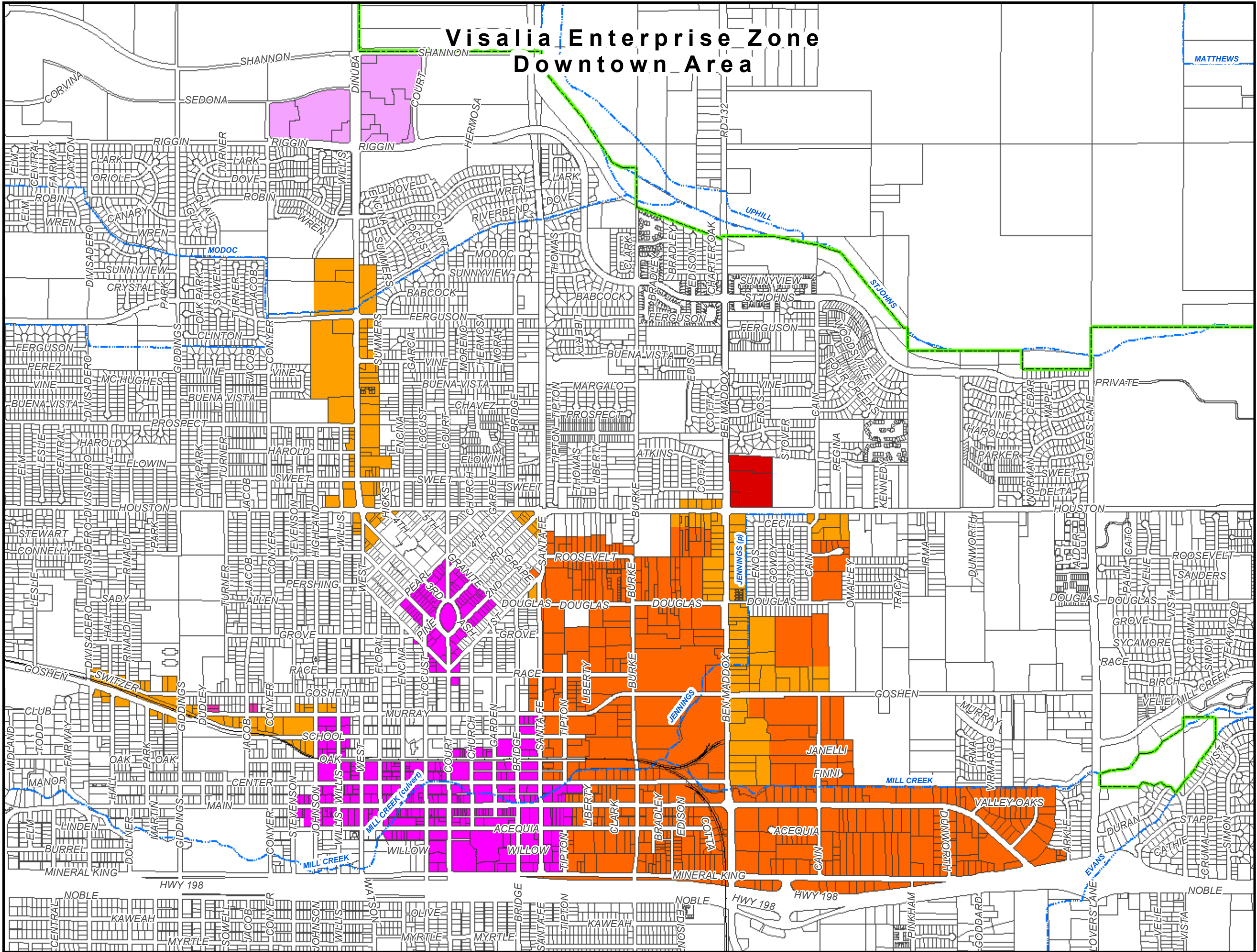
Exhibit B
Costs to Administer the Enterprise Zone

The current cost sharing for the EDC and BIZ will be combined to form the allocation for the new Enterprise Zone designation.

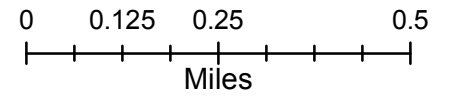
	Current allocatio n to EDC	Current allocatio n to BIZ	Allocation for Enterpris e Zone
County	69,200	10,000	79,200
Dinuba	10,500	6,762	17,262
Exeter	5,000	3,653	8,653
Farmersville	5,000	3,498	8,498
Lindsay	5,000	4,100	9,100
Porterville	38,500	15,798	54,298
Tulare	35,500	17,528	53,028
Visalia	134,000	36,000	170,000
Woodlake	5,000	2,682	7,682
	307,700	100,021	407,721



Visalia Enterprise Zone Downtown Area

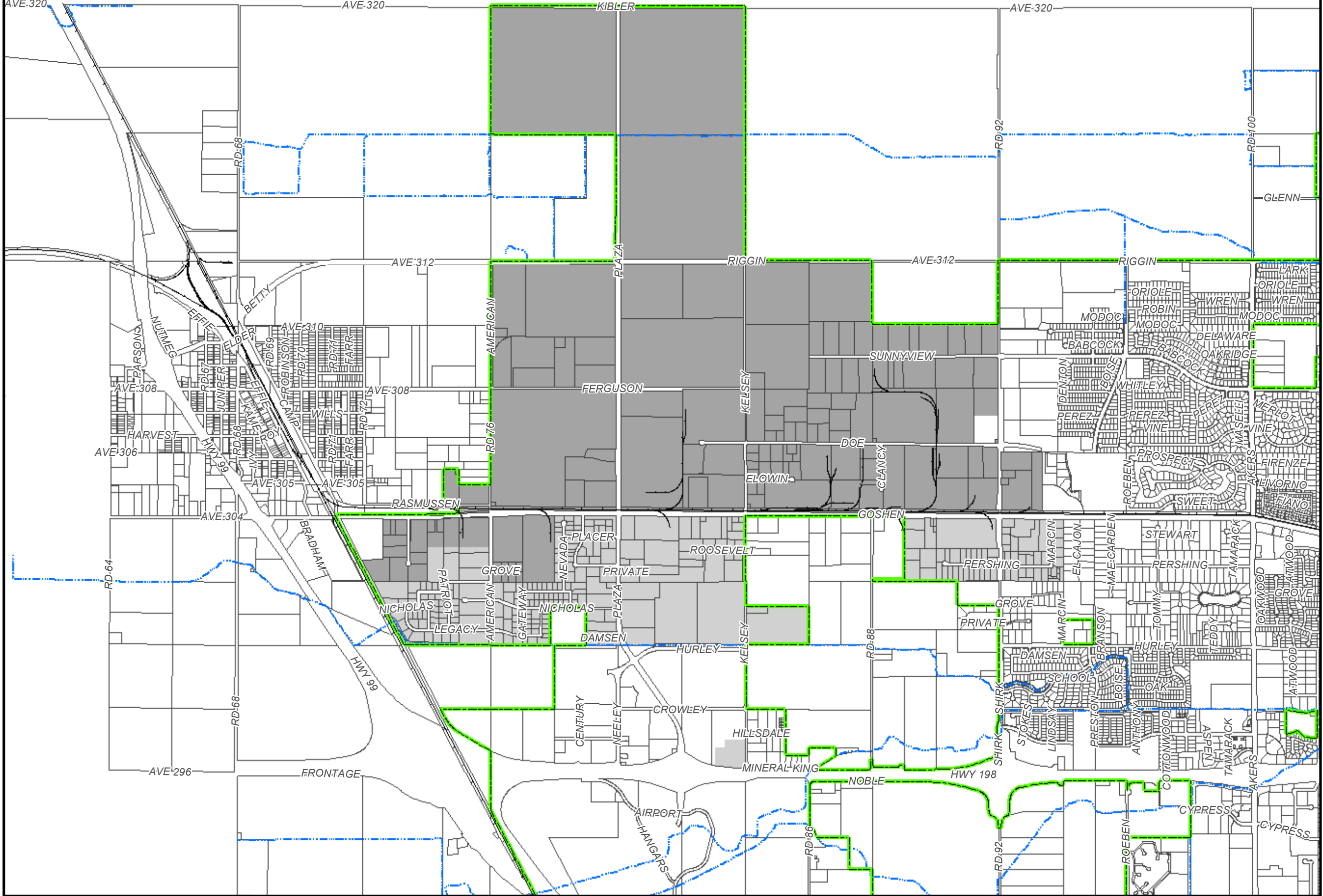


- LEGEND**
- VISALIA ENTERPRISE ZONE**
- CONVENIENCE COMMERCIAL
 - COMMUNITY COMMERCIAL
 - CENTRAL BUSINESS DISTRICT
 - NEIGHBORHOOD COMMERCIAL
 - SERVICE COMMERCIAL
 - SHOPPING / OFFICE COMMERCIAL
 - RAILROAD
 - CITY LIMITS
 - WATERWAYS
 - PARCELS



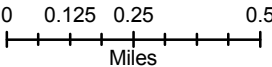


Visalia Enterprise Zone Industrial Park



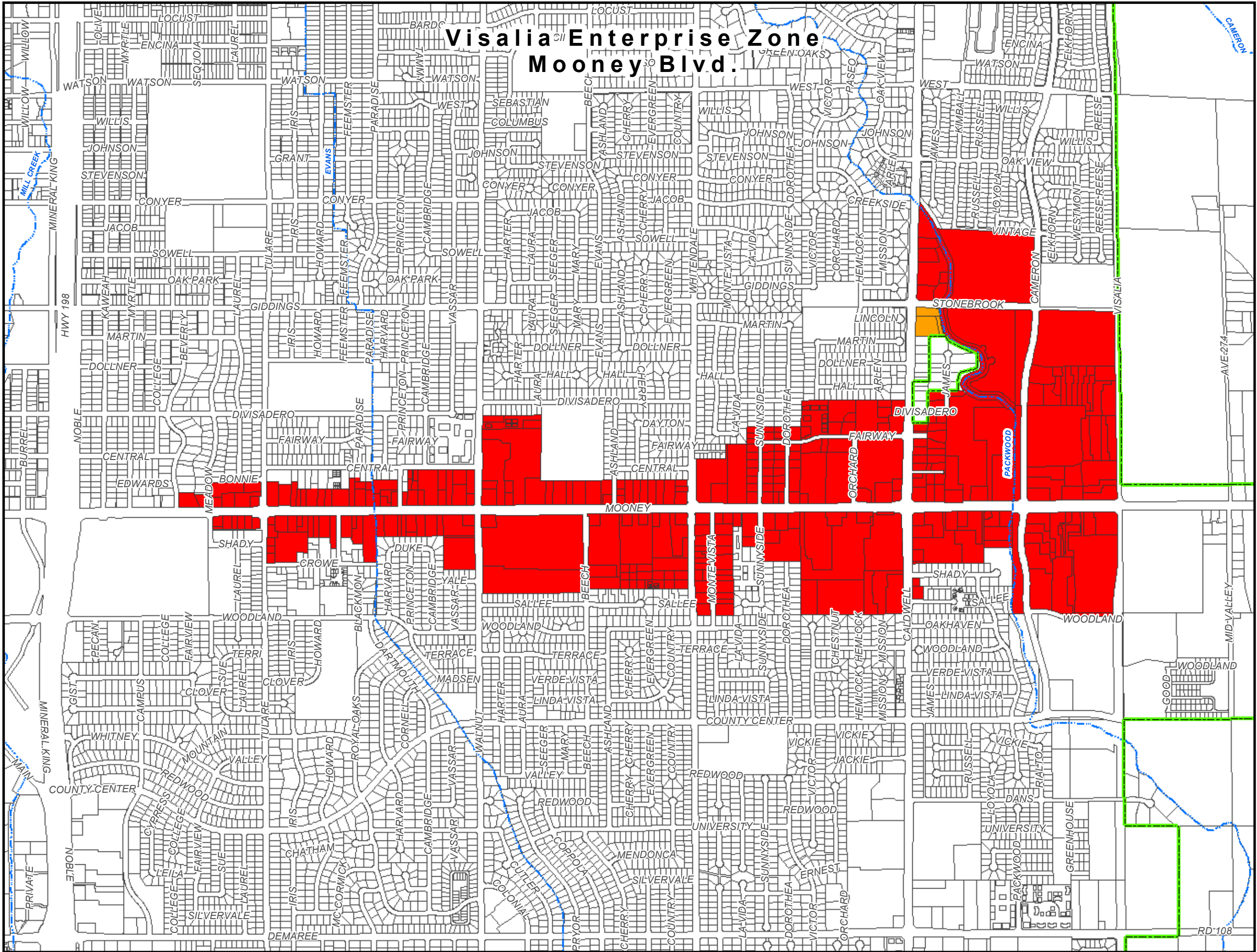
LEGEND

- VISALIA ENTERPRISE ZONE**
- HEAVY INDUSTRY
 - LIGHT INDUSTRY
 - RAILROAD
 - CITY LIMITS
 - WATERWAYS
 - PARCELS



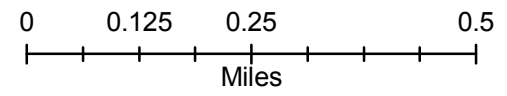


Visalia Enterprise Zone Mooney Blvd.



LEGEND

- VISALIA ENTERPRISE ZONE**
 - REGIONAL RETAIL COMMERCIAL
 - SHOPPING / OFFICE COMMERCIAL
- RAILROAD
- CITY LIMITS
- WATERWAYS
- PARCELS



**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 4c

Agenda Item Wording: Authorize the purchase of 100 golf carts to replace the existing golf cart fleet at Valley Oaks Golf Course in the amount of \$250,096 from Yamaha.

Submitting Department: Parks & Recreation Department

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

Recommendation:

Staff recommends that the City Council authorize the purchase of 100 golf carts in the amount of \$250,096 through Course Co, Inc.'s contract with Yamaha to replace the existing golf cart fleet at Valley Oaks Golf Course.

Background Information:

On September 7, 2004, Council approved a change in the way the Valley Oaks Golf Course financed golf carts. Rather than continue to lease carts, staff reported that it would be more beneficial to the Valley Oaks Golf Course, Course Co, Inc. and the City to purchase carts. This prompted Council to authorize a \$500,000 line of credit in the Capitol Improvement Project fund for the purchase of one hundred (100) golf carts as well as other maintenance equipment.

The benefits of this option are as follows:

- The City charges borrowing costs of 1% above the City's portfolio earnings rate.
- The rate of a taxable lease is higher than the rate the City charges for this loan, this allows CourseCo, Inc. a cost savings that comes back to the City in debt re-payment.
- At the end of the cart life (4 years), carts can be traded in to reduce the costs of replacement.

The existing fleet of carts is at the end of the manufacturer's warranty, carts are in different stages of disrepair, and the overall fleet is in need of replacement.

Course Co, Inc. will be making the final payment on the existing golf carts in April 2009. This loan is paid through a CIP surcharge of \$3.50 collected for each round of golf played at Valley Oaks Golf Course.

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.

Cart rentals are a significant revenue generator for the golf course and an investment that will again be re-paid over the life of the carts (4 years). Table 1 shows Cart Fee Revenues for the last four years, the amount of time serviced by the original purchase of carts.

**Table 1
Cart Fee Revenues**

Year	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08
Cart Fee Revenue	374,682	384,940	454,228	494,709

Course Co, Inc. is requesting to keep twenty (20) carts from the existing fleet of one hundred (100) to use during peak use. The twenty carts will be the carts in best condition and with new batteries. This will allow for more availability of carts and potentially more revenue.

Because Course Co, Inc. operates many golf courses throughout California, they are subject to pricing and packages that the City does not have access to. Course Co, Inc. is recommending that the new fleet be purchased from Yamaha based on their pricing per cart, the amount of trade-in value and the rebate available from Yamaha. Proposals from Club Car and EZGO were also solicited to compare prices among different manufacturers. The nearest Yamaha distributor is in the city of Galt. Local golf cart dealerships were contacted and were unable to meet the price due to not being a golf cart distributor. Table 2 Summary of Proposals, shows a price comparison between the different distributors.

**Table 2
Summary of Proposals**

Brand	Cart price	Trade in Value	Warranty	Rebate	Total Cost
Yamaha	\$3,350	\$1,376	4 years	\$30/car	\$250,096
Club Car	\$3,859	\$675	4 years	N/A	\$363,425
EZGO	\$3,970	\$1,025	4 years	N/A	\$347,785

The most significant savings is in the trade-in value which provides a cost savings of \$108,704 with this purchase. As our current fleet is Yamaha, they are the best source for trade-in value.

City staff is asking for Council authorization to proceed with this purchase so that the new carts will be at the course and in service for the spring golf season.

Prior Council/Board Actions: September 7, 2004 City Council authorized the increase in the CIP credit line for the purchase of 100 golf carts for the Valley Oak Golf Course.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected): Move to authorize the City Manager to proceed with the purchase of 100 golf carts in the amount of \$250,096 through Course Co, Inc.'s contract with Yamaha to replace the existing golf cart fleet at Valley Oaks Golf Course.

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: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 4d

Agenda Item Wording: Request that the City Council authorizes the City Manager to approve the reimbursement for the arterial and collector street improvements for the Fieldstone Oaks Subdivision per the executed subdivision improvement agreement.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

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

Department Recommendation:

That the City Council authorizes the City Manager to approve this reimbursement to Woodside Homes.

Summary/background:

City Council approved the Final Subdivision Map on May 2, 2005. As part of the map approval, the subdivision improvement agreement (Exhibit A) was executed by the City Manager. The subdivision improvement agreement included a section on the City's participation in reimbursement to the developer for arterial and collector streets constructed with the subdivision. This method of establishing reimbursement was done prior to the implementation of separate reimbursement agreements approved by Council.

Fieldstone Oaks was developed by Woodside Homes of Fresno. The project consists of 347 single family lots and is located between Houston and Ferguson Avenues adjacent to County Center Street. The project improvements included storm drain and street improvements to Ferguson Avenue, County Center Street and Houston Avenue. Upon completion of the major street construction, the developer submitted a reimbursement request package consisting of contracts, invoices and change orders. The reimbursement amount is \$781,748.68. Engineering staff and the City's Development Reimbursement Review Committee have reviewed the developer's submittals and concur with this amount. The development has paid approximately \$1,362,855.00 in Traffic Impact Fees to date.

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:

Council approved the Final Map on May 2, 2005 and a Notice of Completion on June 6, 2007

Committee/Commission Review and Actions:

Planning Commission approved the Tentative Map on October 2004.

Developer Reimbursement Review Committee approved the reimbursement on January 21, 2009

Alternatives: None recommend

Attachments: Location Map
Exhibit A – Subdivision Improvement Agreement

Recommended Motion (and Alternative Motions if expected): I motion to give the City Manager authorization to approve the reimbursement to Woodside Homes in the amount of \$781,748.68

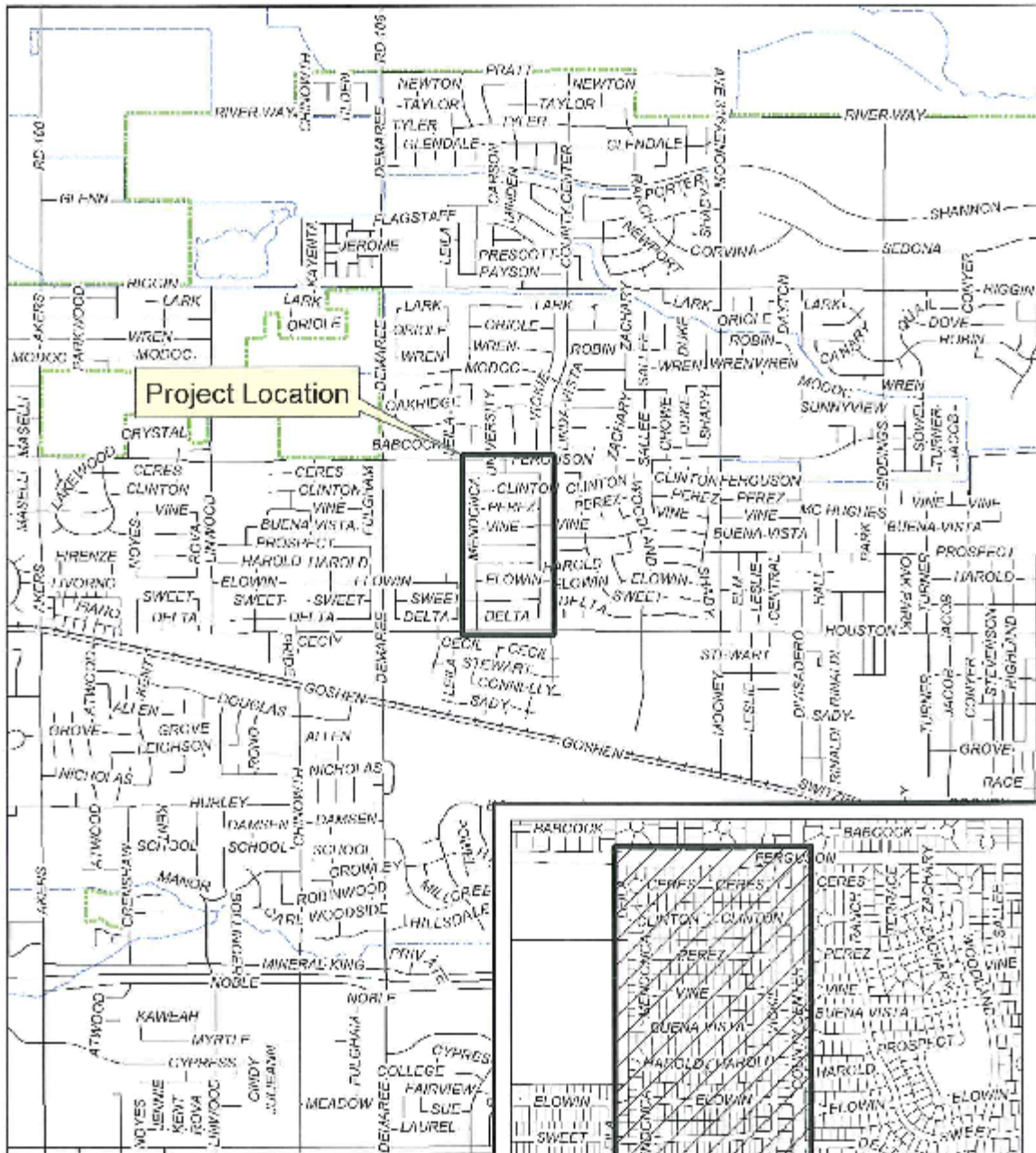
Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review:

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

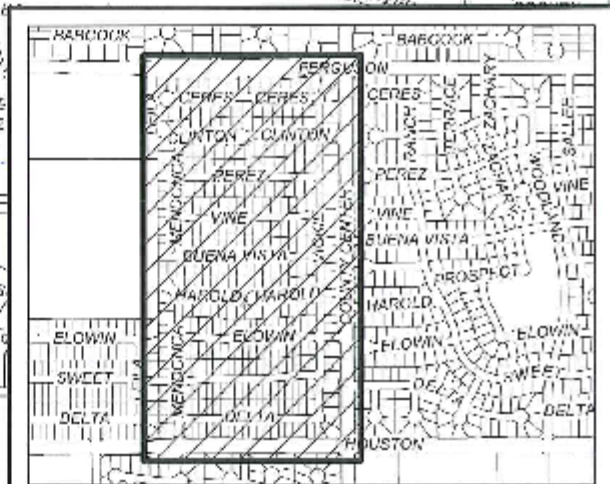
Copies of this report have been provided to:



Fieldstone Oaks
Location Map



Scale: 1"=2000'



Vicinity Map

Scale: 1"=1000'

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 4e

Agenda Item Wording: Request authorization to file a Notice of Completion for Parcel Map 2006-04, located south of Goshen Avenue between American Street and Gateway Street containing 25 Industrial lots.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Norm Goldstrom, Associate Engineer - 713-4638
Patrick Barszcz, Inspector - 713-4241

Department Recommendation:

City staff recommends that City Council give authorization to file a Notice of Completion for Parcel Map No. 2006-04. All the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The Parcel Map has been developed by Corwyn Oldfield. Corwyn Oldfield has submitted a maintenance bond in the amount of \$ 80,324.78 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. This property has been annexed into Landscape and Lighting District No. 07-02 for the maintenance of street lights, city streets and the storm drain basin.

Summary/background: None

Prior Council/Board Actions:

Final Map recording was approved at Council meeting of January 08, 2007.

Committee/Commission Review and Actions: The tentative Parcel Map 2006-04 was approved by Planning Commission on March 13, 2006.

Alternatives: N/A

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 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.

Attachments: Location sketch/vicinity map
Disclosure statement

Recommended Motion (and Alternative Motions if expected):
I hereby authorize filing a Notice of Completion for Parcel Map 2006-04.

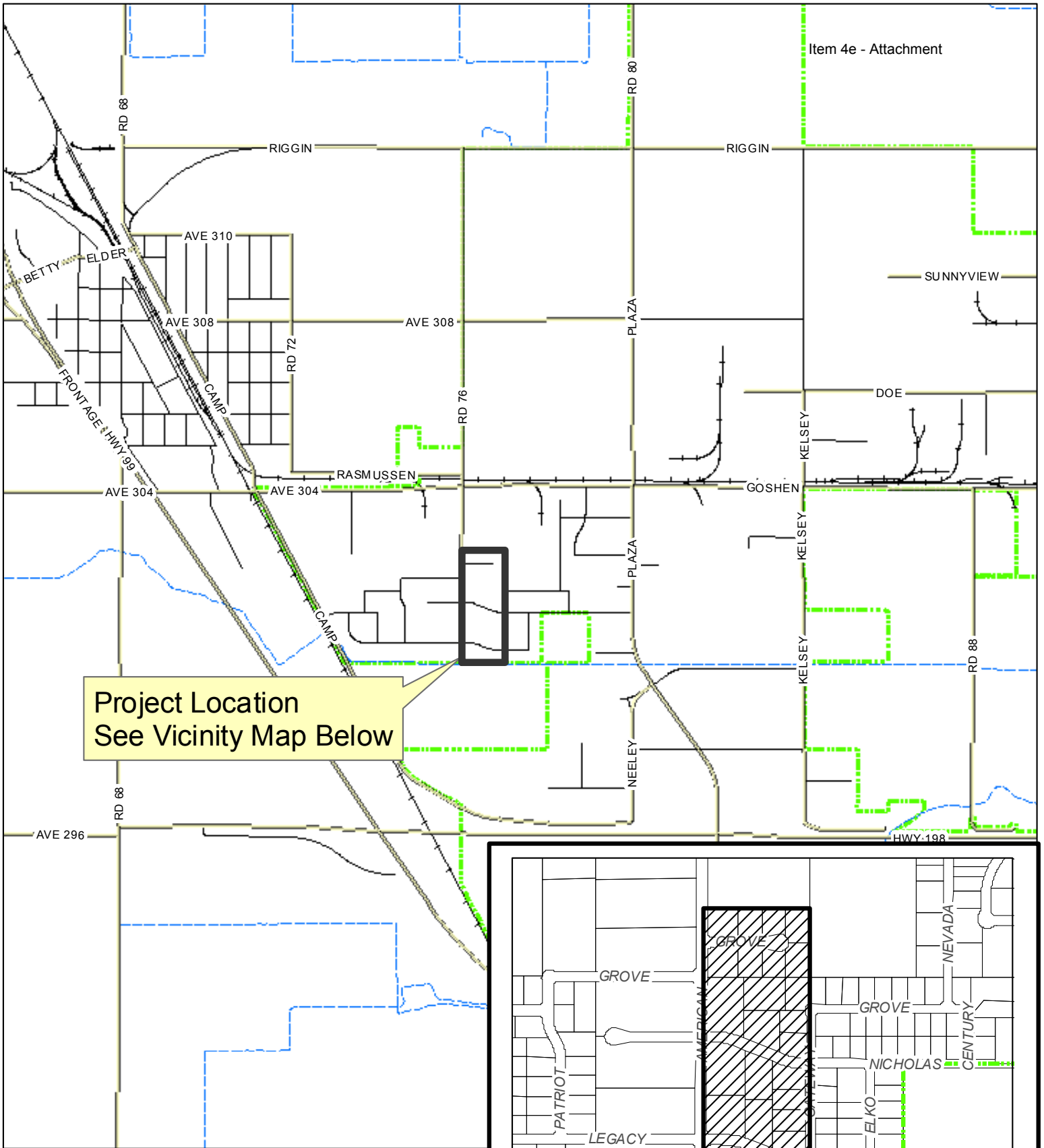
Environmental Assessment Status

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:

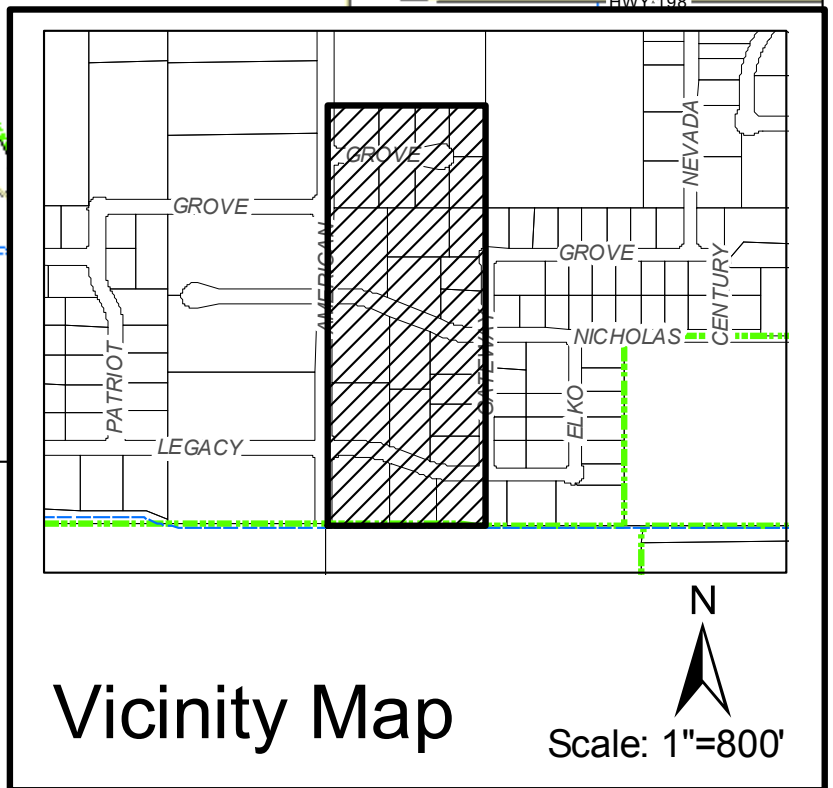


Project Location
See Vicinity Map Below

Parcel Map
2006-04
Location Map



Scale: 1"=2000'



Vicinity Map



Scale: 1"=800'

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 4f

Agenda Item Wording: Request authorization to file a Notice of Completion for Parcel Map 2006-05, located south of Goshen Avenue between American Street and Camp Drive containing 46 industrial lots.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Norm Goldstrom, Associate Engineer - 713-4638
Patrick Barszcz, Inspector - 713-4241

Department Recommendation:

City staff recommends that City Council give authorization to file a Notice of Completion for Parcel Map No. 2006-05. All the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The Parcel Map has been developed by Corwyn Oldfield. Corwyn Oldfield has submitted a maintenance bond in the amount of \$ 106,649.64 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. This property has been annexed into Landscape and Lighting District No. 06-10 for the maintenance of street lights, city streets and the storm drain basin.

Summary/background: None

Prior Council/Board Actions:

Final Map recording was approved at Council meeting of December 04, 2006.

Committee/Commission Review and Actions: The tentative Parcel Map 2006-05 was approved by Planning Commission on March 13, 2006.

Alternatives: N/A

Attachments: Location sketch/vicinity map
Disclosure statement

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.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Parcel Map 2006-05.

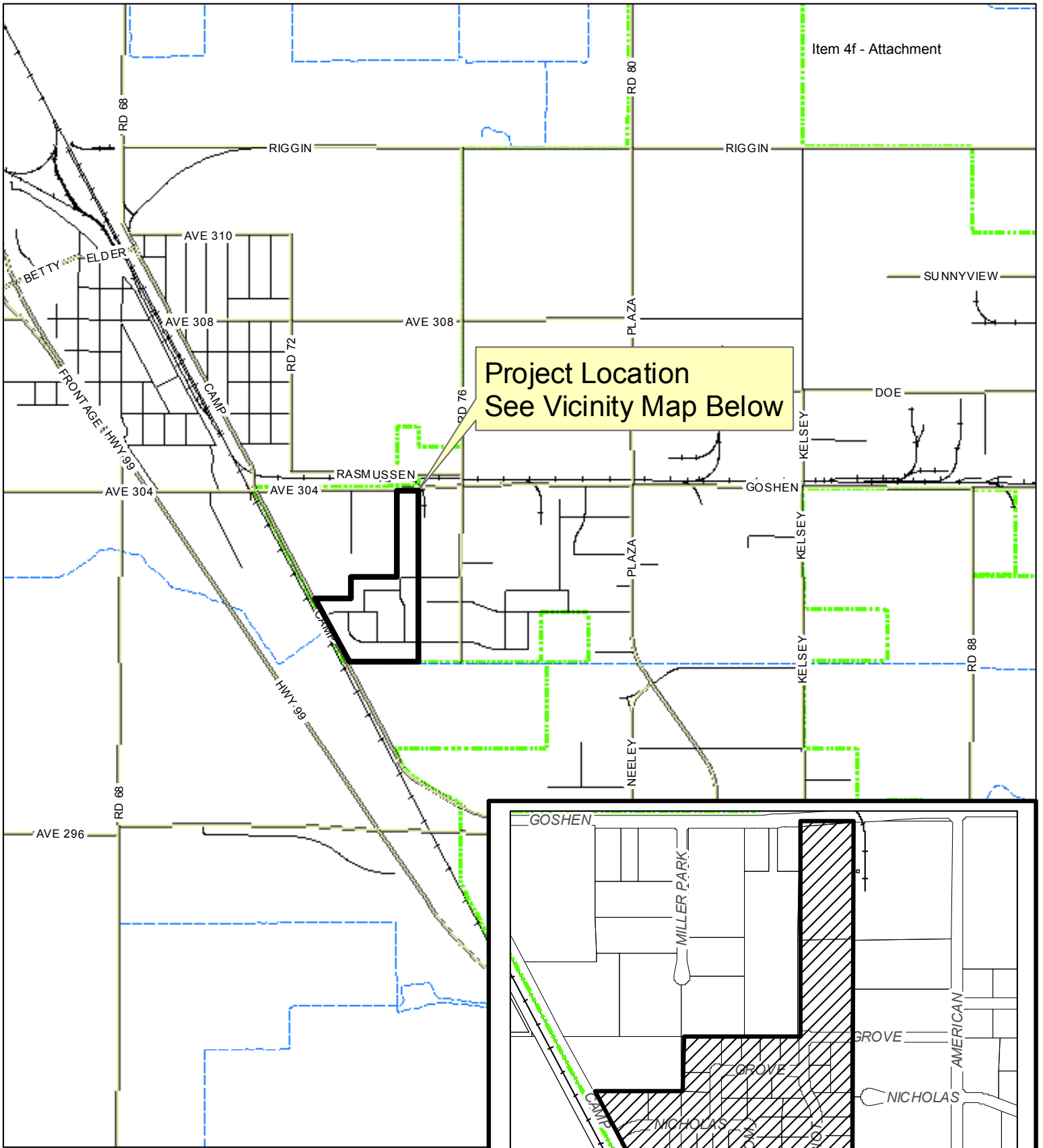
Environmental Assessment Status

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:

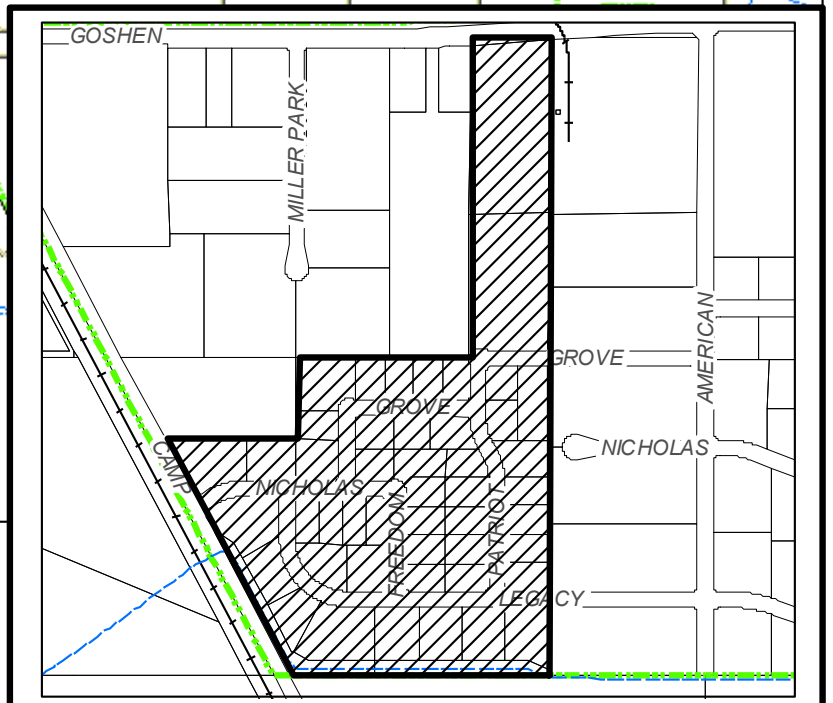


Project Location
See Vicinity Map Below

Parcel Map
2006-05
Location Map



Scale: 1"=2000'



Vicinity Map



Scale: 1"=800'

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 4g

Agenda Item Wording: Request authorization to file a Notice of Completion for Parcel Map 2006-06, located on the north side of Mineral King Avenue between Chinowth Street and Bollinger Street containing 6 commercial lots.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Norm Goldstrom, Associate Engineer - 713-4638
Patrick Barszcz, Inspector - 713-4241

Department Recommendation:

City staff recommends that City Council give authorization to file a Notice of Completion for Parcel Map No. 2006-06. All the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The Parcel Map was developed by Mineral King Office Partner, LLC. Mineral King Office Partner, LLC has submitted a maintenance bond in the amount of \$ 8,025.76 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. All public street improvements exist and there is no Landscape and Lighting District for this area.

Summary/background: None

Prior Council/Board Actions:

Final Map recording was approved at Council meeting of December 05, 2006.

Committee/Commission Review and Actions: The tentative Parcel Map 2006-06 was approved by Planning Commission on April 24, 2006.

Alternatives: N/A

Attachments: Location sketch/vicinity map
Disclosure statement

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.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Parcel Map 2006-06.

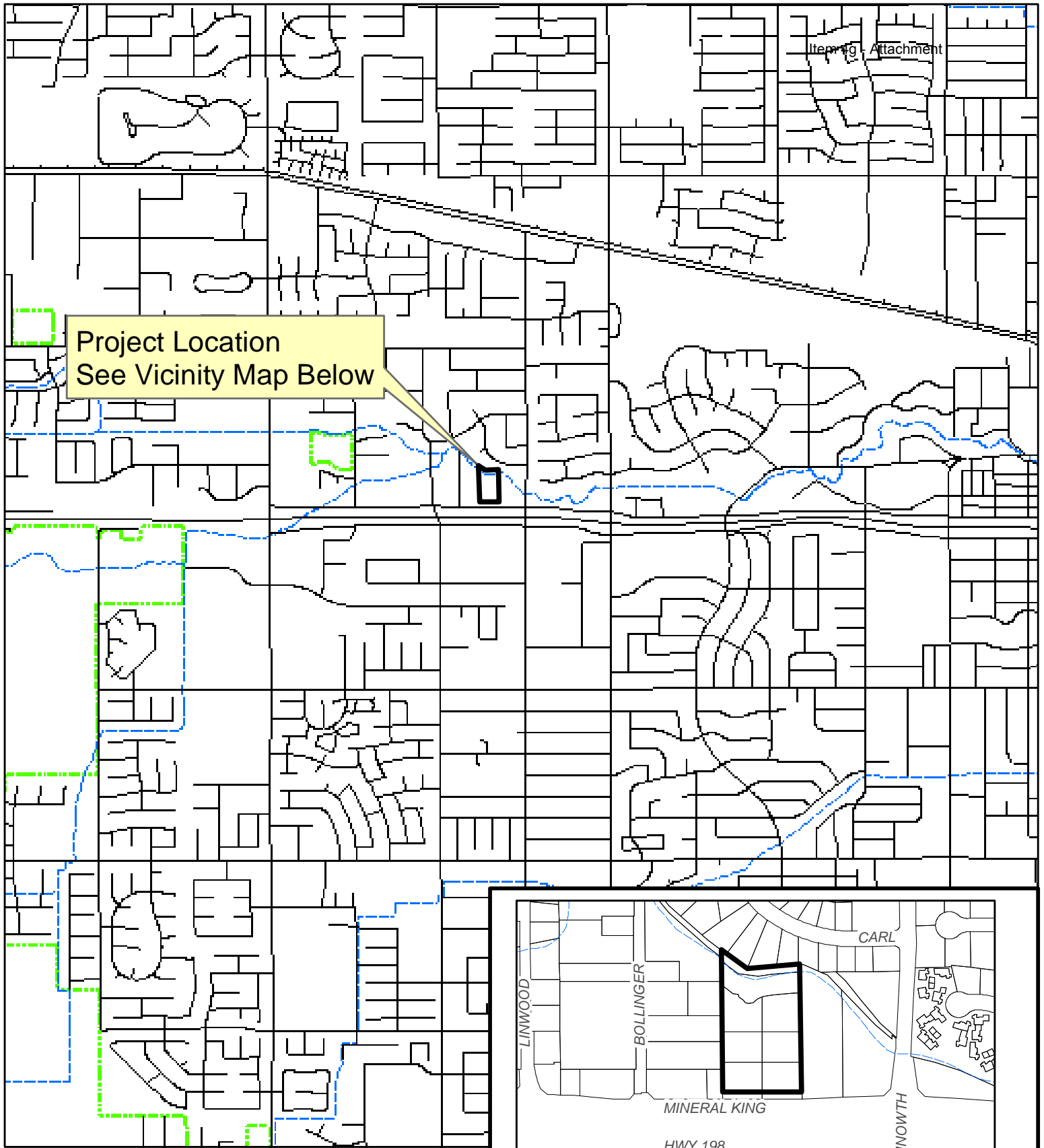
Environmental Assessment Status

CEQA Review: N/A

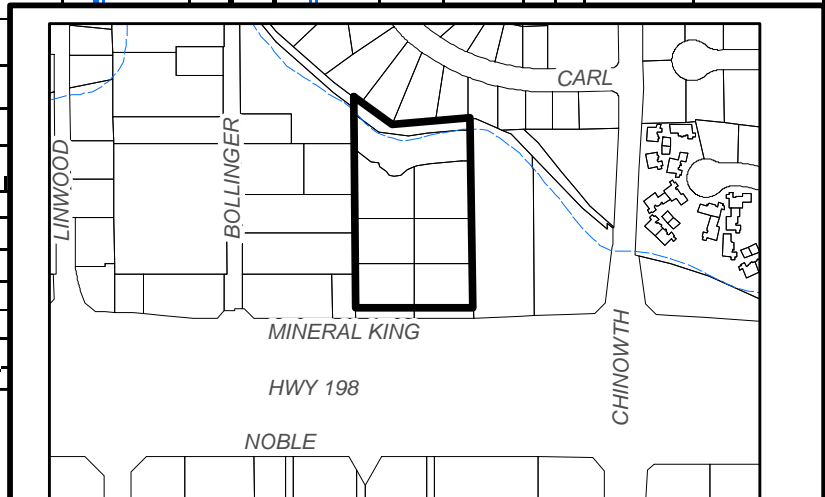
NEPA Review:

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:



Project Location
See Vicinity Map Below



Parcel Map
2006-06
Location Map

±
Scale: 1"=2000'

Vicinity Map

±
Scale: 1"=500'

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 4h

Agenda Item Wording: Authorization to negotiate the appropriate contracts to accept from Tulare County the contractual assignment of Central Valley Project water delivered via the Cross Valley Canal.

Deadline for Action: N/A

Submitting Department: Administration

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

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head

Finance

City Atty

City Mgr

Department Recommendation

It is recommended that the Council authorize staff to negotiate the appropriate contracts to accept from Tulare County the contractual assignment of Central Valley Project water delivered via the Cross Valley Canal.

Department Discussion

The County of Tulare has contractual entitlement to Central Valley Project water delivered via the Cross Valley Canal. There are a total of 128,300 acre-feet (af) involved with all of the federal Cross Valley Canal contracts, of which Tulare County has 5,308 af. For many years, Tulare County has passed through their access to this water to several entities, including 300 af to the City of Visalia. The County wants to formalize the pass through, and to assign their entitlement to the same entities they have historically been involved with the County, which include:

TULARE COUNTY CROSS VALLEY CANAL SUBCONTRACTORS

District	Acre-Feet
Alpaugh Irrigation District	100.00
Atwell Island Water District	50.00
Hills Valley Irrigation District	2,913.00
City of Lindsay	50.00
Saucelito Irrigation District	100.00
Frasinetto Farms L.L.C. (formally Smallwood Vineyards)	400.00
Stone Corral Irrigation District	950.00
Strathmore Public Utility District	400.00
Styro-Tek, Inc	45.00
City of Visalia	300.00
Total	5,308.00

The benefits to the City include being a Federal water contractor, which will provide greater rights to surplus Bureau of Reclamation water (often referred to as Section 215 Water) when

available, an ownership in the Cross Valley Canal, and more control over how the City uses the water.

Cross Valley Canal contract entitlement, delivery requirements and ownership are very complex and convoluted, and the process for assigning the entitlement will be equally so and will take at least 18 months to complete. It involves a supply contract with the Bureau of Reclamation (both interim and long term) and a wheeling contract with the Department of Water Resources (three party agreements), and representation, ownership, operation and maintenance agreements associated with the operation of the Cross Valley Canal itself. However City contractors, Alex Peltzer, City Attorney; Dick Moss, Engineer; and Dennis Keller, Engineer; who are familiar with the situation, all believe that it is a good move for the City.

From the initial review, there does not seem to be any significant downsides other than the complexity of the entire process, including ultimately taking delivery of the water. The water is made available in the Sacramento/San Joaquin River Delta where it is typically picked up at the Banks Pumping Plant (State Water Project), wheeled through the California Aqueduct to the Cross Valley Canal, delivered through the Cross Valley Canal and then exchanged for Friant-Kern Canal water that would ultimately benefit the City. There are also opportunities to sell this water along the way to others that could generate revenues which subsequently could be leveraged to buy even greater amounts of surplus Friant-Kern water supplies.

In that regard, staff wants to fully assess the financial ramifications. Typical costs for getting the actual Cross Valley Canal water delivered have ranged around \$100 per af, however, there are various ways to mitigate these costs (e.g. selling some of the water as noted earlier). With such a complicated arrangement involving numerous parties including the state and federal government, there is always the potential for additional litigation, but the City's share of the total Cross Valley Canal entitlement will be so small that the risk of extraordinary costs that would exceed the value of the water is also limited.

As noted earlier, it's anticipated that the entire process could take 18 months or longer to complete. Staff will provide Council with provide periodic updates.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to authorize staff to negotiate the appropriate contracts to accept from Tulare County the contractual assignment of Central Valley Project water delivered via the Cross Valley Canal.

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: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 4i

Agenda Item Wording: Authorization to support efforts to add a formula based operations and maintenance funding stream to the federal transportation bill, specifically the Paul S. Sarbanes transit in parks program, Section 3021 of the SAFETEA-LU (49 U.S.C. 5320), which could assist in funding transportation programs to and within National Parks such as the Sequoia Shuttle.

Deadline for Action:

Submitting Department:

Contact Name and Phone Number: Monty Cox, 713-4591;
Leslie Caviglia, 713-4317

Department Recommendation:

It is recommended that the Council authorize staff to support efforts to add a formula based operations and maintenance funding stream to the federal transportation bill, specifically the Paul S. Sarbanes transit in parks program, Section 3021 of the SAFETEA-LU (49 U.S.C. 5320), which could assist in funding transportation programs to and within National Parks such as the Sequoia Shuttle

Summary/background:

The Sarbanes program was started in 2003 after many years of work by Senator Paul S. Sarbanes. The program has assisted in providing funding for both the internal and external Sequoia Shuttle, but for rolling stock only, not for operating funds. Originally, operating funds were proposed for this program, but were pulled at the last minute. While the program has assisted several National Parks in improving transportation in and around the park, as with any start up program, there are some short comings including:

1. Current funding streams for transit on federal lands only supports planning and capital purchases and does not include maintenance and operations. Funding for maintenance and operations by local rural governments is often inadequate or not available at all. This is not a sustainable solution.
2. Federal lands by their nature are mostly in low population areas and therefore cannot depend on existing transit operations funding streams as these funds are all population based.
3. Even though there are many state highways involved in bringing visitors to federal lands, these formulas are also population based.
4. There are many, many examples of completed plans (nation wide) that have not been implemented and pilot programs are facing extinction because funding is not available.

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 21009
(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.

5. There are many examples of federal capital dollars that could be saved if more transit options were available (i.e., using our current roadways more efficiently versus building parking lots). For example there is currently an effort to try and implement transit rather than build a new parking lot at the base of Whitney Portal in the Inyo National Forest.
6. There are federal land units that receive no Federal Lands Highway Program dollars (FLHP).
7. Lack of stability in this funding stream puts transit jobs at risk. Expansion would create new jobs.

Proposal:

A group of National Park involved entities are supporting an effort to change the current system as part of the federal transportation bill (SAFETEA-LU (49 U.S.C. 5320). Those supporting this effort include

- *Yosemite Regional Transportation System JPA
(Mono, Merced and Mariposa Counties)
- *Eastern Sierra Transit Authority JPA
(Mono and Inyo Counties, Town of Mammoth Lakes and City of Bishop)
- *Marin Transit (Muir Woods National Monument)
- *Monterey Salinas Transit (Big Sur, Los Padres National Forest)
- *National Parks Conservation Association
- *National Association of Counties (DC)

These entities are proposing to add a formula-based operations funding stream to the current program with the formula based on a combination of acres of federal land, miles of highway served and visitor numbers. Due to the success of the Sarbanes program and a lack of infrastructure, the Federal Transportation Administration (FTA) is seeking proposals for management of a 4.5 million dollar National Technical Assistance Center for Parks and Public Lands (due to be operational by March 2009). With this management contract in place, the FTA could include the administration of the proposed funding stream into their work.

Although the FLHP (Federal Lands Highway Program) is supposed to be the vehicle for these sorts of funding streams it is in dire need of revamping so as to make the program more equitable. Another possible avenue for additional funding is to re-vamp the "Accessing America's Treasures" program under FLHP. This program is just celebrating its 25 year anniversary. However, tying these new monies to the planning ideas that are coming out of the Sarbanes program would create more cohesiveness. The current need fits within the Sarbanes program due to programming direction and the planning dollars that have already been funded.

Proposed Outcomes and Sabarnes Goals

The involved entities have identified the following goals and outcomes as are result of this funding:

1. Positively influence climate change, congestion and air and noise pollution.
2. Improve visitor and rural resident mobility and accessibility. Almost 90% of Fresno school children have never been to Yosemite, yet it is less than an hour away. The same percentage is true for Sequoia Kings Canyon National Park and the children that reside in Tulare County. Additionally, minority use on all public lands is very low, which is due almost exclusively to accessibility issues.
3. Encourage leveraging of public (local and federal) and private partnerships already in place. A self-help-system-bonus component could bring more local tax money into transportation.
4. Job creation.
5. Conservation of natural, historical and culturally resources.
6. Conserve capital outlay resources.
7. Improve rural-urban transit connection, and provide more seamless travel beyond regional needs.

8. Continue the vision of The Paul Sarbanes Program of implementing the plans funded over the last 5 years while the needs are still current.

Current Supporters

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: Don't support the bill

Attachments: N/A

Recommended Motion (and Alternative Motions if expected):

I move to support efforts to add a formula based operations and maintenance funding stream to the Paul S. Sarbanes transit in parks program

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Santa Fe Overcrossing project update and authorization for the City Manager to enter into professional service agreements with Quad Knopf for construction engineering/design and survey/construction staking services and BSK Associates for materials testing. Project Number 3011-00000-720000-0-9236.

Deadline for Action: None

Submitting Department: Community Development/
Engineering Division

Contact Name and Phone Number:

Fred Lampe, Civil Engineer - 713-4270
Chris Young, Assistant Community Dev. Director - 713-4392

Department Recommendation: Staff recommends that the Visalia City Council authorize the City Manager to enter into professional services agreements with Quad Knopf for construction engineering support services and survey/construction staking services and with BSK Associates for materials testing services for the Santa Fe Street Overcrossing.

Background/Update: The Santa Fe Street Overcrossing is the first state highway structure undertaken by the City of Visalia. It has been a long journey to reach this point, with reports, submittals and approvals required at each phase of the process. The construction phase will begin in March and will follow the strict, detailed rules and procedures that are required by Caltrans.

The Highway 198 Overcrossing at Santa Fe Street is a project 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.

Architecturally, the overcrossing is different than standard Caltrans overcrossings. It features metal arches with oak tree emblems and brick entrance towers. Choosing the shape and color of the oak tree emblem became a community wide process. An exhibit was created with three oak tree emblems, three shades of green, and two brick patterns. Public notice was given and the exhibit went on display for a week at a time in three City locations, the Visalia Convention Center, City Hall West, and the Transit Center. One-hundred twenty four ballots were received

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.

and counted and the results are presented today on the display board in the council chambers. The ground breaking ceremony will be held on Friday, February 20, at 10:00 AM.

Summary/Analysis: The overcrossing structure itself makes this project more complicated than one with earthwork and paving alone. Structural engineering expertise and bridge construction experience is needed along with additional monitoring, tracking, reviews, inspection, and testing. Many state entities become involved and additional Caltrans oversight is required for construction of an overcrossing.

The City of Visalia is the lead agency and is providing funding for the project through Measure R. Caltrans will own and maintain the overcrossing and has oversight of all work in the state right-of-way. The state requires certain construction services be provided by the City through a cooperative agreement. These services include Construction Management (CM), Resident Engineer (RE), construction staking, material testing and engineering support from the engineer of record. Mendoza & Associates has been hired by the City and approved by Caltrans to perform construction management, resident engineer, and structures representative services. They will also provide a portion of the resident engineer's support staff. The remainder of the RE's support staff will be provided by Quad Knopf, BSK Associates, and City staff. As the project design team, Quad Knopf, TRC and Taylor/Teeter will carry out two support services, that of construction engineering/design support and survey/construction staking. It is considered "best practice" to use the design team for these services in order to keep "design responsibility" with the design team. BSK Associates will perform materials testing services. All of these firms have been approved by Caltrans.

City staff and Mendoza & Associates have carefully reviewed the Quad Knopf and BSK proposals. Project tasks, man-hour spreadsheets, and scopes of work have been scrutinized and defined through several rounds of revisions to insure no overlapping or unnecessary tasks are performed. The agreements are time and material based (not-to-exceed) contracts. Mendoza & Associates will assist the City in managing the contracts and costs. Only the services absolutely needed to complete the project will be implemented.

Quad Knopf's fee for construction staking is \$111,775.00 and for construction engineering/design support is \$157,000.00. BSK Associates fee for materials testing is \$90,533.00. Construction will begin in March after all agreements are approved and executed. The fees for these services are within industry standards. They are comparable on a percentage basis to past City projects such as the Recreation Park Stadium Improvements and the West Acequia Parking Structure. All invoices will be reviewed by the City and construction manager and final fees may be less than the not-to-exceed amount.

Current Mendoza & Associates Contract: Three agreements are included in this agenda item for approval. Before discussing the agreements, a short summary of the contract with Mendoza & Associates is presented.

Mendoza & Associates was hired in September, 2008 to assist the City of Visalia in managing this project. In addition to final plan reviews and bid coordination, which have been completed, Mendoza & Associates will assume the roles of Construction Manager (CM), Resident Engineer (RE), Structure Representative, and a portion of the Resident Engineer Support Team. They will be on site or in the field office at all times during construction doing quality control, scheduling, construction management, and inspections. They are responsible for representing the City's interests and that of Caltrans while delivering the project according to plans and specifications. Their role is critical in keeping the project on time and within budget. These tasks are defined by Caltrans and must be provided by the City according to the cooperative agreement. Caltrans guidelines specifically require that the RE shall not be an employee of the

design firm and shall not be associated with the construction contractor. For a more complete list of duties see Attachment B.

Mendoza & Associates Responsibilities

Title: Construction Manager CM
Resident Engineer RE
Structural Representative SR
Assistant Resident Engineer
Office Engineer
Inspector

Tasks: CM-RE

Constructability Review
Assist Bidding Const. Contract
Organize Pre-Const Meeting
Monitor Project Schedule
Monitor Project Cost
Provide Monthly Status Report
Coordinate weekly meetings
Provide all meeting minutes
Track submittals
Track requests for information (RFI)
Track change orders
Answer RFIs within their scope
Responsible for quality control
Schedule material testing
Observe construction operations
Monitor construction claims
Monitor jobsite safety
Coordinate closeout
Develop punch list items
Coordinate design engineer acceptance
Coordinate City/Caltrans acceptance

SR

Assist RE in structure projects
Draft change orders, structures
Draft claim position, structures

Assistant Resident Engineer

Assist RE
Track all work quantities
Some inspection work
Daily log of activities
Collect as-built information

Office Engineer

Monthly progress pay estimates
Keep labor and equipment records
Correspondence
Extra work reports
Conduct labor compliance interviews

Inspector

Excavation and backfill
Earthwork
Coordinate testing
Formwork
Rebar placement and embedment
Concrete Placement
Paving

Construction Engineering/Design Support Services (Quad Knopf, TRC, and Taylor Teeter):

Construction of the Highway 198 Overcrossing at Santa Fe Street will require support from the architectural and engineering team that designed the project. Any change orders or submittals affecting the plans or specifications must be approved by the original designer as engineer of record. This team will also review and respond to all requests for information (RFI). Caltrans requires the engineer of record be hired by the City and made available to the RE as part of the of the Resident Engineer's Support Team.

A more complete discussion and list of duties of the Construction Engineering/Design Support Services agreement is included in Attachment C.

Quad Knopf Design Support Services Responsibilities

Firm: Quad Knopf Team
Quad Knopf, Taylor Teter, TRC

Title: Engineer of Record
Civil Engineer - Design
Traffic Engineer - Design
Architect - Design
Structural Engineer - Design

Tasks: Engineer of Record (Team)

Attend meetings as required	Assure compliance with specs.
Respond to RFIs	Review change orders
Civil	Civil
Structural	Structural
Architectural	Architectural
Approve submittals	Redesign work as directed
Civil	Civil
Structural	Structural
Architectural	Architectural
Correct errors or omissions	Prepare as-built drawings
Assure compliance with plans	

Survey/Construction Staking Services (Quad Knopf): City staff has chosen to contract with Quad Knopf for several reasons including their familiarity with the project. The overcrossing is a complicated structure and will require approximately fifteen months to complete. Construction staking will start with setting alignment and project limits for clearing and demolition. Staking will be required at each phase of the project including; pier footings, bent caps, abutments, column bents, bridge falsework, deck forms and for adjacent street improvements.

Staking and measurements for each stage of the structure are checked before and after the stage. Items such as precast prestressed girders are fabricated off site then lifted into position during construction. The dimensions on site such as bent and abutment locations must be repeatedly verified to insure the girders will fit once on site. The bridge deck profile is checked and rechecked. Minimum clearance above the traveled lanes below must be maintained and documented for permit loads. During construction, permanent control markers must be set for use by the contractor in constructing the project and after construction, elevations and alignment are verified and documented for as-built plans.

Quad Knopf Survey Responsibilities

Tasks: Survey Monument Preservation	Pavement grades
Establish Construction Staking Control Network	Cross slope
Establish Construction Limits	Crown
Mark demolition limits and saw cuts	Provide cut sheets
Stake underground improvements	Measurements for prestressed girders
Storm Line	Set grade for deck forms
Edison Conduits	Locate bridge features
Stake rough grading	Entrance towers
Locate bridge structure	Concrete barriers
Column footings	Locate highway sign
Bridge abutments	Stake traffic signal locations
Stake Curb and Gutter	Locate guard rails and AC curbs
Curves	Establish permanent elevations for as-builts
Tangents	

A more complete discussion and list of duties of the Construction Engineering/Design Support Services agreement is included in Attachment D.

Materials Testing Services (BSK Associates): BSK Associates has been chosen to perform the material testing services required for construction of the Highway 198 Overcrossing at Santa Fe Street. The choice was made through the Request For Qualifications (RFQ) process conducted by the Community Development Department, Engineering Design Division.

City staff began the RFQ process by defining the scope of the services required. Consideration was given to the type of construction, the materials used, the equipment needed, the project schedule, and that most of the testing would follow Caltrans procedures and be subject to Caltrans approval. The successful firm would need to become a Caltrans certified testing laboratory and every person conducting tests would also need to become Caltrans certified in each test they would perform. A list of tests was compiled that would most likely be needed to complete the project.

Firms were rated on several factors: their understanding of the project and their proposed approach to completing tasks according to the scope of the agreement; the overall knowledge, experience, and expertise of the firm; their past performance on similar projects; and the work the firm had performed in the local Caltrans district.

The project was advertised and a panel was assembled to rate the submittals according to the criteria above. The panel consisted of two design engineers from the City of Visalia, the RE and Assistant RE from Mendoza & Associates, and the Caltrans Construction Oversight Engineer. Three firms submitted their qualifications, BSK Associates, Central Valley Testing, and Krazan & Associates.

BSK Associates submitted the successful proposal. BSK Associates demonstrated the expertise and experience in similar projects along with the most qualified staff to perform the needed testing for the Santa Fe Overcrossing. They showed the greatest number of technicians with Caltrans certificates and the lab is certified to perform the majority of the required tests.

District Agreement 06-1329, Section 1, Item 22 states *“PROJECT material testing and Quality Control/Assurance shall conform to STATE’s Construction Manual, Construction Manual Supplement for Local Agency Resident Engineer, Local Agency Structure Representative Guideline and State California Test Methods, and shall be performed by a material-tester certified by STATE, at CITY’s expense”*.

BSK Associates Materials Testing

Title: Material Testing Firm

Tasks: Material tests as required by the RE
Grading and Compaction Tests
Test trench backfills
Test abutment and footing backfill
Concrete aggregate tests
Concrete mix tests
Concrete cylinder tests
Batch plant inspection

AC paving tests
Aggregate base tests
Nuclear gauge compaction testing
Report writing
Field sampling
Lab testing

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.

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

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

December 15, 2008 Council awarded the construction contract to Agee Construction.

Committee/Commission Review and Actions:

Alternatives:

Hire other consultants for the same tasks

Attachments: Project location map.

Attachment A – Project Budget

Attachment B – Mendoza Contract

Attachment C – Construction Engineering/Design Support

Attachment D – Survey/Construction Staking Services

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to enter into professional services agreements with Quad Knopf for Construction Engineering/Design Services and Survey/Construction Staking and with BSK Associates for Material Testing Services for the Highway 198 Overcrossing at Santa Fe Street.

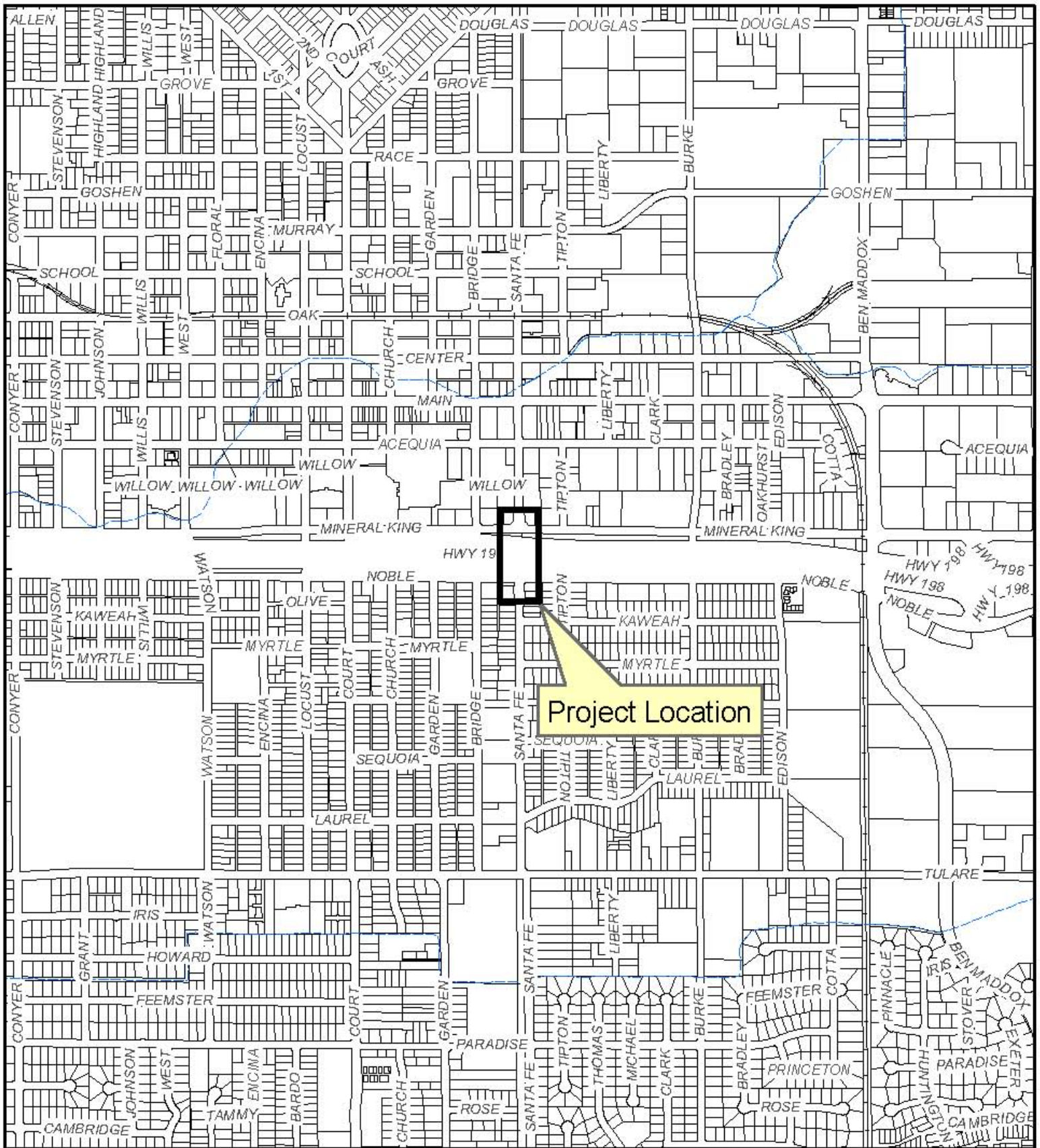
Environmental Assessment Status

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:



Santa Fe Street Overcrossing



Scale: 1"=1000'

Attachment A

SR 198 Overcrossing Project at Santa Fe Street
Project Budget
02/17/2009

Item	Cost	% of Const. Contract
Preliminary Design/Environmental Doc., Initial Study, PSR, PR, CEQA *	\$150,000.00	2.80%
Design Contract (Quad Knopf) **	\$985,432.80	18.38%
ROW Acquisition and Support (Estimated)	\$300,000.00	5.60%
Utility Relocation (Estimated)	\$165,000.00	3.08%
Construction Management / Res. Engineer	\$714,240.00	13.33%
Construction Contract (Agee Const.)	\$5,360,147.10	100.00%
Construction Staking Contract (Quad Knopf)	\$111,775.00	2.09%
Construction Support Contract (Quad Knopf)	\$157,000.00	2.93%
Material Testing (BSK Associates)	\$90,533.00	1.69%
Highway Closure Contract with CHP (Est.)	\$15,000.00	0.28%
State Furnished Materials	\$29,000.00	0.54%
City Personnel and Overhead (Estimated)	\$250,000.00	4.66%
Construction Contingency	\$268,000.00	5.00%
TOTAL:	\$8,596,127.90	160.37%

* = *Not Funded by Measure R*

** = *Partially Funded by Measure R*

Attachment B

Current Mendoza & Associates Contract: The cooperative agreement for the Overcrossing at Santa Fe Street is District Agreement No. 06-1329. Section 1, Item 23, of the agreement states, "To furnish, at CITY's expense and subject to approval of STATE, a field site representative who is a licensed Civil Engineer in the State of California, to perform the functions of a Resident Engineer. If PROJECT PS&E were prepared by a private engineering company, the Resident Engineer shall not be an employee of that company. The Resident Engineer shall also be independent of the construction contractor."

District Agreement 06-1329, Section 1, Item 24 states "At CITY'S expense, to furnish qualified support staff, subject to the approval of STATE, to assist the Resident Engineer in, but not limited to, construction surveys, soils and foundation tests, measurement and computation of quantities, testing of construction materials, checking shop drawings, preparation of estimates and reports, preparation of "As-Built" drawings, and other inspection and staff services necessary to assure that the construction is being performed in accordance with the PS&E. Said qualified support staff shall be independent of the design engineering company and construction contractor, except that the designer of PROJECT may check the shop drawings, do soils foundation tests, test construction materials, and do construction surveys."

Mendoza & Associates are acting as Construction Manager, Resident Engineer, and Structural Representative for this project. They are the primary point of contact and the responsible party for implementing the construction contract. Mendoza & Associates report only to the City Project Manager and Caltrans Oversight Personnel.

Some of Mendoza & Associates duties are as follows. They are responsible for forward planning and coordination to keep the construction on schedule. The contractor's construction schedule is reviewed for completeness and accuracy. Primavera scheduling software is used to manage the schedule. They maintain records and make accurate calculations to approve monthly progress payments. As Resident Engineer (RE) a qualified person must be on site or at the project office at all times construction is in progress. This includes all night work and during any lane closures of the State Highway. The RE will organize and produce minutes for all meetings including the preconstruction meeting and weekly construction meetings.

Other job tracking duties include completing daily report sheets and weekly statements of work. Mendoza & Associates will log and track all RFI (time sensitive), log and track all product submittals (time sensitive), log and track all change orders (time sensitive), and track all potential claims.

The RE will coordinate directly with Caltrans Traffic Management Center and with the California Highway Patrol for any highway closures. The RE is responsible to enforce all safety requirements and will stop construction if unsafe conditions are discovered and not remedied. The RE enforces labor law compliance including prevailing wage, equal opportunity, and overtime requirements. Wage, benefits, and work hours interviews shall be conducted at specified intervals by Mendoza & Associates and records kept in the project file according to State regulations.

Mendoza & Associates is in charge of all inspections conducted on the jobsite. They will inspect everything from earthwork compaction techniques to pile footings, rebar placement, and concrete forms. It is the RE's responsibility to ensure the project is constructed according to the plans and specifications. The RE will also order all material testing. Determining which tests should be taken at which time is part of the RE's job description. Some materials are tested prior to installation and some are tested during and after installation. If any tests fail it is the RE's decision on how the problem is remedied and what further testing is needed.

The RE will require conformance to the Storm Water Pollution Protection Plan (SWPPP) and will maintain records of inspections required by the State Water Resources Control Board. Air quality and noise mitigation will be conducted in accordance with the project's CEQA environmental document.

As the construction progresses the RE compiles information that will be passed on to the design engineer to be used in producing the as-built drawings. Structure construction records will be filed in accordance with Caltrans Bridge Construction Records and Procedures Manual. The RE is in charge of construction until all claims are settled and Caltrans has accepted the work. The RE files the forms, reports, and warranties needed by Caltrans to close the project.

Additional information on the roles and responsibilities of the CM/RE/Structure Representative can be obtained from the Caltrans Construction Manual, Bridge Construction Manual, Project Development Procedures Manual, Oversight Engineers Field Guidelines, and the OSFP Information and Procedures Guide.

Attachment C

Construction Engineering/Design Support Services: Construction of the Highway 198 Overcrossing at Santa Fe Street will require support from the architectural and engineering team that designed the project. Any change orders affecting the plans or specifications must be approved by the original designer or engineer of record. Caltrans requires the engineer of record be hired by the City and made available to the RE as part of the of the Resident Engineer's Support Team.

District Agreement 06-1329, Section 1, Item 24 states "At CITY'S expense, to furnish qualified support staff, subject to the approval of STATE, to assist the Resident Engineer in, but not limited to, construction surveys, soils and foundation tests, measurement and computation of quantities, testing of construction materials, checking shop drawings, preparation of estimates and reports, preparation of "As-Built" drawings, and other inspection and staff services necessary to assure that the construction is being performed in accordance with the PS&E. Said qualified support staff shall be independent of the design engineering company and construction contractor, except that the designer of PROJECT may check the shop drawings, do soils foundation tests, test construction materials, and do construction surveys."

The design engineering company or engineer of record for the Santa Fe Overcrossing is actually a design team put together by Quad Knopf. The team includes Quad Knopf who is responsible for all of the civil engineering, traffic design, and coordination of the design team. Taylor Teter Partnership is in charge of all of the architectural design and TRC is the structural engineer / bridge designer.

Products used in the structure must be approved by the design firm to assure compliance with the intent of the plans and specifications. Product submittals are reviewed and approved by the engineer of record before the product is used. Examples of these products include reinforcing steel, concrete aggregate, precast prestressed concrete girders, paint quality, asphalt mix, and anti-graffiti coatings.

Periodically, questions arise that require clarification. Requests for information (RFI) are issued by the contractor. When plans and specifications are involved, requests for information must be answered by the design firm. These requests are submitted throughout the project and can include anything from simple inquiries to highly technical structural questions.

The design firm will attend pre-construction meetings and weekly construction meetings as required by the Resident Engineer (RE).

Final production of the as-built drawings is the responsibility of the engineer of record. Quad Knopf along with their design team will generate the as-built plans.

The bullet points on the next page are taken form Caltrans Office of Special Funded Projects Information and Procedures Guide. 5-1 Roles & Responsibilities During Construction.

During the construction phase of the project, the Design Consultant (Including Sub-Design Consultant such as Electrical, Mechanical, Geotechnical, Structural, etc.) must be retained to perform or take part in the following:

- *Develop responses for bidder inquiries when requested.*
- *Perform any work required including redesign and plan details for any necessary Addendums.*
- *Attend the pre-construction meeting with the construction contractor upon request.*
- *Review or develop contract change orders and supporting documents.*
- *Correct errors or omissions in contract drawings or special provisions.*
- *Review and approve working drawings and submittals by the construction contractor.*
- *Design additional related structural engineering work that the Local agency, Structure Representative, Structure Construction Oversight Engineer, or OSFP Liaison Engineer may request.*
- *Conduct any necessary direct communication with field construction personnel in accordance with the provisions of Memo to Designers.*
- *Prepare and submit the As-built structure plans.*
- *Be aware of conflict of interest issues concerning working relationships as restricted by Public Contract Code.*

Attachment D

Survey/Construction Staking Services: City staff has chosen to contract with Quad Knopf for several reasons including but not limited to familiarity with the project. The overcrossing is a complicated structure and will require numerous and ongoing days to complete. Construction staking will start with setting alignment and project limits for clearing and demolition. Staking will be required at each phase of the structure from pier footings to bent caps, from abutments to column bents, and from bridge falsework to deck forms.

Staking and measurements for each stage of the structure are checked before and after the stage. Items such as precast prestressed girders are fabricated off site then lifted into position during construction. The dimensions on site such as bent and abutment locations must be repeatedly verified to insure the girders will fit once on site. The bridge deck profile is checked and rechecked. Minimum clearance above the traveled lanes below must be maintained and documented for permit loads. During construction, permanent control markers must be set for use by the contractor in constructing the project and after construction; elevations and alignment are verified and documented for as-built plans.

During construction, staking and surveying records are submitted and reviewed by Caltrans oversight personnel on an ongoing basis according to various Caltrans publications including but not limited to the Survey Manual, Construction Manual, Bridge Reports and Procedures Manual, Foundation Manual, Prestress Manual, and Bridge Deck Construction Manual.

This overcrossing project along with the Ben Maddox Widening Project is one of the last Caltrans structures designed using metric measurements. The use of the metric system of measurements for the structure will require additional time in checking and rechecking construction staking measurements.

With other capital improvement projects already planned for this year and the time required for staking and record keeping, staff believes that taking on this project would prevent the city survey crew from completing other essential duties.

Quad Knopf with their design team are the record engineers on the Santa Fe Overcrossing Project. They have already established survey control used in designing the project. Legal descriptions of the required right-of-way have been prepared and signed by Quad Knopf surveyors. Contracting with Quad Knopf for construction staking would provide the City with greater accountability for any survey work done on the project. There would be no chance of miscommunication between the design firm and the survey firm.

The construction staking fee is 2.1% of the construction contract bid and is within an acceptable range of industry standards.

City of Visalia Agenda Item Transmittal

Meeting Date: February 17, 2009

Agenda Item Number (Assigned by City Clerk): 6

Agenda Item Wording: Development Standards Update

Deadline for Action: NA

Submitting Department: Community Development; Planning Division and Engineering Division

Contact Name and Phone Number: Fred Brusuelas 713-4364
Doug Damko 713-4268

Department Recommendation: Staff recommends that the attached Development Standards Work Program be accepted by the City Council and that staff proceed with its implementation.

Background: The City Council in 2008 directed staff to prepare amendments to the zoning ordinance and subdivision ordinance for the purpose of incorporating improved street connectivity requirements, water conservation efforts and smart growth initiatives. The intentions were to become current with accepted principles and practices of implementing development standards beneficial to the city.

Upon examination of current development standard documents it was determined that simple amendments to the zoning regulations and subdivision ordinance would not be sufficient to address the wide range of items being considered. There is no single development standards document. At least a dozen documents or municipal code sections are used to implement the review and approval of development projects. The issue of consistency between various documents and integration of complementary regulations between documents became apparent. The effort to make simple amendments therefore, became an overview of our total development standard document inventory. A determination was made to approach the development standard amendments as a comprehensive integrated effort.

Summary: The staff has prepared a report that describes the current status of Visalia development standards and identifies contemporary principles and practices of municipal land development. Presented for City Council consideration is a Development Standards Work Program to address Visalia development standards in a comprehensive way. The various documents will require different levels of effort and processing time. The processing will be accomplished by several departments and will occur in a coordinated manner.

Current Visalia Development Standards:

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.

The current Visalia Development Standards are a compendium of separately adopted documents administered through several city departments. The Planning Division and Engineering Division typically process and review the development projects for conformance with the city standards. Other departments such as Parks & Recreation and Public Works also contribute to the review process. The standards include but are not limited to Zoning Ordinance, Subdivision Ordinance, Engineering Standard Specifications, and Storm Water Master Plan.

Many of the standards are City Council initiated. Some of the standards and regulations are imposed by federal or state guidelines and mandates. Throughout the years city documents have been amended as required by law or changed to meet city initiated objectives. During the past several years however, very little was achieved in the manner of amendments to city development standards. This was a direct result of staff resources being consumed by the robust construction boom.

Development Standards Update:

Staff has taken time to evaluate the various current development standard documents and has identified numerous components that should be addressed. The emphasis on amendments to Development Standards documents will incorporate a variety of items determined to be appropriate for future physical development of the city. The amendments will incorporate the following:

1. Current standards for small lot development will be addressed to improve livability issues of parking, open space, trash pickup and other compact development issues of density.
2. Criteria for street connectivity will be improved with diagrams and new language.
3. Criteria for pedestrian connectivity will be prepared.
4. The Zoning Regulations and Planned Unit Development Standards will be modified so that higher residential densities are achievable.
5. Improved requirements will be drafted for controlling the construction of subdivision improvements with respect to start of construction and to the construction of residential houses within the subdivision.
6. Low Impact Development technology (*sustainable storm water systems*) will be drafted to augment the city's conventional drainage standards.
7. Improved criteria for evaluating shallow overland flooding will be drafted to prevent development projects from creating potential localized flooding situations.
8. Improved policy language will be drafted to ensure that there is an emphasis on creating neighborhoods. This will include encouraging mixed use, integrated neighborhoods with amenities such as pocket parks, trails, and potentially creation of retail and limited employment opportunities.
9. Examples of "Low Impact Development" standards for storm water drainage design, "Complete Streets" standards for non-motorized travelers and "Ahwahnee Water Principles" for water conservation efforts will be considered.
10. Anticipated state and federal land development issues related to water, energy, green buildings and compact communities will be considered in our development standard documents.

New Government Legislation and Regulations:

New State and Federal Regulations regarding storm water, water conservation, land development patterns, air quality requirements and green house gas reduction regulations are being considered, prepared or drafted for future implementation by cities and counties in the central valley. One such effort is the “San Joaquin Valley Blueprint” effort to produce guiding principles for future urban development. Most significant are Assembly Bill 32 (*Climate Change/Global Warming Initiative*) and Senate Bill 375 (*Green House Gas Reduction*). The big picture effort is to prevent urban sprawl and the effects of pollution, agricultural land consumption and otherwise promote efficient, more cost effective neighborhood friendly growth. Follow up legislation will likely include mandates to cities and counties that will affect General Plans and development standards by requiring better land use efficiencies, promote increased densities, and require energy-water conservation efforts.

Contemporary Principles and Practices:

Every city and county in the State of California has a set of Development Standards to guide physical development. Many are based upon past practices and principles that have out lived their usefulness in today’s smart growth/green building movement. The City Council has already accepted the status as “Cool City”, is a member of the Local Government Commission, has adopted “Visalia Smart Growth Principles” and has initiated various efforts to conserve water and energy.

There are numerous principles and practices that can be incorporated into the Visalia Development Standards as a means to achieve improved land use efficiency, resource conservation and improved community livability. Contemporary approaches include the Ahwahnee Principles, New Urbanism, Smart Growth, Sustainable Communities, Green Buildings and Low Impact Development.

The staff has researched and reviewed numerous Development Standards from other cities in California. Staff has reviewed subdivision ordinances, zoning ordinances and other documents that are based upon contemporary trends of efficiency and sustainability. Visalia Development Standards can benefit from the incorporation these contemporary approaches. Many of the land use and resource conservation standards could become state and federal mandates in the not to distant future.

Public Review and Outreach:

It will be necessary, prior to adoption of Development Standard amendments, that public hearings be scheduled for input and discussion. Committees may also be used for document drafting and recommendation purposes. The process will involve separate time scheduling due to the nature and scope of work for each separate document that needs to be amended or created. The development industry is significantly impacted by changes in development standards so it is important that they be engaged during the entire process.

Recommended Development Standards Work Program

Regulations that served past development may or may not be the desired regulations to achieve future development goals of the city. Evaluating our current standards with contemporary principles and practices will improve the ability of the city to produce better community and physical development. Identified below is a recommended work program prepared by staff that can achieve the desired outcome of producing relevant development standards to shape the future physical environment of the city and meet anticipated government mandates for land use efficiency and conservation of resources.

1. Zoning Ordinance

Objectives: To establish development standard regulations consistent with General Plan goals that are coordinated and complimentary with other city development standards, policies and codes.

The Zoning Ordinance comprises zoning classifications, development details and design regulations. Updating the Zoning Ordinance will be accomplished in two parts. Part one will address the lessons learned from the development boom. Recommended changes will include small lot sizes, open space requirement, parking requirements, trash locations, pedestrian access and net/gross density calculations. Part two will be an amendment to be consistent with a newly adopted General Plan Land Use Element. Major changes are anticipated within the East Downtown Area and several commercial and residential corridors. New zoning classifications are likely to be created to include mixed use development areas.

Lead Department: *Community Development (Planning)*

Completion Date: Part one will be winter 2009; Part two will be initiated after the General Plan Update adoption.

2. Subdivision Ordinance

Objectives: To update, expand and strengthen the ordinance to meet the objective of providing a framework for new development that will preserve and enhance the city's living environment and create new beauty through skilled subdivision design that incorporates contemporary principles and practices that are coordinated and complimentary with other city development standards, policies and codes.

The Subdivision Ordinance regulates the subdivision of land in accordance with the Subdivision Map Act of the State of California with the overarching purpose of providing a framework for the creation, recognition, consolidation/reconfiguration, adjustment and elimination of parcels of land commonly referred to as "lots." Updating the Subdivision Ordinance will be accomplished in two parts. Part one will address the lessons learned from the development boom. Recommended changes will include improved references to companion development standards documents, improved construction controls, improved requirements for street and pedestrian connectivity, improved provisions for pocket park development and improved standards for small lot development. Part two will address inclusion of applicable components of the Ahwahnee Principles, New Urbanism, Smart Growth, Sustainable Communities, and Low Impact Development as set forth in other city development standards and codes.

Lead Department: *Community Development (Planning and Engineering)*

Completion Date: Part one will be fall 2009; Part two will be initiated after the General Plan Update adoption.

3. Engineering Improvement Standards & Specifications

Objectives: To establish detailed information regarding the construction of public and private infrastructure improvements that is coordinated and complimentary with other city development standards and codes.

In July of 2004, Council adopted a resolution updating the Engineering Improvement Standards to incorporate smart growth principles with regard to narrowed local streets. The Public Works Director implemented minor updates to these standards in 2007 and 2008. The City has relied upon Caltrans Standard Specifications for many years, but in 2008, the Public Works Director approved and published the City of Visalia Standard Specifications in an effort to establish specifications tailored to the construction of public and private infrastructure improvements within Visalia. These specifications still rely upon the Caltrans Standard Specifications in areas, but they also provide more expanded construction information. Efforts will be ongoing to update these improvement standards and specifications concurrently with ongoing updates to other city development standards and codes. Minor updates will be managed by the City Engineer. Major updates that involve substantial changes or additions to these standards will be brought to Council for approval.

Lead Department: *Community Development (Engineering)*

Completion Date: To be updated concurrent with the Zoning and Subdivision Ordinances.

4. Storm Water Master Plan:

Objectives: To update the 1994 Storm Water Master Plan to reflect the changes made by the city during the development boom to better serve the city's needs and to address changes in the federal law in regards to storm water discharge. To update the master plan to provide opportunities to utilize Low Impact Development technology (*sustainable storm water systems*) with new development.

In November of 2006, Council approved an agreement with Boyle Engineering Corporation to update the City's Storm Water Master Plan. The scope of work for the agreement is divided into two phases. The first phase includes analyzing the existing storm drainage system and making recommendations on any deficiencies discovered. The second phase will begin with a report to Council on the results of the first phase and this phase will address the provisions for future storm drainage pipelines and drainage basins. This phase includes establishing design standards, landscape standards and alternatives that will be reviewed by the public and Council for adoption into the updated Storm Water Master Plan. Opportunities to utilize Low Impact Development technology (*sustainable storm water systems*) with new development will be considered in this phase. This would include expanded use of localized drainage systems to encourage groundwater recharge within development projects, use of permeable surfacing and other methods to percolate storm water at the point of generation.

Lead Department: *Community Development (Engineering)*

Completion Date: Phase 1 work completed and a report to Council planned in March 2009; Phase 2 to be completed by the end of 2009.

5. Underground Utility Ordinance:

Objectives: To adopt a new utility underground ordinance to establish a city wide effort to improve the aesthetics of street corridors by eliminating the visual clutter of aerial utilities.

In recent years, staff has brought specific underground utility districts to Council for approval. Staff has received input from Council indicating support for a city wide underground utility ordinance. Staff considers this new ordinance to be a coordinated effort with the Subdivision Ordinance to preserve and enhance the city's living environment.

Lead Department: *Community Development (Engineering)*
Completion Date: Fall 2009

6. Landscape Ordinance and Design Manual

Objectives: To establish city wide landscape policy and manual that is based upon water conservation and a uniform selection of climate appropriate landscape specimens.

This Landscape Ordinance is presently being drafted. This document is for public projects and private development. It comprises landscaping standards and water conservation requirements. The document will serve as an important regulation to manage and conserve our local water resources. This ordinance will also be a foundation document for a detailed landscape design manual. There is a current Landscape Design Manual being used for city owned land such as park strips, medians, parks, pocket parks and storm water basins. This current document does not address private development. It will need to be amended to incorporate provisions of the new Landscape Ordinance that will serve both public and private development. The new Design Manual will provide the illustrative details and specifications for specimen selection, planting and irrigation.

Landscape Ordinance:
Lead Department: *Administration (Resource Management)*
Completion: Fall 2009

Landscape Design Manual:
Lead Department: *Parks and Recreation*
Completion Date: Spring 2010

7. Green Buildings:

Objectives: To establish a volunteer effort that will improve conservation of resources in the construction of housing.

The city staff has convened a committee to discuss a city "Residential Green Buildings" effort and make recommendations for its implementation. The committee, comprised of community stakeholders and city staff, is reviewing three established Residential Green Building programs that have been prepared by different organizations as a means to improve resource efficiencies in residential construction. The committee will make a "Residential Green Buildings" recommendation to the City Council based upon a volunteer program.

The current movement toward green building programs is unsettled and will take time for the building industry and cities to reach consensus on what type of program is best for all concerned. The city effort is to be proactive on issues that will likely become mandates from the state government. Establishing a volunteer program today as a framework was considered a prudent step to prepare for an eventual program. Over a period of several years there may be a preferred model for green buildings that emerges. The city volunteer program can then be

amended and adopted as a mandated program to fit contemporary approaches. In addition, the State of California presently has a volunteer Green Building Code. It is anticipated that there will be a mandated Green Building Code in the near future. This would be administered by the Building Division.

Lead Department: *Administration (Resource Management)*

Completion: *Summer 2009*

Committee/Commission Review and Actions: N.A.

Alternatives: There are no alternatives being recommended.

Attachments: None

Recommended Motion (and Alternative Motions if expected): I move to accept the Development Standards Work Program and direct staff to proceed with its implementation.