

Visalia City Council Agenda

For the regular meeting of: MONDAY, April 20, 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.

5:00 p.m.

SWEARING IN CEREMONY

Chief Carden will swear in Police Officer Christopher Montoya and Reserve Police Officer Jed Grant

SPECIAL RECOGNITION - Recognition of Visalia Police Department Explorers

WORK SESSION AND ACTION ITEMS (as described)

5:10 p.m.

Public Comment on Work Session and Closed Session Items -

5:10 p.m.

1. Presentation on Dispatch Consolidation and allocation of \$66,000 for an implementation study.

5:30 p.m.

2. Updated discussion on the Business Research Park (BRP) zone.

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

ITEMS OF INTEREST

CLOSED SESSION

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

3. Conference with Labor Negotiators (GC 54957.6)
Agency Designated Representatives: Eric Frost, Steve Salomon, Janice Avila
Employee Organization: All Employee Groups
4. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9)
Plumlee v. COV TCSC # 07-225495
5. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: two potential case

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Paul Gendron, Workforce Chaplaincy

SPECIAL PRESENTATIONS/RECOGNITION –

- Proclaim April 26 – May 2 National Crime Victim’s Rights Week
- Recycling Essays written by Linwood Elementary students Becky Irvine and Kirsti Dunkel in honor of Earth Day

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.

6. INFORMATION ITEMS – (No action required)

- a) Receive Planning Commission Action Agenda for the meeting of April 13, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

7. 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) Approve resolutions relating to the regular municipal election to be held on Tuesday November 3, 2009 consenting to consolidation of elections and setting specifications of the election order; and requesting the County Registrar of Voters to render specific services to the City of Visalia. **Resolutions 2009-13 and 2009-14 required.**
 - c) Authorization for the City Manager to extend a Renewed Professional Services Agreement with Akerman Senterfitt, formerly Jefferson Government Relations in Washington D.C., for continued federal legislative advocacy services on a month-to-month basis through no later than September 30, 2009, and authorization for staff to review proposals from firms for federal legislative advocacy services in July, 2009.
 - d) Update on federal stimulus funding allocated to date to the City for projects in transit, energy, public safety, community development block grants, and transportation.
 - e) Approve User Agreement and Procedural Guide with the County of Tulare for the AlertTC - Tulare County Notification System.
 - f) Approval of Resolution declaring support and participation in an energy partnership between Southern California Edison and the San Joaquin Valley Clean Energy Organization. **Resolution 2009-15 required.**
 - g) *Item removed at the request of staff*
 - h) Update on the 2009 Council "Quick" Priorities.

Authorize filing Notice of Completion on the following:

- i) The Country Club, Phase 2 subdivision located at Houston Ave. and County Center St. containing 134 lots.
- j) Silver Oaks, Unit No. 3, containing 85 single family lots, located at the southwest corner of Ferguson Avenue and Demaree Street.

Authorize recording final map for the following:

- k) Pinkham Ranch, located on the west side of Pinkham Street, approximately 200 feet south of Laura Avenue (18 lots), authorize the City Manager to execute the Subdivision Improvement Agreement, and authorize the formation of Landscape and Lighting District No. 09-01. APN: 126-320-046. **Resolution 2009-16 and 2009-17 required.**

8. **PUBLIC HEARING** of the 2009-2010 Action Plan for the use of the Community Development Block Grant (CDBG) and HOME Investment Partnership Grant Funds (HOME) from the Federal Government through the Department of Housing and Urban Development (HUD) and 2nd Amendment to 2006/07 funding and 1st Amendment to the 2008/09 Action Plan.

9. **PUBLIC HEARING** to approve the recommended expenditure of and appropriate the State of California 2008 Citizens Option for Public Safety (COPS) Program funds of \$192,868. **Resolution 2009-18 required.**
10. Authorization to set a Public Hearing to consider amending the City's Rates & Fees beginning July 1, 2009; for a multi-year rate increase program for Sanitation (Wastewater) and Solid Waste and to reduce solid waste's commercial recycling rates.
11. Authorization for staff to prepare the grant application for the Energy Block Grant with an emphasis on energy retrofits and alternative transportation, and creation of a Conservation Account to fund future conservation measures.
12. First reading of Ordinance 2009-04 amending Ordinance 2007-13 to reduce Council salaries during the 2009-2010 budget year. **First reading of Ordinance 2009-04 required.**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS


Upcoming Council Meetings

- Monday, April 27, 2009, 4:00 p.m., Joint Meeting with the Planning Commission, Convention Center, 303 E. Acequia.
- Monday, May 4, 2009, Work Session 4:00 p.m.; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Tuesday, May 5, 2009, 6:00 p.m. Joint Meeting City Council and Visalia Unified School District Board of Trustees, 5000 West Cypress Avenue

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

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

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



City of Visalia
Proclamation

**National Crime Victims'
Rights Week
April 26- May 2, 2009**

Whereas, more than 33 million Americans are victims of crime each year; and

Whereas, victims may suffer emotional, physical, psychological, and financial harm as a result of crime; and

Whereas, victims assistance and compensation programs across the country provide vital and supportive services for victims that help individuals, families, and communities cope with the impact of crime; and

Whereas, the Crime Victims Fund supports more than 4,400 state and local victim assistance programs, including rape crisis centers, domestic violence shelters, victim assistants in law enforcement and prosecutor offices, and other direct service providers that help millions of victims every year; and

Whereas, victim compensation programs pay for medical and counseling costs, funeral bills, crime-scene cleanup, and lost wages for victims of crime; and

Whereas, National Crime Victims' Rights Week – April 26- May 2, 2009 – provides an opportunity for our country to recognize the Victims of Crime Act as a major bedrock of support for victim services and to reaffirm our nation's commitment to addressing the needs of victims of crime; and

Whereas, the City of Visalia, is joining forces with victim services programs, criminal justice officials, and concerned citizens throughout, Visalia, and America to observe the 25th anniversary of VOCA during National Crime Victims' Rights Week,

Now, Therefore, I, Jesus Gamboa, Mayor of the City of Visalia, do hereby proclaim the week of April 26- May 2, 2009, as, Crime Victims' Rights Week, and reaffirm the commitment of the City of Visalia to help victims of crime rebuild their lives through supportive services and victim compensation during National Crime Victims Rights Week and throughout the year.

Dated: April 20, 2009



Jesus Gamboa, Mayor

City of Visalia Agenda Item Transmittal

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Presentation on Dispatch Consolidation & Allocation of \$66,000 for an implementation study.

Deadline for Action:

Submitting Department: Police / Fire

Contact Name and Phone Number: Police Chief Bob Carden ext. 4215, Fire Chief Mark Nelson ext. 4218, Veronica McDermott ext. 4230

Department Recommendation:

It is recommended by Police and Fire Department staff that City Council authorize the use of general fund money to support an in-depth implementation study for a county-wide consolidated dispatch center. The Police Department's share is \$60,000 and the Fire Department's share is \$6,000. The entire study will cost approximately \$150,000; costs are to be shared amongst all participating agencies.

Summary/background:

In September 2008, a general meeting was called to revisit the county-wide consolidated dispatch center concept. Public safety representatives throughout the county were present, including Tulare County Combined Ambulance Dispatch (TCCAD) staff. The purpose was to determine if there was enough interest to further explore a consolidated dispatch center. As a result, a sub-committee was formed and tasked with exploring a variety of options, i.e., site visits to other consolidated centers, forms of governance, and consultants.

The sub-committee's findings were presented to the General Committee and subsequently the City Managers Group. The sub-committee was directed by representatives from the City Managers Group to proceed with the development of a cost sharing formula, draft the scope of work for an implementation study, and fine tune the costs for the study. The scope of work was drafted and costs were determined to be approximately \$150,000. This amount was determined after surveying a number of consultants throughout the country. Letters of intent were requested from those agencies wishing to participate in the study and share the costs. Letters were received from the following agencies: Exeter PD, Farmersville PD, TCCAD, Woodlake PD, Woodlake Fire, Tulare County Probation, Tule River Indian Reservation, Visalia PD, Visalia Fire,

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head BC 4/8/09
MN 4/3/09
(Initials & date required)

Finance EF 4/7/09
City Atty n/a
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

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

Tulare County Fire, and Tulare County Sheriff's Department. The costs were divided according to calls for service.

The next step is to develop a request for proposal and go out to bid for consulting services to conduct an implementation study. In order to proceed, Police and Fire request authorization to utilize money from the general fund to support their share of costs for the study. Those costs are estimated to be \$60,000 for Police and \$6,000 for Fire.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Dispatch Consolidation Power Point Presentation

Recommended Motion (and Alternative Motions if expected):

The authorization of general fund monies to support the Police and Fire Department's share of cost of a county-wide implementation study.

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
City Council Worksession Agenda Item Transmittal

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Updated discussion on the Business Research Park (BRP) zone.

Deadline for Action: None.

Submitting Department: Community Development, Planning

Contact Name and Phone Number:
Michael Olmos, AICP, Assistant City Manager, 713-4332
Paul Scheibel, AICP, Planning Services Manager 713-4369

DEPARTMENT RECOMMENDATION:
Staff recommends that the City Council:

1. Incorporate the BRP land use analysis and market study of the BRP-zoned land inventory into the scope of work of the forthcoming comprehensive General Plan update;
2. New projects proposed in the BRP zone before completion of the General Plan update be reviewed under guidelines developed with the development standards approved for the Fresno Pacific University and Plaza Business Park Conditional Use Permits (CUP); and,
3. Use the definition and criteria of “master plan” as contained in the Pre-annexation policies directive as the content requirements of “master plans” in the BRP zone.

INTRODUCTION

This report is to follow up on the issues the City Council and Planning Commission discussed at the March 10, 2008, Joint Worksession. Included in the Worksession item, the City Council voted to allow the Plaza Business Park project to proceed to public hearing. The Plaza Business Park project was ultimately approved by the Planning Commission, with subsequent review of the architectural design (per VMC section 17.24.220F) by the City Council. In addition, CUP 2007-36 for the Fresno Pacific University Visalia campus was conditionally approved by the Planning Commission on October 22, 2007. Fresno Pacific University is currently under construction on the Plaza Business Park site.

The March 10, 2008, Worksession resulted in three directives by the City Council to staff:

- o Define “large-scale” (VMC section 17.24.010B) particularly with regard to office buildings;

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__

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.

- Establish criteria for “master plans” to adequately substitute for “specific plans” ; and,
- Establish criteria and standards to manage competing projects and types of otherwise allowed uses in the BRP zone.

There have been three directly relevant events concerning the BRP zone provisions since the March 10, 2008, Joint Worksession. First, the approval of the Plaza Business Park Master Conditional Use Permit (CUP 2007-39) on April 14, 2008. Second, the application of the definition of “master plan” by the City Council’s adoption of the policies for pre-annexations on October 20, 2008. Third, is Site Plan Review (SPR 2008-120) for a proposed stand-alone convenience store/service station.

Plaza Business Park (CUP 2007-39): In approving CUP 2007-39 by adoption of Resolution No. 2008-26, the Planning Commission made affirmative findings relative to the above-noted questions, including:

- Minimum Office Building Size of 10,000sq.ft.
- Master plan need apply only to the land controlled by the applicant (in this case 29.4 acres)
- Acceptable Mix Of Uses That Are Of A Typically Highway Commercial Nature (project includes one convenience store/service station, one hotel, two sit-down restaurants, and one fast-food restaurant pad)

The approval stood through the City Council’s subsequent review of the project’s architectural design review. However, in approving the project, the City did not set quantifiable criteria on which answered the questions posed in the Joint Worksession, or on which to evaluate the acceptability of future projects in the BRP zone. The 10,000 sq.ft. minimum office building size is being endorsed for future projects because it established an acceptable balance of market feasibility and the City Council’s policy goals. However, the minimum office size (10,000sq.ft.) threshold should be re-examined in the larger policy context of the comprehensive General Plan Update.

Pre-Annexation policy definition and criteria of “master plan”: The Zoning Ordinance references “master plan” but provides no definition for the term. The City Council included the following content and criteria as a definition for the term when it initiated the pre-annexation policies on October 20, 2008:

A Specific Plan or master plan shall address and describe the following, as applicable:

- a. Plan boundaries;
- b. Proposed land uses including residential densities, mixed uses, commercial, office, parks, and schools;
- c. Proposed transportation modes (all forms) and locations of transportation infrastructure;
- d. Proposed public improvements and infrastructure;
- e. Identification of means for financing public improvements;
- f. Project phasing;
- g. Demonstrated connectivity and compatibility with adjacent roadways and surrounding land uses;

- h. Plan for energy conservation;
- i. Plan for water conservation;
- j. An analysis of consistency with all applicable General Plan policies;
- k. Detailed sub-plans for energy and water conservation and management of air quality and climate change impacts incorporating best management practices available at the time of development.

Along with the existing “master plan” or Specific Plan content requirements contained in VMC section 17.24.050 B (which includes architectural theme, pedestrian and vehicular access, parking and common open space), the list of items to be contained in a BRP-zone “master plan” will form the basis of a master CUP for the site.

Staff would require a BRP-zone project’s “master plan” to be reviewed by the City Council as part of the architectural review requirement of VMC section 17.30.220 F. This procedure was done with the Plaza Business Park project (CUP 2007-39).

Site Plan Review (SPR) 2008-120: This is a conceptual project that has recently been reviewed at the City staff level. It is for a 4,100sq.ft. convenience store/service station on a triangular 1.66-acre parcel located on the northwest corner of Plaza Dr. at Hurley Ave. It is also representative of other potential project proposals in the remaining 53 acres in the BRP zone.

The item has not been given a “Revise and Proceed” determination by the SPR Committee as of September 9, 2008, due to several technical problems such as access restrictions on Plaza Drive, setbacks, and onsite circulation. Consequently, a CUP application has not been filed.

If a CUP application is filed at a future date, the CUP may be problematic due to the interpretive nature of the BRP zone development criteria, including the appropriateness of one or more additional convenience stores or drive-thru retail establishments in the BRP-zone area (in addition to the service station/convenience store approved for the Plaza Business Park project). The policy direction recommended in this report will help provide a path to address these issues during the discretionary review process.

DISCUSSION

The course of deliberations of the three past development projects the City has considered in the BRP zone area (Fresno Pacific University, Plaza Business Park, and Orthopedic Associates) has made it evident that many of the key BRP-zone provisions are subjective in nature, which results in uncertainty for both private investors and the City. The City Council recognized this situation in its direction to prepare more objective development and use standards for the remaining 55.5 acres of BRP lands. At the March 10, 2008, Worksession, the City Council directed staff to prepare more quantifiable code standards, as previously noted.

Recommendations: Staff has analyzed the results of the body of work to date concerning the BRP zone. Staff’s recommendations are to:

1. Incorporate the BRP land use analysis and market study of the BRP-zoned land inventory into the scope of work of the forthcoming comprehensive General Plan update.

This is based on the conclusion that doing so will provide for the greatest degree of integration and consistency with other possible land use revisions stemming from a holistic review of the General Plan that has been commissioned by the City Council. Additionally, if the City Council also authorizes a market study of the BRP-zoned land, it will yield a higher degree of relevance in light of current and future economic trends, and ensure for more certainty of success for the resulting BRP land use and zoning policy changes as a key component of the overall non-residential land use vision that may flow from the General Plan update.

2. New projects proposed in the BRP zone before completion of the General Plan update be reviewed under guidelines developed with the development standards approved for the Fresno Pacific University and Plaza Business Park Conditional Use Permits (CUP).

Based on the analysis, conditions and findings in the previous City Council actions on the BRP zone and particularly on the CUP projects considered in public hearings, staff has concluded that future projects can and should be considered primarily in light of the decisions made for previous projects approved in the BRP zone, as noted by the findings and conditions included in the previous project approvals. The following criteria for projects in the BRP zone are enumerated as follows:

1. 10,000sq.ft. as the minimum office building size for BRP-zoned projects, as was applied to the Plaza Business Park (PBP) project.
2. Office, business research, technology, and industrial uses in fully enclosed buildings shall constitute the majority of uses and building space within a given development project.
3. Thematic architectural and landscaping designs shall be incorporated throughout the project.
4. Sustainable design features shall be incorporated in the site and architectural plans, including bio-swales, water conserving landscaping, and buildings that achieve high energy efficiency.
5. Multi-story buildings shall constitute the majority of buildings in the development project.
6. The entire project site shall be "master planned". This includes approval of design, uses, and timing of the order that the uses or phases of the site's development can be inaugurated. Master planning can also specify allowances as well as restrictions on further parcelization within the project site. This feature can avoid the commonly seen experience of spinning off more lucrative portions of the entitlement (such as a fastfood restaurant) in the first phase, while a more desirable use or portions of the site that carry higher improvement costs are left for indeterminate future phases.

If the City Council concurs with the criteria enumerated above including "master plan" criteria, and design and use standards (Items 1 thru 6, above), they will be provided to prospective developers as guidelines representing the City's expectations as the project goes thru the entitlement process.

Other BRP-zone development criteria: Unfortunately, no quantifiable formula for the most appropriate mix of non-industrial or office uses for a given project, or for the BRP zone as an entity, has been established. However, it appears that the intent at this time is to emphasize non-retail uses in the BRP zone, and subordinate retail and highway commercial uses to

accessory use status. Staff recommends that the City Council establish a general criteria that retail and highway commercial uses be clearly subordinate to office and industrial uses (Item 2, above) in both proportion and construction timing. These can be enforced through the “master plan” criteria.

3. Use the definition and criteria of “master plan” as contained in the Pre-annexation policies directive as the content requirements of “master plans” in the BRP zone.

As noted in Item 6, above, the City’s ability to require a “master planned” project retains a higher degree of authority throughout a project’s development. This ensures that the goals the City and developer agreed to at the approval stage are met as the project is builtout over time.

.Exhibits

Exhibit 1 - Staff Report, Joint Worksession, March 10, 2008

Exhibit 2 - City Council Action Agenda and staff report for annexation Policies, October 20, 2008

ACTION

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Lawrence Segrue



VICE CHAIRPERSON:
Adam Peck

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

MONDAY APRIL 13, 2009; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- 7:00 TO 7:00 1. THE PLEDGE OF ALLEGIANCE
- 7:00 TO 7:00 Spoke: 2. CITIZEN'S REQUESTS - The Commission requests that a 5-minute time limit be observed for requests. Please note that issues raised under Citizen's Requests are informational only and the Commission will not take action at this time.
- No one spoke
- 7:00 TO 7:00 3. CITY PLANNER AGENDA COMMENTS – No comments
- 7:00 TO 7:00 4. CHANGES TO THE AGENDA – No changes
- 7:00 TO 7:01 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.
- No items on consent calendar
- 7:01 TO 8:17 6. Regular Item – Fred Brusuelas, Community Development Assistant Director
- Preventing Suburban Sprawl: A Power Point presentation will be given by Visalia City Planner, Fred Brusuelas, AICP titled; "Preventing Suburban Sprawl". This Power Point was presented at the March 2008 League of California Cities – Planning Commissioners Institute.
- 8:17 TO 8:17 7. DIRECTOR'S REPORT/PLANNING COMMISSION DISCUSSION:
No 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, APRIL 27, 2009
AT THE VISALIA CONVENTION CENTER, 303 E. ACEQUIA, VISALIA**

8:17 TO 8:17
Motion to Adjourn (Segrue, Peck) 5-0

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 7b

Agenda Item Wording: City Council approval of resolutions relating to the regular municipal election to be held on Tuesday, November 3, 2009. Approval of Resolution No. 2009-13 requesting and consenting to consolidation of elections and setting specifications of the election order; Approval of Resolution No. 2009-14 requesting the Tulare County Board of Supervisors permit the County Registrar of Voters to render specific services to the City of Visalia

Deadline for Action: June 2009

Submitting Department: Administration

Contact Name and Phone Number:

Donjia Huffmon, Chief Deputy City Clerk 713-4512

Recommendation:

It is recommended that the Visalia City Council approve and adopt these resolutions to consolidate the regular municipal election to be held Tuesday, November 3, 2009 with other elections to be held in and administered by the County of Tulare on that date.

Summary:

For many years the City of Visalia has consolidated its municipal elections with other elections conducted by the County of Tulare. The Tulare County Office of the Registrar of Voters has done an efficient and effective job for the City of Visalia in previous elections. The current election will be conducted under the direction of Ann Turner, Election Division Manager; Irene Zacarias, Deputy Election Supervisor; Jason Woods, Election Technician; Lynnda Boswell, Financial Technician; Kim Bobadilla, Election Clerk; Maryalice Cypert, Election Clerk; and Melissa Petty, Election Clerk. The consolidation of the City's election with other elections conducted in the County of Tulare has resulted in tremendous cost savings for Visalia. In recent years, the County of Tulare has implemented automated voting equipment and processes which have increased the timeliness and accuracy of the elections process.

Prior Council/Board Actions: Adoption of these resolutions and consolidation of the upcoming elections will be consistent with past practice of the Visalia City Council.

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments: See attached Resolution Nos. 2009-13 and 2009-14

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.

Recommended Motion (and Alternative Motions if expected):

Approve Resolution No. 2009-__ requesting and consenting to consolidation of elections and setting specifications of the election order; and Approve Resolution No. 2009-__ requesting the Tulare County Board of Supervisors permit the County Registrar of Voters to render specified services to the City of Visalia.

City Manager Recommendation:

Financial Impact

Funding Source:

Account Number: 0011-10102-570500

Budget Recap:

Total Estimated cost: \$74,500	New Revenue:	\$
Amount Budgeted: \$74,500	Lost Revenue:	\$
New funding required: \$	New Personnel:	\$
Council Policy Change: Yes____	No_x____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2009-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA REQUESTING AND
CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFICATIONS OF THE
ELECTION ORDER

WHEREAS, the City Council has ordered a Municipal Election to be held on Tuesday, November 3, 2009, to fill certain municipal offices; and

WHEREAS, other elections may be held in whole or in part of the territory of the City and it is to the advantage of the City to consolidate pursuant to Elections Code Section 10400; and

WHEREAS, Elections Code Section 10242 provides that the governing body shall determine the hours of opening and closing the polls; and

WHEREAS, Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Elections Official; and

WHEREAS, Elections Code Section 13307 requires that before the nominating period opens the governing body must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; and

WHEREAS, Elections Code Section 12101 requires the publication of a notice of the election once in a newspaper of general circulation in the City;

NOW, THEREFORE, IT IS HEREBY ORDERED that an election be held in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 3rd day of November, 2009. The purpose of the election is to choose successors for the following offices:

Three seats for the:

Visalia City Council – Term of Office 12/2009 to 11/2013

Visalia City Council – Term of Office 12/2009 to 11/2013

Visalia City Council – Term of Office 12/2009 to 11/2013

Four seats for the:

Visalia Unified School Governing Board, Area 1; 12/2009 to 11/2013

Visalia Unified School Governing Board, Area 2; 12/2009 to 11/2013

Visalia Unified School Governing Board, Area 3; 12/2009 to 11/2013

Visalia Unified School Governing Board, Area 4; 12/2009 to 11/2013

2. This City Council hereby requests and consents to the consolidation of this Election with other elections which may be held in whole or in part of the territory of the City, as provided in Elections Code 10400.
3. The City hereby designates the hours the polls are to be kept open shall be from 7:00 a.m. to 8:00 p.m.
4. The City will reimburse the County for the actual cost incurred in conducting the Election upon receipt of a bill stating the amount due as determined by the Elections Official.

5. The City Council has determined that the candidate will pay for the Candidate's Statement. The Candidate's Statement will be limited to 200 words.
6. The City requests that the Registrar of Voters publish the Notice of Election in the Visalia Times-Delta which is a newspaper of general circulation that is regularly circulated in the City of Visalia.
7. The City directs that a certified copy of this Resolution be forwarded to the Registrar of Voters and the Board of Supervisors of Tulare County.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution No. 2009-__ passed and adopted by the Council of the City of Visalia at a regular meeting held on April __, 2009.

DATED:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy

RESOLUTION NO. 2009-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA REQUESTING THE TULARE COUNTY BOARD OF SUPERVISORS PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER SPECIFIC SERVICES TO THE CITY OF VISALIA

WHEREAS, pursuant to the Elections Code, the governing body of any City may, by Resolution, request the Board of Supervisors of the County to permit the County Elections Official to render specified services to the City relating to the conduct of an election; and

WHEREAS, the City has ordered an election be held with the boundaries of the City on November 3, 2009;

NOW, THEREFORE, BE IT RESOLVED by the City Council:

The Board of Supervisors of Tulare County is hereby requested to permit the County Registrar of Voters to render services to the City of Visalia relating to the conduct of the November 3, 2009, Municipal Election as follows:

- a. Distribute and file nomination papers and candidate statements for City offices and Visalia Unified School Governing Board Offices.
- b. Make all required publications.
- c. Prepare, print and mail to the qualified electors of the City of Visalia sample ballots and voter pamphlets.
- d. Provide vote by mail ballots for said Municipal Election for use by the qualified electors who may be entitled to vote by mail ballots in the manner provided by law.
- e. Order consolidation of precincts, appoint precinct boards, designate polling places and instruct election officer concerning their duties.
- f. Conduct and canvass the returns of the election and certify the votes cast to the City.
- g. Receive and process absent voter applications.
- h. Prepare, print and deliver to the polling places supplies, including the official ballots and a receipt for said supplies.
- i. Recount votes, if requested, in accordance with State law.
- j. Conduct the above election duties in accordance with the Voting Right Act of 1975.
- k. Perform all other pertinent services required to perform for said election other than the requirements of the Fair Political Practices Commission; said Fair Political Practices Commission requirements to be performed by the City Clerk.

The City Clerk is hereby authorized and directed to transmit certified copies of this Resolution to the Board of Supervisors and to the County Registrar of Voters.

PASSED AND ADOPTED: STEVEN M. SALOMON, CITY CLERK

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution No. 2009-__ passed and adopted by the Council of the City of Visalia at a regular meeting held on April __, 2009.

DATED: STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 7c

Agenda Item Wording: Authorization for the City Manager to extend a Renewed Professional Services Agreement with Akerman Senterfitt, formerly Jefferson Government Relations in Washington, D.C., for continued federal legislative advocacy services on a month-to-month basis through no later than September 30, 2009. Authorize staff to review proposals from firms for federal legislative advocacy services in July, 2009.

Deadline for Action: April 20, 2009

Submitting Department: Administration

Contact Name and Phone Number: Nancy Loliva, 713-4535, Michael Olmos, 713-4332.

Department Recommendation: That the Visalia City Council authorize the City Manager to execute a renewed professional services agreement with Akerman Senterfitt, formerly Jefferson Government Relations (Washington, D.C.) for continued legislative advocacy services on a month-to-month basis through September 30, 2009.

Staff further recommends that Council defer the process to select a legislative advocacy firm for long term federal advocacy services to July 2009.

Staff recommends Council not consider changes to legislative advocacy services until the current cycle of federal appropriations requests is completed in Fall, 2009. In doing so, the City would continue to use our current lobbyist, Jeanne Morin of Akerman Senterfitt (formerly Jefferson Group), through this period. This would benefit the City's efforts in obtaining federal funding for needed local projects by retaining our current lobbyist as our Washington DC contact through the entire appropriations process.

Council previously authorized staff to solicit proposals from interested lobbying firms for federal advocacy. Several proposals have been received. If Council authorizes the postponement of the advocacy firm selection staff will notify the submitting firms that the review process will be postponed until July.

Summary/background: The City has been working closely with Jeanne

For action by:

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

For placement on which agenda:

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 Closed Session

Regular Session:

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Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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Morin of Akerman Senterfitt, an legislative advocacy firm, on a wide range of issues affecting the City. Ms. Morin serves as communication link between the City of Visalia and legislators and officials in Washington, D.C., and she assists the City in the federal legislative and regulatory processes, including funding requests. The City's previous professional services agreement with Jefferson Government Relations was for \$78,000 from April 1, 2007 to March 31, 2008, Work by the firm done since April 1 to present has been paid for on a month-by-month basis (\$6,500 per month). On Oct. 20, 2008, the Visalia City Council authorized the City Manager to execute a renewed professional services agreement with Jefferson Government Relations (Washington, D.C.) in the amount of \$6,500 per month for continued legislative advocacy services through March 31, 2009. With the recent merger of Jefferson Group with Akerman Senterfitt, this work is now being performed by Ms. Morin at Akerman.

Assistant City Manager Mike Olmos and Community Relations Manager Nancy Loliva have been assigned to work directly with Ms. Morin and the Akerman staff on legislative matters.

In February, Ms. Morin assisted the City in preparing and submitting several appropriations requests to Senator Diane Feinstein and Senator Barbara Boxer for the next federal budget cycle. These requests are now being processed and funding decisions are expected to occur in the Fall, 2009. Staff believes it is very important to maintain continuity in representation in Washington DC through the appropriations process. Therefore, staff is recommending that the City's relationship with Akerman and Ms. Morin continue through the fall and that a decision on long term advocacy services be adjusted accordingly.

The package of appropriations requests under consideration include:

Sequoia Shuttle Visitors Center (\$2.4 million) - The 6,900 square foot specially designed building located at the Visalia Convention Center will include ample display space for the National Parks, agriculture and cultural endeavors that Shuttle passengers and other guests can utilize. It will serve as a focal point for attracting more visitors to the Tulare County Region by creating a destination center that will generate tourism opportunities countywide. It will generate improved air quality, better access for persons with disabilities and other underserved populations, ease parking congestion, and generally enhance the visitor experience to the National Park. The project will be ready to bid in April 2009 if \$2 million in funding is available.

Plaza Drive Interchange (\$4 million) - Scheduled to begin construction July 2010, the project will improve the existing interchange at Plaza Drive and State Highway 198. Plaza Drive will be widened from two to six lanes from the State Highway 198 Interchange through Hurley Avenue, then from two to four lanes north of Hurley Avenue to Goshen Avenue. The project will include bike lanes. The project has received or been allocated \$100,00 in State funding; \$2,800,000 in Tulare County sales tax; \$17,321,000 in State TIP funding; and \$1,780,000 in local funding. The project is included in the City's General Plan, City's Capital Improvement Program and Tulare County's regional transportation plan and described in the freeway agreement with California Department of Transportation.

Transit Center Expansion – (\$4.8 million) - The City of Visalia continues to experience dramatic increases in bus ridership (5-10% per year); accentuated by the increase in fuel cost and the number of unemployed or underemployed residents. The demands for increased bus service have increased both in number and intensity as the option of automobile ownership has become less affordable for many residents. In response, the City of Visalia has prepared construction plans to expand or construct two transit support facilities, the Visalia Transit Center and the Bus Operations & Maintenance facility. These facility expansions have been designed; however, the only funding that has been identified for the construction is \$1,000,000 in Local Transportation Funds that can be used as match for these construction projects.

Municipal Animal Control Facility (\$2 million) - The City's existing animal-shelter facility is over 68 years old and has expanded over time to approximately 12,000 square feet by additions of modular buildings and trailers converted to kennels. The new facility will provide care facilities that meet current humane care and hygienic standards, and a clean and attractive work environment that will reduce infections and contagious disease conditions among the animals, thus increasing the overall health of the animals rate of return of lost animals to their owners or to permanent adoptions.

Downtown Parking Structure (\$3 million) - Over the past several years, the City's Redevelopment Agency has been strategically acquiring properties downtown to support economic development efforts. The City currently owns a surface parking lot located at Center and Court streets in Downtown which has potential to be developed into a multi-story parking structure. The City seeks to develop a parking structure which can be situated in the Central core. The new garage, with 400 to 600 spaces, is estimated to cost between \$12 and \$18 million to construct, depending on its size. It will support the regional hospital expansion plans, attract professional offices to relocate downtown, and take advantage of the pedestrian access, ample parking and shopping amenities nearby.

Other federal priorities Akerman will assist with during the next few months include but not be limited to: FEMA Flood mapping process, SAFETEA Lu (Transportation Reauthorization Projects); Stimulus competitive funding opportunities; and the Housing/Foreclosure Plan.

Prior Council/Board Actions: Contract renewal on October 20, 2008

Committee/Commission Review and Actions: NA

Alternatives: None recommended.

Attachments: None

Recommended Motion (and Alternative Motions if expected):

I move to authorize the City Manager to extend a Renewed Professional Services Agreement with Akerman Senterfitt, formerly Jefferson Government Relations in Washington, D.C., for continued federal legislative advocacy services on a month-to-month basis through no later than September 30, 2009, and authorize staff to review proposals from firms for federal legislative advocacy services in July, 2009.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 7d

Agenda Item Wording: Update on federal stimulus funding allocated to date to the City for projects in transit, energy, public safety, community development block grants, and transportation.

Deadline for Action: April 20, 2009

Submitting Department: Administration

Contact Name and Phone Number: Nancy Loliva, 713-4535, Michael Olmos, 713-4332.

Department Recommendation: Accept the staff update of the federal stimulus funding allocated to date to the City of Visalia in the amount of \$11,678,637.

Summary/background: To date, the City of Visalia has been notified it will receive \$2.669 million for transit center expansion; \$1.14 million for energy block grants, \$351,363 for public safety; \$322,067 for community development block grant funds; an estimated \$6.4 million for the Ben Maddox Overcrossing; and \$796,207 for transportation maintenance projects, for a total of \$11,678,637.

Per the Council's direction and in line with the goal of the federal stimulus package, City staff took a proactive, aggressive and strategic approach to accelerate projects in a number of areas of appropriation in order to secure funding. On November 7, 2008, Council approved a list that included approximately \$125 million in project funding needs.

Project Summary:

To date, \$11,678,637 in federal stimulus formula funding has been allocated to the City of Visalia for the following projects:

Ben Maddox Overcrossing (\$6.4 million) – Funding will go toward actual construction and related costs, including construction management, surveying, geotechnical testing for quality control, and staff time for the construction phase.

Transportation Maintenance Projects (\$796,207) – Funding will be used for major asphalt overlays for streets in Visalia,

Transit Center Expansion (\$2.669 million) – The Transit Center recently assigned the last available bus bay to the new express bus route between Visalia and the City of Tulare. The Bus operations facility was constructed in 2006 and was designed to support 66 buses. Due to

For action by:

City Council
 Redev. Agency Bd.
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 VPFA

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(Initials & date required)

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

City Mgr _____
(Initials Required)

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agreements with neighboring agencies, the facility now maintains up to 75 buses and needs to construct the next planned expansion as soon as possible. The increase in bus service requires adequate support facilities and the City of Visalia Transit Center needs to be expanded to meet this demand. The funding will allow the completion of the Transit Center expansion by the end of FY 2009-2010.

Community Development Block Grant funding – (\$322,067) Staff is awaiting regulation guidance as it relates to the ARRA-CDBG funds.

Energy Block Grant Funding (\$1.14 million) – Projects identified include: retrofitting existing buildings in accordance with the 2008 audit conducted by Southern CA Edison and an audit of the parking structure in 2009; conversion of remaining LED lights at traffic signals; implementation of the irrigation controller program as outlined in the CIP for parks and landscape and lighting districts; and residential water retro fits.

Public Safety (\$351,363 in Byrne JAG formula grant funding) – More than half of the funding is to be used for equipment purchases in the following divisions: Patrol; traffic; investigations; Special Enforcement Bureau; Violent crimes; District Commanders; and SWAT. Funding is also to be used to pay salaries for City staff which are to be housed in the Tulare County Probation Department and the Tulare County District Attorney’s Office.

Prior Council/Board Actions: Approve list of Stimulus funded projects to be submitted to the US Conference of Mayors on Nov. 7, 2008.

Committee/Commission Review and Actions: NA

Alternatives: None recommended.

Recommended Motion (and Alternative Motions if expected): Accept an update on the federal stimulus funding in the amount of \$11,678,637 allocated to date to the City for projects in transit, energy, public safety, community development block grants, and transportation.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 7e

Agenda Item Wording: Approve User Agreement and Procedural Guide with the County of Tulare for the AlertTC – Tulare County Notification System

Deadline for Action: April 20, 2009

Submitting Department: Fire Department

Contact Name and Phone Number:

Mark Nelson, Fire Chief, 713-4218
Danny Wristen, Battalion Chief, 713-4056

Department Recommendation: The Fire Department recommends that the City Council approve the User Agreement and Procedural Guide with the County of Tulare for the use of the AlertTC – Tulare County Notification System. There is no cost associated with this program and the City of Visalia has the ability to terminate the agreement at anytime.

Summary/background: The City of Visalia and the County of Tulare have been working in cooperation with the other incorporated cities to develop a countywide emergency alert system to provide residents with important and timely information during disasters or other emergencies. This work has developed into a comprehensive program that will allow the City of Visalia, the County of Tulare, and all of the other incorporated cities to have an emergency alert system, also known as Reverse 911. The new system is named AlertTC, and is a web-based application that enables authorized County and City officials to disseminate public information rapidly and efficiently to the residents of Tulare County. Recent events have proven the capability of similar notification systems to significantly reduce the number of injuries and fatalities during disaster when timely calls are made to warn residents of approaching and imminent threats to their safety. The system is also a quick and effective way to provide residents with important public information or information about government services. The County and each of the seven participating incorporated cities shall have unlimited access to the AlertTC system for the purpose of creating, sending and tracking personalized voice and text messages to residents, businesses and employees. The system may be utilized to send any message regarding the safety and welfare of our community.

For action by:

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

For placement on which agenda:

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Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

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(Min.): 10

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Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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The County of Tulare has been able to fund the entire cost of the AlertTC system and is not charging the cities for use of the system. The program has been entirely funded for the first two years (July 1, 2008 to June 30, 2010) and the County of Tulare has indicated that they will continue to explore funding options for the future. If continued funding at 100% becomes an issue for the County, the City of Visalia would need to evaluate the importance of having access to the system and possibly develop funding. The Operational Area Emergency Council will be discussing this issue over the next year and developing options for continued funding of the AlertTC system.

After approval of the agreement by the City Council, we will work with Tulare County and provide our community with information about the AlertTC system, and the communities role in making the system work effectively. We feel that this system will greatly enhance our ability to protect the community during times of critical emergencies.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: Purchase our own notification system or continue to rely upon other means of emergency notification.

Attachments: User Agreement and Procedure Guide

Recommended Motion (and Alternative Motions if expected): I move approval of the AlertTC agreement with the County of Tulare.

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: None



AlertTC Tulare County Notification System

User Agreement and Procedural Guide

For the County of Tulare
and the Cities of:
Dinuba, Exeter, Farmersville,
Porterville, Tulare, Visalia and Woodlake

February 2009

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I. Introduction

AlertTC is a web-based application that enables authorized County and City officials to disseminate public information rapidly and efficiently to the residents of Tulare County. Recent events have proven the capability of similar notification systems to significantly reduce the number of injuries and fatalities during disaster when timely calls are made to warn residents of approaching and imminent threats to their safety. The system is also a quick and effective way to provide residents with important public information or information about government services.

The County and each of the seven participating incorporated cities shall have unlimited access to the AlertTC system for the purpose of creating, sending and tracking personalized voice and text messages to residents, businesses and employees. The system may be utilized to send any message regarding the safety and welfare of our community. AlertTC is a powerful tool, and thus must be used with caution. **Excessive use of the system may create a nuisance to our residents, thus minimizing its effectiveness and creating additional strain on our 9-1-1 system**, which is particularly critical during times of emergency or disaster.

This User Agreement is entered into by the County and each participating city effective on the date of approval by each agency as shown on the attached signature pages.

A. Purpose

The purposes of this User Agreement are to define the legal relationships among the parties and to describe the approved procedures and authorized usage of the Tulare County AlertTC system. This User Agreement defines the purposes for system activation, those with authority to activate the system and the criteria for activation. It also contains information about important system features and instructions for processing notifications.

This Tulare County Office of Emergency Services shall be responsible for the maintenance of the system.

II. Criteria for Activation

The following criteria shall define the conditions under which use of the system will be allowed. These criteria shall be used by County and City system administrators in determining whether or not a call is permissible and should be disseminated through the AlertTC system:

1. Rapid public notification in the event of a manmade or natural disaster such as a chemical spill or other catastrophic event.
2. Distribution of public information that may be critical in the event of a local emergency situation, such as a missing child or elderly person.
3. Notification to employees in emergency or disaster situations, such as to relay information about disaster reporting and assignments.
4. Distribution of specific information generated to elicit a response from clients, such as a message pertaining to public assistance eligibility requirements.
5. Distribution of useful, time-sensitive information to residents, employees and businesses.

Messages that are personal or political in nature are strictly prohibited. Use of AlertTC shall be limited to official government business, including emergency communications. At no time should this system be used for commercial notifications.

III. Authorized Users

The AlertTC system shall be structured into three tiers. Each tier shall allow authorized users to have specific levels of access to the overall system. Individual user roles within each tier will be determined by each participating County or City jurisdiction. [Attachment 1](#) provides a comprehensive list of available user roles that may be assigned to individual users and the access features associated with each role.

A. Tier 1 Users - County

Tier 1 users shall be defined as those County officials who are authorized to issue time-sensitive mass notifications to any and all residents, employees and businesses within Tulare County. This includes notifications made to less than all of the County, including any incorporated or unincorporated area of the County. The following positions, or their designees, are authorized Tier 1 users:

1. County Administrative Officer, Director of Emergency Services
2. Tulare County Sheriff
3. Tulare County Fire Chief
4. Office of Emergency Services Manager

B. Tier 2 Users - City

Tier 2 users shall be defined as those City officials designated by the individual city who are authorized to send time-sensitive notifications to any and all residents, employees and businesses within their city jurisdiction.

C. Tier 3 Users – County and City

Tier 3 users shall be defined as department heads for the individual jurisdiction who are authorized to send notifications to clients and employees of their respective departments, rather than to all residents or businesses within a specific geographic area.

IV. Notifications

A. Notification Procedures

The following information describes the criteria for determining whether a notification should be processed at the City or County level, and the procedures for processing notifications. Each city's alerting zone shall be defined as its city limit boundaries (see [Attachment 2](#)). As city boundaries

change, each city shall have access to resident and business data within its new boundaries.

Ongoing coordination between the cities and County is critical to the effectiveness of this system. Any incident which requires notification of persons who do not live within the city limits of a single city, including notification of persons in County islands, shall be forwarded to the county for dissemination. This will eliminate unnecessary message duplication and ensure that a single message is communicated to County residents.

The County and each City shall designate at least one system administrator and designee, such as a dispatch center, who shall be available on a 24/7/365 basis to authorize and disseminate emergency or critical notifications. Emergency messages shall be coordinated among local communication centers and first responders so as to avoid duplication and confusion.

i). County Notification Procedures

The County of Tulare shall process notifications when one or more of the following conditions exist:

1. Mass notification will be sent to **ALL** county residents or businesses.
2. A city wishes to send notification to residents of or businesses in an area that includes territory outside its city boundaries.
3. The County wishes to send notification to residents of an unincorporated area of Tulare County.
4. Notification will be sent to Tulare County clients and/or employees.

Emergency Notifications:

All emergency or disaster-related notification requests shall be forwarded to the Tulare County Sheriff's Office or the Tulare County Fire Department (depending on the disaster type) for processing.

Tulare County Sheriff's Dispatch:	(559) 733-6218
Tulare County Fire Dispatch:	(559) 733-6549

Non-Emergency Notifications:

- a). Notification requests for non-emergency matters received during the Tulare County Health and Human Services Agency's regular business hours (currently 7:30 a.m.-5:30 p.m. Mon.-Thu. and 8:00

a.m.-12:00 noon Fri.) shall be forwarded to the Tulare County Health & Human Services Agency Media Specialist for approval and dissemination. If the requested notification meets the authorized notification criteria defined in section III of this document, the Media Specialist will process the notification.

HHSA Media Specialist:	Office: (559) 737-4660 x 2607 Cell: (559) 731-7259
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- b). Notification requests for non-emergency matters received outside the Tulare County Health & Human Services Agency's regular business hours (see above), shall be forwarded to the Tulare County Sheriff's Office for dissemination.
- c). The Tulare County Health & Human Services Agency shall notify each participating city in writing if its regular business hours change.

ii). City Notification Procedures

City level notification procedures shall be established by each city's administration, and therefore may vary. A city may send a notification when either or both of the following conditions exist:

- 1. Notification will be sent only to residents and/or businesses within that city's boundaries.
- 2. Notification will be sent only to city clients and/or employees.

In the event of emergency or disaster, cities should evaluate whether the incident will have an impact on surrounding areas. If, at any time, residents outside of a single city's jurisdiction should be notified, the request shall be forwarded to Tulare County for processing according to the guidelines set in section IV (A) (i) County Notification Procedures.

B. Notification Types

The AlertTC system may be used to send three types of notifications: Priority Communication, Community Outreach, and Interactive Survey.

i). Priority Communication

Priority communication calls shall be defined as urgent or critical notifications to residents and/or businesses, such as for emergency or disaster-related situations. Priority communication notifications will be sent to ALL available numbers, email addresses and SMS

numbers for each selected contact within the database. **This feature should be used with extreme caution.**

Examples of Priority Communication calls include:

- Severe Weather Conditions
- Natural Disasters
- Terrorism Threats
- Hostage Situations
- Amber Alerts/Missing Persons
- Imminent Danger from a Fire
- HazMat Incidents
- Bomb Threats

ii). Community Outreach

Community outreach calls shall be defined as general announcements that do not require immediate action and do not concern emergency or disaster situations. Community outreach calls shall be sent only to the primary number listed on an individual's account.

Examples of Community Outreach messages include:

- Planned Power Outages
- Temporary Water Shut-off
- Road Closures
- Senior Citizen Wellness Calls

iii). Interactive Survey

The Interactive survey feature shall be defined as user-created messages in the form of a customized survey or question, in which the recipients hear a message that they are asked to respond to via their telephone keypad. Interactive survey calls will be sent only to the primary phone number listed on an individual's account. Interactive survey calls cannot be sent via text to any email address, PDA or other device capable of receiving text messages. Survey results will be tabulated by the AlertTC system and published to users via the website and e-mail reports.

C. Developing Notification Messages

AlertTC messages shall be brief (defined as no longer than 60 seconds). Messages shall be professional, timely, pertinent, and vitally necessary for

dissemination to a wide audience. The system shall not be used so frequently that people tire of hearing from government officials

V. Additional System Features

A. Call-back Line

County Call-back Line

For people with Caller-ID, an AlertTC call from Tulare County will show the following phone number **1-866-942-2644**. This number is an announcement line only (i.e., it will not accept messages from the recipient of the call). If this number is called, it will provide a short message about AlertTC and direct the caller to another number during normal business hours with any questions about the service. People with Call-Block will need to program their phone(s) to accept calls from 1-866-942-2644.

City Call-back Lines

Each city shall designate a separate call-back number for notifications they initiate by that city so that recipients can be directed to the most appropriate resource for more information. This number may be to city administration or an information line, and should not be an emergency dispatch number. The AlertTC system is intended to alleviate dispatch centers from receiving non-emergency calls.

The Tulare County Office of Emergency Services shall post a master list of the numbers to call for more information on the AlertTC website.

B. Accessibility

AlertTC is a fully hosted web-based application, which means that every application needed to run the system is accessible via the web. The system does not require any hardware, software, phone lines or equipment installation. This is particularly important during times of disaster, because the system can be accessed at any location where Internet access is available.

Notifications are primarily disseminated through the web-based application. If Internet access is not available, such as in the event of power failure, notifications can also be generated via phone with a dial-in messaging card (see [Attachment 3](#))

C. Database

The AlertTC database is capable of storing three phone numbers and two email addresses per person. AlertTC will provide, at a minimum, one phone number per residence/business for all listed phone numbers. This information is collected from telephone service providers. Additional contact information, such as unlisted numbers, cell phone numbers and email addresses, will only be available if provided voluntarily by the recipient via the AlertTC Web Portal Page located at www.alerttc.com.

i). Opt Out Provision

Residents and businesses shall have the right to opt out of the service at any time by contacting the appropriate County or City administrator. This should be strongly discouraged to ensure that all residents receive notification during life-threatening situations. If individual residents or businesses do decide to opt-out, no communications are to be sent to them. If residents or businesses contact an agency to opt out of AlertTC service, their account information must be deleted from the system. It is the responsibility of each agency to contact Blackboard Connect, Inc to add the resident or business to the agency's Do Not Call list to prevent calling them again when the data is refreshed.

Blackboard Connect, Inc.
(877) 684-4411
15301 Ventura Blvd.,
Building B, Suite 300
Sherman Oaks, California 91403

ii). Security

The AlertTC database shall not be sold, traded, leased, loaned or otherwise shared with any third party. All information contained within the system is confidential and shall be maintained with the highest degree of security. All client information shall be transmitted to the database via a secured connection on the Internet and over encrypted lines. In addition, there are multiple layers of physical and virtual firewalls, as well as monitoring and audit tools, shall be maintained.

If at any time the security of the information within the AlertTC database is breached, the Tulare County Media Specialist must be notified immediately (see section IV.i.a). **Any downloading or copying of data is strictly prohibited.**

Only County and City employees shall be granted access to view and/or edit information contained within the database. All authorized user accounts must be password protected. See [Attachment 1](#) for a list of available user roles with access to view resident and business information.

iii). Information Updates

Monthly “data cleansing” will be performed by AlertTC to delete inactive phone numbers and update resident information contained within the baseline data provided by local telephone service providers. This will help to ensure that contact information contained within the database is as current and accurate as possible. Updates of optional contact information, such as cell phone numbers and email addresses, must be performed voluntarily by residents or businesses.

Each agency shall update its additional contact information, such as employee data, at least monthly (although more often, bi-weekly at a minimum, is recommended).

D. AlertTC Web Portal

Residents may be directed to the AlertTC website (www.alerttc.com) for additional information about the AlertTC system, as well as to register their contact information. Collecting supplemental contact information, such as cell phone numbers and email addresses, is vital to the success of AlertTC. This website also includes information about how the system works, frequently asked questions, and participating cities’ contact information. For additional information about the registration portal page, see [Attachment 4](#).

VI. Indemnification

Each participating agency shall hold harmless, defend and indemnify the other participants, their agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including the other agencies’ property, arising from, or in connection with, the performance by that participating agency or its agents, officers and employees under this User Agreement.

VII. Miscellaneous

A. Governing Law:

This Agreement shall be interpreted and governed under the laws of the State of California. The parties agree that this contract is made in and shall be performed in Tulare County, California.

B. Dispute Resolution:

If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.

C. Termination:

The County may terminate this User Agreement for all users if it ceases to use the AlertTC system. The County shall have sole discretion to determine whether to continue to use this system, and its decision shall not be dependent on funding.

The County may terminate an individual city's participation in this User Agreement for cause. Cause shall consist of a significant or persistent failure by the city to meet its obligations under this User Agreement. Prior to termination, the County shall inform the city that the County believes the city has violated its obligations, and shall allow the city a reasonable period of time to cure or correct the violation.

The County may immediately suspend an individual city's participation in this User Agreement at any time if the County determines that a message has been sent which violates the city's authority under this User Agreement. A city may request that the County suspend another city's participation on this basis if the city believes such a message has been sent.

A participating city may terminate its participation in the system at any time without cause.

D. Further Assurances:

Each party will execute any additional documents and perform any further acts that may be reasonably required to effect the purposes of this Agreement.

E. Construction:

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

F. Headings:

Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning or intent of the provisions under the headings.

G. 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.

H. 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 correction of a problem shall not be considered to be a waiver of any preceding breach of the Agreement by another party.

I. Exhibits and Recitals:

The recitals and the exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

J. Conflict with Laws or Regulations/Severability:

This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the parties to be, in conflict with any code or regulation governing its subject matter, only the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to any party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

K. Entire Agreement Represented:

This Agreement represents the entire agreement among the parties as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below. This User Agreement may be signed in counterparts.

COUNTY OF TULARE

Date: _____

BY _____
Chairman, Board of Supervisors

ATTEST: JEAN ROUSSEAU
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form
County Counsel

By _____
Deputy

Date _____

CITY OF DINUBA

Date: _____

BY _____
MARK WALLACE, Mayor

ATTEST: ED TODD
City Clerk

By _____
Deputy Clerk

Approved as to Form
City Attorney

By _____
Deputy

Date _____

CITY OF EXETER

Date: _____

BY _____
TED MACAULAY, Mayor

ATTEST: JOHN KUNKEL
City Clerk

By _____
Deputy Clerk

Approved as to Form
City Attorney

By _____
Deputy

Date _____

CITY OF FARMERSVILLE

Date: _____

BY _____
LEONEL BENEVIDES, Mayor

ATTEST: RENE MILLER
City Clerk

By _____
Deputy Clerk

Approved as to Form
City Attorney

By _____
Deputy

Date _____

CITY OF PORTERVILLE

Date: _____

BY _____
CAMERON HAMILTON, Mayor

ATTEST: JOHN LOLLIS
City Clerk

By _____
Deputy Clerk

Approved as to Form
City Attorney

By _____
Deputy

Date _____

CITY OF TULARE

Date: _____

BY _____
CRAIG VEJVODA, Mayor

ATTEST: DARREL PYLE
City Clerk

By _____
Deputy Clerk

Approved as to Form
City Attorney

By _____
Deputy

Date _____

CITY OF VISALIA

Date: _____

BY _____
JESUS GAMBOA, Mayor

ATTEST: STEVE SALOMON
City Clerk

By _____
Deputy Clerk

Approved as to Form
City Attorney

By _____
Deputy

Date _____

CITY OF WOODLAKE

Date: _____

BY _____
RAUL GONZALES JR., Mayor

ATTEST: RUTH GONZALES
City Clerk

By _____
Deputy Clerk

Approved as to Form
City Attorney

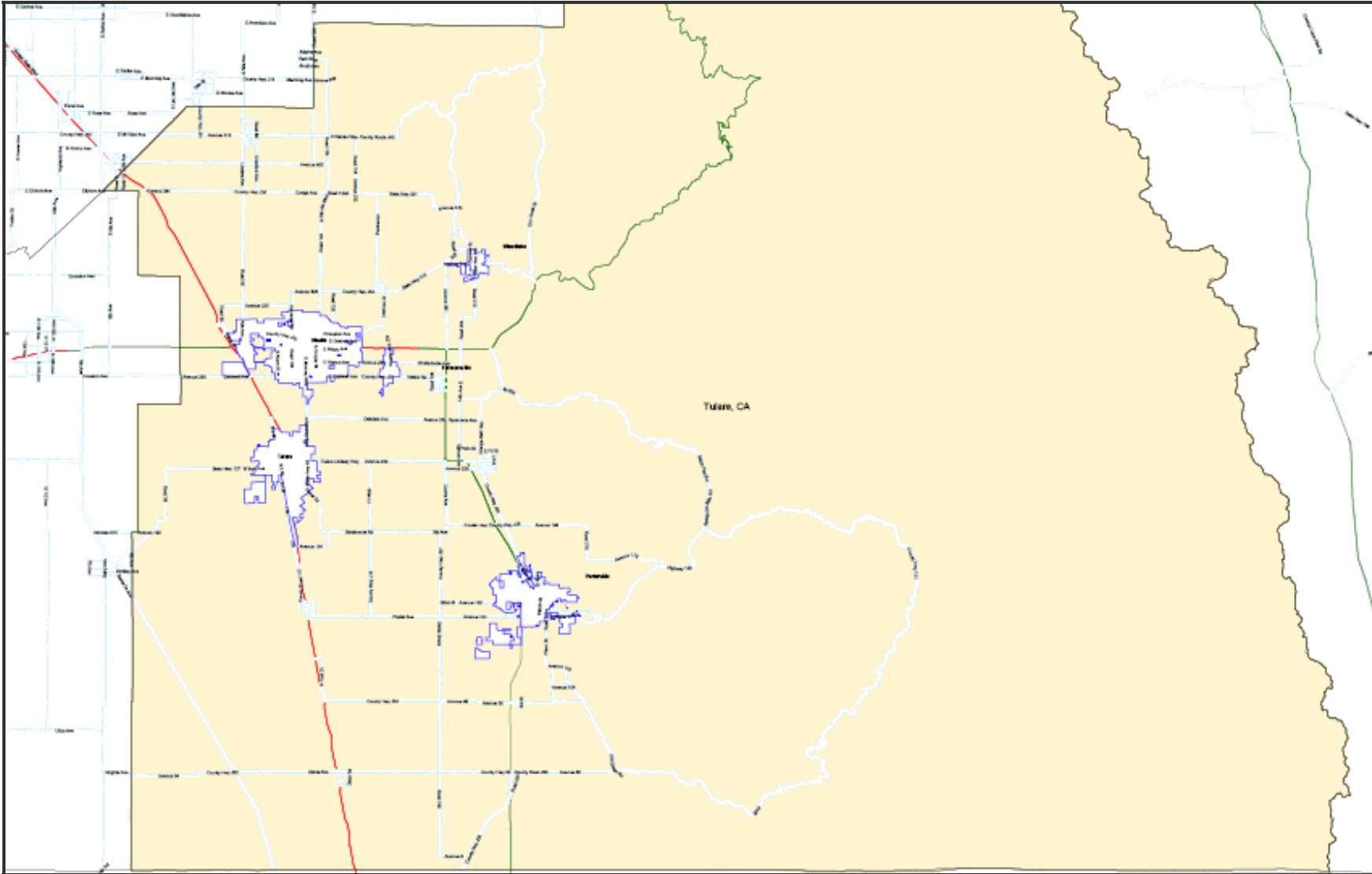
By _____
Deputy

Date _____

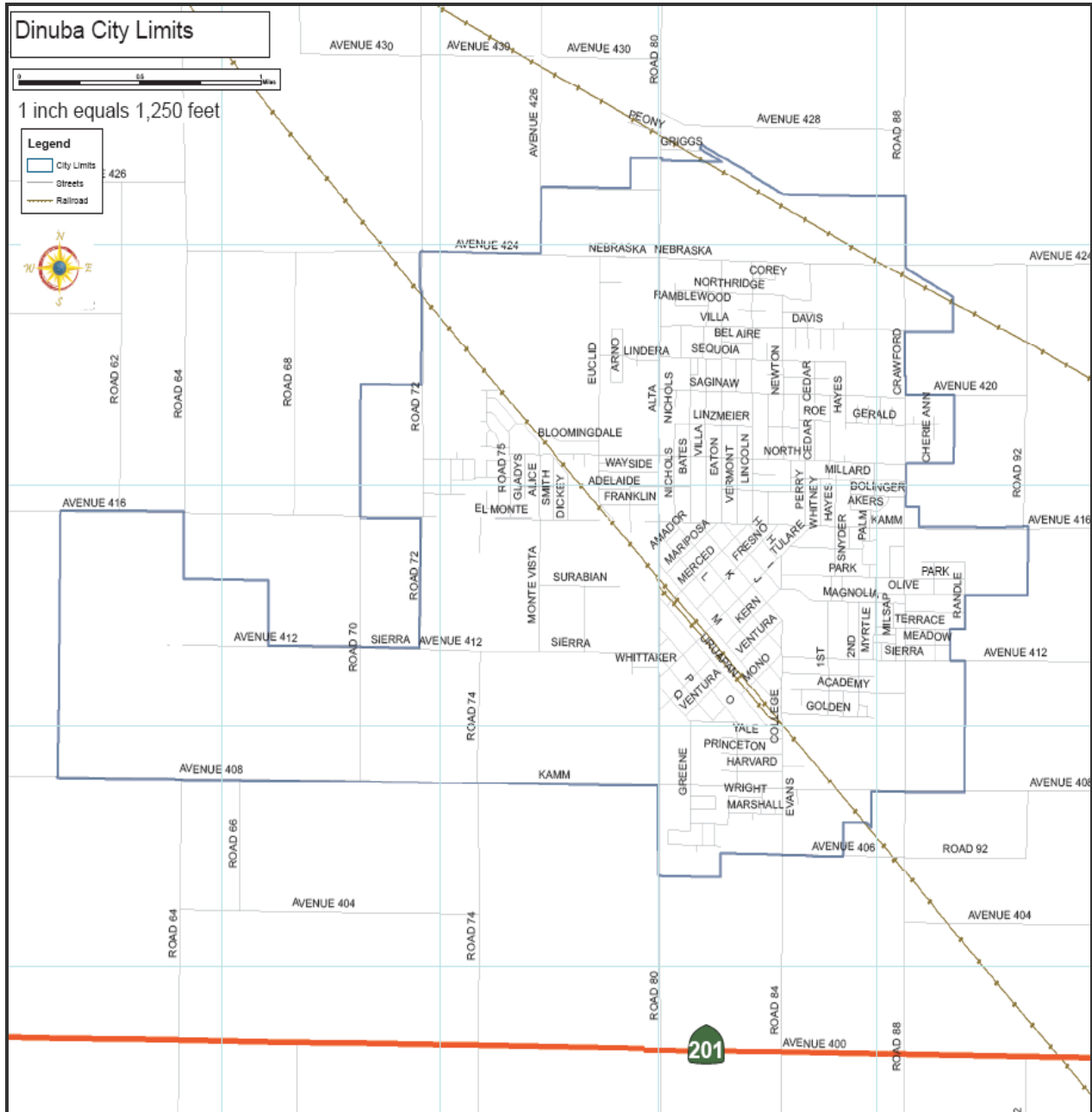
Attachment 1: AlertTC User Roles

Pre-Defined User Roles						
<i>User Access</i>	<i>Super User</i>	<i>Standard User</i>	<i>Non-Emergency Only</i>	<i>Data Manager</i>	<i>Clerk</i>	<i>View Reports Only</i>
Outreach						
Send an Outreach Message	Yes	Yes	Yes			
Create an Outreach Message	Yes	Yes	Yes			
View Outreach Reports	Yes	Yes	Yes	Yes	Yes	Yes
Download Outreach Results	Yes	Yes	Yes	Yes		
Priority						
Send a Priority Message	Yes	Yes				
Create a Priority Message	Yes	Yes				
View Priority Reports	Yes	Yes		Yes	Yes	Yes
Download Priority Results	Yes	Yes		Yes		
Interactive Survey						
Send a Survey Message	Yes	Yes	Yes			
Create a Survey Message	Yes	Yes	Yes			
View Survey Reports	Yes	Yes	Yes	Yes	Yes	Yes
Download Survey Results	Yes	Yes	Yes	Yes		
Dial-In Messaging Card						
Send a Dial-In Priority Message	Yes	Yes				
Send a Dial-In Outreach Message	Yes	Yes	Yes			
Send to ALL Contacts	Yes	Yes	Yes			
Auto-Send						
Send an Automated Message						
Contacts						
View Contacts	Yes	Yes	Yes	Yes	Yes	
Add/Edit Contacts	Yes	Yes		Yes	Yes	
Delete Contacts	Yes	Yes		Yes	Yes	
Import Contacts	Yes	Yes		Yes	Yes	
Use the Deletion Manager	Yes			Yes		
Download Contacts	Yes			Yes		
Management						
Manage Users	Yes			Yes		
Manage Site Names and Info	Yes			Yes		
Access User Interface	Yes	Yes	Yes	Yes	Yes	Yes
Access Multiple Levels	Yes	Yes	Yes	Yes		Yes

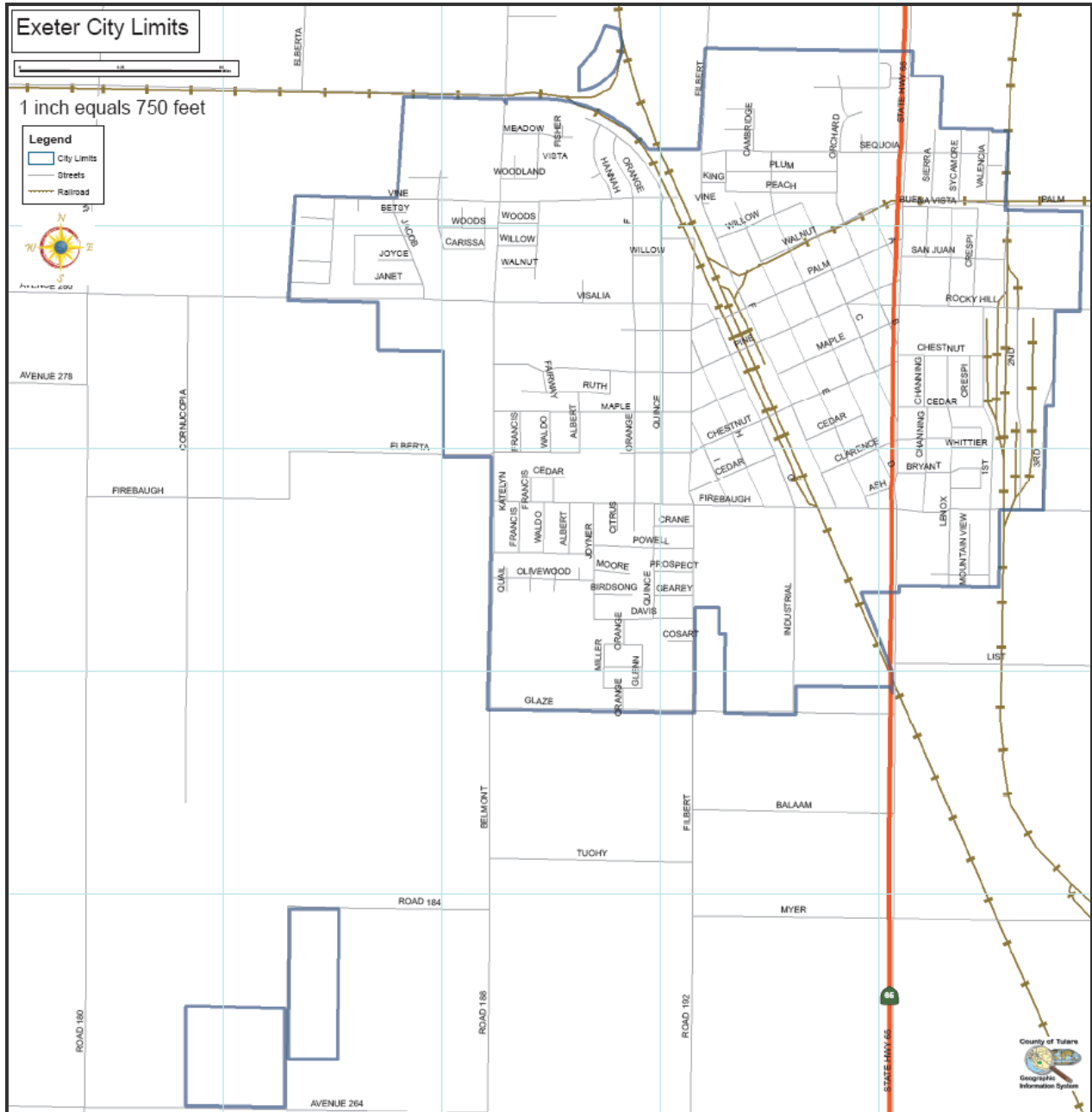
Attachment 2.1: Tulare County Jurisdiction Map



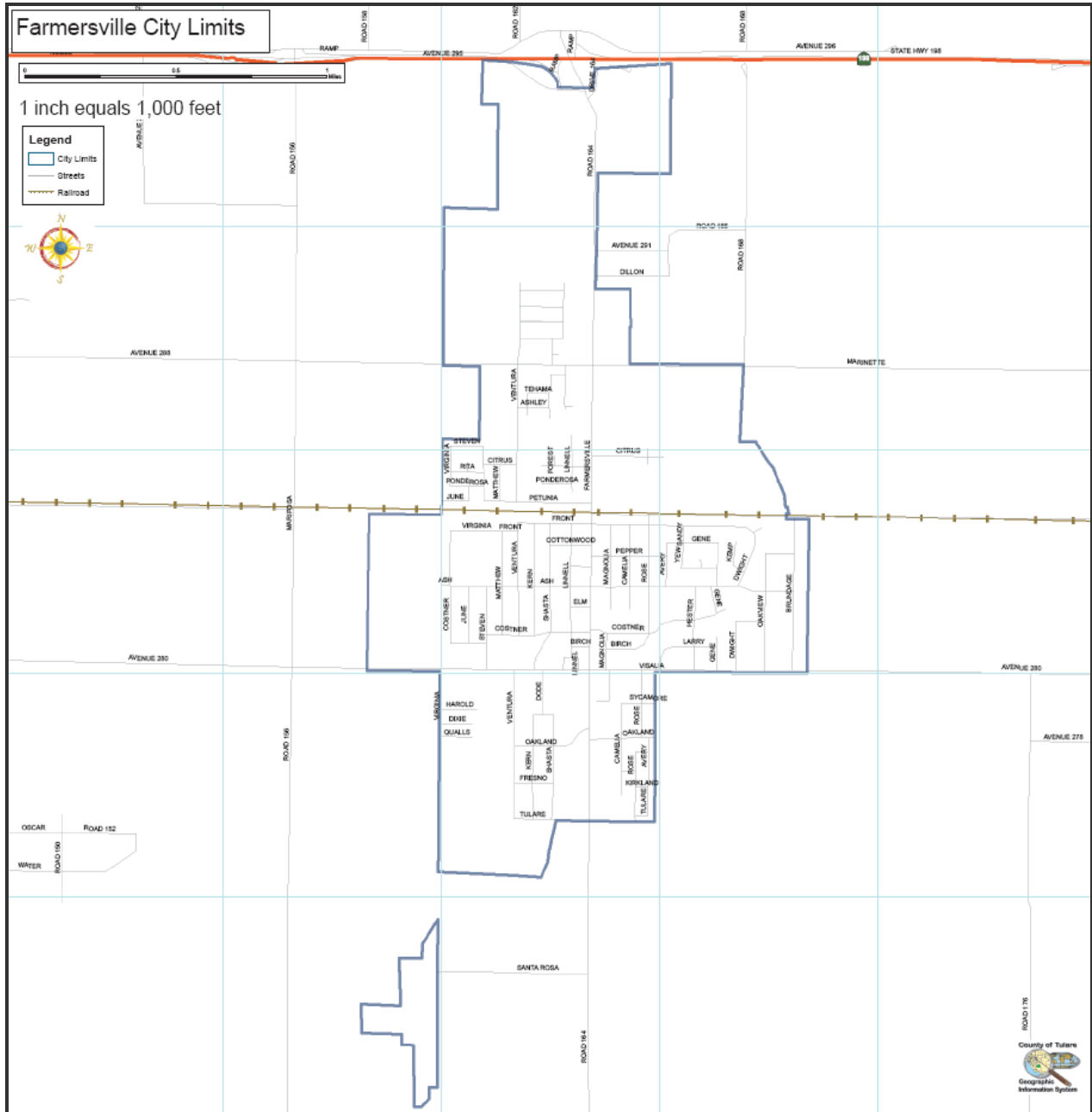
Attachment 2.2: City of Dinuba Jurisdiction Map



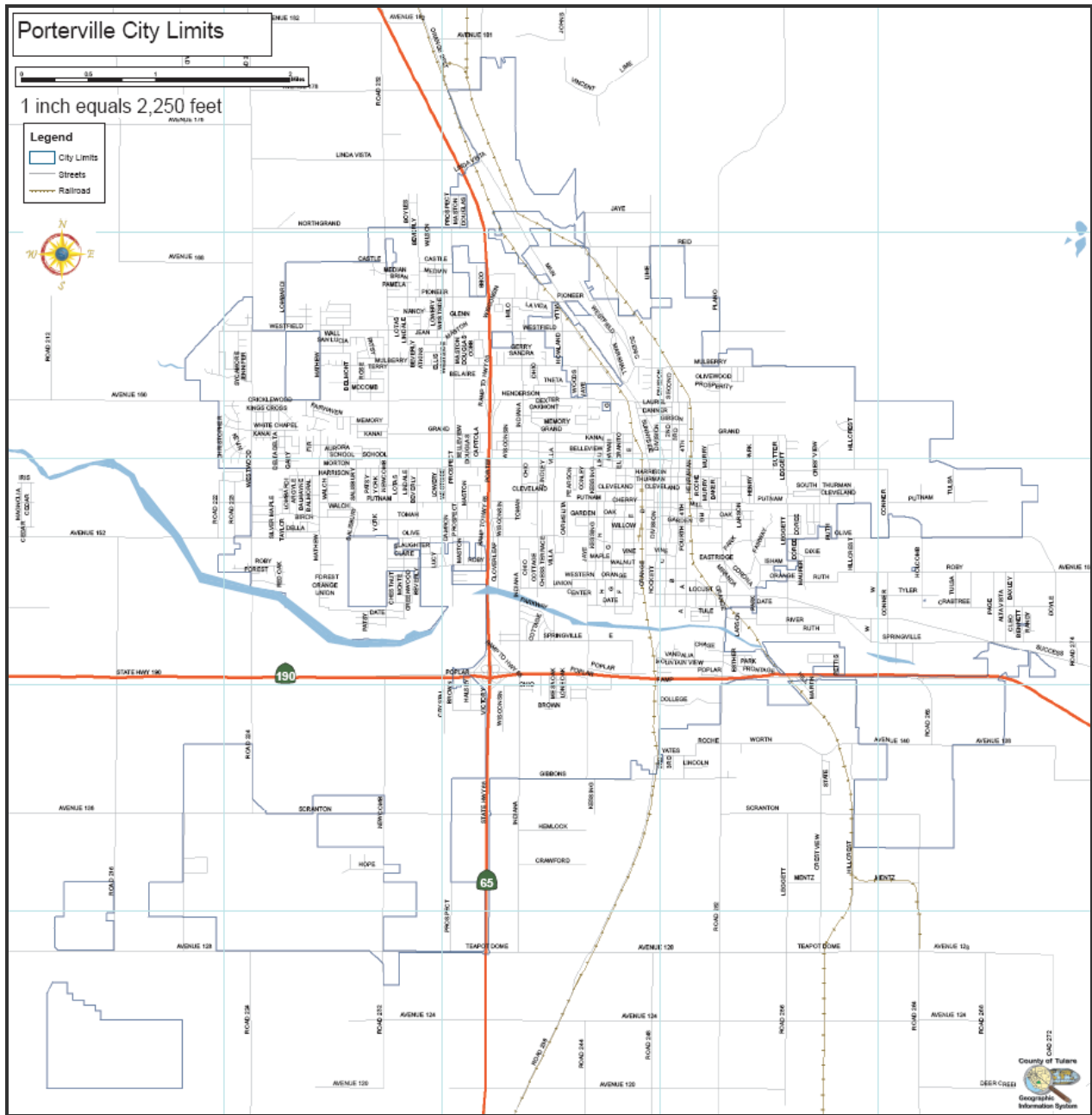
Attachment 2.3: City of Exeter Jurisdiction Map



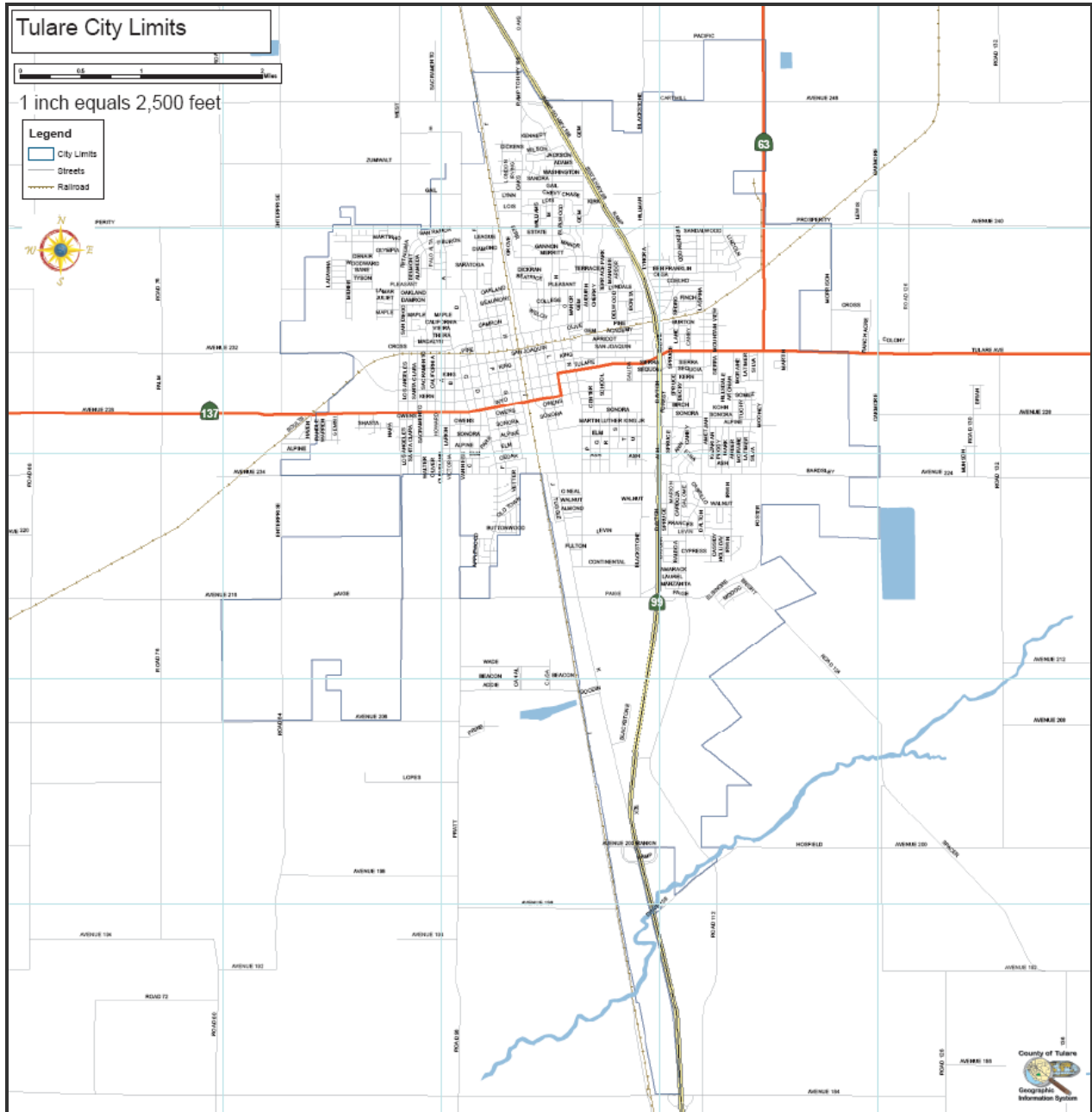
Attachment 2.4: City of Farmersville Jurisdiction Map



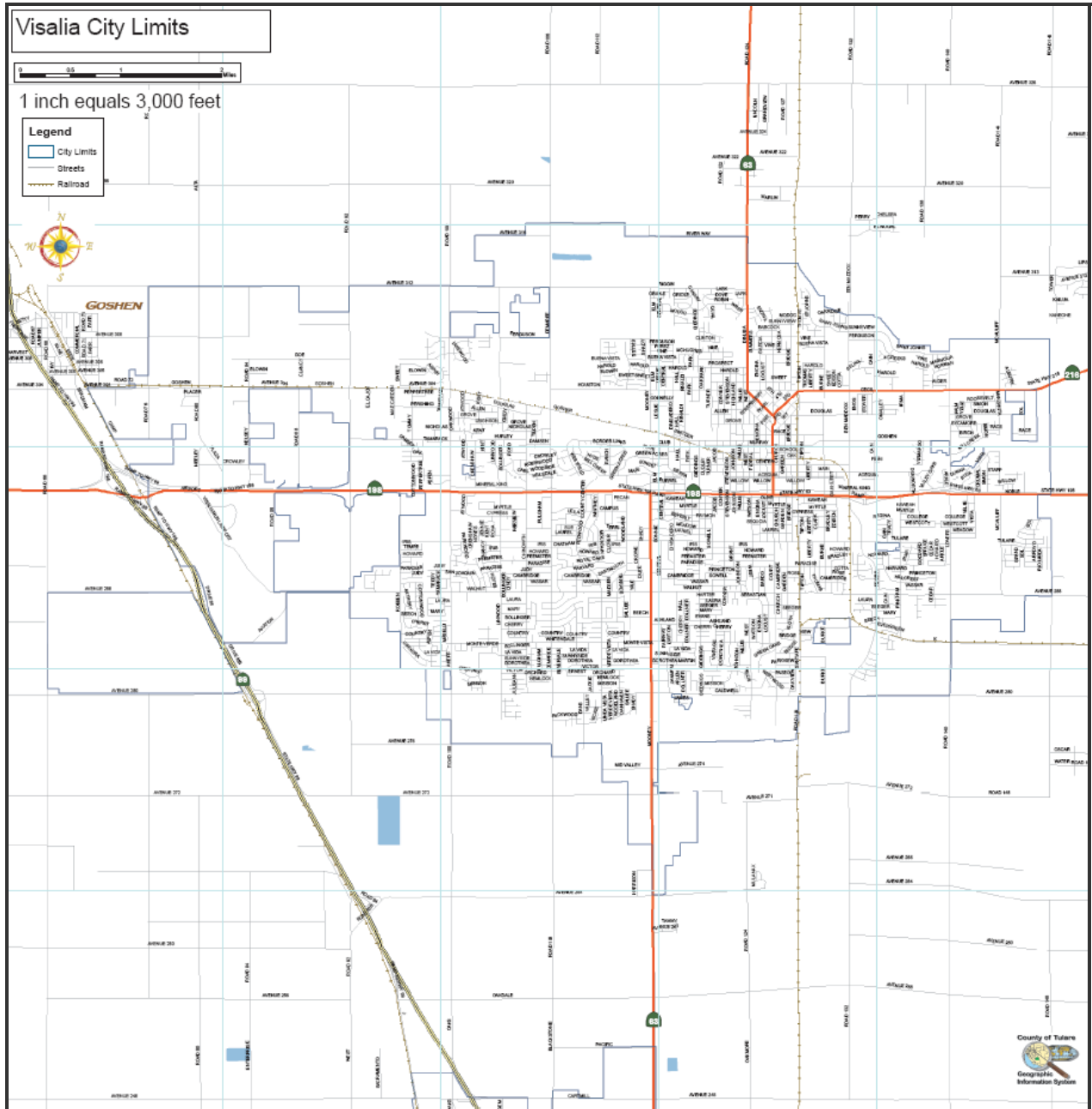
Attachment 2.5: City of Porterville Jurisdiction Map



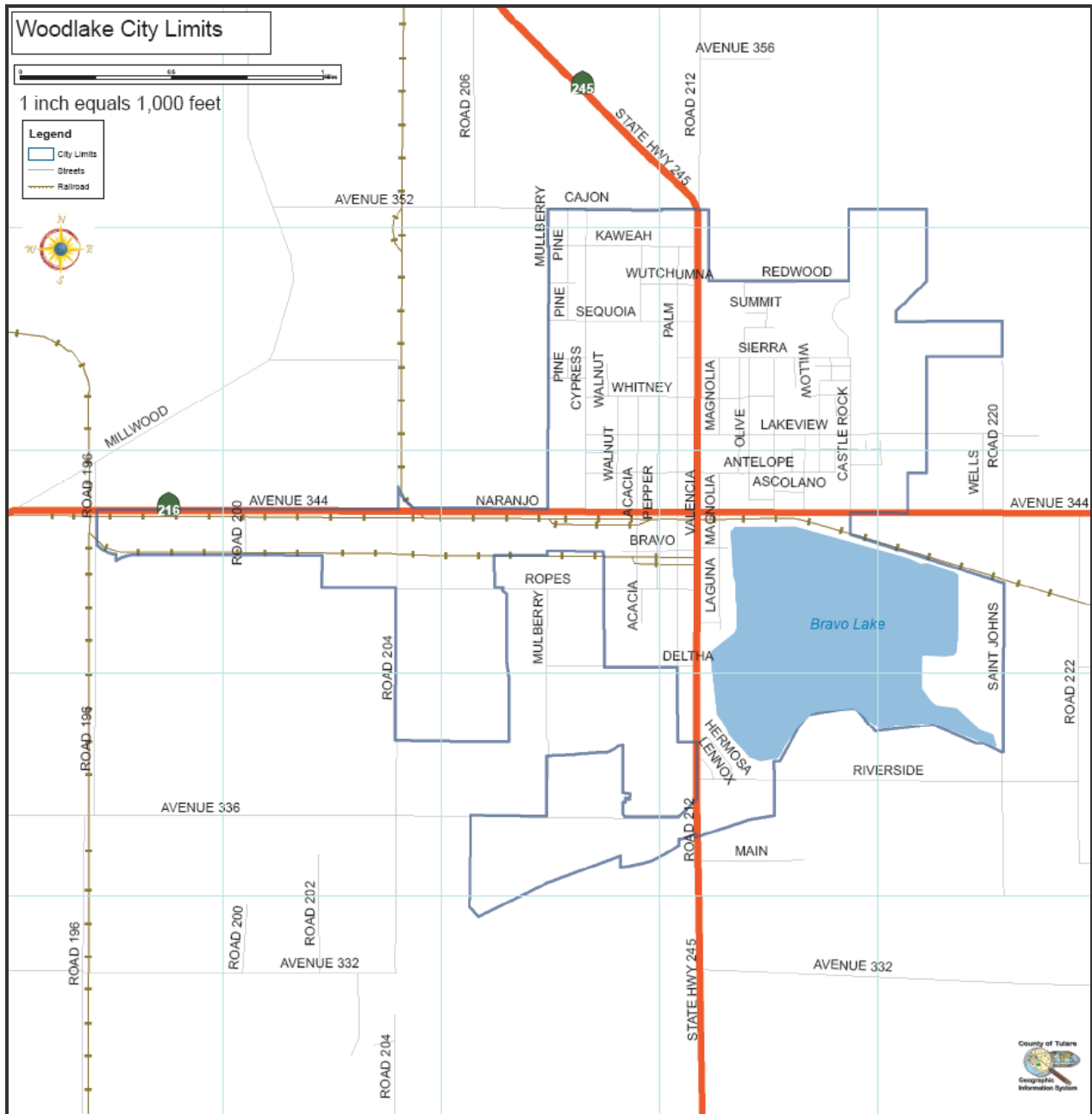
Attachment 2.6: City of Tulare Jurisdiction Map



Attachment 2.7: City of Visalia Jurisdiction Map



Attachment 2.8: City of Woodlake Jurisdiction Map



Attachment 3: Dial-In Messaging Card Procedures

In the event Internet access is not available, such as in the event of power failure, notifications can also be generated via phone by users with dial-in messaging privileges.

- Once a user account has been established, a dial-in messaging card may be requested on the account information page. Only certain user roles have access to this feature (see [Attachment 1](#)).
- The user must create a pin number in their user profile in AlertTC. This pin number is what enables the user to activate notifications via the dial-in messaging card.
- The user must create and/or assign groups to their dial-in messaging card under “Contacts – Groups – Dial-in Groups” (maximum of 7 groups).
- To conduct a dial-in message, follow the instructions on the card.



Attachment 4: AlertTC Web Portal Registration



Registration Form



County of Tulare
Attention: AlertTC Program
5957 S. Mooney Blvd.
Visalia, CA 93277

Please complete this form and return by mail to the County of Tulare at the address provided above.
(Fields in * bold are required.)

Register a Residence

***First Name:** _____ ***Last Name:** _____

***Address:** _____

***City:** _____ ***State:** _____ ***Zip Code:** _____

Primary Email Address: _____

Secondary Email Address: _____

***Primary Phone #:** _____ Alternate Phone #: _____

Secondary Phone #: _____ Text Phone #: _____

If you use a TTY or TTD Device, please indicate the appropriate phone for those messages:

Primary Phone # Secondary Phone # Alternate Phone # Text Phone #

Register a Business

***Business Name:** _____

***Contact First Name:** _____ ***Last Name:** _____

***Address:** _____

***City:** _____ ***State:** _____ ***Zip Code:** _____

Primary Email Address: _____

Secondary Email Address: _____

***Primary Phone #:** _____ Alternate Phone #: _____

Secondary Phone #: _____ Text Phone #: _____

If you use a TTY or TTD Device, please indicate the appropriate phone for those messages:

Primary Phone # Secondary Phone # Alternate Phone # Text Phone #

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 7f

Agenda Item Wording: Approval of Resolution 09-15 declaring support and participation in an energy partnership between Southern California Edison and the San Joaquin Valley Clean Energy Organization. (**Resolution 09- required**)

Deadline for Action: N/A

Submitting Department: Administration

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

Department Recommendation

It is recommended that the Visalia City Council approve resolution 09- declaring support and participation in an Energy Partnership between Southern California Edison and the San Joaquin Valley Clean Energy Organization.

Department Discussion

In March, 2008, the Visalia City Council approved submitting an application to form a California Public Utilities Commission (CPUC) controlled partnership with Southern California Edison and/or Southern California Gas.

The Partnership program is intended to provide funding to assist local government agencies in both making their own facilities more energy efficient, and educating the community about the importance and benefits of energy efficiency. While the initial program will bring about \$120,000 to the County in the first year, subsequent budgets project to bring more than \$2 million in funding for marketing, outreach and direct implementation over the three year lifespan of the program.

The City was successful in its application, and at the request of the utilities, expanded the scope of the program to have the potential to include the County of Tulare, and the other cities in the County. In addition, staff has spent considerable time working with the utilities to put in place the appropriate mechanisms in place for implementing the Partnership. One o the key components is teaming up with a third party implementer who will work directly with the utility to provide the oversight, financial documentation and reporting as required by the utilities and the CPUC.

The Cities and the County have agreed to have the San Joaquin Valley Clean Energy Organization (SJVCEO) as the implementing organization for the Partnership. The Partnership is a non-profit organization that was created as part of the San Joaquin Valley Partnership that was created by the Governor. The City signed a Memorandum of Understanding with the

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head

Finance

City Atty

City Mgr

SJVCEO in 2007, and as been working with the organization on a number of energy issues, including the Energy Block Grants recently issues as part of the stimulus program.

Staff believes that having the SJVCEO serving as the implementing organization for the Energy Partnership is appropriate, and will help ensure that local staff is available to assist the government agencies with meeting the requirements of the Energy Partnership. In order to proceed with getting the Partnership approved so that funding can be made available for energy retrofit rebates from Southern California Edison, as well as energy efficiency marketing and education, the City Council needs to formally approve a resolution of support. The provisions of the attached resolution were provided by Southern California Edison (SCE) , and will meet the requirements of their program.

At this time, the Energy Partnership will only include Southern California Edison. The 2009-2011 Partnership have not yet been approved by the CPUC, and therefore, Southern California Gas Company cannot implement the new San Joaquin Valley Partnership until that formal proceeding occurs. Southern California Edison had provisions in their program that allowed the company to amend their current partnership program to include new entities. While funding will be limited for the first year, staff recognizes and appreciates the SCE's willingness to let the Valley Partnership join the current program, especially given the additional rebates that will be available when linked with the retrofits staff anticipates making as part of the Energy Block Grant program.

Energy Partnership Background:

The CPUC outlines the purpose of the Local Government Partnership's three-year program as providing reliable and measurable direct energy savings through the installation of energy efficiency measures and program services. The Program is intended to provide a commitment to community action and program services. In addition, the Program will provide a commitment to community action and to long-term, sustainable actions that will promote energy efficiency and integration with other energy services (e.g., solar, demand response initiatives, etc).

Partners are expected to be role models in their communities and will encourage others to take similar actions. The utilities have a number of partnerships throughout the state that will continue, and it's expected that an additional five will be approved through this selection process.

The intent for the Partnerships includes, but is not limited to:

- Leveraging local government resources and work with local communities to maximize program penetration
- Achieving short and long-term energy savings and demand reduction for Partners and the communities they serve, as well as reduction of greenhouse gas emissions.
- Achieving short and long-term energy savings and demand reduction for Partners and the communities they serve, as well as reduction of greenhouse gas emissions. The Partners are expected to leverage their local infrastructure to initiate "outreach" advertising about energy efficiency and deepen the reach of statewide and local energy efficiency programs and services.
- Acting as an outreach portal for energy services (e.g., energy efficiency, demand, self-generation, etc.). The partnerships are expected to commit to providing delivery of energy information to the communities, and training and education for local government facility managers, energy managers, and planners for identifying and implementing energy efficiency opportunities.

- Developing an energy action plan
- Implementing energy efficiency projects

Prior Council/Board Actions:

March, 2008 – City Council approved submitting an application for the partnership.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to approve Resolution 09-15 declaring support and participation in an energy partnership between Southern California Edison and the San Joaquin Valley Clean Energy Organization.

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)*

RESOLUTION 09-15

A RESOLUTION OF THE CITY OF VISALIA DECLARING SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE SAN JOAQUIN VALLEY CLEAN ENERGY ORGANIZATION TO BE NAMED "THE SAN JOAQUIN VALLEY ENERGY LEADER PARTNERSHIP"

WHEREAS, the San Joaquin Valley Energy Leader Partnership ("SJVELP"), also known as the Valley Innovative Energy Watch ("VIEW"), representing the participating County and City jurisdictions of Tulare County – supports "energy efficiency" initiatives, policies, and construction standards in order to ensure that our communities follows and encourages sustainable practices; and

WHEREAS, local demand for electricity has grown, and it is expected that demand for electricity will continue to grow in the near future to support a growing population and economy; and

WHEREAS, citizens and businesses spend significant amounts for energy, it makes economic sense and good public policy to encourage energy efficiency in the SJVELP region and our community; and

WHEREAS, energy efficiency programs enhance our environment by improving air quality, reducing greenhouse gases and other pollution, and conserving natural resources; and

WHEREAS, it is vital for our community to keep spending locally and to encourage innovations in the way we behave, build, and incorporate energy into our everyday business and personal lives; and

WHEREAS, there is a growing movement within California communities and businesses to improve everyday practices and create more sustainable and "greener" cities; and

WHEREAS, the communities comprised of the VIEW Partnership seek to promote innovative methods and state-of-the-art technologies used in the design and construction of new residential and commercial buildings within the region, in order to bring energy and natural resource consumption in line with our sustainability goals; and

WHEREAS, The San Joaquin Valley Clean Energy Organization (“SJVCEO”) has been identified by the participating partnership jurisdictions to enter into an agreement with Southern California Edison (SCE) on their behalf to represent them and implement the activities of the participating Tulare County jurisdictions the SJVELP Partnership.

WHEREAS, City of Visalia staff, with the assistance of the SJVCEO, have identified the suite of programs within SCE’s proposed Local Government Partnership Program as being consistent with the SJVELP member’s customer service goals.

NOW, THEREFORE, BE IT RESOLVED by the City of Visalia as follows:

1. That the above recitations are true and correct.
2. That the City of Visalia designates the Tulare County-based nonprofit SJVCEO (or an other organization designated by the SJVELP should conditions merit a change) to implement the mission of the San Joaquin Valley Energy Leader Partnership.
3. That the City of Visalia supports a commitment to sustainable practices through energy efficiency, and will provide leadership and guidance in promoting, facilitating, and instituting such practices in the region.
4. That the City of Visalia supports and endorses the San Joaquin Valley Energy Leader Partnership (a SCE Local Government Partnership) as an effective method to help meet long-term regional economic and environmental goals.
5. That the City of Visalia will name one or more individuals to the SJVELP working group that will review progress regularly with the SJVCEO and SCE.
6. That the City of Visalia with the assistance of SCE and the SJVCEO will identify and support implementing the suite of programs and projects within the City of Visalia’s municipal facility and community energy efficiency and sustainability goals.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 6, 2009

Agenda Item Number (Assigned by City Clerk): 7h

Agenda Item Wording: Update on the 2009 Council "Quick" Priorities

Deadline for Action: None

Submitting Department: Administration

Contact Name and Phone Number: Steve Salomon 713-4312

Department Recommendation: Update on the 2009 Council "Quick" Priorities.

Summary/background:

- ◆ **Sponsor annual sporting event that will attract thousands of persons to Visalia every year (e.g. 64 team baseball tournaments).**

The creation of four new state-of-the-art lighted youth baseball fields at Riverway Sports Park will assist in accomplishing this goal. Both Cal Ripken and Little League have ambitious goals to host a number of regional and state baseball tournaments at the new facility beginning in 2010.

The youth soccer field was utilized to host four major weekend tournaments in 2008. Tournaments ranged in size from 24 teams to 62 teams, bring thousands of people into Visalia and contributing to the local economy in a positive manner. We plan on working with these user groups to coordinate the use of the soccer complex for more tournaments in 2009 and 2010.

It should be stated that the Convention Center could be utilized as a tremendous venue for sporting events for wrestling, volleyball, or basketball tournaments. The Parks and Recreation Department will work with the Convention Center staff to explore potential opportunities.

- ◆ **Distribute RFP for lease of 16 acres, minus one acre for Ag Enterprise use, on the north side of Hwy 198, east of Shirk.**

The City has been discussing the potential lease of the property with several farmers who lease property in the Visalia area.

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.

◆ **Fix City of Visalia's entrance sign on Hwy 99/198 (consider conversion to solar power).**

In the spring of 2007, Parks & Recreation was tasked for the first time to repair the Visalia entry way signs on Highway 99. An inspection of the signs revealed that both signs were in need of repair and had been neglected for a number of years.

In the spring of 2007, AAA Quality Services was contracted to repair both signs. The lighting systems on both signs were repaired. Unfortunately the electric power to the northern sign had been severed and an electric generator was utilized to make sure the neon signage functioned properly.

The challenge for many months has been to restore power to the northern sign. The City has had to work through a number of tedious and legal tasks to extend the power from a private property owner to the highway sign. The original electrical line was severed a number of years ago due to some new construction and the original property owner had allowed the City to "tie-in" to an existing private electrical service. The original property owner no longer owns the property.

Finally, work was initiated in March 2009 to connect the electrical power to the highway sign and the sign was energized on April 9, 2009. (Please see the attached timetable and milestones report related to repairing the sign. The work was completed by Paul Shepard, Management Analyst, Parks & Recreation.)

The idea to use solar power has been explored. The estimated costs to initiate a solar powered system would be in excess of \$70,000 plus the ongoing maintenance costs of charging and replacing batteries. The study to go with solar was done by Gurcinas & Associates. It was determined that utilizing Southern California Edison would be the preferred alternative.

◆ **Establish downtown building renovation, including façade improvements, asbestos removal, and 2nd story development.**

In late January 2009, Council held its' annual retreat. Staff was directed to research the potential to fund a Downtown Façade Program. As a way of background, last Fall (2008), staff devised a program which could be jointly funded by the City with use of general funds and be matched by PBID/Downtown Visalians. This proposal was shared with the Strategies Committee of PBID. PBID responded that they were not in the position to financially participate in the program at the time. Over the past 3-4 months, it's evident the City can no longer consider utilizing general funds to support such a program as well.

Staff has also explored the use of either RDA or CDBG funds to support such a program. Unfortunately, use of either funding source would trigger prevailing wages (RDA) or Davis Bacon wages (CDBG). This would make the loan funds unattractive to property owners.

As a result, staff recommends holding off on establishing a Downtown Façade Program for the next few years. It is possible that with the approval and expansion of PBID in the Spring of 2010, a new program could be crafted with financial participation by both the City and PBID. If the economy improves this program could conceivably commence in the Spring of 2011.

◆ Better Downtown Street Lighting

The City owns and maintains 225 street lights in the downtown area between Willis, Santa Fe, Mineral King and Oak. Most of the lights are on 25-foot tall poles with cobra-head style lamps. The lights on Santa Fe, Bridge and Garden are antique reproduction units on 16-foot tall poles (Sun Valley lights). There are currently 26 of the Sun Valley lights. The cobra-head lamps are mostly 150- and 200-watt high pressure sodium. Main Street has all 200-watt lights east of Floral. The antique reproduction lights are 250-watt metal halide. There are also a few cobra-head lights that are 400-watt mercury vapor. It's easy to tell the difference between high pressure sodium and metal halide; the high pressure sodium lights have a yellow-orange glow and the metal halide lights have a white glow. The luminaires (bulbs) on the high pressure sodium lights last longer between change outs. Some people feel they can see better with metal halide lights because it is a white light.

The cobra-head lights are all on 4,000-volt circuits that were installed in 1938. Modern street light systems use 220-volt lamps. The components for the high voltage lights are difficult to obtain. The wiring is "lead-shielded cable" that is in poor condition. All of the maintenance must be coordinated with Edison to cut and restore power. It is difficult to get Edison to schedule time for City staff to troubleshoot and repair problems.

City staff conducted a night survey of the downtown in December and noted several lights that are not functioning. Some have already been repaired. There is an existing circuit that powers the lights on Acequia in front of the Post Office that has a short and needs repair. Staff is working with Edison to get this circuit operational. The other lights will be repaired as time allows.

Some of the street lights on Center Street were de-lamped back in the 1970's during the energy shortage to save electricity. Every other lamp was removed but the poles are still in place. City staff has investigated getting these lamps working. The wiring was converted to bypass the lights and the transformers were replaced or rewired to match the new lower load. City staff will continue to work with Edison to get these lights back into operation.

It may be possible to install higher watt luminaires in some of the existing street lights. The transformers and the wiring are matched to the load. Replacing all of the luminaires with higher watt units will overload the circuit. City staff will work with Edison to see which systems can support more load. The replacement luminaries are a special order item and cost about \$500 each.

The best long term solution to improve lighting downtown is to install an entirely new system. The project could be done in several phases to fit within budget constraints. Grant funds were used to install the Sun Valley lights on Santa Fe and Bridge. The grants used were Federal Highway Funds from the Transportation Enhancement Activity Program. This program is still active and new lighting projects could be submitted when the next application period is announced. Staff will continue to repair and improve the current lighting until new lights can be installed.

◆ Repave roads/cul-de-sac at the Animal Control Facility

During the City Council retreat several Council members requested that the roadway and the cul-de-sac in front of the Animal Control Facility be repaved. Since that meeting, the Streets Division has done considerable work to improve this area.

The City Council has agreed to build a new facility in approximately the same location as the existing buildings. The preliminary site plan shows the existing roadway being removed and reconstructed. Staff determined that it was unwise to invest significant funds to repave the roadway when it may be removed in the next couple of years. The Streets Division placed recycled asphalt in the cul-de-sac instead of repaving. The recycled asphalt was surplus from edge grinding on some of the overlay projects that were completed last summer. The crew was able to complete most of the work in a single day, so the cost to the City was very low. The crew plans to do additional work in this area when the weather is warmer. The work will be scheduled for a Sunday when the Shelter is closed. The work that was completed has made the roadway much smoother. However, it will not last as long as new asphalt. The crew will add more material and re-grade when the surface becomes rough and full of potholes.

◆ **Revitalization of the former Bottling Company building near the Wittman Community Center.**

The City recently completed a Phase 1 environmental analysis on this property which resulted in no significant findings. At this time, it does not make sense for the City to pursue acquisition of this property due to the proposed sale price being high and the only probable use being affordable housing. With the high concentration of single-family foreclosures in the surrounding neighborhood, it makes more sense to focus affordable housing dollars in the acquisition of foreclosed properties rather than new construction. The City should however, pursue the abatement and either redevelopment or sale of the property through the proper channels.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Visalia Park & Recreation - Riverway Sports Park 2008 Usage
Time Line & Milestones for Repairs

Recommended Motion (and Alternative Motions if expected): No Action. Update only.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 7i

Agenda Item Wording: Request authorization to file a Notice of Completion for "The Country Club, Phase 2" subdivision, located at Houston Ave. and County Center St. containing 134 lots.

Deadline for Action: None

Submitting Department: Community Development/Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director – 713-4392
Norm Goldstrom, Associate Engineer – 713-4638

Department Recommendation:

City staff recommends that City Council give authorization to file a Notice of Completion for The Country Club, Phase 2 Subdivision.

Summary/background:

All the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was originally developed by Reynen and Bardis Communities, Inc. This developer has since declared bankruptcy and United Securities Bank of Fresno, CA is the new owner. This new owner has submitted the required Ownership Discloser statement and supplied a copy of the sales agreement with Reynen & Bardis. Reynen and Bardis Communities, Inc. originally submitted a maintenance bond in the amount of \$159,974.31 (which is currently enforceable) as required by the Subdivision Map Act to guarantee the improvements against defects for one year. A number of incomplete final punch list items in the subdivision were completed by Reynen & Baedis's surety company The Insco Dico Group of Irvine, CA. It should be noted that this is the first subdivision completed by the Subdivision Monitoring Committee that has successfully utilized the performance bond to complete improvements.

There are currently five unfinished homes (not actively under construction) that the Subdivision Monitoring Committee is tracking with the assistance of City inspectors in Code Enforcement and the Building Department. Fortunately, no vandalism has occurred. The new owner, United Securities Bank, is currently getting bids to complete the construction of these houses.

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.

The landscaping has been completed and accepted and is currently being maintained by the City through Landscape and Lighting District No. 06-66 and 06-67.

Prior Council/Board Actions: Final Map and Landscape and Lighting District formation recording was approved at Council meeting of August 7, 2006.

Committee/Commission Review and Actions: The tentative subdivision map for The Country Club, Phase 2 was approved by Planning Commission on March 22, 2004.

Alternatives: N/A

Attachments: Disclosure statement and location sketch/vicinity map, landscape & lighting photos (before and after).

Recommended Motion (and Alternative Motions if expected):
I hereby authorize filing a Notice of Completion for The Country Club, Phase 2.

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:



Landscaping & Lighting District accepted 1/30/2009



Landscape & Lighting District not accepted 5/30/2008

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 7j

Agenda Item Wording: Request authorization to file a Notice of Completion for Silver Oaks, Unit No. 3, containing 85 single family lots, located at the southwest corner of Ferguson Avenue and Demaree Street.

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Norm Goldstrom, Associate Engineer - 713-4638,
Chris Young, Assistant Community Dev. Director – 713-4392

Department Recommendation:

City staff recommends that City Council give authorization to file a Notice of Completion for the Silver Oaks Unit #3 Subdivision.

Summary/background:

All the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Reynen & Bardis Communities, Inc. This developer has since declared bankruptcy and Land Value Management, Fresno, CA is the new owner. This new owner has submitted the required Ownership Disclosure statement and supplied a copy of the sales agreement with Reynen & Bardis. Reynen & Bardis Communities, Inc. originally submitted a maintenance bond in the amount of \$89,629.25 (bond remains in effect and is currently enforceable) as required by the Subdivision Map Act to guarantee the improvements against defects for one year. Completion of the improvements was made possible through funding from Land Value Management. No homes have been started in this phase of the development and houses in earlier phases of the subdivision have been completed. The Landscaping and Lighting District # L0516 for this subdivision was created together with the first phase of the tentative map. Therefore, no further resolutions or actions were necessary to annex this subdivision into its own landscaping & lighting district.

Prior Council/Board Actions: Final Map (and Landscape and Lighting District formation) recording was approved at Council meeting of August 21, 2006.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Committee/Commission Review and Actions: The tentative subdivision map for Silver Oaks, Unit No. 3 was approved by Planning Commission on September 07, 2004.

Alternatives: N/A

Attachments: Developer Disclosure Form
Vicinity Map.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for SILVER OAKS, UNIT NO. 3.

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:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 7k

Agenda Item Wording: Authorize the Recordation of the Final Map for Pinkham Ranch, located on the west side of Pinkham Street, approximately 200 feet south of Laura Avenue (18 lots), authorize the City Manager to execute the Subdivision Improvement Agreement, and authorize the formation of Landscape and Lighting District No. 09-01. (Resolution Nos. 2009-16 & 2009-17 required.) APN 126-320-046

Deadline for Action: N/A

Submitting Department: Community Development/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director - 713-4392
Jason Huckleberry, Associate Engineer - 713-4259

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for Pinkham Ranch containing (18) lots. The Pinkham Ranch residential subdivision is a land division of 4.31 acres located on the west side of Pinkham Ranch, across from the new Annie Mitchell Elementary School.

Improvement & Reimbursement Agreements for C.U.P. 2007-36

Staff recommends that City Council authorize the City Manager to execute the improvement agreement, thereby allowing the developer twelve (12) months to complete all required public works improvements including streets, sewer, and storm drain facilities. All bonds, cash payments, improvement agreement, and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$215,000 and Labor and Material Bond in the amount of \$215,000 3) cash payment of \$60,725.51 distributed to various accounts and 4) final parcel map.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public

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

City Mgr _____
(Initials Required)

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

improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

Landscape & Lighting for Pinkham Ranch

Staff recommends that the City Council adopt Resolution No. 2009-16 Initiating Proceedings for Formation of Assessment District No. 09-01, Pinkham Ranch; adopt the Engineer's Report as submitted; and adopt Resolution No. 2009-17 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets, street lights and any other applicable equipment or improvements. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent. This process waives the requirement for a public hearing since the owners of this development have given their written consent to form this district.

Prior Council/Board Actions: The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance the subdivision.

On September 7, 2004, Council approved the Street Maintenance Assessment Policy establishing guidelines and processes for placing street maintenance costs into assessment districts.

Committee/Commission Review and Actions:

On March 24, 2008, Planning Commission approved the Pinkham Ranch Tentative Parcel Map. The tentative map will expire on March 24, 2010.

Alternatives: N/A

Attachments: Location Map; Owner Disclosure; Final Map; Subdivision Improvement Agreement; Resolution Initiating Proceedings; Clerk's Certification; Resolution Ordering the Improvements; Exhibits "A", "B", "C", "D"

Recommended Motions (and Alternative Motions if expected):

“I hereby move to authorize the recordation of the Final Map for Pinkham Ranch, and to authorize the City Manager to execute the Subdivision Improvement Agreement.”

“I further move to adopt Resolution No. 09-16 Initiating Proceedings for Formation of Assessment District No. 09-01, Pinkham Ranch; adopt the Engineer’s Report as submitted; and adopt Resolution No. 09-17 confirming the Engineer’s Report, ordering the improvements and levying the annual assessments.”

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

RESOLUTION NO. 09-16

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 09-01
PINKHAM RANCH
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to form an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets, street lights and any other applicable equipment or improvements.
2. The proposed district shall be designated Assessment District No. 09-01, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 09-01, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Pinkham Ranch".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 09-01
PINKHAM RANCH
(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 09-01, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 20th day of April, 2009 by its Resolution No. 09-_____

This document is certified, and is filed with you, pursuant to Section 22641 of the Streets and Highways Code.

RESOLUTION NO. 09-17

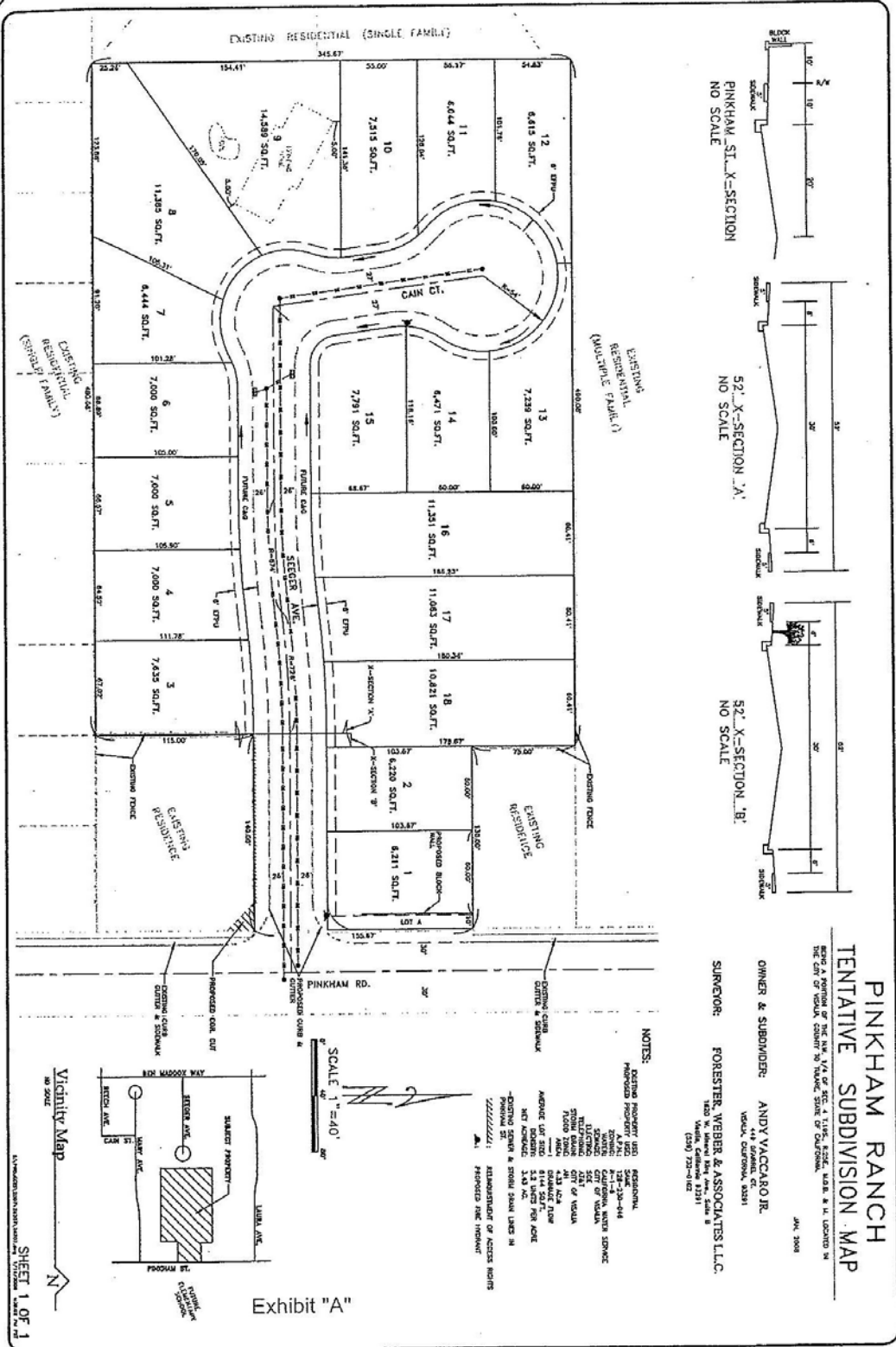
RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 09-01
PINKHAM RANCH
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 09-01, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2009-10.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape & Street Light Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"
Assessment Diagram
Assessment District No. 09-01
City of Visalia, Tulare County, California



PINKHAM ST. X-SECTION
 NO SCALE

52' X-SECTION 'A'
 NO SCALE

52' X-SECTION 'B'
 NO SCALE

PINKHAM RANCH
TENTATIVE SUBDIVISION MAP

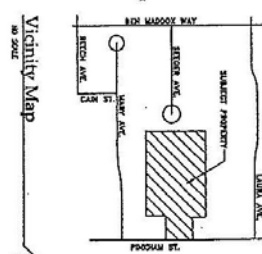
BEING A PORTION OF THE S.W. 1/4 OF SEC. 4 T.15N. R.22E. W.2E. & L.1. LOCATED IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA.

JAN. 2008

OWNER & SUBDIVIDER: **ANDY VACCARO JR.**
 444 SERRANO CT.
 VISALIA, CALIFORNIA, 93281

SURVEYOR: **FORESTER, WEBBER & ASSOCIATES L.L.C.**
 1820 NORTH CALIFORNIA AVENUE, SUITE 100
 VISALIA, CALIFORNIA 93281
 (559) 733-9142

NOTES:
 1. EXISTING PROPERTY USED FOR RESIDENTIAL PURPOSES.
 2. ALL LOTS: 128'-30"=144'
 3. WATER, SEWER, GAS, CALIFORNIA WATER SERVICE
 4. UTILITIES: ALL UTILITIES TO BE LOCATED IN THE CENTER OF EACH LOT.
 5. ALL LOTS TO BE 128'-30" WIDE.
 6. ALL LOTS TO BE 128'-30" DEEP.
 7. ALL LOTS TO BE 128'-30" WIDE.
 8. ALL LOTS TO BE 128'-30" DEEP.
 9. ALL LOTS TO BE 128'-30" WIDE.
 10. ALL LOTS TO BE 128'-30" DEEP.
 11. ALL LOTS TO BE 128'-30" WIDE.
 12. ALL LOTS TO BE 128'-30" DEEP.
 13. ALL LOTS TO BE 128'-30" WIDE.
 14. ALL LOTS TO BE 128'-30" DEEP.
 15. ALL LOTS TO BE 128'-30" WIDE.
 16. ALL LOTS TO BE 128'-30" DEEP.
 17. ALL LOTS TO BE 128'-30" WIDE.
 18. ALL LOTS TO BE 128'-30" DEEP.



SHEET 1 OF 1

Exhibit "B"

Landscape & Street Light Locations
Assessment District No. 09-01
City of Visalia, Tulare County, California

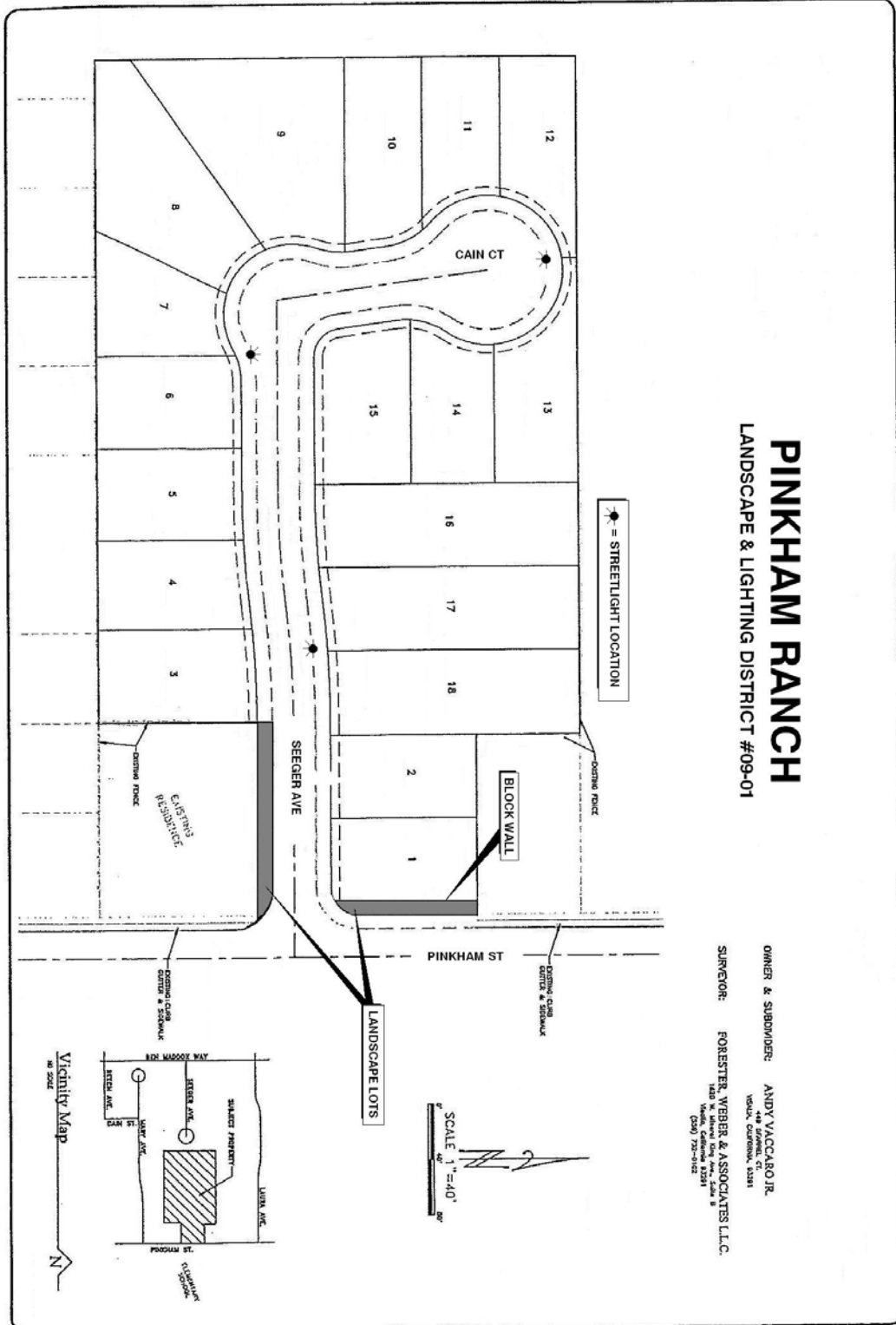


Exhibit "C"

Tax Roll Assessment
Assessment District No. 09-01
Pinkham Ranch
Fiscal Year 2009-10

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$232.99	09-0101	Pinkham Ranch
To Be Assigned	\$232.99	09-0102	Pinkham Ranch
To Be Assigned	\$232.99	09-0103	Pinkham Ranch
To Be Assigned	\$232.99	09-0104	Pinkham Ranch
To Be Assigned	\$232.99	09-0105	Pinkham Ranch
To Be Assigned	\$232.99	09-0106	Pinkham Ranch
To Be Assigned	\$232.99	09-0107	Pinkham Ranch
To Be Assigned	\$232.99	09-0108	Pinkham Ranch
To Be Assigned	\$232.99	09-0109	Pinkham Ranch
To Be Assigned	\$232.99	09-0110	Pinkham Ranch
To Be Assigned	\$232.99	09-0111	Pinkham Ranch
To Be Assigned	\$232.99	09-0112	Pinkham Ranch
To Be Assigned	\$232.99	09-0113	Pinkham Ranch
To Be Assigned	\$232.99	09-0114	Pinkham Ranch
To Be Assigned	\$232.99	09-0115	Pinkham Ranch
To Be Assigned	\$232.99	09-0116	Pinkham Ranch
To Be Assigned	\$232.99	09-0117	Pinkham Ranch
To Be Assigned	\$232.99	09-0118	Pinkham Ranch

Exhibit "D"

Engineer's Report
Assessment District No. 09-01
Pinkham Ranch
Fiscal Year 2009-10

General Description

This Assessment District (District) is located along the west side of Pinkham Street, on the north & south side of Seeger Avenue. Exhibit "A" is the Assessment Diagram for Assessment District 09-01. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets, street lights and any other applicable equipment or improvements. The maintenance of irrigation systems and block walls includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number of lots within the district is 18.

Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The lighting is to provide safety and visual impressions for the area. The block wall provides security, aesthetics, and sound suppression. The maintenance of the landscape areas, street lights and block walls is vital for the protection of both economic and humanistic values of the development. In order to preserve the values incorporated within developments, the City Council has determined that landscape areas, street lights and block walls should be included in a maintenance district to ensure satisfactory levels of maintenance. In order to preserve the values incorporated within developments and to concurrently have an adequate funding source for the maintenance of all internal local streets within the subdivision, the City Council has determined that all internal local streets should be included in a maintenance district to ensure satisfactory levels of maintenance.

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls and street lights. The lots not adjacent to landscape areas, block walls and street lights benefit by the uniform maintenance and overall appearance of the District.

Estimated Costs

The estimated costs to maintain the District includes the costs to maintain turf areas, shrub areas, irrigation systems, trees, block walls, street lights, pavement on local streets and any other applicable equipment or improvements. The regular preventive maintenance of pavement on local streets is based on the following schedule: Chip Seal on a 15 year cycle; Overlays on a 10 year cycle; Crack Seal on an 8 year cycle and Reclamite on a 6 year cycle.

Exhibit "D"

Engineer's Report
 Assessment District No. 09-01
 Pinkham Ranch
 Fiscal Year 2009-10

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	1,778	\$0.180	\$320.04
Shrub Area	Sq. Ft.	472	\$0.180	\$84.96
Water	Sq. Ft.	2,250	\$0.050	\$112.50
Electricity	Sq. Ft.	2,250	\$0.008	\$18.00
Trees In Landscape Lots	Each	10	\$25.00	\$250.00
Trees In Local Street Parkways	Each	18	\$25.00	\$450.00
Street Lights	Each	3	\$105.00	\$315.00
Chip Seal (15 year cycle)	Sq. Ft.	22,840	\$0.190	\$289.31
Crack Seal (8 year cycle)	Sq. Ft.	22,840	\$0.02933	\$83.75
Reclamite (6 year cycle)	Sq. Ft.	22,840	\$0.0211110	\$80.36
Overlays (10 year cycle)	Sq. Ft.	22,840	\$0.65	\$1,484.60
Project Management Costs	Lots	18	\$18.00	\$324.00
TOTAL				\$3,812.51
10% Reserve Fund				\$381.25
GRAND TOTAL				\$4,193.77
COST PER LOT				\$232.99

Annual Cost Increase

This assessment district shall be subject to a maximum annual assessment (A_{max}) for any given year "n" based on the following formula:

$$A_{max} \text{ for any given year "n"} = (\$4,193.77) (1.05)^{(n-1)}$$

where "n" equals the age of the assessment district with year one (1) being the year that the assessment district was formed;

The actual annual assessment for any given year will be based on the estimated cost of maintaining the improvements in the district plus any prior years' deficit and less any carryover. In no case shall the annual assessment be greater than maximum annual assessment as calculated by the formula above. The maximum annual increase for any given year shall be limited to 10% as long as the annual assessment does not exceed the maximum annual assessment as calculated by the formula above.

Exhibit "D"

Engineer's Report
Assessment District No. 09-01
Pinkham Ranch
Fiscal Year 2009-10

The reserve fund shall be maintained at a level of 10% of the estimated annual cost of maintaining the improvements in the district. If the reserve fund falls below 10%, then an amount will be calculated to restore the reserve fund to a level of 10%. This amount will be recognized as a deficit and applied to next year's annual assessment.

Example 1. The estimated year four cost of maintaining the improvements in the district is \$4,571.21 [a 9% increase over the base year estimated cost of \$4,193.77]. The maximum annual assessment for year four is \$4,854.81 [$A_{\max} = (\$4,193.77) (1.05)^{(4-1)}$]. The assessment will be set at \$4,571.21 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$4,738.96 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$4,193.77]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$94.78 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$4,854.81 [$A_{\max} = (\$4,193.77) (1.05)^{(4-1)}$]. The year four assessment will be set at \$4,738.96 plus the deficit amount of \$94.78 which equals \$4,833.74 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$4,571.21 [a 9% increase over the base year assessment of \$4,193.77] and damage occurred to the masonry wall raising the year five expenses to \$5,116.40 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$5,028.33 (a 10% increase over the previous year) and below the maximum annual assessment of \$5,097.55 [$A_{\max} = (\$4,193.77) (1.05)^{(5-1)}$]. The difference of \$88.07 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

Exhibit "D"

Engineer's Report
Assessment District No. 09-01
Pinkham Ranch
Fiscal Year 2009-10

I hereby certify that this report was prepared under my supervision and this report is based on information obtained from the improvement plans of the subject development.

Doug Damko
Senior Civil Engineer

RCE 59445

Date

City of Visalia Agenda Item Transmittal

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 8

Agenda Item Wording: Public Hearing of the 2009/10 Action Plan for the use of the Community Development Block Grant (CDBG) and HOME Investment Partnership Grant Funds (HOME) from the Federal Government through the Department of Housing and Urban Development (HUD); and

2nd Amendment to 2006/07 funding and 1st Amendment to the 2008/09 Action Plan

Deadline for Action: May 04, 2009; The final report is due to HUD on May 15, 2009.

Submitting Department: Housing & Economic Development

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director (4190), Rhonda Haynes, Housing Specialist (4460)

Department Recommendation: Staff recommends that after holding a public hearing, accepting public testimony and comments, the City Council:

- 1) Approve and adopt the proposed Annual Action Plan 2009/10 for the use of CDBG and HOME Program Funds;
- 2) Approve reallocation of the following:
 - a. Redirect \$300,000 HOME Investment Partnership Funds to Christian Church Homes of Northern California, increasing the City's contribution to the Sierra Meadows Senior Rental Housing Project at 1120 East Tulare Avenue from HOME funded 2006/07 & 2008/09 Housing Rehabilitation Program funding and 08/09 Program Income; and
 - b. Redirect \$30,000 CDBG funds for Consulting Services to prepare the 2010-2015 Consolidated Plan Strategic Plan, Market & Housing Analysis from CDBG 2008/09 Administration funding.
- 3) Approve Housing & Economic Development Staff's proposed amendments to the;
 - a. HOME- Housing Rehabilitation Program (HRP) guidelines; and
 - b. CDBG-Emergency Repair & Basic Need (ERBN) Program guidelines; and
 - c. CDBG- Mobile Home Senior Handicap & Repair Program (SHARP) guidelines
- 4) Authorize City Manager to make the appropriate budget adjustments; and;
- 5) Authorize the City Manager to make minor or technical changes to the program guidelines if needed to conform to grant requirements.

Background: HUD administers the CDBG and HOME programs which distribute federal funds to promote affordable housing, economic development and public improvement projects and programs to benefit low-income families and persons with special needs. HUD has designated the City of Visalia as an entitlement city by virtue of having a population exceeding 50,000 residents. This designation allows Visalia to receive CDBG and HOME Program funds

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.) 20 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.

annually. To receive the annual entitlement CDBG and HOME funds, the Action Plan must be adopted and submitted by May 15, 2009. The designated deadline has been established in order to approve the final Federal budget in October 2009 for the fiscal year 2009/10.

SUMMARY OF PROPOSED EXPENDITURES FOR 2009/10: This Public Hearing supports the proposed Action Plan for 2009/10 (See Exhibits A & B) and amendments to the 2006/07 and 2008/09 Action Plan. Notable items for the 09/10 proposed allocation of funding are highlighted as follows:

Code Enforcement: Due to the foreclosure crisis and abandonment of homes, there is a greater demand to place more emphasis on *Code Enforcement activities*. Therefore, a significantly higher budget is proposed in this area by *allocating \$200,000 in CDBG funds* to address code enforcement and substandard housing issues.

Mobile Home Senior Handicap Assistance and Repair Program: Additionally, staff have recommended a higher level of support for the *Mobile Home Senior Handicap Assistance and Repair Program* due to the aging of the coaches (many in excess of 40 years of age) and high demand for repairs by seniors who live on fixed incomes. Funds were allocated last year 2008/09 in the amount of \$70,000, with an additional \$60,000 reallocated from 2007/08 program income, totaling \$130,000 in CDBG funds to assist mobile home owners. The City has allocated a total of *\$95,000 in CDBG funds* to this program this year (2009/10).

Job Creation: *CDBG Funding* in the amount of *\$100,000* shall be set aside for attraction of job creating businesses to the City, and to provide Administrative/Staff support activities to assist new businesses and industries seeking to expand or locate to Visalia. Funds utilized may be through improvements or direct assistance to a new business, however, as a requirement for the use of funds, at least 51% of new jobs created will be made available to Low /Mod income persons or benefit the area.

Oval Park Area Improvements: Lastly, staff is proposing to set aside additional funds to support Oval Park improvements. The Caltrans Study is nearing completion and there will undoubtedly be need for additional resources in this area. The City contributed \$60,000 last year through the 2007/08 Action Plan and an additional \$20,000 from an Amendment completed in July 2008 for which funds are derived from the 2007/08 program year funding. With this year's proposed allocation of \$90,000, the total reserved for the Oval Park area would be \$170,000. Staff will continue to pursue additional funding sources including the recently approved Federal Stimulus funds which total \$322,000.

Council/ Community Input

The following information addresses the comments and/or concerns presented at the community meetings held March 26th, April 1st, 9th, and 13th, 2009, and the City Council Work Session held on April 06, 2009. Any additional comments received from the Council public hearing, April 20th will be included in the final report to HUD.

Public comment/concern from community meetings: Staff published a notice of four community meetings during the month of March and April. The key concerns received at the meetings were as follows:

- *Washington Residential Area Needs-Jefferson Park Lighting:* Concerns of residents of the Washington School area are directed to the lack of adequate lighting in the Jefferson Park area.

City Council Work Session comments:

During the City Council Work Session, Council Members commented and requested the following:

- *Oval Area future funding opportunities:* Council requested Staff to look for future funding/grant opportunities to address the needs of the Lincoln Oval Area.
- *Decrease of Program Income:* Council is concerned about the decrease of program income over a period of time.
- *Sierra Meadows Senior Housing Project.* Council has concerns relating to the project cost per unit. Council asked what energy and green building efforts are being utilized with the project.

Staff Response to public and Council comment/concern:

- ***Washington Residential Area- Jefferson Park:*** The question was recently raised in the Washington Area Committee meeting about possibly adding more street lighting around Jefferson Park. Staff discussed this with Engineering Staff. There appears to be only one existing pole that may be appropriate for adding a street light. When the actual cost of the work described above is obtained from Southern California Edison (SCE), staff will see if there are sufficient funds to pay for additional poles to be installed around the park. Staff is also checking into alternatives in the meantime.

Staff is currently working closely with SCE to install, turn and add additional lights to existing poles. The Street Light Authorization Requests were submitted to SCE on March 12th. SCE is currently working on engineering design. SCE intends to phase the work as follows:

1. Install 37 new street lights on existing poles.
2. Modify 8 existing street lights.
3. Install 2 new poles and street lights.

SCE plans to start installing street lights in June, and complete the work by September 2009.

- ***Oval Area:*** City Council also provided staff with the direction to identify future funding and the needs of the Oval Park Area. Staff will continue to look for future funding opportunities. In addition to leveraging approximately \$110,000 in CDBG funds, the City received a Cal Trans Grant to analyze the area as it relates to traffic, safety and lighting. Coordination with a local non-profit agency (Community Services and Employment Training) and a Consultant, community meetings were held at the Oval Park. Upon completing of the Cal Trans Grant analysis City Departments will address and assess recommendations provided by the community.
- ***Declining Program Income:*** With the elimination of interest for the City's rehabilitation programs, program income will decline over time, however Staff will continue to evaluate market and economic conditions including analysis of re-establishing interest to its rehabilitation programs. Much of the program income received is derived from loans paid in full, many of which are first time homebuyer participants. Additionally, when loans are paid in full.
- ***Sierra Meadows Project.*** With the estimated cost of construction reduced to \$9.4 million, the total development cost per unit is approximately \$220,300, however, this includes acquisition, design, construction, legal counsel, financial consulting, cost accounting, reports (soils, appraisals, environmental, etc), local impact fees, contingency, and developer fees as shown in Table III that follows on page six (6) below. Construction costs alone amount to \$164 per square foot, or \$129,700 per apartment unit, which is very competitive for federal prevailing wage rates in the current economic climate.

Within the Sierra Meadows Senior Housing Project, it will be the first Green Point Rated multifamily HUD project in the Central Valley. The project's sustainable design includes energy, water saving features, materials, where possible come from local sources and or recycled content, and indoor air quality features. More details pertaining to the green design are attached and included with Exhibit "C".

Future Amendments

Staff will be returning to Council with additional amendments to both, CDBG and HOME Investment Partnership Funds related to both the Stimulus package and CDBG project funding reallocations. In addition to the funding recommendations toward the Oval Park Area Improvements, additional funding or reallocation of funding will be taken into consideration in the amendment.

CDBG & HOME Action Plan Amendment:

The 2006/07 and 2008/09 Action Plan budgets were based upon anticipated Program Income, projects, programs and activities to be undertaken during the fiscal year. Staff has evaluated the success and the use of CDBG and HOME funds set aside or committed to projects and programs. Staff recommendation is to reallocate CDBG and HOME funds due to the actual program income received, in addition to reallocation of program funding as follows:

The following summary shows staff's proposed amendment to the previous years 2006/07 and current year 2008/09 Action Plan budgets, as shown in Table I, Proposed Action Plan Amendments.

PROPOSED 2008-09 ACTION PLAN AMENDMENT			
CDBG			
PROJECT (Increase)	CURRENT BALANCE	PROPOSED AMENDMENT	AMENDED PROJECT BALANCE
Consultant- Complete required Strategic Plan & Market Plan Analysis	-	30,000	30,000
	-		-
PROJECT (Decrease)			
Administration	232,898	(30,000)	202,898
NET CHANGE CDBG		-	
PROPOSED 2006-07 & 2008/09 ACTION PLAN AMENDMENTS			
PROJECT (Increase)	CURRENT BALANCE	PROPOSED AMENDMENT	AMENDED PROJECT BALANCE
Christian Church Homes- Sierra Meadows Senior Housing Project	-	300,000	300,000
PROJECT (Decrease)			
Program Income	21,210	(21,210)	-
Housing Rehabilitation (2006-07 funding)	60,000	(60,000)	-
Housing Rehabilitation (2008-09 funding)	218,790	(218,790)	-
NET CHANGE HOME		-	

CDBG Proposed Increases

Consultant- Consolidated Plan Strategic Planning (\$30,000):

The City will begin preparing the next 5 year (2010-2015) Consolidated Plan (ConPlan). The ConPlan is a document written by the City describing the housing needs of the low- and moderate-income residents, outlining strategies to meet the needs and listing all resources available to implement the strategies. This document is required to receive HUD (HOME & CDBG) funding.

To prepare for the next year which expands over the next 5 years, staff will prepare a Request for Proposals to contract with a Consultant to complete the necessary steps. This will occur over the next six months. The Consultant will consult with organizations such as assisted

housing, health and social service agencies to determine resources available to address the homeless; consult with the State and Local agencies regarding lead based paint; consult with organizations that provide housing and supportive services to special needs populations; organize community meetings, encouraging participation of local, regional and others including businesses, developers and community and faith based organizations. The consultant among many tasks will identify the estimated number, types of families with housing needs for a 5 year period. In their analysis they will determine severe cost and cost burdens, overcrowding, substandard housing with discussion of housing supply and demand, as well as condition and cost of housing. They will also describe public policies that may affect affordable housing. With the great deal of detail, market analysis and strategic planning required to complete the Consolidated Plan, in addition to obtaining current data, needs of the community identified for the next 5 year's goal, objectives and outcomes, Staff recommends allocating \$30,000 of CDBG funds for consulting services to complete these tasks and work closely with city staff.

CDBG Proposed Decrease

Administration (\$30,000): This will support Staff's proposed allocation for the consulting services required to prepare for the 2010-2015 ConPlan. The recommended funding would go toward retention of the consultant to complete the necessary analysis.

HOME Proposed Increases

Christian Church Homes- Sierra Meadows Senior Housing (\$300,000): In 2004, the City joined forces with Christian Church Home (CCH)/ Visalia Senior Housing to acquire land and develop 42 units of senior housing, the project "Sierra Meadows". The land was acquired and the developer pursued a Section 202 Grant for construction. The City played an instrumental role in the grant application process, which the award was announced in October 2007, in the amount of \$5,694,000 for the construction of the senior housing as well as contributing \$2.5 million dollars in HOME funds toward land acquisition and pre-development activities. The co-sponsor originally planned on utilizing both the Low-Income Housing Tax Credit program and bond financing to raise the remaining funds needed to complete the project but was unsuccessful in landing housing tax credits. However, with the economic downturn and diminished tax credit market investors, CCH investigated an alternate financing structure (without tax credits) that could advance the senior housing project forward with a projected start date this summer. Although CCH investigated other funding sources, including state, federal, foundation grants and many others, unfortunately the Section 202 does not allow the project to take on any hard debt, therefore CCH had only a few options available to fill the gap from the collapse of the tax credit market. CCH has completed the re-bidding of the project which lowered construction costs approximately 10%, and has agreed to reduce its developer fee by approximately \$500,000, the co-sponsor, Visalia Senior Housing, has pledged to raise \$115,000 in grant money and CCH is taking a request to HUD to amend their grant (Amend Section 202 Grant), leaving a gap of approximately \$300,000 in development impact fees. In order to request the HUD Amendment, CCH must provide proof of additional resources, such as the City's proposed contribution, AHP Grant and donations from VSH. If these funds are confirmed, HUD provides the remaining gap. CCH has requested an additional \$300,000 from the City of Visalia to fill the gap so that the project can successfully move forward. HUD requires a commitment from investors in order to consider a HUD Amendment. Shown below in Table II, are the funding Sources and Uses, and attached as Exhibit "C", Christian Church Homes' letter of request. The Assignment, Assumption, and Modification Agreement between CCH and City of Visalia is attached as Exhibit "D".

The City contribution represents 30% of the anticipated development cost of \$9.4 million dollars.

Table II			
Christian Church Homes- Visalia Senior Housing Project			
Budget as of 3/17/09		not secured	
SOURCES		USES	
HUD S. 202	5,693,800	Acquisition	1,335,000
Proposed HUD Amendment *	325,000	Construction	5,578,500
City HOME	2,500,000	Arch/Engineering	510,500
Proposed City Amendment*	300,000	Legal/Acctg/Misc Expenses	420,500
AHP Grant	420,000	Contingency	440,000
VSH Capital Campaign (donation money)	115,000	Development Impact Fees	344,300
PRAC Contract	98,000	Operating Reserve	98,000
Sponsor Equity	25,000	Developer Fee (8%)	750,000
	9,476,800		9,476,800
*City funds to pay local Development Impact fees			
		Gap	0
		Total Cost Per Unit	220,391
		Construction Cost/Sq Ft	164
		Construction Cost/unit	129,733

* HUD Section 202 Amendment request is actually \$860,000. If the City's proposed contribution, AHP Grant and VSH donations are confirmed, HUD Amendment will be reduced to \$325,000.

HOME Proposed Decrease

Program Income (\$21,210): This will support Staff's recommendation to reallocate funding toward the CCH Amendment required to move the project forward.

Housing Rehabilitation Program – 2006/07 Allocation (HOME- \$60,000): This program is contracted with Self Help Enterprises, Inc (SHE). SHE completed an existing participants' application, approving the loan and rehabilitation. Additionally, one new loan with 2006/07 program funds was recently approved and underway. Staff is recommending that the remaining \$60,000 be reallocated to the CCH Senior Housing Project in order to move the senior housing project forward.

Staff has discussed with SHE how to increase productivity and what program changes are needed to help the program become successful. We have recommended that the housing rehabilitation program remaining funds be reallocated and program guidelines be changed which will allow for preparation and utilization of the 2009/10 allocation upon approval by HUD, in September 2009. Staff has discussed this reduction with SHE.

Housing Rehabilitation Program – 2008/09 Allocation (HOME- \$218,790): Staff is recommending that the \$218,790 be reallocated to the CCH/Visalia Senior Housing- Sierra Meadows Senior Rental Development. Staff has discussed with SHE how to increase productivity and what program changes are needed to help the program become successful. We have recommended that the housing rehabilitation program remaining funds be reallocated and program guidelines be changed which will allow for preparation and utilization of the 2009/10 allocation upon approval by HUD, in September 2009. Staff has discussed this reduction with SHE.

Housing Program Recommended Changes:

As previously mentioned, City Staff met with SHE and identified policies that are proposed for amendment, which would allow and increase productivity for the Housing Rehabilitation Program, Emergency Repair & Basic Needs Program and the Senior Handicap and Repair Programs.

Staff's recommendations:

1. **HOME Funded, Housing Rehabilitation Program (HRP)**, beginning with the 2009/10 funding and upon approval, revisions to legal documents and program guidelines the following:
 - a. Reduce the interest rate from 2% to 0%; and
 - b. Change payment schedule (monthly) to a deferred loan for thirty (30) years, repayment due upon transfer of title, refinance or sale of property; and
 - c. Change underwriting criteria, eliminating debt to income ratios; this is not necessary since the loan is deferred; and
 - d. SHE will evaluate borrower's credit (payment) history to confirm that they are being and have been responsible with making payments during the last 12 months and that the property is not in foreclosure; and
 - e. If relocation is necessary, a maximum of \$3,000 per unit added to the loan to allow for temporary relocation costs.
2. **CDBG funded, Emergency Repair and Basic Needs Program (ERBN)**, beginning immediately upon approval, revisions to legal documents and program guidelines, including previous year funding the following:
 - a. Reduce the interest rate from 2% to 0%; and
 - b. Change underwriting criteria, eliminating debt to income ratios; and
 - c. SHE will evaluate borrower's credit (payment) history to confirm that they are being and have been responsible with making payments during the last 12 months and that the property is not in foreclosure; and
 - d. Continue policy, if the home is refinanced, sold or a transfer of title occurs, the loan is due and payable; and
 - e. If relocation is necessary, a maximum of \$3,000 per unit added to the loan to allow for temporary relocation costs; and
 - f. Expedite delivery or disbursement of funds
3. **CDBG funded, Senior Handicap and Repair Program (SHARP)**, beginning immediately upon approval, revisions to legal documents and program guidelines the following:
 - a. Rename program: Mobile Home Senior Handicap and Repair Program; to clarify the eligible participants; and
 - b. Continue City's procurement practice to solicit a minimum of three (3) contractor bids for the scope of work; and
 - c. If relocation is necessary, a maximum of \$1,000 per unit; and
 - d. If costs exceed the program maximum grant of \$5,000, may be considered on a case-by-case if the property warrants such improvements.

SHE has been administering the housing programs for approximately one year. SHE has aggressively promoted the Senior Handicap and Repair Program (SHARP) which has been successful. SHE and City Staff acknowledge that there were challenges with the Housing Rehabilitation and Emergency Repair Programs. Many families were removed from the interest list, due to title issues, liens on the property, high debt ratios, not interested or cancellations, the need for a full reconstruction, ownership of additional property. Some reasons were not a reflection of the programs success or failure. However, debt to income ratios, and interest rates, hinder the ability to repay the loan. With the economic conditions, unemployment in Visalia rising to 10.7% in February 2009, higher than the State of California at 10.1%, families are unable to take on additional debt or are taking precautions. Eliminating debt to income ratios and the interest charged on the loan principal will allow many homeowners to maintain their homes, decreasing blight and assisting in maintaining a stabilized neighborhood.

City's procurement policy is to obtain a minimum of three (3) contractor bids, however, with the SHARP Program it is difficult to obtain bids from contractors which have completed construction or rehabilitation specifically on mobile homes. Therefore, SHE will attempt to obtain the three (3) bids, soliciting as required, and shall document its attempts (date, company name, etc).

Prior Council/Board Actions: Council reviewed and commented on Draft Action Plan on April 6, 2009.

Committee/Commission Review and Actions: Washington Residents - meeting held on March 26, 2009; Citizens Advisory Committee- meeting held April 1, 2009; North Visalia Neighborhood Advisory Committee- meeting held on April 9, 2009; and Disability Advocacy Committee- meeting held on April 13, 2009 to review Draft 2009/10 Action Plan and 2nd Amendment to 2006/07 and 1st Amendment to the 2008/09 Action Plans.

Alternatives: None

Attachments: Exhibit "A"- Summary 2009/10 Action Plan

Exhibit "B"- Estimated 2009/10 Allocation (Objective & Outcome)

Exhibit "C", Christian Church Homes' letter of request; and Sierra Meadows and Sustainable Design

Exhibit "D", Assignment, Assumption, and Modification Agreement between Christian Church Homes and City of Visalia

Exhibit "E" -2009/10 Annual Action Plan Report

Recommended Motion (and Alternative Motions if expected): Move that the City Council: after holding a public hearing, accepting public testimony and comments, the City Council:

- 1) Approve and adopt the proposed Annual Action Plan 2009/10 for the use of CDBG and HOME Program Funds;
- 2) Approve reallocation of the following:

- a. Redirect \$300,000 HOME Investment Partnership Funds to Christian Church Homes of Northern California, increasing the City's contribution to the Sierra Meadows Senior Rental Housing Project at 1120 East Tulare Avenue from HOME funded 2006/07 & 2008/09 Housing Rehabilitation Program funding and 08/09 Program Income; and
- b. Redirect \$30,000 CDBG funds for Consulting Services to prepare the 2010-2015 Consolidated Plan Strategic Plan, Market & Housing Analysis from CDBG 2008/09 Administration funding.

- 3) Approve Housing & Economic Development Staff's proposed amendments to the:

- a. HOME – Housing Rehabilitation Program (HRP) guidelines; and
- b. CDBG – Emergency Repair & Basic Need (ERBN) Program guidelines; and
- c. CDBG- Mobile Home Senior Handicap & Repair Program (SHARP) guidelines.

- 4) Authorize City Manager to make the appropriate budget adjustments; and;
- 5) Authorize the City Manager to make minor or technical changes to the program guidelines if needed to conform to grant requirements.

Environmental Assessment Status

CEQA Review:

NEPA Review: to be completed upon adoption of the Final Action Plan

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) Certification forms to be authorized along with the Final Annual Action Plan Adoption and delivered to HUD by May 15, 2009.*

Copies of this report have been provided to:

EXHIBIT "A"
Summary of 2009/210 Action Plan

Exhibit "A"					
SUMMARY OF 2009/2010 ACTION PLAN					
		CDBG	HOME	TOTAL	UNITS
SOURCES OF REVENUE:					
1	Cash - Beginning Balance	1,185,000	490,000	1,675,000	
2	Annual Grant Amount			-	
3	HOME matching funds - RDA Low/Mod			-	
4	Program Income	200,000	400,000	600,000	
5	Interest Earnings/Investment Earnings			-	
6	TOTAL REVENUE	1,385,000	890,000	2,275,000	
7					
EXPENDITURES:					
9	Operating	68,900	7,100	76,000	
10	Redevelopment Allocation	131,500	25,800	157,300	
11	Direct Allocations	26,400	16,100	42,500	
12	Loan Servicing	6,000	-	6,000	
13	Subtotal Admin and Operating	232,800	49,000	281,800	
14					
15	Net for Programs and Projects	1,152,200	841,000	1,993,200	
16					
AFFORDABLE HOUSING:					
<u>Homeownership</u>					
19	FTHB (Contract w/CSET 6/3/09)		517,500	517,500	12
20	Property Acquisition (CHDO)		73,500	73,500	1
21	Housing Rehabilitation (contract w/SHE 6/30/10)		250,000	250,000	3
<u>Neighborhood Preservation/Services</u>					
23	Emergency Repairs and Basic Needs (contract w/SHE 6/30/10)	-		-	-
24	Code Enforcement- Target Areas	200,000		200,000	200
25	Fairhousing Hotline (contract w/TCHA 6/30/09)	34,500		34,500	120
27	HOMELESSNESS				
<u>Special Needs Facilities</u>					
	Continuum of Care	5,000		5,000	1
29	COMMUNITY DEVELOPMENT				
<u>Public Improvements</u>					
31	ADA Compliance Projects (Contract w/Sierra Range 6/30/09)	50,000		50,000	12
32	Oval Park Area Improvements	90,000		90,000	1
<u>Economic Development/Public Parking Facilities</u>					
34	West Parking Structure Loan Payment (Section 108 Loan)	486,700		486,700	1
35	Job Creation	100,000		100,000	2
<u>Public Park /Public Facilities</u>					
NON HOMELESS SPECIAL NEEDS HOUSING					
<u>Special Needs Services</u>					
39	Senior Home Minor Repairs (contract w/CSET 7/31/09)	91,000		91,000	620
40	Mobile Home Senior Repair & Handicapped Access (contract w/SHE 6/30/10)	95,000		95,000	14
41					
42	Subtotal Programs & Projects	1,152,200	841,000	1,993,200	
43					
44	TOTAL EXPENDITURES	1,385,000	890,000	2,275,000	
45					
REVENUE LESS EXPENDITURES					
47	Remaining to Carry Forward	-	-	-	

Exhibit "B"

2009/10 Allocations (Objective & Outcome)

Exhibit "B"					
2009-2010 Program Year CDBG and HOME Funding Allocation					
HOME Investment Partnership Funds (HOME) - Objective and expected Outcome					
Affordable Housing- HOME Funds	Investment	Percentage of Investment	Priority & Unit Goal		
Objective 1: Provide Decent Affordable Housing	\$ 841,000	100%	H		
1. Provide availability of affordable owner-occupied housing through (FTHB)		\$ 517,500	12		
2. Provide availability of affordable owner-occupied housing through acquisition (CHDO)		\$ 73,500	1		
3. Provide quality of owner-occupied housing through rehabilitation (HRP)		\$ 250,000	3		
Total HOME Allocations	\$ 841,000	100%			
Community Development Block Grant Funds (CDBG) -Objective and expected Outcome					
Affordable Housing- CDBG Funds	Investment	Percentage of Investment	Priority & Unit Goal		
Objective 1: Suitable Living Environment through Neighborhood Preservation and Services	\$ 234,500	20.35%	H		
1. Maintain quality housing by addressing substandard housing through (Code Enforcement Program)		\$ 200,000	200		
2. Maintain quality of owner-occupied housing through rehabilitation of substandard housing (ERBIN)					
3. Provide services for low-to -moderate income persons by providing (Fair Housing Education Program)- Public Service)		\$ 34,500	120		
Homelessness- CDBG Funds					
Objective 2: Suitable Living Environment by Supporting Special Needs Facilities	\$ 5,000.00	0.43%	H		
1. Increase accessibility to support facilities to end chronic homelessness (Continuum of Care/Homeless Project)		\$ 5,000	1		
Community Development- CDBG Funds					
Objective 3: Suitable Living Environment through Public Improvements	\$ 140,000	12.15%	H		
1. Increase availability of handicapped access benefiting population with special needs (Streets ADA Compliance)		\$ 50,000	12		
2. Improve quality and increase quantity of public improvements that benefit low-and moderate income residents. (Oval Park Area Improvements)		\$ 90,000	1		
Objective 4: Create Economic Development Opportunities and Community Development Opportunities (Parking Fac)	\$ 586,700	50.92%	H		
1. Demonstrate a commitment to long-term economic growth by promoting expansion and (job retention). - Section 108 Loan- West Acequia		\$ 486,700.00	1		
2. Demonstrate a commitment to long-term economic growth through job creation		\$ 100,000.00	2		
Objective 5: Suitable Living Environment through Community Development Opportunities (Public Services)	\$ -	0%	M		
Non Homeless Special Needs Housing- CDBG Funds					
Objective 6: Suitable Living Environment by Supporting Special Needs Services	\$ 186,000	16.14%	M		
1. Maintain quality of owner-occupied housing for elderly (Senior Home Repair Program)		\$ 91,000	620		
2. Increase accessibility and range of housing options for person with special needs (SHARP)		\$ 95,000	14		
Total CDBG Allocations	\$ 1,152,200	100%			

Exhibit "C"

Christian Church Homes' letter of request.



Christian Church Homes of Northern California

303 Hegenberger Road, Suite 201, Oakland, California 94621-1419
(510) 632-6712 www.cchnc.org Fax (510) 632-6755

February 2, 2009

Steve Salomon
City Manager
City of Visalia
425 E. Oak Avenue
Visalia, CA 93291

RE: Sierra Meadows Senior Apartments

Dear Mr. Salomon:

As a major supporter of the work of Visalia Senior Housing and Christian Church Homes of Northern California to bring more affordable senior housing to your community, we urgently request your attention to our newest addition to the senior housing stock in Visalia, Sierra Meadows. CCH asks for your support in helping us cover the costs of approximately \$300,000 in impact fees from the City's affordable housing fund.

Background

Sierra Meadows includes 43 new units of housing for Visalia's very low-income seniors via a mixed finance structure that includes a \$2.5 million HOME grant from the City, \$5.69 million from HUD's Section 202 program, and equity from the Low-Income Housing Tax Credit program. When we were first funded by HUD in November 2007, the tax credit market was strong and our budget projections included over \$2.8 million in equity from the 4% non-competitive tax credit program. However, over the last number of months, as the rest of the economy has plummeted, the tax credit market has nearly dried up. In a nutshell, the banks that used to invest in the tax credit market benefited both from the dollar for dollar tax credit savings received from nonprofit syndication and the earned CRA credits in the communities where the affordable housing was developed. As the economy recedes, these same banks do not have the high profit margins that once made the tax credit market desirable and therefore have little to no appetite for them. In fact, it is only in strong CRA communities (large metropolitan centers) that banks are willing to invest at all. This has placed a severe burden on the affordable housing developers, like CCH, who structured deals using the tax credit program. Given this rapidly changing and volatile economic climate, CCH is scrambling to save our projects already caught in the pipeline. Sierra Meadows is one of these projects.

Over the past year, we have worked very productively with the Community Development department to ensure our design development remains in compliance with the Conditional Use Permit, HOME program, and applicable building and accessibility codes. Now that this

Page 1 of 3

Quality Housing in Caring Communities Since 1961

important phase is buttoned up and the project is ready to go to bid, we turn all of our attention to finalizing the financing plan.

Traditionally, the HUD Section 202 program provided a sufficient per unit subsidy to build affordable senior housing with little to no other local, state, or federal support. The program is structured in such a way that it does not allow for conventional debt service from the operating budget. In fact, the development subsidy (Capital Advance) and the operating subsidy (Project Rental Assistance Contract) are separate, but paired, budgets. Over the past number of years, as construction costs rose and the available funding became more competitive, HUD relaxed the "no debt" rule by allowing developers to couple the Section 202 Capital Advance with the 4% Low-Income Housing Tax Credit program and tax-exempt bond financing. Under this structure, the project takes on a short term debt via a tax-exempt construction loan, which gets paid off at Certificate of Occupancy with the release of the Capital Advance and the yield from the tax credit syndication.

Until the last quarter of 2008, we had planned to use the tax credit program to help fund Sierra Meadows. However, upon formally inquiring with potential tax credit investors in November, we quickly found that interest in this project had diminished. Our financial consultant, Community Economics, reached out to eight possible investors, all of whom indicated they had no interest immediately, and would let us know in the second quarter of 2009 if that position had changed. To date, it has not. Given that the economy has no hope of making a quick recovery, and that any funds from the Obama Administration's economic stimulus package will not likely flow for at least 18 months, we set about the task of researching an alternate financing structure (without tax credits) that could move Sierra Meadows along the projected schedule to a construction start in summer 2009. We entertained a large host of additional sources of money, including Mental Health Services Act funds, foundation grants, reduced/deferred developer fee, value engineering, Federal Home Loan Bank Affordable Housing Program, CDBG funds, CalHFA, HCD, HUD Amendment funds, and stimulus package funds. Because the Section 202 program requirements do not allow the project to take on any hard debt, we were left with only a handful of viable options to fill the void left from the collapse of the tax credit market.

The Alternate Plan

Under the original plan, coupled with construction pricing based on schematic drawings, the tax credit program was expected to bring approximately \$2.8 million to the project. However, the fees associated with this financing structure, including the use of a tax-exempt bond construction loan, amounted to almost \$1 million. Therefore, without changing any of the other project costs, removal of this program creates a \$1.8 million gap. Most immediately, CCH agreed to reduce the developer fee to \$750,000, approximately \$500,000 in cost savings. In addition, our project co-sponsor, Visalia Senior Housing, has pledged to raise \$120,000 in grant money. CCH will go back to HUD to ask for Amendment funds, allowable up to 270% of the maximum cost limits (HUD's high cost factor for California). Given the current state of the economy, we are very hopeful that the bid will come in lower than expected, which saves the project from having to value engineer out basic amenities of an already slim HUD budget. Finally, with the support of the City to cover approximately \$300,000 in development impact fees, we will be able to successfully close the gap. The following chart outlines this alternate plan.

SOURCES		USES	
HUD Section 202	5,693,800	Acquisition	1,335,000
HUD Amendment Funds	711,750	Construction	6,209,600
City HOME	2,500,000	Arch/Engineering	510,500
City Impact Fee Funds	300,000	Legal/Acctg/Misc Expenses	298,000
AHP Grant	344,000	Contingency	440,000
VSH Capital Campaign	120,000	Development Impact Fees	344,300
PRAC Contract	98,000	Operating Reserve	98,000
Sponsor Equity	50,000	Developer Fee (8%)	750,000
TOTAL	\$9,817,550	TOTAL	\$9,985,400
		GAP (value engineering)	167,850

We are hopeful that this alternate plan will prove viable. However, we still have to approach HUD with this proposal to save the project. We plan to meet with HUD's San Francisco Multifamily HUB Supervisor next week to verify our assumptions. Once that hurdle is overcome, we can set the ball in motion to move forward with this financing structure and get the project under construction this coming summer. We are hopeful the City will be able to lend its support of at least \$300,000 as proposed. If HUD does not agree to this structure and the commitment to additional funds for the project, we will have to put the project on hold until the tax credit market proves equitable again.

Once again, we appreciate the City's continued commitment to increasing the affordable housing supply in Visalia, with specific emphasis on the very low-income senior project we have been involved with. We encourage you to speak further about this proposal with your staff, Ricardo Noguera and Rhonda Haynes, whom we have already met with regarding this matter. Additionally, if you have any follow-up questions or concerns, please do not hesitate to contact me directly at 510.746.4104.

Sincerely,



Don Stump
President/CEO

CC: Kathleen Mertz, Project Manager
Ricardo Noguera, Housing and Economic Development Director
Rhonda Haynes, Housing Specialist

Sierra Meadows and Sustainable Design

SIERRA MEADOWS AND SUSTAINABLE DESIGN

For Sierra Meadows, Mayers Architecture was instructed by CCH to significantly increase the sustainable design profile over previous CCH projects. This has been accomplished within budget via a number of design solutions:

Energy: Sierra Meadows combines careful planning, state-of-the-art equipment and controls, a high quality building envelope, and passive daylighting/heating/cooling features to achieve an **energy performance rating that is 30% better than the minimum California Energy Standards.** This is a significant improvement over past projects, and on par with “green” projects costing far more. Further, this number does not take into consideration major additional savings when the building is operating in passive mode.

On moderate days, the lobby and corridors will be conditioned through passive means. A daylighting/cooling “tower” sits atop the ground floor lobby and second floor elevator lobby, connected through an opening in the floor. The operation of the “tower” is explained in the diagram above right. This passive system reduces the time needed for the active HVAC system to be engaged, saving energy. The picture below right is a view from our computer model of the building, looking up from the lobby into the cooling tower.

On hot and cold days, the active heating and cooling system uses state-of-the-art variable refrigerant volume heat pumps for heating and cooling in the common areas and manager’s unit, and economical through-the-wall heat pumps for the living units.

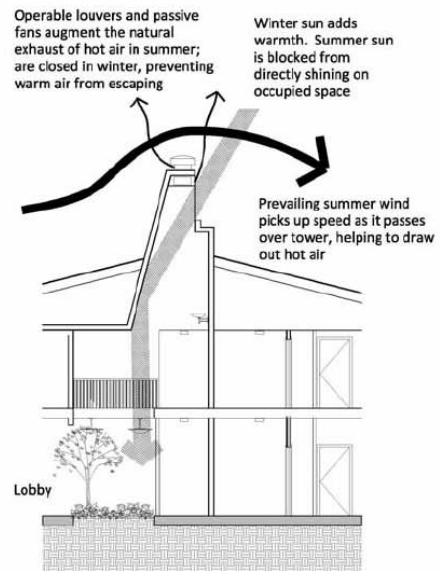
The design minimizes west-facing glazing (only 32 of 169 windows), reducing heat gain during peak rate hours. Deciduous trees opposite these west-facing windows provide summer shade. South-facing windows are shaded by deep eaves and awnings, reducing heat gain during the summer, but allowing low winter sun to enter. Light-colored shingles and an attic radiant barrier help reflect heat away.

Additionally, all appliances and lighting fixtures are Energy Star rated. Sensors in the daylit areas will turn off lighting when not needed.

Water: Plumbing fixtures conserve water, designed to efficiently provide low-flow without the need for additional constrictors. Landscaping contains low-water and native plants. Irrigation is on automatic controllers, set to operate at the most efficient times.

Materials: Life-cycle costs, which includes maintenance and replacement costs, have been considered in the choice of materials. Where possible, materials from local sources and/or recycled content have been chosen. For example, exterior materials are a combination of integrally colored plaster cement stucco and cementitious paneling and trim. Both are extremely long-lived. The stucco requires no painting; the cementitious paneling requires far less repainting than wood siding. Both are also non-combustible, adding to the fire safety of the project.

Indoor Air Quality: Interior finishes, including paints, coatings, and adhesives, are low or no-VOC (volatile organic compound) rating. Kitchens and bathrooms are fully vented, with the bathroom fans on a delay timer that keeps the fan on for 30 minutes after the light fixture is switched off. This exhausts moisture and reduces mold growth.



M A Y E R S A R C H I T E C T U R E

5132 CORONADO AVE ■ OAKLAND, CA 94618 ■ 510 520 2720 ■ info@mayersarch.com

Assignment, Assumption, and Modification Agreement
between Christian Church Homes and City of Visalia

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Visalia
707 W. Acequia
Visalia, California 93291
Attention: City Manager

No fee for recording pursuant to
Government Code Section 27383

**ASSIGNMENT, ASSUMPTION, AND MODIFICATION AGREEMENT
(City HOME Loan)**

This Assignment, Assumption, and Modification Agreement ("Agreement") is entered into as of March 26, 2009, by and among the City of Visalia, a municipal corporation (the "City"), The Christian Church Homes of Northern California, a California nonprofit public benefit corporation ("CCHNC"), and CCHNC Visalia Senior Housing Corporation, a California nonprofit public benefit corporation (the "Assignee"). The City, CCHNC, and the Assignee shall collectively be referred to as the "Parties."

RECITALS

A. CCHNC owns that certain parcel of land located in Visalia, California more particularly described in Exhibit A attached hereto (the "Land").

B. CCHNC will convey the Land to the Assignee and the Assignee will construct, own and operate a multifamily housing project for low-income seniors.

C. The City and CCHNC entered into that certain loan agreement dated April 17, 2006 (the "City HOME Loan Agreement"), pursuant to which the City made a loan of Home Investment Assignees Act ("HOME") funds to CCHNC in the principal amount of Two Million Five Hundred Thousand Dollars (\$2,500,000). The City HOME Loan is evidenced by that certain promissory note dated April 17, 2006, executed by CCHNC in favor of the City (the "City HOME Note") and secured by that certain deed of trust dated as of January 23, 2007 (the "City HOME Deed of Trust"), and recorded on January 30, 2007, as instrument number 2007-0010089 in the Official Records of the County of Tulare (the "Official Records"). The City and CCHNC also entered into an affordability agreement recorded on January 30, 2007, as instrument number 2007-0010088 in the Official Records (the "City HOME Regulatory Agreement") (collectively, the "City HOME Loan Documents").

D. CCHNC desires to assign all of its rights, title and obligations under the City HOME Loan Documents to the Assignee, and the Assignee desires to assume all of CCHNC's rights, title and obligations under the City HOME Loan Documents from CCHNC. The City desires to consent to the assignment and assumption of CCHNC's rights and obligations under the City HOME Loan Documents from CCHNC to the Assignee.

E. The City and the Assignee desire to modify certain provisions of the City HOME Loan Agreement, pursuant to the terms of this Agreement and to further modify the City HOME Loan Agreement by incorporating the terms set forth in the letter agreement dated July 15, 2008 and attached to this Agreement as Exhibit B, as more particularly described herein (the "Letter Agreement").

NOW THEREFORE, in consideration of the foregoing, of the mutual promises of the parties hereto and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties mutually agree as follows:

Section 1. Assignment by CCHNC. CCHNC hereby assigns to the Assignee all of CCHNC's rights, title, and interests in and obligations under the City HOME Loan Documents.

Section 2. Acceptance of Assignment and Assumption by the Assignee. The Assignee accepts the above assignment of CCHNC's right, title and interest in, assumes all of CCHNC's obligations under the City HOME Loan Documents, and agrees to perform all of CCHNC's obligations and covenants under the City HOME Loan Documents as if the Assignee were the original signatory thereto. All references in the City HOME Loan Documents to CCHNC shall henceforth be deemed to be references to the Assignee.

Section 3. Representations. CCHNC represents and warrants that it has not previously assigned, pledged, hypothecated or otherwise transferred any of its rights under the City HOME Loan Documents.

Section 4. City Consent. The City hereby consents to the assignment to, and assumption of CCHNC's rights and obligations under the City HOME Loan Documents by the Assignee.

Section 5. Modification of the City HOME Loan Agreement.

(a) The HOME Loan Agreement is hereby amended as set forth in the Letter Agreement, with the exception of Section 3.8 of the HOME Loan Agreement, which shall not be amended as set forth in the Letter Agreement.

Section 6. Increase of City Loan/Modification of City HOME Loan Documents.

(a) The City Loan is hereby increased by the amount of Three Hundred Thousand Dollars (\$300,000), bringing the total amount of the City Loan to the amount of Two Million Eight Hundred Thousand Dollars (\$2,800,000).

(b) The City HOME Loan Documents are hereby amended to reflect the increased amount of the City Loan.

(c) Section 3.5 (a) of the HOME Loan Agreement is hereby amended to add the requirement that upon completion of construction of the project and HUD approval of the

cost certification, any excess development proceeds shall be paid to the City to reduce the outstanding balance of the City HOME Loan. For the purposes of this provision, "excess developer proceeds" shall be defined as the total amount of development proceeds in excess of the total development costs, if any.

(d) The City HOME Loan Documents are hereby amended to incorporate the terms of the HUD-Required Provisions Rider attached hereto as Exhibit C.

Section 7. Legal Description of Property.

(a) The legal description of the Land attached to the City HOME Loan Agreement, the City HOME Deed of Trust and City HOME Regulatory Agreement inadvertently included property located adjacent to the Land, and, as a result, the City HOME Deed of Trust and City HOME Regulatory Agreement were recorded against the adjacent property.

(b) The City HOME Loan Agreement, the City HOME Deed of Trust and the City HOME Regulatory Agreement are hereby amended to provide that the legal description therein shall be as described in Exhibit A attached hereto.

Section 8. Effective Date. This Agreement and the assignment, assumption and release described in this Agreement shall be effective as of the date first set forth above.

Section 9. Attorneys' Fees Enforcement. If any attorney is engaged by any party hereto to enforce or defend any provision of this Agreement, the prevailing party or parties shall be entitled to costs and reasonable attorneys' fees.

Section 10. California Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of California.

Section 11. Invalidity. Any provision of the Agreement which is determined by a court to be invalid or unenforceable shall be deemed severed herefrom, and the remaining provisions shall remain in full force and effect as if the invalid or unenforceable provision had not been a part hereof.

Section 12. Headings. The headings used in this Agreement are for convenience only and shall be disregarded in interpreting the substantive provisions of this Agreement.

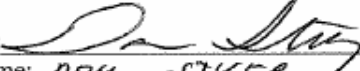
Section 13. Counterparts. This Agreement may be signed in counterparts, each of which shall constitute one and the same instrument.

SIGNATURES FOLLOW ON NEXT PAGE

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

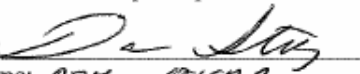
CCHNC:

The Christian Church Homes of Northern California, a
California nonprofit public benefit corporation

By: 
Name: DON STUMP
Its: PRESIDENT / CEO

ASSIGNEE:

CCHNC VISALIA SENIOR HOUSING CORPORATION,
a California nonprofit public benefit corporation

By: 
Name: DON STUMP
Its: EXECUTIVE DIRECTOR

CITY:

CITY OF VISALIA, a municipal corporation

By: _____
Name: _____
Its: _____

SIGNATURES MUST BE NOTARIZED

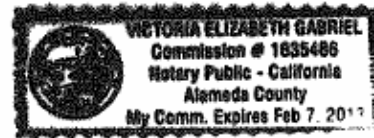
State of California)

County of Alameda)

On 3/26, 2009, before me, Victoria Elizabeth Gabriel, Notary Public, personally appeared Donald Stump, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Victoria Elizabeth Gabriel (Seal)

State of California)

County of _____)

On _____, 2009, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

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LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA.

EXCEPTING THEREFROM THE EAST 60 FEET THEREOF CONVEYED TO SOUTHERN PACIFIC RAILROAD COMPANY, A CORPORATION, BY DEED DATED JUNE 7, 1898, RECORDED IN BOOK 87, PAGE 336 OF DEEDS.

ALSO EXCEPTING THEREFROM THE WEST 150 FEET THEREOF CONVEYED TO G. WALLACE GROSS AND ESTHER A. GROSS, HIS WIFE, BY DEED DATED MAY 12, 1941 AND RECORDED MAY 14, 1941 IN BOOK 941 PAGE 435 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO SOUTHERN PACIFIC RAILROAD COMPANY, A CORPORATION BY DEED DATED DECEMBER 26, 1922, RECORDED IN BOOK 314 PAGE 421 OF DEEDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SOUTHERN PACIFIC RAILROAD COMPANY, SAID POINT OF BEGINNING BEARING SOUTH 89° 48.5' WEST 60 FEET AND SOUTH 0° 48' EAST 1312.45 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 32; THENCE ON AND ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 0° 48' EAST, 656.2 FEET TO A POINT; THENCE SOUTH 89° 46' WEST 598 FEET TO A POINT; THENCE NORTH 0° 47' WEST, 656.4 FEET TO A POINT; THENCE NORTH 89° 47' EAST, 597.8 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO SOUTHERN PACIFIC RAILROAD COMPANY, A CORPORATION, BY DEED DATED MAY 19, 1923, RECORDED IN BOOK 21, PAGE 416 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER SECTION CORNER OF SAID SECTION 32; THENCE SOUTH 89° 45' 30" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32; A DISTANCE OF 60.00 FEET TO A POINT IN THE WEST LINE OF SOUTHERN PACIFIC RAILROAD COMPANY RIGHT OF WAY, BEING A POINT OF BEGINNING OF PARCEL OF LAND TO BE DESCRIBED; THENCE CONTINUING SOUTH 89° 45' 30" WEST ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 145.00 FEET TO A POINT; THENCE NORTH 0° 48' WEST, PARALLEL TO AND 205.00 FEET AT RIGHT ANGLES WEST FROM THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 280.00 FEET TO A POINT; THENCE NORTH 50° 45' 30" WEST A DISTANCE OF 591.7 FEET TO A POINT IN SOUTHERN PACIFIC RAILROAD COMPANY'S SOUTHERLY PROPERTY LINE; THENCE NORTH 89° 46' EAST, ALONG SAID SOUTHERLY PROPERTY LINE A DISTANCE OF 598.00 FEET TO A POINT; THENCE SOUTH 0° 48' WEST, ALONG SAID WEST LINE OF SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY, A DISTANCE OF 656.2 FEET TO THE POINT OF BEGINNING.

APN: 097-160-012

EXHIBIT B
LETTER AGREEMENT

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Christian Church Homes of Northern California

303 Hegenberger Road, Suite 201, Oakland, California 94621-1419
(510) 632-6712 www.cchnc.org Fax (510) 632-6755

July 15, 2008

City Manager
City of the City of Visalia
707 W. Acequia Avenue
Visalia, CA 93291

RE: Amendment to Loan Agreement Between the City of Visalia and The Christian Church Homes of Northern California, a California Non-Profit Corporation for Visalia Senior Housing III, aka Sierra Meadows

Dear City Manager:

I am writing to advise you of the following updates to the Loan Agreement between the City of Visalia and Christian Church Homes ("Agreement"), executed April 17, 2006, for the use of City HOME Grant Funds for the senior housing project located at 1120 E. Tulare Avenue, Visalia, CA. These revisions will bring the Agreement up to date with the agreed upon terms and conditions of the project.

1. Section 1.2, Exhibits. Exhibit A was never included with this document. The attached Exhibit A Sources and Uses Budget is now incorporated.
2. Section 3.8. Assumption. Because the Borrower intends to use tax credit equity to supplement the City's funds and use of such funds requires that the ownership entity be a limited partnership, the second sentence is revised to read: "The City Note shall be assumable by a) a nonprofit public benefit corporation recognized by the Internal Revenue Service to be an exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, and controlled by the Borrower, or b) a limited partnership, the general partner of which is a nonprofit public benefit corporation described in subparagraph (a) of this provision; provided that prior to the Transfer, the Borrower provides to the City the articles of incorporation and bylaws of the corporation and the partnership agreement of the limited partnership, and other documentation establishing to the City's reasonable satisfaction that such transferee is controlled by the Borrower, and provided that the assuming the City Note executes and records in the Records of the County of Tulare such instrument(s) as the City deems necessary or appropriate to evidence such assumption."
3. Section 4.4, Commencement of Construction. This section is revised to read: "The Borrower shall submit site plans and construction and building plans within two years of closing escrow on the property purchased for the Project. The City, in its sole

Letter Amendment to HOME Loan Agreement
Page 1 of 2

Quality Housing in Caring Communities Since 1961

discretion, may extend the period for submission of site plans by an additional one year period. Borrower shall commence construction of the Project in accordance with approved building plans within the time set forth in the construction contract."

Because this transaction is now mixed finance, capital advance upon completion, HUD approval of the construction contract is no longer required.


4. Section 4.5, Completion of Acquisition and Construction. Delete "approved by HUD", for the same reason listed above.
5. Section 4.9, The Project. This section is revised to read: "Borrower shall, with the completion of construction, make available affordable rental housing consisting of at least forty-two (42) units, to senior citizens of very low- or low-income."
6. Section 9.1, Notices, Demands and Communications:
Borrower should be identified as "Christian Church Homes of Northern California, a California nonprofit public benefit corporation," attention: Don Stump, with a copy to: Goldfarb & Lipman, LLP, 1300 Clay Street, 9th Floor, Oakland, CA 94612, attention: Robert C. Mills.

These revisions are the only changes to the original Agreement. The entire remainder of the Agreement remains in full force.

Signed and Agreed:

BORROWER:

Christian Church Homes of Northern California

By: 

Dated: 7-15-08

Its: PRESIDENT

CITY:

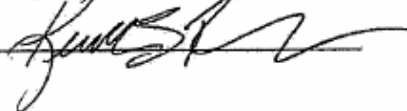
City of the City of Visalia

By: 

Dated: 7-30-08

Its: City Manager

City of Visalia City Attorney



Date: 7-21-08

Letter Amendment to HOME Loan Agreement
Page 2 of 2

EXHIBIT A: BUDGET

Sierra Meadows

TOTAL DEVELOPMENT BUDGET	
SOURCES	
HUD 202 Capital Advance	\$5,693,800
HOME Funds (City)	\$2,500,000
Tax Credit Equity	\$2,898,200
Sponsor Equity	\$25,000
General Partner Equity	\$453,500
Southern CA Edison Incentive Program	\$20,000
Total Sources	\$11,590,500
USES	
Acquisition Costs	\$1,330,000
Construction Costs	\$6,613,860
Development Costs	\$3,646,640
Total Costs	\$11,590,500

Acquisition:		
	Land and Improvements	\$1,320,000
	Other	\$10,000
Construction:		
	Hard Costs	\$4,632,850
	Site Work	\$550,000
	Off-site Work	\$50,000
	Environmental Remediation	\$70,000
	General Requirements	\$256,640
	Contractor Overhead	\$92,750
	Contractor Profit	\$231,620
	Construction Contingency	\$600,000
	Other	\$130,000
Development Cost:		
	Soft Costs	\$1,941,490
	Reports	\$55,500
	Reserves/Contingency	\$561,280
	Developer Fee	\$1,028,370
	Other	\$60,000

EXHIBIT C

HUD-REQUIRED PROVISIONS RIDER

This HUD-Required Provisions Rider (the "Rider") is attached to and made a part of that certain Assignment, Assumption, and Modification Agreement (the "Assignment and Modification"), which assigns to CCHNC Visalia Senior Housing Corporation, a California nonprofit public benefit corporation, its successors and assigns (the "Borrower") that certain Loan Agreement dated April 17, 2006 between the Christian Church Homes of Northern California ("CCHNC") and the City of Visalia (the "Lender") (the "Loan Agreement"), that certain Promissory Note dated April 17, 2006 from CCHNC to Lender (the "Lender Note"), that certain Regulatory Agreement dated as of January 23, 2007 between CCHNC and Lender (the "Lender Regulatory Agreement"), and that certain Deed of Trust and Security Agreement dated as of January 23, 2007 by CCHNC (the "Lender Deed of Trust"), and which amends the Loan Agreement, Lender Note, Lender Regulatory Agreement and Lender Deed of Trust (collectively, and together with the Assignment and Modification, the "Lender Documents"), relating to the property commonly known as Visalia Senior Housing (herein "the Development"). In the event of any conflict, inconsistency or ambiguity between the provisions of this Rider and the provisions of the Lender Documents, the provisions of this Rider shall control. All capitalized terms used herein and not otherwise defined herein shall have the meaning given to such terms in the Lender Documents. As used in this Rider, the term "HUD Documents" shall mean the following documents relating to the HUD Section 202 Capital Advance for the Development, HUD Project No.121-EE199:

- A. Deed of Trust on the Property from Borrower to HUD (the "HUD Deed of Trust");
 - B. Regulatory Agreement between Borrower and HUD recorded against the Property ("HUD Regulatory Agreement");
 - C. Capital Advance Program Use Agreement between Borrower and HUD recorded concurrently herewith (the "HUD Use Agreement"), incorporated by reference in the HUD Deed of Trust;
 - D. HUD Security Agreement between Borrower and HUD (the "HUD Security Agreement"); and
 - E. HUD Project Rental Assistance Contract (the "PRAC").
1. Term of Rider. Notwithstanding anything else in this Rider to the contrary, the provisions of this Rider shall be and remain in effect only so long as the HUD Documents, or any of them, are in effect; thereafter, this Rider and its requirements shall be deemed no longer in effect.

56635659399.1

2. Subordination. The covenants contained in the Lender Documents, shall be subordinate to the rights of HUD under the HUD Documents, and to the HUD rules and regulations pertaining thereto; and furthermore, the Lender Documents shall not be enforceable against the HUD Secretary, his or her successors and assigns, should the HUD Secretary acquire title to the Property by power of sale, foreclosure, or by deed in lieu of foreclosure. In addition, so long as the HUD Documents are in effect, in the event that there are any conflicts between the terms and conditions in the Lender Documents and the terms and conditions of the HUD Documents and HUD rules and regulations pertaining thereto, the HUD Documents and HUD rules and regulations shall prevail. No default may be declared under the Lender Documents without HUD prior written consent.
3. HUD Rules. During the time period in which Section 202 or the PRAC regulations apply to the Development, rents approved by HUD pursuant to the Section 202 program and the PRAC shall be deemed to be in compliance with the Lender Regulatory Agreement, and compliance by the Developer with the Section 202 Regulations and the PRAC with respect to continued occupancy by households whose incomes exceed the eligible income limitations of the Lender Regulatory Agreement, or other matters set forth in the Lender Regulatory Agreement, shall be deemed to be compliance with the requirements of the Lender Documents. Nothing in the Lender Documents shall in any way limit, interfere or conflict with the rights of HUD with respect to the management, operation or occupancy of the Development; nor can the Lender Documents in any way jeopardize the continued operation of the project on terms at least as favorable to existing as well as future tenants.
4. Lender Loan Disbursement. Upon continued satisfaction of the conditions precedent to loan disbursement set forth in the Lender Loan Agreement, the Lender shall disburse the Lender Loan proceeds to Borrower from time to time following approval by the Lender and HUD of Borrower's requisitions in accordance with the HUD Documents. HUD approval of a requisition shall be deemed Lender approval, provided that the requisition conforms to the use of Lender Loan funds shown in the Financing Plan approved by the Lender. The Lender agrees that the uses of Lender Loan funds shown in the Financing Plan are eligible uses. Requisitions not requiring HUD approval shall be submitted only to the Lender for approval and disbursement pursuant to the Lender Loan Agreement.
5. Residual Receipts. Any whole or partial repayment of the principal and any other payments as set forth in the Lender Documents shall be made only from Residual Receipts (as defined in the HUD Documents), and then only after obtaining the prior written approval of HUD, or from the Borrower's own funds.
6. Indemnification. Enforcement by the Lender of any indemnification provisions in the Lender Documents will not and shall not result in any monetary claim against the Development, the HUD Capital Advance proceeds, any reserve or deposit required by HUD in connection with the HUD Capital Advance, or the rents or other income from the Development other than residual receipts authorized for release by HUD, without the prior written consent of HUD, but Lender shall have the right to add any amounts due the Lender pursuant to indemnification provisions in the Lender Documents to the principal

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amount of the Loan and the Note and interest shall accrue thereon commencing on the date indemnification payments are due.

7. Transfer. Approval by HUD of a Transfer of Physical Assets (as defined in Handbook 4350-1 Rev-1) ("TPA") shall constitute approval of the transfer by the Lender and the Borrower shall deliver to the Lender, at the same time as its delivery to HUD, any application for HUD's approval of a proposed transfer. Also, the Borrower shall require the transferee to expressly assume the Borrower's obligations under the Lender Documents; provided, however, HUD shall not be required to enforce the requirements of this sentence and if Borrower and any transferee fail to include such assumption in transfer documents, such failure shall not affect the validity of the transfer. The Lender shall have the right to specifically enforce the requirement that any transferee assume the Borrower's obligations under the Lender Documents. In the absence of such written assumption, no transfer shall be deemed to relieve the transferor from any obligations under the Lender Documents.
8. Default under Lender Documents. The Lender shall not declare a default under the Lender Documents unless it has received the prior written approval of HUD, and the Lender's right to accelerate the Lender Note during the term of the HUD Documents shall be enforceable only with the prior written approval of HUD.
9. Receiver. The Lender, for itself, its successors and assigns further covenants and agrees that in the event of the appointment of a receiver in any action by the Lender, its successors or assigns, to foreclose the Lender Deed of Trust, no rents, revenue or other income of the Development collected by the receiver or by the mortgagee-in-possession shall be utilized for the payment of interest, principal, or any other charges due and payable under the Lender Deed of Trust, except from Residual Receipts, if any, as the term is defined in the HUD Regulatory Agreement. The appointment of a receiver shall require approval by the Secretary of HUD, and pursuant to HUD regulations, as long as the Lender is the beneficiary under the Lender Deed of Trust, the Lender cannot be mortgagee-in-possession. In the event of the appointment, by any court, of any person, other than HUD or the Lender, as a receiver or a mortgagee or party in possession, or in the event of any enforcement of any assignment of leases, rents, issues, profits, or contracts contained in the Lender Documents, with or without court action, no rents, revenue or other income of the Development collected by the receiver, person in possession or person pursuing enforcement as aforesaid, shall be utilized for the payment of interest, principal or any other amount due and payable under the provisions of the Lender Documents, except from Residual Receipts in accordance with the HUD Regulatory Agreement. The receiver, person in possession or person pursuing enforcement shall operate the Development in accordance with all provisions of the HUD Documents.
10. Deed-in-Lieu of Foreclosure. In the event that HUD acquires title to the Property by deed-in-lieu of foreclosure, the lien of the Lender Deed of Trust will automatically terminate subject to the conditions as hereinafter described. Lender may cure a default under the HUD Deed of Trust prior to conveyance by deed-in-lieu of foreclosure. HUD

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shall give written notice to the Lender of a proposed tender of title in the event HUD decides to accept a deed-in-lieu of foreclosure. HUD will only give such written notice if, at the time of the placing of the subordinate lien against the Property, HUD receives a copy of an endorsement to the title policy of the Borrower or Lender which indicates that (a) the Deed of Trust has been recorded and (b) HUD is required to give notice of any proposed election or tender of a deed-in-lieu of foreclosure. Such notice shall be given at the address stated in the Lender Deed of Trust or such other address as later on written notice to HUD, be designated by the Lender as its legal business address. The Lender shall have thirty (30) days to cure the default after notice of intent to accept a deed-in-lieu of foreclosure is mailed.





11. Borrower's Notice to Lender. Notwithstanding the requirements set forth in Paragraph 10 above, in the event that Borrower contemplates executing a deed-in-lieu of foreclosure, Borrower shall first give the Lender thirty (30) days' prior written notice; provided, however, that the failure of the Borrower to give said notice shall have no effect on the right of HUD to accept a deed-in-lieu of foreclosure.
12. Amendment. No amendment to the Lender Documents made after the date of this Rider shall have any force or effect until and unless such amendment is approved in writing by HUD.

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2009/10 Annual Action Plan Report

5th Annual Action Plan (2009-2010 Program Year)

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Fifth Program Year Action Plan



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

Narrative Responses

GENERAL

Executive Summary

The Housing and Economic Development Department staff is pleased to present to City Council the 2009/2010 Action Plan for the City of Visalia.

As a participating jurisdiction and entitlement community, the City of Visalia receives federal formula grants through the U.S. Department of Housing and Urban Development (HUD). This entitlement provides eligible metropolitan cities and urban counties with annual direct grants; the Community Development Block Grant (CDBG), and the HOME Investment Partnerships (HOME) funds. With this designation, the City of Visalia will receive a grant allocation of approximately \$1,185,000 in CDBG and \$490,000 in HOME funds. The intent of the grant funds is to provide decent housing, provide a suitable living environment, and to expand economic opportunities, primarily for low-and moderate income persons.

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

In adherence with HUD regulations, the City prepared a 2005-2010 Consolidated Plan adopted by the Visalia City Council on May 2, 2005. The Consolidated Plan establishes goals to increase the availability of affordable housing and economic opportunities for Visalia's residents through a comprehensive housing and community development needs assessment and a strategic plan to address those needs. Additionally, to meet the increasing need of affordable housing, the City of Visalia adopted the Housing Element on December 19, 2005. The Housing Element sets forth community housing needs, policies and programs aimed at attaining defined goals.

In addition to the Consolidated Plan & Housing Element, the City of Visalia prepares an annual Action Plan allocating funding to programs and projects consistent with the goals of the adopted Consolidated Plan. This Action Plan is for fiscal year 2009/2010 and fulfills the fifth program year within the Consolidated Plan. The program year begins July 1, 2009, and ends June 30, 2010. At the end of the program year, the

performance of programs and projects funded in the Action Plan will be reported in the CAPER.

With this Action Plan, the City will place concentrated efforts on homeownership due to the foreclosure crisis and the over abundance of abandoned and vacant homes in need of rehabilitation. On September 29, 2008, the Office of the Secretary of the U.S. Department of Housing and Urban Development released an emergency assistance program to assist state and local governments acquire and redevelop foreclosed properties. The City of Visalia was allocated a total of \$2,388,331 in funding to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop these homes to stabilize neighborhoods.

This is the City's Fifth Action Plan within the Consolidated Plan of 2005/2010. Staff is in the early stages of preparing the 2010/2015 Consolidated plan and will make a recommendation to City Council to authorize the use of \$30,000 in administration funds from 2008/2009 program year for this report.

The City will also make a recommendation to reallocate additional funds to the Sierra Meadows Senior Housing project due to the lack of to secure tax credits.

DRAFT

Expenditures

In addition to annual entitlement funds, the City will continue to use program income from previously funded CDBG and HOME projects, and uncommitted carryover funds for projects. The table below details all revenue, project and program allocations that the City of Visalia is proposing for Action Plan 2009/2010:

Exhibit "C"					
SUMMARY OF 2009/2010 ACTION PLAN					
		CDBG	HOME	TOTAL	UNITS
SOURCES OF REVENUE:					
1	Cash - Beginning Balance	1,185,000	490,000	1,675,000	
2	Annual Grant Amount			-	
3	HOME matching funds - RDA Low/Mod			-	
4	Program Income	200,000	400,000	600,000	
5	Interest Earnings/Investment Earnings			-	
6	TOTAL REVENUE	1,385,000	890,000	2,275,000	
7					
EXPENDITURES:					
9	Operating	68,900	7,100	76,000	
10	Redevelopment Allocation	131,500	25,800	157,300	
11	Direct Allocations	26,400	16,100	42,500	
12	Loan Servicing	6,000	-	6,000	
13	Subtotal Admin and Operating	232,800	49,000	281,800	
14					
15	Net for Programs and Projects	1,152,200	841,000	1,993,200	
16					
AFFORDABLE HOUSING:					
18	<u>Homeownership</u>				
19	FTHB (Contract w/CSET-6/30/09)		517,500	517,500	12
20	Property Acquisition (CHDO)		73,500	73,500	1
21	Housing Rehabilitation (contract w/SHE 6/30/10)		250,000	250,000	3
22	<u>Neighborhood Preservation/Services</u>				
23	Emergency Repairs and Basic Needs (contract w/SHE 6/30/10)	-	-	-	-
24	Code Enforcement- Target Areas	200,000		200,000	200
25	Fairhousing Hotline (contract w/TCHA 6/30/09)	34,500		34,500	120
27	HOMELESSNESS				
28	<u>Special Needs Facilities</u>				
	Continuum of Care	5,000		5,000	1
29	COMMUNITY DEVELOPMENT				
30	<u>Public Improvements</u>				
31	ADA Compliance Projects (Contract w/Sierra Range 6/30/09)	50,000		50,000	12
32	Oval Park Area Improvements	90,000		90,000	1
33	<u>Economic Development/Public Parking Facilities</u>				
34	West Parking Structure Loan Payment (Section 108 Loan)	486,700		486,700	1
35	Job Creation	100,000		100,000	2
36	<u>Public Park /Public Facilities</u>				
37	NON HOMELESS SPECIAL NEEDS HOUSING				
38	<u>Special Needs Services</u>				
39	Senior Home Minor Repairs (contract w/CSET 7/31/09)	91,000		91,000	620
40	Mobile Home Senior Repair & Handicapped Access (contract w/SHE 6/30/10)	95,000		95,000	14
41					
42	Subtotal Programs & Projects	1,152,200	841,000	1,993,200	
43					
44	TOTAL EXPENDITURES	1,385,000	890,000	2,275,000	
45					
46	REVENUE LESS EXPENDITURES				
47	Remaining to Carry Forward	-	-	-	

Community Profile

Visalia has a diverse cultural and ethnic population, which is an approximately two-thirds white and one-third ethnic and racial minority. As shown in the tables below, the fastest growing populations continue to be Hispanic and Asian/Pacific Islander. The Southeast Asian growth is due in part to an influx of immigrant families that have relocated to the Central Valley over the past decade. Visalia is attractive to immigrant families because of agricultural jobs and affordable cost of living. The Southeast Asian population is comprised predominately of Hmong, Laotian, Cambodian, Vietnamese, Mien, and Lahu.

According to the 2000 U.S. Census; the City of Visalia’s population grew from 75,636 residents in 1990 to 118,603 in 2007; a growth rate of 57%. The American Community Survey of 2005-2007 estimates that the population between these three years was 114,000, 59,000 (52 percent) females and 55,000 (48 percent) males. Visalia’s per capita income in 2000 was \$18,422 and the median income in 2008 was \$45,023.

✓ White	50,848	67.23%
✓ Hispanic.....	18,121	23.96%
✓ Asian/Pacific Islander	4,778	6.32%
✓ Black	1,051	1.39%
✓ Native American.....	679	0.90%
✓ Other.....	159	0.21%
Total.....	75,636	100.00%

✓ White.....	91,645	80.2%
✓ Asian/Pacific Islander	6,696	5.9%
✓ Black	2,683	2.3%
✓ Native American... 1005	1005	0.9%
✓ Other.....	12,209	10.7%
Total.....	114,238	100.00%
✓ Hispanic.....	45,402	37.7%

U.S. Census Bureau Fact Finder

General Questions

1. Describe the geographic areas of the jurisdiction (including areas of low income families and/or racial/minority concentration) in which assistance will be directed during the next year. Where appropriate, the jurisdiction should estimate the percentage of funds the jurisdiction plans to dedicate to target areas.

Both ethnic and racial minority and low income populations are distributed throughout the City of Visalia; however, the heaviest concentrations are located primarily in the North and Central regions of the City. The majority of available affordable housing remains most prevalent in these areas. The City is focusing on First Time Homebuyer, Rehabilitation, and Habitat for Humanity low income homeownership Programs in these areas.

2. Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a)(1)) during the next year and the rationale for assigning the priorities.

Through the direction of City Council, City staff will focus efforts of addressing substandard and dilapidated properties in two neighborhoods located within the North and Central areas of Visalia; Oval Park and Washington School neighborhoods. The use of CDBG and HOME resources along with other available funding will be allocated and distributed to these targeted neighborhoods to households which meet

eligibility requirements, concentrating mostly on those families who are of low to low and moderate income levels.

3. Describe actions that will take place during the next year to address obstacles to meeting underserved needs.

Residents of the City are experiencing impediments to housing choice similar to those experienced by other urban areas within the State of California and throughout the country. Poverty remains and is disproportionately high within several racial and ethnic groups. The result is that many low-income household occupy the oldest housing since it is often the most affordable. The City recognizes that improved public education is the key to identifying, assessing and solving fair housing and affordable housing issues, and has begun to raise public awareness through marketing and educational training.

On October 4, 2008, The City of Visalia, in partnership with local banks, Self-Help Enterprises, CSET, Proteus, Tulare County Housing Authority, Visalians Interested in Affordable Housing, Christian Church Homes, Habitat for Humanity, Social Security Administration, and the Center for Independent Living, hosted an Affordable Housing Fair. The fair's focus was to raise awareness on the many resources available to the public. Topics discussed were homeownership, affordable renting, senior housing & repair, improving efficiency and learning how to avoid foreclosure. Additionally, City staff continues public education through outreach presentations on the various housing programs available to them.

The City of Visalia has also begun implementing the Foreclosure Acquisition Program. The program which utilizes Neighborhood Stabilization Funds is intended to help address the current foreclosure crisis throughout targeted areas in Visalia, which focus on both North and Central neighborhoods in the City. As approved by City Council and HUD, the City plans to use these funds to purchase foreclosed properties throughout areas with greatest need, rehabilitate them and resell them to families of qualifying income. The City will use at least \$1.5 million to resell properties to families with incomes ranging from 50% to 120% Area Median Income (AMI), and approximately \$600,000 will be reserved to assist families with income not exceeding 50% of AMI. The City is working with Community Housing Development Organizations (CHDO) to acquire and rehabilitate foreclosed properties.

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

The federal, state, and local resources available to address the needs identified in the plan are HOME, CDBG, and Redevelopment Low-Moderate Funds. The City of Visalia does not receive direct funding of Section 8 funds, whereas these funds are allocated to the Tulare County Housing Authority which administers the Section 8 voucher program. McKinney-Vento Homeless Assistance Act funding is not allocated to the City of Visalia. The City, in partnership with Kaweah Management Company is in the process of developing 9 units and rehabilitating 11 units in a project identified as the Paradise & Court Development. KMC applied for both 9% and 4% low income tax credits to assist in gap financing.

The City has a partnership with Christian Church Homes, who a few years ago began a Senior Housing Project located at 1120 East Tulare Avenue, now known as Sierra Meadows. Sierra Meadows is a 42 unit senior complex, with sustainable design features for maximum energy efficiency, a courtyard configuration to promote outdoor enjoyment and adaptability features to encourage long term tenancy for the aging population. This project ensures that residents will not have to pay more than 30 percent (30%) of their income on rent and utilities. The City's contribution to this \$11.6 million project was \$2.5 million in HOME funds.

The City partners with Habitat for Humanity and provides them with Redevelopment Low/Mod funds for financial assistance in acquiring property. Habitat then identifies a qualified family and provides an opportunity for homeownership by building homes with charitable community donations and homeowner sweat equity.

Habitat has also expanded its role to acquire abandoned and foreclosed homes for purchase by very low income buyers with 45 year affordability covenants. Thus far, two homes have been purchased with more to be purchased in the coming months.

Managing the Process

1. Identify the lead agency, entity, and agencies responsible for administering programs covered by the consolidated plan.

The Housing and Economic Development Department is the responsible entity for the administration of all programs/projects implemented through the Consolidated Plan. However, it is important to recognize that the City works in partnership with other agencies, such as Self-Help Enterprises, CSET, and Tulare County Housing Authority, who administer several of the City's programs to ensure that the programs are successful and that they serve their intended purpose. The City also has two certified CHDO's; Visalian's Interested in Affordable Housing and Self-Help Enterprises. The City is currently working with CSET to assist in their certification process.

2. Identify the significant aspects of the process by which the plan was developed, and the agencies, groups, organizations, and others who participated in the process.

The Consolidated Plan was developed through the assistance of public participation and consultation with various agencies such as the Citizens Advisory Committee (CAC), CDBG Subcommittee of the CAC, Visalian's Interested in Affordable Housing, Central Valley Christian Housing, the Tulare County Housing Authority, and other Community Groups whom all provided input, research and analysis into the implementation of the Consolidated Plan.

3. Describe actions that will take place during the next year to enhance coordination between public and private housing, health, and social service agencies.

City staff has increased efforts of increasing public awareness through various outreach presentations to promote the City's Affordable Housing Programs. The City's sub-recipients; CSET, Self-Help Enterprises and Tulare County Housing Authority all contribute to these outreach efforts: Self-Help Enterprises has conducted several Mobile Home Park presentations to promote the City's Mobile Home Senior Handicap and Repair Program. CSET holds workshop presentations to

promote the City's First Time Homebuyer Program. CSET also delivers brochures and flyers to organizations such as clinics, daycares, senior housing, mobile home parks and churches in Visalia. Along with administering the City's Fair Housing Hotline, Tulare County Housing Authority will also begin promoting the City's Affordable Housing Programs.

City staff has and will continue to promote the City's Affordable Housing Programs through live presentations to surrounding businesses, such as the Visalia School District, Kaweah Delta Hospital, and the Board of Realtors.

Citizen Participation

1. Provide a summary of the citizen participation process.

The City has enhanced public participation through various Affordable Housing Activities such as the Affordable Housing Fair held in October of 2008 and the Spring Fest Fair of 2009.

The City of Visalia, in partnership with local banks, and non-profits, hosted an Affordable Housing Fair to raise awareness on the many resources available to the public. Topics discussed were homeownership, affordable renting, senior housing & repair, improving efficiency and learning how to avoid foreclosure.

The City of Visalia staffed a booth at this year's Spring Fest Fair. The booth displayed informational brochures on Affordable Housing, Neighborhood Preservation, and other City related Services.

Additionally, City staff continues public education through outreach presentations on the various housing programs available to them. Staff will conduct presentation to surrounding businesses, such as the Visalia School District, Kaweah Delta Hospital, and the Board of Realtors.

2. Provide a summary of citizen comments or views on the plan.

Citizens and City Council comments have been included in Exhibit "N"

3. Provide a summary of efforts made to broaden public participation in the development of the consolidated plan, including outreach to minorities and non-English speaking persons, as well as persons with disabilities.

The Citizen Participation Plan was revised in the 2005/2010 Consolidated Plan to encourage and provide for increased public participation in the planning process.

A total of two public information meetings and three public Consolidated Plan meetings were held to obtain input on both the Consolidated Plan and First year Action Plan. Presently, City staff also includes and meets with the Disability Advocacy Committee to reach persons with disabilities.

This year, the City will continue to solicit public participation through four community meetings held in April 2009:

Citizens Advisory Committee – April 1, 2009

North Visalia Neighborhood Advisory Committee – April 9, 2009

Washington Residents for a Better Community – March 26, 2009

Disability Advocacy Committee – April 6, 2009, moved to April 13, 2009

One Work Session City Council meeting held on April 6, 2009 and one Public Hearing Council meeting on April 20, 2009. Information confirming locations and dates will be published in the Visalia Times Delta, El Sol, and Visalia Weekly. The ads will also be posted at three City Hall locations. Additionally, a copy of the draft 2009/2010 Action Plan will be available to residents for a 30-day public review. A copy may be obtained at the front counter of City Hall; 315 E. Acequia Avenue. The public may also obtain a copy of the Action Plan through the City's Website at www.ci.visalia.ca.us.

4. Provide a written explanation of comments not accepted and the reasons why these comments were not accepted.

The City of Visalia believes no comment is too small or unworthy of consideration; therefore all comments are accepted and noted. Notes from public and Council comments, concerns and input with City Staff responses are attached as (Exhibit "N").

Institutional Structure

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

The Department is identified as the "first point of contact" for the institutional structure presented in this Action Plan. The Department receives direction from the City Manager as well as the City Council and assumes responsibility for insuring successful development and execution of the City's programs. The Department is partially comprised of a Director, a Housing Specialist, a Financial Analyst and a Senior Administrative Analyst. Through its role as "grantee" of various HUD program funds, its mission is to provide affordable services to all the citizens of Visalia and foster open participation, with the goal of attaining meaningful involvement. The City works to increase participation at all levels, specifically those of extremely low income.

The City also recognizes the importance of partnering with other agencies to help serve its housing and community development needs and considers its program administrators, Self-Help Enterprises, CSET, Tulare County Housing Authority, and Habitat for Humanity, an important part of the City's institutional structure.

Neighborhood Preservation is a division under the Housing & Economic Development Department and is also an integral part of the institutional structure. Neighborhood Preservation works closely with other City departments and with the community to develop programs, projects and activities that improve the City's neighborhoods.

To further create institutional structure, the City created a "Loan and Change Order Review Committee." This committee is comprised of five city staff from different departments. The committee was established in order to review applications for compliance with all guidelines & requirements.

Monitoring

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

To have an effective monitoring system, the City has established standards, guidelines and procedures which provide a uniform system of ensuring compliance of all program and project requirements. The City has contracted with AmeriNational Community Services, Inc. for mortgage servicing, conduct property condition evaluations, borrower affidavits, and the monitoring of taxes and insurance payments. This assists the City in maintaining participant compliance with each program.

To keep up to date, City staff periodically revises program guidelines to reflect any changes in accordance with state/federal regulations and requirements. Additionally, throughout the year, City Staff monitors project files, cost of scope of work, program performance, community & economic development activities and monitoring deed restrictions for HOME funds to ensure continued affordability for low income first time homebuyers.

Staff will continue to conduct monitoring visits with program administrators to ensure that guidelines are being followed and to ensure good positive performance. In addition to monitoring visits, the City requires that each program administrator submit a monthly accomplishment report that details all activities undertaken within that month, including but not limited to the use of funding, marketing, people served, program performance, & accomplishments.

As another monitoring tool and to further meet compliance requirements, the City created a "Loan and Change Order Review Committee", comprised of five City employees representing the following: Finance, Planning, Building, Engineering, & Community Development. Additionally, the Housing Specialist and a Code Inspector also attend these meetings. The Committee was established to review applications for compliance with all guidelines & requirements.

Another important and integral part of the monitoring process is keeping the City Manager as well as the City Council abreast of the performance of each of the City's programs and projects. City staff meets with the City Manager on a weekly basis to review available funding, program/project performance, and discuss strategic plans. At the end of each program year, City staff updates the City Council on the performance of every program/project served with HOME & CDBG funds through the Consolidated Annual Performance and Evaluation Report. Inclusive in this performance review, the City monitors progress on Minority Business Outreach activities and Davis Bacon by maintaining demographic data on contractor wage determination, vendors and service providers. The City has developed a Minority Outreach Plan and will actively solicit participation of minority and women-owned businesses.

Lead-based Paint

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

To adhere to HUD's regulations and the Paint Hazard Reduction Act of 1992, the City of Visalia has set strict guidelines in place to deal with the issues related to lead based paint. The City address lead-based paint hazards in all of its housing rehabilitation and homebuyer assistance programs. Before ratifying a contract or agreement for the sale of a home or rehabilitation loan, the City's program administrators ensure that applicants are well informed of the danger of lead-based paint through the handout of brochures, and as part of the application process. Additionally, city building inspectors look for signs of this hazard as they perform a first time homebuyer inspection or when they address substandard housing issues.

Housing owners and occupants are required to abate this hazard before receiving assistance through any of the City's affordable housing programs. Asbestos evaluations are also performed on those houses where the City assists in relocation or restoration.

Tulare County Health Services has a Lead Poisoning Program that investigates cases of lead poisoning when testing reveals that a child has elevated levels of lead in their blood. Specially trained and certified environmental health staff conducts lead investigations in the child's home. Certified contractors are contacted for evaluations in properties within the City limits.

The City will continue to pursue SuperNofas for grant opportunities pertaining to Lead Based Paint Hazard Control, Lead-Technical Studies, and Outreach Grant Programs.

HOUSING

Specific Housing Objectives

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve during the next year.

The primary objective of the City's projects and programs is to develop viable communities through the provision of decent housing and a suitable living environment and expanding economic opportunities, principally for person of low and moderate income. To clearly identify Visalia's housing and community needs, the City will adhere to meeting HUD's three National Objectives; Provide Decent Affordable Housing, Provide a Suitable Living Environment and Create Economic Opportunities. The Outcomes of these Objectives are to improve availability or accessibility, Improve Affordability, and Improve Sustainability by promoting viable communities.

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

Exhibit "D"			
2009-2010 Program Year CDBG and HOME Funding Allocation			
	Investment	Percentage of Investment	Priority & Unit Goal
HOME Investment Partnership Funds (HOME) - Objective and expected Outcome			
Affordable Housing- HOME Funds			
Objective 1: Provide Decent Affordable Housing	\$ 841,000	100%	H
1. Provide availability of affordable owner-occupied housing through (FTHB)	\$ 517,500	12	
2. Provide availability of affordable owner-occupied housing through acquisition (CHDO)	\$ 73,500	1	
3. Provide quality of owner-occupied housing through rehabilitation (HRP)	\$ 250,000	3	
Total HOME Allocations	\$ 841,000	100%	
Community Development Block Grant Funds (CDBG) -Objective and expected Outcome			
Affordable Housing- CDBG Funds			
Objective 1: Suitable Living Environment through Neighborhood Preservation and Services	\$ 234,500	20.35%	H
1. Maintain quality housing by addressing substandard housing through (Code Enforcement Program)	\$ 200,000	200	
2. Maintain quality of owner-occupied housing through rehabilitation of substandard housing (EREN)			
3. Provide services for low-to -moderate income persons by providing (Fair Housing Education Program)- Public Service)	\$ 34,500	120	
Homelessness- CDBG Funds			
Objective 2: Suitable Living Environment by Supporting Special Needs Facilities	\$ 5,000.00	0.43%	H
1. Increase accessibility to support facilities to end chronic homelessness (Continuum of Care/homeless Project)	\$ 5,000	1	
Community Development- CDBG Funds			
Objective 3: Suitable Living Environment through Public Improvements	\$ 140,000	12.15%	H
1. Increase availability of handicapped access benefiting population with special needs (Streets ADA Compliance)	\$ 50,000	12	
2. Improve quality and increase quantity of public improvements that benefit low-and moderate income residents. (Oval Park Area Improvements)	\$ 90,000	1	
Objective 4: Create Economic Development Opportunities and Community Development Opportunites (Parking Fac	\$ 586,700	50.92%	H
1. Demonstrate a commitment to long-term economic growth by promoting expansion and (job retention) - Section 108 Loan- West Acequia	\$ 486,700.00	1	
2. Demonstrate a commitment to long-term economic growth through job creation	\$ 100,000.00	2	
Objective 5: Suitable Living Environment through Community Development Opportunites (Public Services)	\$ -	0%	M
Non Homeless Special Needs Housing- CDBG Funds			
Objective 6: Suitable Living Environment by Supporting Special Needs Services	\$ 186,000	16.14%	M
1. Maintain quality of owner-occupied housing for elderly (Senior Home Repair Program)	\$ 91,000	620	
2. Increase accessibility and range of housing options for person with special needs (SHARP)	\$ 95,000	14	
Total CDBG Allocations	\$ 1,152,200	100%	

HOME Funded: Objective 1: Provide Decent Affordable Housing:

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

- **First Time Homebuyer Program** is a City Program administered through CSET (Community Services and Employment Training, Inc.). This year, the City allocated a total of \$517,500 in HOME funds for the administration of this program. The program provides a loan to qualified borrowers up to a maximum of \$40,000. The funds are provided as a second mortgage, at an interest rate of three-percent (3%), making it possible for low-to-moderate income families to own a home within the City limits. City Staff continues to review the local housing market and interest rates so that the program's allocation continues to assist families at the very-low income levels (30%, 50% and 60%) up to the families at the 80% median income level. It is anticipated that approximately 12 families will be assisted.



Outcome Goal #2: Provide decent affordable housing through acquisition, by increasing the supply to meet the demand from the large population of lower to poverty level income households.

- **Community Housing Development Organization (CHDO) Allocation.** The City has allocated \$73,500 in HOME funds to be provided toward acquisition, rehabilitation, and project management services. The City currently has one certified CHDO and is currently working with Enterprise Foundation to offer technical assistance to CSET who has expressed a desire to become a certified CHDO. The City is also evaluating the possibilities of working with a certified CHDO to assist with the acquisition, rehabilitation, and resale of foreclosed properties.

Outcome Goal #3: Provide decent affordable housing through rehabilitation of existing affordable housing units.

- **Housing Rehabilitation Program (HRP)** The HRP is a HOME funded program administered by Self-Help Enterprises. The funds are provided to qualified borrowers, as a second mortgage, up to \$60,000, at an interest rate of two-percent (2%), making it possible for low-to-moderate income homeowners to maintain and upgrade the quality of their home; and thus upgrade the quality of Visalia's housing stock. The funds address health and safety, housing quality standards and other maintenance issues. Examples of assistance include: Replacement of roofs, air conditioning units, flooring, paint, electrical, and plumbing. HOME funds in the amount of \$250,000 have been allocated to this program with the expectation that approximately three households will be assisted this year. The HRP program is currently under evaluation and changes may be forthcoming pending City Council authorization.



CDBG Funded Objective 1: Suitable Living Environment through Neighborhood Preservation:

Outcome Goal #1: Maintain and preserve quality housing by addressing substandard housing.

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



In 2008, the Code Enforcement Program exceeded forecasted compliance expectations by 67%. In 2009, the City has increased the CDBG allocation to \$200,000 with a goal of addressing at least 200 code cases.

Outcome Goal #2: Maintain and preserve quality housing through rehabilitation of owner-occupied substandard housing.

- **Emergency Repair and Basic Needs Program (ERBN)** is a City program administered through Self-Help Enterprises. The program is available to extremely low income homeowners to address basic emergency repairs. Funding is provided as a second mortgage, up to \$10,000, at an interest rate of two-percent (2%), making it possible for homeowners to address health and safety issues which pose and immediate threat to the family. Examples of assistance includes; replacement of roofs, flooring, electrical, plumbing and sewer. Previous funding from the remainder of 2006/07; \$100,000 for the 2007/08 year and \$110,202 for the 08/09 Action Plan year will be utilized for the administration of this program. It is anticipated that approximately ten households will be assisted this year through the ERBN program. The ERBN program is currently under evaluation and changes may be forthcoming pending City Council authorization. Funds are not being allocated to this program this year, due to funds available from previous years' allocations.

Outcome Goal #3: Provide educational services to low-income families.

- **Fair Housing Hotline** is a City program administered through the Tulare County Housing Authority (TCHA). This year the City allocated a total of \$34,500 in CDBG funds to this program. The funding is provided to TCHA to cover costs associated with providing Fair Housing services to Visalia residents. Callers with complaints are assisted in filling out official discrimination complaint forms, which are then forwarded to the Department of Fair Employment and Housing. TCHA also works with County staff to prepare the City's Analysis of Impediments to Fair Housing. It is anticipated that approximately 120 calls will come through the Hotline. TCHA staff is very active in pursuing training, seminar, and conference opportunities in which they share the City's Fair Housing Program and hand out brochures. TCHA staff will also begin promoting the City's Affordable Housing Programs.
- **[CDBG Objective 2: Suitable Living Environment by supporting Special Needs facilities:](#)**

Outcome Goal #1 (Funded in prior year): Increase accessibility to support facilities to end chronic homelessness

- **Continuum of Care** – The City has a partnership with the Continuum of Care to address issues of homelessness. The Continuum of Care (CoC) is a consortium of housing providers, service providers, and local government, that work together to end homelessness in Kings and Tulare Counties. To strengthen their capacity, the Continuum is currently pursuing a 501c3 status to competitively apply for foundation and corporate funding. The Continuum is focused on systematically implementing systems and programs that will help support existing homeless organizations and offer the resources that are needed locally to be successful. The Continuum views the 501c3 status as a major capacity barrier, and anticipates that the process will cost approximately \$10,000. This year, the City is allocating a total of \$5,000 in CDBG funds to assist the Continuum in achieving this goal.

CDBG Funded Objective 3: Suitable Living Environment through Public Improvements

Outcome Goal #1: Increase availability of handicapped access benefiting population with special needs.

- **Streets-ADA Compliance Projects** – The City is committed to addressing the needs of the disabled community. City Staff attends the Disability Advocacy Committee meetings to understand what the needs are within the disabled community. At this time, the committee has requested additional curb cuts and truncated domes. In this Action Plan, the City allocated a total of \$50,000 in CDBG funds for the construction of at least 12 ADA compliant ramps and warning detection panels for the blind throughout the areas of downtown within the city's CDBG target areas.

Outcome Goal #2: Improve quality and increase quantity of public improvements that benefit low-and moderate income residents. The City utilizes other funding for public improvement projects.

Oval Park Area Improvements - In 2008, the City Council directed staff to work with the residents and businesses from both the Washington School and Oval Park neighborhoods in order to foster revitalization efforts. The following departments have actively participated in these efforts: Housing & Economic Development, Building, Police, and Engineering, Public Works, Fire and Community Development Departments.

City Council also provided staff with the direction to identify the needs of the Oval Park Area. In addition to leveraging CDBG funds in 2008, the City received a Cal Trans Grant to analyze the area as it relates to traffic, safety and lighting. Community meetings have been held at the Oval Park, obtaining community input, coordination with local non-profit agencies to utilize the existing building and create a more family friendly park.

Additionally, City Engineering in a coordinated effort with Southern California Edison will be repairing inoperable and new street lights in the Washington School area and specifically, repairing inoperable street lights (11) in the Lincoln Oval Park neighborhood by July 2009 to improve lighting conditions and address public safety concerns. The City contributed \$60,000 last year through the 2007/08 Action Plan and an additional \$20,000 from an Amendment completed in July 2008 for which funds are derived from the 2007/08 program year funding. To date, \$80,000 in CDBG funds have been allocated to the Oval Park Area. This year (2009/10), the City will allocate an additional \$90,000 in CDBG funding for **Oval Park Area Improvements**. The City will utilize CDBG funds toward improvements in the Oval Park Area.

- **CDBG Objective 4: Create Economic Development Opportunities and Community Development Opportunities (Parking Facility) Needs Services:**

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

➤ **Parking Structure (West Acequia Parking Structure) - Section 108 Loan:**

The City of Visalia is committed to providing adequate parking in the Downtown area to further promote jobs. In 2007, the City finalized construction of a second four story parking structure which supports the hospitals current expansion. Kaweah Delta Hospital, which employs a diverse group of employees in a variety of income groups, has just completed its North expansion. Staff will continue to monitor the number of jobs created on an annual basis. This year, the City will make a Section 108 payment in the amount of \$486,700. Additionally, the parking structure supports downtown businesses as well as a newly constructed Comfort Suites Hotel furthering the creation of many jobs throughout the downtown area.



Outcome Goal #2: Demonstrate a commitment to long-term economic growth through job creation.

➤ **Job Creation:** Funding used for attraction of job creating businesses to the City, and to provide Administrative/Staff support activities to assist new businesses and industries seeking to expand or locate to Visalia. Funds utilized may be through improvements or direct assistance to a new business, however, as a requirement for the use of funds, at least 51% of new jobs created will be made available to Low /Mod income persons or benefit the area. CDBG Funds are being allocated in the amount of \$100,000.

➤ **CDBG Objective 6: Suitable Living Environment by supporting Special Needs Services:**

Outcome Goal #1: Maintain quality owner-occupied housing for elderly.

➤ **Senior Home Minor Repair.** The City has allocated \$91,000 to CSET for the administration of the Senior Home Minor Repair Program. Assistance is provided to senior citizens to assist with minor repairs in their homes. Examples of services are: Plumbing repairs, cooler/air conditioning repairs, roof repairs, door and window repairs, electrical repairs, appliance repairs, flooring and carpentry repairs. It is anticipated that this program will assist at least 120 clients and provide 600 service repairs.

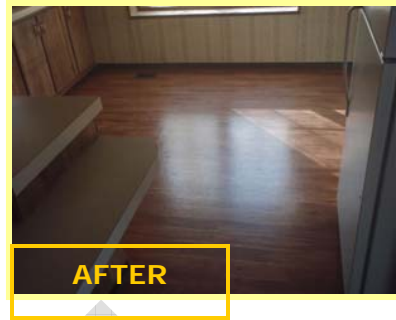


Outcome Goal 2#: Increase accessibility and range of housing options for persons with special needs.

➤ **Mobile Home Senior Handicapped and Repair Program** – Formerly called the Senior Handicapped and Repair Program, City staff is recommending that the program be renamed to Mobile Home Senior Handicapped and Repair Program; therefore, giving a clear understanding to the public that this program assists those who live in a mobile home and/or have a handicap. This program is administered through Self-Help Enterprises. Funds were allocated last year 2008/09 in the amount of \$70,000, with an additional \$60,000 reallocated from 2007/08 program income,



totaling \$130,000 in CDBG funds. This year's allocation (2009/10) is a total of \$95,000 in CDBG funds to provide approximately 14 grants to mobile home owners. The funds are provided as a grant, up to \$5,000, making it possible for extremely low and low-income senior citizens to make minor repairs to their mobile homes. Examples of assistance: Re-roofing, handicapped access, heating furnace, hot water heater, electrical and plumbing fixtures; sanitary fixtures, and repair/replacement or purchase of an air conditioning unit which is required for a certified medical condition as prescribed by a licensed medical practitioner. It is anticipated that this program will assist approximately 20 households.



Needs of Public Housing

1. Describe the manner in which the plan of the jurisdiction will help address the needs of public housing and activities it will undertake during the next year to encourage public housing residents to become more involved in management and participate in homeownership.

Public Housing and Section 8: Assistance is available from the Tulare County Housing Authority (TCHA) which administers the Section 8 voucher program. Currently there are 1,148 households receiving rental assistance and over 3,505 on the waiting list. The TCHA has a "Moving to Work" program that limits participation in the Section 8 voucher to a maximum of five years or until the family income exceeds 120% of median income, thus encouraging families to save money, become self-sufficient and be in a better position to buy a house. This also ensures that assisted housing is made available to other needy families.

The City of Visalia partnered with the Tulare County Housing Authority to develop a 71 unit multi-family affordable housing complex which was completed in late 2008. Currently, the City is working with the Tulare County Housing Authority through Kaweah Management Company to rehabilitate 11 units and construct 9 units to complete a 20 unit multi-family rental project known as Paradise & Court.

The current Housing Market Analysis below displays the number of public housing units within the City of Visalia, city limits owned and managed by the Tulare County Housing Authority.

Additionally, the Visalia housing market is evaluated on a quarterly basis, given the number of homes sold, quadrant, square footage, price per square foot, list and "sold" price and averages. All the information is taken into consideration in conjunction with the City's program. It is the City's priority to provide opportunities to the extremely low, very low and median income families. The program is designed to stay 'in line' with the local market.

Jurisdiction						
Housing Market Analysis						
<i>Complete cells in blue.</i>						
Housing Stock Inventory	Vacancy Rate	0 & 1 Bedroom	2 Bedrooms	3+ Bedroom	Total	Substandard Units
Affordability Mismatch						
Occupied Units: Renter		3234	4879	3400	11513	192
Occupied Units: Owner		1108	2919	15405	19432	342
Vacant Units: For Rent	8%	121	630	180	931	21
Vacant Units: For Sale	2%	4	89	305	398	4
Total Units Occupied & Vacant		4467	8517	19290	32274	559
Rents: Applicable FMRs (in \$s)		481	538	625		
Rent Affordable at 30% of 50% of MFI (in \$s)		476	571	660		
Public Housing Units						
Occupied Units		21	70	88	179	0
Vacant Units		0	0	0	0	0
Total Units Occupied & Vacant		21	70	88	179	0
Rehabilitation Needs (in \$s)					200,000	

- If the public housing agency is designated as "troubled" by HUD or otherwise is performing poorly, the jurisdiction shall describe the manner in which it will provide financial or other assistance in improving its operations to remove such designation during the next year.

The Tulare County Housing Authority has not been designated as "troubled" or of poor performance. Tulare County Housing Authority has established a solid reputation for providing safe, affordable housing to low-income persons.

Barriers to Affordable Housing

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

As detailed in the City's 2005-2010 Consolidated Plan and Housing Element, the following policies are designed to assist with barriers to affordable housing:

General Policies

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

Specific Policy Implementations

- The Visalia Zoning Ordinance will grant a 25% density bonus over the housing unit density allowed by existing zoning if the developer agrees to meet one of the following conditions:
 - At least 10% of the units are for very low income households
 - At least 20% of the units are for lower income households
 - At least 50% of the units are for seniors
- The Visalia Zoning Ordinance permits manufactured housing parks in three residential zones with a Conditional use permit.
- The City has no policies that would put constraints on the development of farm worker housing.

- On January 8, 2004, the City adopted a second dwelling unit ordinance that follows the requirements of State law.
- The Visalia Zoning Ordinance permits group homes in four residential zones
- The City has approved three emergency shelters through the use of the CUP process in the last decade and will continue to do this on a case by case basis.
- Brochures regarding housing programs are regularly distributed to the public via the Redevelopment Agency, Code Enforcement Division, the Tulare County Regional Center, the Police and the sub-recipients of our housing grants.

The City is currently updating its Housing Element and will be incorporating the County's adopted Regional Housing Needs allocated to the City of Visalia.

HOME/ American Dream Down Payment Initiative (ADDI)

1. Describe other forms of investment not described in § 92.205(b).

The City uses HOME Funds to administer the First Time Homebuyers Program, which offers down payment assistance loans. The HOME program requires local or state matching funds. The Federal HOME funds must be matched by non-federal resources (Sec. 92.218-222). All HOME eligible activities require a match of 25% (one dollar of local or state resources for every four federal dollars spent) unless specific exemptions have been granted by HUD. Since 1998 HUD has reduced the matching requirement to 12.5% for the City of Visalia. The City has chosen to provide the required matching local funds in the form of Redevelopment Low-Mod funds.

Additionally in 2006, the City was awarded the Cal Home grant in the amount of \$600,000 through the California State Department of Housing and Community Development. The program provides a loan to qualified borrowers up to \$38,000. The funds are provided as a second mortgage; at an interest rate of three-percent, for a 30-year deferred loan. To date, the City has provided assistance to ten families through the CalHome Program. Due to the State budget crisis, the City's CalHome funds have been temporarily frozen. Once funding resumes, it is anticipated that approximately five more families will be assisted.

The City of Visalia is in the process of implementing the Foreclosure Acquisition Program. The program is intended to address the current foreclosure crisis using Federal Neighborhood Stabilization funds. As approved by HUD and City Council, the City plans to use these funds to purchase foreclosed properties throughout areas of greatest need, rehabilitate them and resell them to families of qualifying income. The City will use at least \$1.5 million to resell properties to families with income ranging from 50% to 120% AMI, and approximately \$600,000 will be reserved to assist families with income not exceeding the 50% of AMI.

To meet more goals and objectives, the City will continue to leverage CDBG and HOME funding with other public funds and private investment thus expanding opportunities for low- and moderate-income families.

- #### 2. If the participating jurisdiction (PJ) will use HOME or ADDI funds for homebuyers, it must state the guidelines for resale or recapture, as required in § 92.254 of the HOME rule.

Jurisdiction

The City of Visalia adheres to the resale and recapture guidelines as set forth by HUD. The City has two options (resale or recapture) for controlling the resale of any property or development that is HOME funded. The City enforces the recapture option to ensure that it recuperate the entire HOME subsidy if the HOME recipient decides to sell the property within the affordability period.

3. If the PJ will use HOME funds to refinance existing debt secured by multifamily housing that is that is being rehabilitated with HOME funds, it must state its refinancing guidelines required under § 92.206(b). The guidelines shall describe the conditions under which the PJ will refinance existing debt.

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

4. If the PJ is going to receive American Dream Down payment Initiative (ADDI) funds, please complete the following narratives.

The City of Visalia has not been allocated funds for the American Dream Down Payment Initiative (ADDI).

HOMELESS

Specific Homeless Prevention Elements

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

1. Sources of Funds—Identify the private and public resources that the jurisdiction expects to receive during the next year to address homeless needs and to prevent homelessness. These include the McKinney-Vento Homeless Assistance Act programs, other special federal, state and local and private funds targeted to homeless individuals and families with children, especially the chronically homeless, the HUD formula programs, and any publicly-owned land or property. Please describe, briefly, the jurisdiction's plan for the investment and use of funds directed toward homelessness.

At this time, the City does not use the McKinney-Vento Homeless Assistance Act program nor receives special funding from the State or Federal Government. However, the City continues its partnership with the Continuum of Care of Kings-Tulare County to address issues of homelessness. Through the CoC, the City continues to move forward to accomplished goals of combating homelessness; the Point in Time Survey of 2009 shows that even with the nation's current recession there are fewer homeless people in Tulare and Kings Counties this year. The Continuum of Care administers an annual "Point in Time" survey every year in the late winter during a week designated by HUD. Volunteers throughout the surrounding cities pick specific locations to target the homeless. In exchange for an "incentive bag" containing basic necessities such as toothbrushes, lotion, socks, etc., volunteers gather information of the homeless by asking questions such as age, language, how long they have been homeless, employment, number of children etc. The results of this year's survey shows that in Tulare and Kings Counties, there were a total of 966 homeless people in January 2009 and 1,055 the same month in 2008, a drop of 8.44 percent. The survey also shows that both counties had a total of 315

homeless children in 2008, and 238 were homeless in 2009, a decrease of about 24 percent. (Attachment ___)

With the completion of this survey, the Continuum of Care can better gauge its progress in its effort to combat homelessness and also improve the allocation of funding. With the data, the continuum also fulfills reporting requirements to the U.S. Department of Housing and Urban Development (HUD).

To strengthen their capacity, the Continuum is currently pursuing a 501c3 status to competitively apply for foundation and corporate funding. The Continuum is focused on systematically implementing systems and programs that will help support existing homeless organizations and offer the resources that are needed locally to be successful. This year, the City of Visalia has allocated a total of \$5,000 to assist the Continuum achieve its goals.

2. Homelessness—In a narrative, describe how the action plan will address the specific objectives of the Strategic Plan and, ultimately, the priority needs identified. Please also identify potential obstacles to completing these action steps.

The City of Visalia through the Continuum of Care will continue working together to eradicate homelessness. To strengthen their capacity and keep the positive efforts moving forward, the Continuum is currently pursuing a 501c3 status to competitively apply for various funding. The Continuum is focused on systematically implementing systems and programs that will help support existing homeless organizations and offer the resources that are needed locally to be successful. The Continuum views the 501c3 status as a major capacity barrier, and anticipates that the process will cost approximately \$10,000. The Continuum actively pursues contributions and is active in fundraiser events. This year, the City is allocating a total of \$5,000 in CDBG funds to assist the Continuum in achieving this goal.

The City will continue to support the needs of homeless individuals through its partnership with the Continuum of Care.

3. Chronic homelessness—The jurisdiction must describe the specific planned action steps it will take over the next year aimed at eliminating chronic homelessness by 2012. Again, please identify barriers to achieving this.

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

4. Homelessness Prevention—The jurisdiction must describe its planned action steps over the next year to address the individual and families with children at imminent risk of becoming homeless.

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

- **Visalia Rescue Mission** - a faith based recovery program has a 42 bed men's shelter and can accommodate 60 men as part of their overnight emergency services. Additionally, the Visalia Rescue Mission has one apartment; the Alpha House which is designated as transitional housing, accommodating 7 men. The Rescue Mission also has a short term women's shelter; Shelter of Hope. Here they offer emergency and transitional services for homeless single women and women with children. This rescue program is designated to help women and women with children transition from living on the streets to becoming self-sufficient through offering meals, housing, and the gospel.
 - **Partner's for Youth Vision** - a program for homeless teens that offers a safe haven from the street and provides basic necessities. Youth Vision works within the community to provide resources and referrals to the youth.
 - **Alternative Services** - a program for recently released prisoners/drug court clients that has a transitional house for men (6 beds) and women (6 beds)
 - **Central California Family Crisis Center** - a domestic violence shelter for 38 women and children with a 16 bed transitional housing program.
 - **Visalia Emergency Aid** – To help prevent homelessness, this organization assists hundreds of families yearly who are affected by unexpected changes in employment, loss of shelter due to fire, or other family emergencies that affect the ability to work.
4. Discharge Coordination Policy—Explain planned activities to implement a cohesive, community-wide Discharge Coordination Policy, and how, in the coming year, the community will move toward such a policy.

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

Emergency Shelter Grants (ESG)

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

Not Applicable

COMMUNITY DEVELOPMENT

Community Development

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

1. Identify the jurisdiction's priority non-housing community development needs eligible for assistance by CDBG eligibility category specified in the Community Development Needs Table (formerly Table 2B), public facilities, public improvements, public services and economic development.

In this Action Plan year, the City will address non-housing community development

needs through the following programs to meet the specific objectives;

CDBG Funded Objective 1: Suitable Living Environment through Neighborhood Preservation:

Outcome Goal #1: Maintain and preserve quality housing by addressing substandard housing.

- **Code Enforcement** – The Code Enforcement division is responsible for enforcing building, health, food, and other safety standards that pose a threat not only to health & safety but also have a negative impact on a neighborhood. This year, the City is allocating \$200,000 in CDBG funds to this program with an expectation that the program will address at least 200 code cases.

Outcome Goal #3: Provide educational services to low-income families.

- **Fair Housing Hotline** is a City program administered through the Tulare County Housing Authority (TCHA). This year the City allocated a total of \$34,500 in CDBG funds to this program with an expectation that approximately 120 calls will come through the Hotline. The funding is provided to TCHA to cover costs associated with providing Fair Housing services to Visalia residents. TCHA staff is active in pursuing training, seminar, and conference opportunities in which they share the City's Fair Housing Program and hand out brochures. TCHA staff will also begin promoting the City's various Affordable Housing Programs.

CDBG Funded Objective 3: Suitable Living Environment through Public Improvements

Outcome Goal #1: Increase availability of handicapped access benefiting population with special needs.

- **Streets-ADA Compliance Projects** – The City has allocated a total of \$50,000 in CDBG funds for the administration of ADA compliance projects with an expectation that the project will accomplish a total of 12 ADA compliant ramps throughout CDBG targeted areas.

Outcome Goal #2: Improve quality and increase quantity of public improvements that benefit low-and moderate income residents. The City utilizes other funding for public improvement projects.

Oval Park Area Improvements-In 2008, the City Council directed staff to work with the residents and businesses from both the Washington School and Oval Park neighborhoods in order to foster revitalization efforts. The following departments have actively participated in these efforts: Housing & Economic Development, Building, Police, and Engineering, Public Works, Fire and Community Development Departments.

City Council also provided staff with the direction to identify the needs of the Oval Park Area. In addition to leveraging CDBG funds in 2008, the City received a Cal Trans Grant to analyze the area as it relates to traffic, safety and lighting. Community meetings have been held at the Oval Park, obtaining community input, coordination with local non-profit agencies to utilize the existing building and create a more family friendly park.

Additionally, City Engineering in a coordinated effort with Southern California Edison will be repairing inoperable and new street lights in the Washington School area and specifically, repairing inoperable street lights (11) in the Lincoln Oval Park neighborhood by July 2009 to improve lighting conditions and address public safety concerns. The City contributed \$60,000 last year through the 2007/08 Action Plan and an additional \$20,000 from an Amendment completed in July 2008 for which funds are derived from the 2007/08 program year funding. To date, \$80,000 in CDBG funds have been allocated to the Oval Park Area.

This year, the City will allocate a total of \$90,000 in 2009/10 CDBG funding for ***Oval Park Area Improvements***. The City will utilize CDBG funds toward improvements in the Oval Park Area.

➤ **CDBG Objective 4: Create Economic Development Opportunities and Community Development Opportunities (Parking Facility) Needs Services:**

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

- **Parking Structure (West Acequia Parking Structure) - Section 108 Loan:** The City of Visalia is committed to providing adequate parking in the Downtown area to promote jobs. This year, the City will make a Section 108 payment in the amount of \$486,700.

Outcome Goal #2: Demonstrate a commitment to long-term economic growth through job creation.

- **Job Creation:** Funding used for attraction of job creating businesses to the City, and to provide Administrative/Staff support activities to assist new businesses and industries seeking to expand or locate to Visalia. Funds utilized may be through improvements or direct assistance to a new business, however, as a requirement for the use of funds, at least 51% of new jobs created will be made available to Low /Mod income persons or benefit the area. CDBG Funds are being allocated in the amount of \$100,000.

2. Identify specific long-term and short-term community development objectives (including economic development activities that create jobs), developed in accordance with the statutory goals described in section 24 CFR 91.1 and the primary objective of the CDBG program to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons.

The City of Visalia developed a specific set of long-term goals in the Consolidated Plan of 2005/2010.

- **To develop viable urban communities** by providing decent housing and a suitable living environment and expanding economic opportunities principally for low- and moderate-income persons.
- **To work with the Community Redevelopment Agency** and fulfill its goals to eliminate existing blight; enhance business viability; attract new capital and business enterprise; facilitate new development through site assembly;

provide and upgrade public improvements; and encourage long-term home ownership.

Mission Statement of the Consolidated Plan

- **To use City of Visalia and Community Redevelopment Agency resources to assist with businesses, job development and the provision of safe, affordable housing. In short, doing our part to keep Visalia a community its residents are proud to call home. Visalia is our best investment!**

This is the City's fifth Action Plan within the five-year Consolidated Plan and the City has made considerable progress towards addressing the goals of the Plan to address High priority needs; Affordable Housing, Homelessness, Special Needs Housing, and Barriers to Affordable Housing.

Neighborhood Preservation/Services To help stabilize neighborhoods, improve neighborhood morale, and increase attractiveness for those seeking to establish or relocate businesses to Visalia, the Consolidated Plan established a Code Enforcement Program. Within the past five years, the City's Code Enforcement division has addressed a total of 755 code cases.

Homelessness – The Consolidated Plan identified Homelessness as a High Priority need due to the high County unemployment rate. The City of Visalia, in conjunction with other jurisdictions has created the Continuum of Care. The Continuum of Care (CoC) is a consortium of housing providers, service providers, and local government, that work together to end homelessness in Kings and Tulare Counties.

The City is in its early stages of preparing both the Consolidated Plan of 2010/2015 and the Housing Element. Both of these reports mandate how the City of Visalia will adequately plan to meet the existing and projected housing needs of all economic segments within the City. Additionally, the Housing Element provides a study of demographics and employment trends, housing and household characteristics, future housing needs, and an evaluation of current and past housing programs in Visalia as well as an evaluation of the existing Housing Element.

Community Development Short-Term Objectives

New Projects:

- City staff will continue efforts of revitalizing two neighborhoods, the Washington School and Oval Park neighborhoods.
- In the Washington School area, efforts have focused on addressing: lighting, traffic, parking, code abatement, graffiti removal and gang activity. Traffic Safety has made improvements through the installation of a 4-way stop sign and re-striping of a crosswalk. City Engineering is working with the Washington Residential Area neighborhood to assess the potential of pursuing a Landscape and Lighting District. Last year the City allocated \$50,000 (2008/09) and

Jurisdiction

recently in July \$25,000, 2007/08 CDBG funds was reallocated to this project, totaling \$75,000 last year in allocations to the Washington School Area.

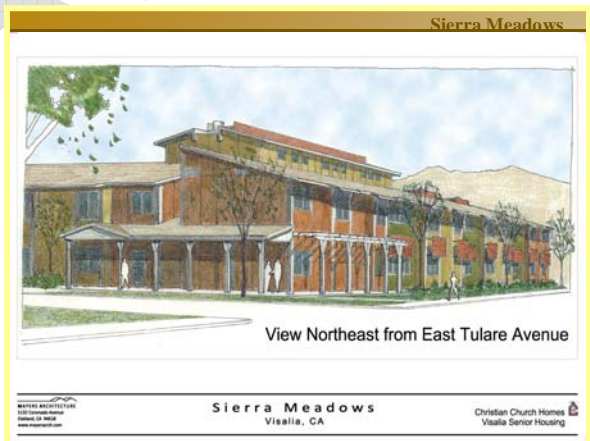
- City staff will also work to meet the needs of the Oval Park neighborhood. In addition to leveraging CDBG funds, the City received a Cal Trans Grant to analyze the area as it relates to traffic safety and lighting. On April 26, 2008, the City held a community meeting at the Oval Park to obtain community input. To date, three out of four community workshops have taken place to outline improvements to be made on Highway 63 and strategies to revitalize the Lincoln Oval. The City has previously allocated \$80,000, with this years' allocation of \$90,000 in CDBG funding towards the Oval Park Project.

Housing Projects:

- The City in partnership with Kaweah Management Company and VIAH (Visalia's Interested In Affordable Housing), certified CHDO for the City, to provide affordable rental housing to low-income families. The Paradise & Court Project will develop nine new, two story units and rehabilitate the eleven existing single story units. Approximately \$500,000 HOME CHDO funds and \$500,000 Redevelopment Low/Mod funds are invested in the project.



- The City has a partnership with Christian Church Homes, who a few years ago began a Senior Housing Project located at 1120 East Tulare Avenue, now known as Sierra Meadows. Sierra Meadows is a 43 unit senior complex, with sustainable design features for maximum energy efficiency, a courtyard configuration to promote outdoor enjoyment and adaptability features to encourage long term tenancy for the aging population. This project ensures that residents will not pay more than 30 percent (30%) of their income on rent and utilities.



- The Housing & Economic Development staff will continue to strategize ways of attracting new businesses that bring a large number of quality jobs to Visalia. Approximately \$100,000 in CDBG funds has been set aside to demonstrate a commitment to long-term economic growth through job creation opportunities.

Antipoverty Strategy

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

Visalia is the county seat of Tulare County, the top dairy and milk-producing county in the nation and the second most productive agricultural county in the world.

Jurisdiction

Visalia's central location benefits industries serving California and the western United States. Still, with the economic downturn, our City's top companies have had to make many adjustments to their operations, one of these being lay-offs. The City had an unemployment rate of 14.3 percent in December 2008, up from 12.5 percent in November 2008, and above the year-ago estimate of 10.8 percent. This compares with an unadjusted unemployment rate of 9.1 percent for California and 7.1 percent for the nation during the same period. (Employment Development Department 2009)

Unemployment has serious economic, social and emotional impacts. Although Visalian's who are unemployed may receive unemployment benefits, this may leave many to survive just below the poverty line

On February 6, 2009, the Housing & Economic Development Director, attended a conference hosted by the Tulare County Workforce Investment Board. The conference brought together community leaders at all levels to strategize on how to get Tulare County residents back to work. The City will continue its partnership with TCWIB who enhances the economic self-sufficiency of targeted groups, reduces the number currently or potentially on public assistance rolls, increases job opportunities, and targets youth who without intervention of the TCWIB would be unemployed or become public assistance recipients.

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

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

The City will also continue partnering with organizations to provide a continuum of services addressing the full range of needs of low and moderate-income families of Visalia. The City will continue working to obtain additional funds from State and Federal sources for housing and community development projects.

NON-HOMELESS SPECIAL NEEDS HOUSING

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

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

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve for the period covered by the Action Plan.

In this Action Plan year, the City will address non-homeless special needs and meet specific objective through the following programs;

CDBG Objective 6: Suitable Living Environment by supporting Special Needs Services:

Outcome Goal #1: Maintain quality owner-occupied housing for elderly.

- **C-SET for Senior Home Minor Repair.** The City will provide funding to CSET for the administration of the Senior Home Minor Repair Program. The program offers assistance for minor repairs to help senior citizens remain in their homes. Examples of services include Plumbing repairs, cooler/air conditioning repairs, roof repairs, door and window repairs, electrical repairs, appliance repairs, flooring and carpentry repairs. CDBG funding in the amount of \$91,000 will be allocated to this program with an expectation that at least 620 repairs will be made.

Outcome Goal 2#: Increase accessibility and range of housing options for persons with special needs.

- **Mobile Home Senior Handicapped and Repair Program** – Formerly called the Senior Handicapped and Repair Program, City staff is recommending that the program be renamed to Mobile Home Senior Handicapped and Repair Program; therefore, giving a clear understanding to the public that this program assists those who live in a mobile home and/or have a handicap. This program is administered through Self-Help Enterprises. Funds were allocated last year 2008/09 in the amount of \$70,000, with an additional \$60,000 reallocated from 2007/08 program income, totaling \$130,000 in CDBG funds. This year's allocation (2009/10) is a total of \$95,000 in CDBG funds to provide approximately 14 grants to mobile home owners. The funds are provided as a grant, up to \$5,000, making it possible for extremely low and low-income senior citizens to make minor repairs to their mobile homes. Examples of assistance: Re-roofing, handicapped access, heating furnace, hot water heater, electrical and plumbing fixtures; sanitary fixtures, and repair/replacement or purchase of an air conditioning unit which is required for a certified medical condition as prescribed by a licensed medical practitioner. It is anticipated that this program will assist approximately 20 households.

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

Funds are limited in addressing non-homeless special needs; however, the City will continue to participate in addressing the needs of the community such as the newly formed group that is addressing the foreclosure crises in Tulare County. Staff also continues to look for grant opportunities.

Housing Opportunities for People with AIDS

Not applicable. The City of Visalia does not receive HOPWA funding.

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

Not applicable. The City of Visalia does not receive HOPWA funding.

Other Narrative

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

Exhibit "A" - 2000 Population by Race (Tract Level)

Exhibit "B" - 2000 Household Income Ranges (Tract Level)

Exhibit "C" – Summary of Allocations

Exhibit "D"- Estimated 2009-2010 CDBG & HOME Allocation

Exhibit "E"- Disability Advocacy Committee Meeting Agenda and Minutes April 6, 2009

Exhibit "F"- Washington Residents for a Better Community Meeting Agenda and Minutes – March 26, 2009

Exhibit "G" - North Visalia Neighborhood Advisory Committee Meeting Agenda and Minutes – April 9, 2009

Exhibit "H"- Public Hearing Notice

Exhibit "I" - Citizens Advisory Committee Meeting Agenda and Minutes– April 1, 2009

Exhibit "J" - City Council Agenda- Work Session Agenda- April 6, 2009

Exhibit "K" – City Council Work Session Transmittal– April 6, 2009

Exhibit "L" - City Council Agenda Public Hearing Agenda- April 20, 2009

Exhibit "M"- City Council Public Hearing Transmittal- April 20, 2009

Exhibit "N" - Public input, Council input, Comments and responses

Exhibit "O"- Continuum of Care- Point-In-Time Survey

Exhibit "P"- The Homeless Need Table (Continuum of Care Homeless Population and Subpopulations Chart)

Exhibit "Q" – Community Development Needs Table

Exhibit "R" – Housing Needs Table

Exhibit "S" – Certifications

Exhibit "A"- 2000 Population by Race Map (Tract Level)

DRAFT

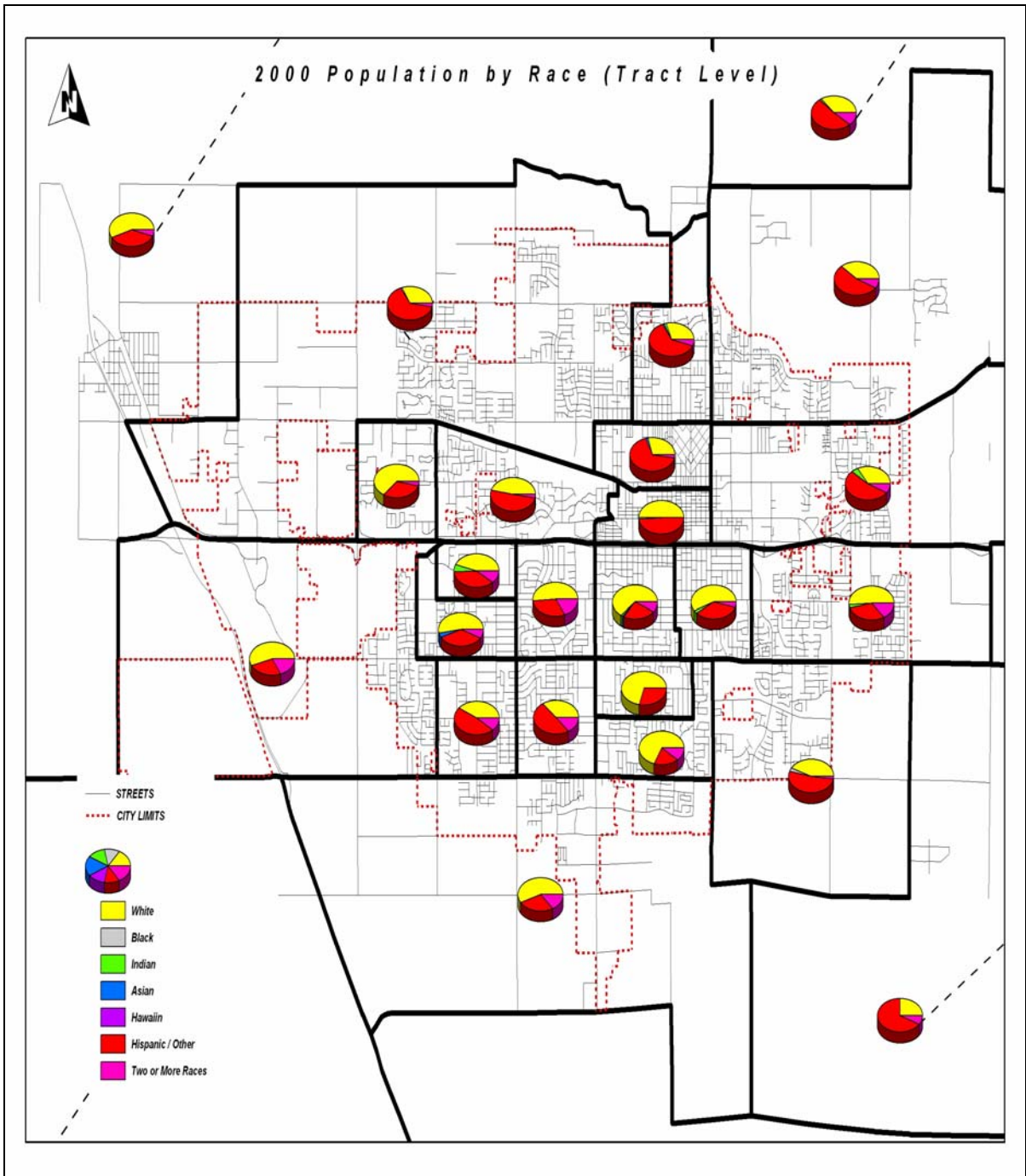


Exhibit "B" - 2000 Household Income Ranges (Tract Level)

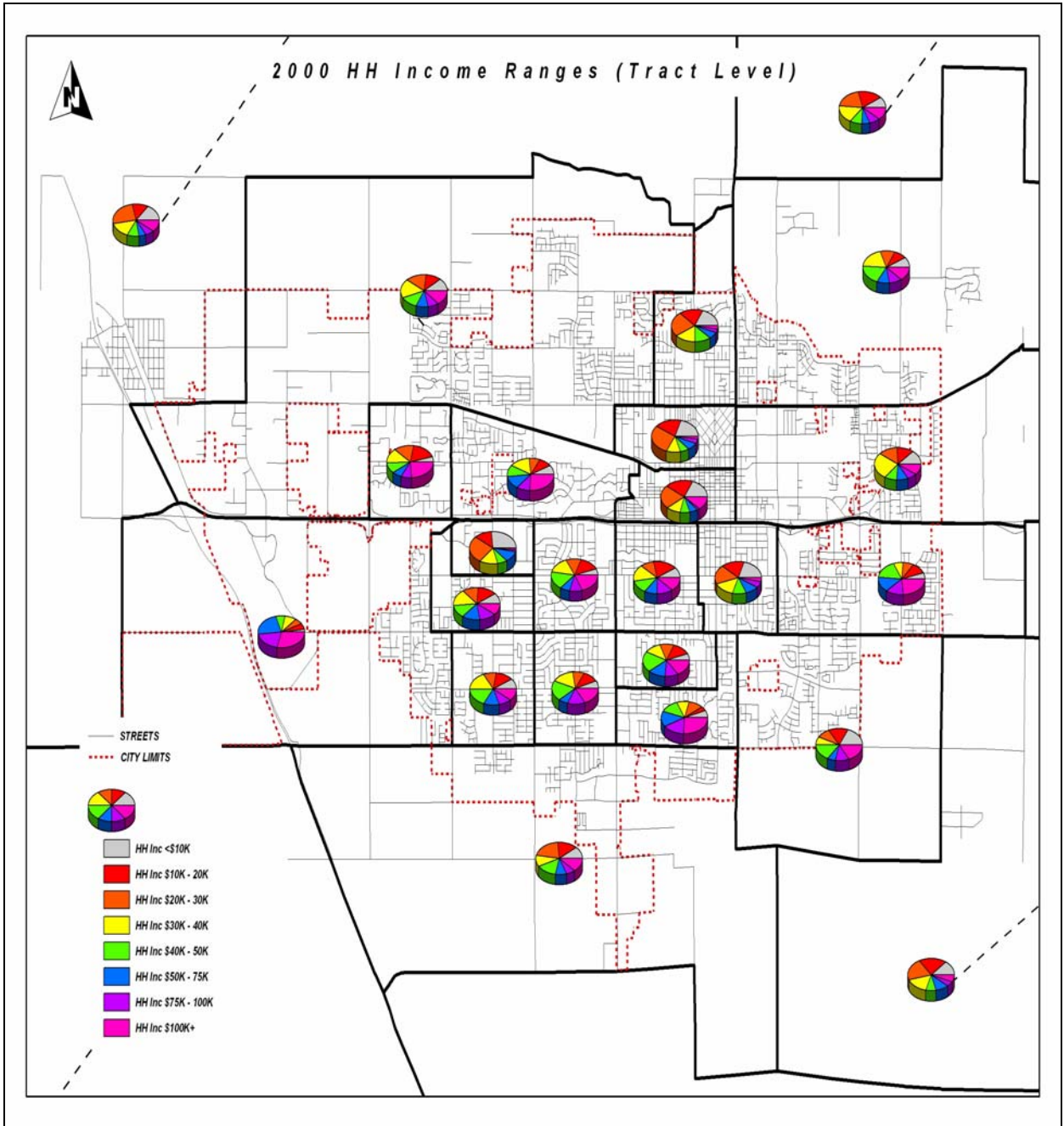


Exhibit "C" 2009/2010 Summary of Allocations

Exhibit "C"					
SUMMARY OF 2009/2010 ACTION PLAN					
		CDBG	HOME	TOTAL	UNITS
SOURCES OF REVENUE:					
1	Cash - Beginning Balance	1,185,000	490,000	1,675,000	
2	Annual Grant Amount			-	
3	HOME matching funds - RDA Low/Mod			-	
4	Program Income	200,000	400,000	600,000	
5	Interest Earnings/Investment Earnings			-	
6	TOTAL REVENUE	1,385,000	890,000	2,275,000	
7					
EXPENDITURES:					
9	Operating	68,900	7,100	76,000	
10	Redevelopment Allocation	131,500	25,800	157,300	
11	Direct Allocations	26,400	16,100	42,500	
12	Loan Servicing	6,000	-	6,000	
13	Subtotal Admin and Operating	232,800	49,000	281,800	
14					
15	Net for Programs and Projects	1,152,200	841,000	1,993,200	
16					
AFFORDABLE HOUSING:					
<u>Homeownership</u>					
19	FTHB (Contract w/CSET-6/3/09)		517,500	517,500	12
20	Property Acquisition (CHDO)		73,500	73,500	1
21	Housing Rehabilitation (contract w/SHE 6/30/10)		250,000	250,000	3
<u>Neighborhood Preservation/Services</u>					
23	Emergency Repairs and Basic Needs (contract w/SHE 6/30/10)	-		-	-
24	Code Enforcement- Target Areas	200,000		200,000	200
25	Fairhousing Hotline (contract w/TCHA 6/30/09)	34,500		34,500	120
27	HOMELESSNESS				
<u>Special Needs Facilities</u>					
	Continuum of Care	5,000		5,000	1
29	COMMUNITY DEVELOPMENT				
<u>Public Improvements</u>					
31	ADA Compliance Projects (Contract w/Sierra Range 6/30/09)	50,000		50,000	12
32	Oval Park Area Improvements	90,000		90,000	1
<u>Economic Development/Public Parking Facilities</u>					
34	West Parking Structure Loan Payment (Section 108 Loan)	486,700		486,700	1
35	Job Creation	100,000		100,000	2
<u>Public Park /Public Facilities</u>					
NON HOMELESS SPECIAL NEEDS HOUSING					
<u>Special Needs Services</u>					
39	Senior Home Minor Repairs (contract w/CSET 7/31/09)	91,000		91,000	620
40	Mobile Home Senior Repair & Handicapped Access (contract w/SHE 6/30/10)	95,000		95,000	14
41					
42	Subtotal Programs & Projects	1,152,200	841,000	1,993,200	
43					
44	TOTAL EXPENDITURES	1,385,000	890,000	2,275,000	
45					
REVENUE LESS EXPENDITURES					
47	Remaining to Carry Forward	-	-	-	

Exhibit "D" - Estimated 2009-2010 CDBG & HOME Allocation

Exhibit "D"				
2009-2010 Program Year CDBG and HOME Funding Allocation				
HOME Investment Partnership Funds (HOME) - Objective and expected Outcome	Investment	Percentage of Investment	Priority & Unit Goal	
Affordable Housing- HOME Funds				
Objective 1: Provide Decent Affordable Housing	\$ 841,000	100%	H	
1. Provide availability of affordable owner-occupied housing through (FTHB)	\$	517,500	12	
2. Provide availability of affordable owner-occupied housing through acquisition (CHDO)	\$	73,500	1	
3. Provide quality of owner-occupied housing through rehabilitation (HRP)	\$	250,000	3	
Total HOME Allocations	\$ 841,000	100%		
Community Development Block Grant Funds (CDBG) -Objective and expected Outcome				
Affordable Housing- CDBG Funds				
Objective 1: Suitable Living Environment through Neighborhood Preservation and Services	\$ 234,500	20.35%	H	
1. Maintain quality housing by addressing substandard housing through (Code Enforcement Program)	\$	200,000	200	
2. Maintain quality of owner-occupied housing through rehabilitation of substandard housing (ERBN)				
3. Provide services for low-to -moderate income persons by providing (Fair Housing Education Program)- Public Service)	\$	34,500	120	
Homelessness- CDBG Funds				
Objective 2: Suitable Living Environment by Supporting Special Needs Facilities	\$ 5,000.00	0.43%	H	
1. Increase accessibility to support facilities to end chronic homelessness (Continuum of Care/Homeless Project)	\$	5,000	1	
Community Development- CDBG Funds				
Objective 3: Suitable Living Environment through Public Improvements	\$ 140,000	12.15%	H	
1. Increase availability of handicapped access benefiting population with special needs (Streets ADA Compliance)	\$	50,000	12	
2. Improve quality and increase quantity of public improvements that benefit low-and moderate income residents. (Oval Park Area Improvements)	\$	90,000	1	
Objective 4: Create Economic Development Opportunities and Community Development Opportunities (Parking Facilities)	\$ 586,700	50.92%	H	
1. Demonstrate a commitment to long-term economic growth by promoting expansion and (job retention) - Section 108 Loan- West Acequia	\$	486,700.00	1	
2. Demonstrate a commitment to long-term economic growth through job creation	\$	100,000.00	2	
Objective 5: Suitable Living Environment through Community Development Opportunities (Public Services)	\$ -	0%	M	
Non Homeless Special Needs Housing- CDBG Funds				
Objective 6: Suitable Living Environment by Supporting Special Needs Services	\$ 186,000	16.14%	M	
1. Maintain quality of owner-occupied housing for elderly (Senior Home Repair Program)	\$	91,000	620	
2. Increase accessibility and range of housing options for person with special needs (SHARP)	\$	95,000	14	
Total CDBG Allocations	\$ 1,152,200	100%		

Exhibit "E"
Disability Advocacy Committee Meeting Agenda & Minutes (April 13, 2009)

DAC Working Agreements	City of Visalia Disability Advocacy Committee Agenda																
❖ Start/End on time	For the regular meeting of: Monday, April 13, 2009 Time: 5:00 p.m.																
❖ Be committed to DAC	Location: Visalia Senior Center, 310 N. Locust																
❖ Listen to one person at a time	<table border="0"><tr><td>Chair:</td><td>Mary Wheeler</td><td>Member:</td><td>Kathleen Papove</td></tr><tr><td>Vice Chair:</td><td>Rick Jones</td><td>Member:</td><td>Liz Ahumad-Lopez</td></tr><tr><td>Member:</td><td>Humberto Little</td><td>Member:</td><td>Nathaniel Andrews</td></tr><tr><td>Member:</td><td>Vacant</td><td>Alternate (2):</td><td>Vacant</td></tr></table>	Chair:	Mary Wheeler	Member:	Kathleen Papove	Vice Chair:	Rick Jones	Member:	Liz Ahumad-Lopez	Member:	Humberto Little	Member:	Nathaniel Andrews	Member:	Vacant	Alternate (2):	Vacant
Chair:	Mary Wheeler	Member:	Kathleen Papove														
Vice Chair:	Rick Jones	Member:	Liz Ahumad-Lopez														
Member:	Humberto Little	Member:	Nathaniel Andrews														
Member:	Vacant	Alternate (2):	Vacant														
❖ Volunteer time liberally- be available and participate in events	<hr/> <ol style="list-style-type: none">1. Call meeting to Order/Roll Call.2. Public Comment or Written Communication. <i>At this time, those in the audience are encouraged to address the Committee on any item not already included on tonight's agenda. The Committee cannot legally act on a matter that is not on the agenda. However, the Committee can investigate an issue and respond within a reasonable period of time. Speakers will be limited to a 5 minute presentation unless granted additional time by the Committee Chairperson.</i>3. Approval of the minutes from the February, 2009 meeting.4. Update from Norm Goldstrom (City Associate Engineer) – curb cuts, ramps, sidewalks, etc.5. Presentation by Nancy Renovato (Administrative Analyst with the City of Visalia Housing & Economic Development) – City's 09/10 Action Plan6. Suggestions for Recognition7. Items for May Agenda8. Adjourn Meeting																
❖ Agree to disagree- Respect others																	
❖ Follow through on commitments																	
❖ Express your opinions- Seek balanced input																	
❖ Enjoy our time together!																	

In compliance with the Americans with Disabilities Act- if you need special assistance to participate in meetings call (800) 713-4476. 48 hours in advance of the meeting. For hearing impaired - call (800) 713-4476 (TDD) 48 hours in advance of the scheduled meeting time to request some services. Visually impaired - If enhanced print of Braille copy is desired- please request in advance of the meeting and services will be provided as soon as possible after the meeting.

Exhibit "F"
Washington Residents for a Better Community Meeting Minutes

Washington Community Meeting
Thursday, March 26, 2009 @ 5:30
315 E. Acequia

- Welcome- Ricardo Noguera
- Introductions- Self
- Purpose and Goals- Ricardo Noguera
- Lighting Project- Cliff Ronk
- Housing Action Plan- Rhonda Haynes
- Meetings- Date, Time, Locations
- New Business

Exhibit "G"
North Visalia Neighborhood Advisory Committee Meeting Agenda-Survey and Minutes

North Visalia Neighborhood Advisory Committee
Thursday April 9, 2009
5:30 PM
Wittman Village Community Center
315 W. Pearl
Visalia, California

AGENDA

Introductions

Approval of Minutes from February 12, 2008 meeting

Citizen's Requests

The North Visalia Neighborhood Advisory Committee requests that a 3 minute time limit be observed for requests. Please note that issues raised under Citizen's Requests are informal only and the North Visalia Neighborhood Advisory Committee will not take action at this time.

Discussion

09/10 Action Plan
Nancy Renovato

- Review of Current Committee Membership Applications

Cary Winslow
Rob Cox
Michael Kreps
Kenny Lavinder
Brett Taylor
Rosalinda Verde

- Future Meeting Agenda Items

Good of the Order

Upcoming Events

Next Meeting

Thursday
May 14, 2009
Wittman Village Community Center

Any written materials relating to an item on this agenda submitted to the North Visalia Neighborhood Advisory Committee after distribution of the agenda packet are available for public inspection in the Visalia Police Department District 1 Substation Office, 204 NW 2nd, Visalia, CA 93291, during normal business hours.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4475. 48 hours in advance of the meeting. For Hearing Impaired – Call (559) 713-4429 (TDD) 48-hours in advance of the scheduled meeting time to request signing services. Visually Impaired – If enlarged print of Braille copy is desired, please request in advance of the meeting and services will be provided as soon as possible a

Exhibit "H" - Public Hearing Notice

**NOTICE OF PUBLIC HEARING TO ADOPT THE
2009/2010 ANNUAL ACTION PLAN
AND
INTENT TO AMEND
ACTION PLANS 2006/2007 AND 2008/2009**

The City of Visalia receives an annual Community Development Block Grant (CDBG) and HOME Investment Partnership Grant (HOME) from the federal government through the Department of Housing and Urban Development (HUD). The City uses these grants to provide decent housing and a suitable living environment as well as expand economic opportunities, principally for persons of low and moderate income.

The grant amount available for fiscal year 2009/2010 CDBG Program is \$1,185,000 and \$490,000 for the HOME Program. The proposed 2009/2010 Action Plan addresses the housing and community development needs identified in the adopted 5 year (2005-2010) Consolidated Plan specifically for fiscal year 2009/2010 and the proposed use of these funds to meet these needs.

The City Council of the City of Visalia will hold a **Work Session on Monday, April 06, 2009, at 4:00 PM**. The meeting will be held at, City Hall, Council Chambers, 707 West Acequia Avenue, Visalia, to review the 2009/2010 Annual Action Plan and Amendments to the 2006/2007 & 2008/2009 Action Plans. The public is invited to attend this meeting.

The City Council of the City of Visalia will hold a **Public Hearing on Monday, April 20, 2009, at 7:00 PM**. The meeting will be held at City Hall, Council Chambers, 707 West Acequia Avenue, Visalia, to adopt the 2009/2010 Annual Action Plan and Amendments to the 2006/2007 & 2008/2009 Action Plans. The public is invited to attend this meeting.

The City has scheduled the following community public meetings to discuss the adoption of the Action Plan and Amendments. The public is encouraged to attend:

COMMUNITY MEETINGS

CITIZEN'S ADVISORY COMMITTEE

City Hall West Council Chambers
Located at 707 West Acequia, Visalia
Wednesday, April 01, 2009, @ 5:30 PM

WASHINGTON RESIDENTS FOR A BETTER COMMUNITY

City Hall East
Located at 315 East Acequia, Visalia
Thursday, March 26, 2009 @ 5:30 PM

DISABILITY ADVOCACY COMMITTEE

Community Senior Center
Located at 310 North Locust Street, Visalia
Monday, April 06, 2009, @ 5:30 PM

NORTH VISALIA NEIGHBORHOOD ADVISORY COMMITTEE

Whitman Village Community Center

Exhibit "I" - Citizens Advisory Committee Meeting Agenda and Minutes– April 1, 2009

<p>CAC Working Agreements</p> <ul style="list-style-type: none">❖ Start/End on time❖ Be committed to CAC and subcommittees❖ Listen to one person at a time❖ Volunteer time liberally- be available and participate in events❖ Agree to disagree- Respect others❖ Follow through on commitments❖ Express your opinions- Seek balanced input❖ Enjoy our time together!	<p>City of Visalia Citizens Advisory Committee</p> <p>Wednesday April 1, 2009 5:30 p.m.</p> <p>City Hall – Council Chambers 707 West Acequia Visalia, California</p> <p>AGENDA</p> <p>5:30 p.m. Welcome and public comment</p> <p>5:35 p.m. Update on FEMA Flood Map</p> <p>5:35 p.m. CDBG Action Plan</p> <p>6:00 p.m. <u>Subcommittee Reports</u></p> <p>Public Opinion Survey - Nyla</p> <p>Non-Profit Funding - Chris</p> <p>CAC Committee Mission Statement – Dave & Betty <i>Proposed statement - The Citizen's Advisory Committee acts as a review committee for those projects and proposals that are generated by, or presented for review by City of Visalia staff.</i></p> <p>CAC Annual Report - Sylvia</p> <p>CDBG - Chris</p> <p>General Plan Review – Dirk</p> <p>6:45 p.m. Other issues from CAC members</p> <p>7:00 p.m. Adjourn</p> <p>Next meeting – May 6th</p>
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Any written materials relating to an item on this agenda submitted to the Citizens Advisory Committee after distribution of the agenda packet are available for public inspection at City Hall West, 707 W. Acequia, Visalia, CA 93291, during normal business hours.

**City of Visalia
Citizen's Advisory Committee Minutes
Wednesday, April 1, 2009
City Hall – Council Chambers
707 West Acequia
Visalia, California**

Members present: Matthew Ainley, Sylvia Baggs, Diane Biehle, Lois Bollinger, Chris Gomez, Nyla Hallum, Nathan Hernandez, Dirk Holkeboer, Betty McNutt, Phil Mirwald, Donna Orozco, George Ouzounian, George Shelton and Dave Wheeler

Members absent: Jim Evans and Nick Seals

CAC Staff Representative present: Eric Frost

Guests present: Rhonda Haynes, Ruth Pena and Nancy Renovato from Housing & Economic Development

The meeting was called to order by chairman Dirk Holkeboer at 5:33 p.m. There was no public comment.

Chris Young, engineer with the City was invited but was not able to attend. There was a discussion about the new FEMA Flood Map and the communications from the City and County to the public informing them of the situation.

Our guests, Rhonda, Ruth and Nancy, presented the CDBG Action Plan for 2009-2010 (using last year's allocations). They will present this material in a number of other public forums for feedback and comment. In addition, we were made aware of the proposed changes to the 2009-2010 plan. Various questions were asked and Dirk thanked them for their presentation.

Subcommittee Reports

Non-profit funding—Chris informed us that no decision has been made by the City Council about the amount that will be included for non-profit funding for 2009-2010.

Public Opinion Survey—Nyla reported that the subcommittee was very successful with the experiment at Mary's Vineyard SaveMart soliciting participants in the annual survey on Saturday, March 28th. They were able to collect 75 completed surveys in a period of 4 hours. There were several suggestions to improve the process:

- 1) Need a sign with the City logo so people will know we are official and not selling anything;
- 2) Need a map so that the correct quadrant of the City can be easily identified;
- 3) Translate the survey into Spanish;
- 4) Have pamphlets detailing City services available to those who are interested;

5) Possibly placing the survey on the City's website and having business cards to hand to people that are interested but do not want to take the time to complete a survey at that moment;

6) Reversing the numbers 1-5 (because it is logical that 5 is better than 1).

The CAC will follow the lead of the subcommittee in conducting at least 3 more of these outings because the pilot project was so successful. George O. was thanked for getting permission from SaveMart and volunteered to get permission for the additional outings. The subcommittee will plan the next steps in this process.

CAC Mission Statement—Members sent suggestions for any changes to the proposed Mission Statement to Betty and Dave. There were 4 possibilities circulated by email. Sylvia moved to accept the following as the CAC Mission Statement, seconded by Donna. Motion passed unanimously.

“The Citizens Advisory Committee reviews proposals and undertakes projects presented by the City Council or City staff. It also provides an opportunity for City residents to express opinions or raise concerns about the City of Visalia.”

CAC Annual Report—The updated version of the Annual Report was presented to Eric for distribution to other City Committees as an example; as well as for inclusion in the City's Handbook.

CDBG—no report.

General Plan Review—Dirk attended the first meeting of the General Plan Update Review Committee on March 25, 2009. Vice Mayor Bob Link was selected chairman. The Committee will take 5 years to do a comprehensive review of the City's General Plan.

Next CAC meeting will be at City Hall, Wednesday, May 6, 2009 at 5:30 p.m.

The meeting was adjourned at 7:15 p.m.

Respectfully submitted, Sylvia Baggs, Secretary

Exhibit "J"- City Council Work Session Agenda- April 6, 2009

Visalia City Council Agenda

For the regular meeting of: MONDAY, April 6, 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.

5:00 p.m.

INTRODUCTIONS/RECOGNITIONS

Fire Chief Nelson - Introduction of newly promoted Fire Department Employees: Jay Manning, Fire Captain; Jason Costa, Fire Engineer; Jerry Hernandez, Fire Engineer

Police Chief Carden - Recognition of K9 Unit (Mark Lyon & Alex; Clay Moffett & Bosco; Gerrit DeJong & Samson; Ryan Lasalde & Mac; Jason Feierbach & Timber) and their placement in the recent K9 Trials

5:15 p.m.

WORK SESSION AND ACTION ITEMS (as described) 5:15 p.m.

Public Comment on Work Session and Closed Session Items

1. Review the draft 2009/2010 Action Plan budget for the use of the Community Development Block Grant (CDBG) and HOME Investment Partnership Grant Funds (HOME) from the Department of Housing and Urban Development (HUD); and review 2nd Amendment to the 2006/07 funding and 1st Amendment to the 2008/09 Action Plan prior to the Public Hearing before City Council on April 20, 2009, reprogramming CDBG and HOME Funds.

Convene jointly as the Redevelopment Agency and the Visalia City Council

5:30 p.m.

2. RDA ITEM - Review and approve a loan in the amount of \$23,000 in Central RDA Funds to support the Property & Business Improvement District IV Petition and Ballot for Formation an Expansion of the District for up to ten years.

Adjourn as the Redevelopment Agency and the Visalia City Council and remain seated as the Visalia City Council.

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

ITEMS OF INTEREST

CLOSED SESSION

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

3. Conference with Labor Negotiators (GC 54957.6)
Agency Designated Representatives: Eric Frost, Steve Salomon, Janice Avila
Employee Organization: All Employee Groups
4. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Small wedge pieces on Ben Maddox between Noble and Highway 198
Under Negotiation: Price, terms and conditions of potential purchase
Negotiating Parties: Steve Salomon, Michael Olmos, Galante Brothers
5. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Joshua Bulger, West Coast Believers Center

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.

6. INFORMATION ITEMS – (No action required)
 - a) Receive Planning Commission Action Agenda for the meeting of March 23, 2009.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

7. 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) Approval of Brown Armstrong CPA firm to complete the City's fiscal year 2008-09 audit.
 - c) First reading of Ordinance authorizing the execution of a grant of easement to Southern California Edison for a small area on the northwest corner of the Acequia Parking Structure property. Ordinance 2009-03 required.
 - d) Authorization to award RFB # 08-09-16, Digester No. 3 Coating Project, to Jeffco Painting & Coating in the amount of \$104,400.
 - e) Authorization for the City Manager to negotiate a contract with the Convention and Visitors Bureau (CVB) for 2009-10 at the consistent funding amount of \$239,000, to begin funding the contract May 1, 2009, and to provide office and tourism information space to the CVB.
 - f) Appointment of a representative of the Visalia Community Forum to the General Plan Update Review Committee.
 - g) Request authorization to file a Notice of Completion for Parcel Map 4849 (TPM 2006-22) Phase 2, located at the Northeast corner of Demaree Street and Riggan Avenue.
 - h) Authorize the recordation of the final map for Phase 1 of Plaza Business Park (TPM 2008-03) located east and west of Plaza Drive between Hurley and Crowley Avenues (7 lots); authorize the City Manager to execute the Subdivision and Reimbursement Agreements and authorize the amendment of Landscape and Lighting District No. 08-04 for Conditional Use Permit No. 2007-39. APN: 081-020-067, 070. Resolutions 2009-11 and 2009-12 required.
 - i) Authorization to direct the City Attorney to draft the appropriate amendment to Ordinance 2007-13 to suspend any Council salary increases slated to go into effect during the 2009-10 budget year.
 - j) Authorization for the Mayor to submit a letter to the California High Speed Rail Authority for High-Speed Train alignment in the Tulare County region and subsequent station near Highway 99.
 - k) Acknowledge acceptance of an FAA Grant Agreement (AIP 24) in the amount of \$85,500 to fund an Update of the Airport Layout Plan and to prepare a Pavement Management Plan for the Visalia Municipal Airport.
 - l) Authorization for the City Manager to negotiate final details and sign the Task Agreement with the National Park Service to operate the third season of the internal Sequoia Shuttle service at a reimbursement level that will compensate the City for the cost.

8. PUBLIC HEARING:

- a) **General Plan Amendment No. 2008-11:** A request by Visalia Unified School District to amend the 129,000 Population Urban Development Boundary to include the project site, and to change the land use designation on the General Plan Land Use Map from Urban Reserve to Public Institutional on 160 acres to be developed in the future as a multi-school complex. Upon annexation, this site will automatically be zoned QP (Quasi Public). Resolution 2009-09 required.
- b) **Annexation No. 2007-03 (Akers-Riggin NW):** A request by Visalia Unified School District to annex land and right-of-way totaling approximately 160 acres into the City limits of Visalia. Resolution 2009-10 required.
- c) **Detachment of property from County Service Area No. 1.** The site is located on the northwest corner of Akers Street and Riggin Avenue. APN: 077-100-097, 098.

9. PUBLIC HEARING – Mid Year Financial Report

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Sequoia Plaza Shopping	1,616.97 sf (0.037 ac) APN 121-090-041	2131 W. Whitendale	Mooney Widening Project Cal Trans Agrmt 06-1361	3/24/09	Andrew Benelli

Upcoming Council Meetings

- Monday, April 20, 2009, Work Session 4:00 p.m.; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, April 27, 2009, 4:00 p.m., Joint Meeting with the Planning Commission, Convention Center, 303 E. Acequia.
- Monday, May 4, 2009, Work Session 4:00 p.m.; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia

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

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

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

Exhibit "K" – City Council Work Session Transmittal – April 6, 2009

DRAFT

Exhibit "L" - City Council Public Hearing Agenda- April 20, 2009

DRAFT

Exhibit "M"- City Council Public Hearing Transmittal- April 20, 2009

DRAFT

Exhibit "N"- Public Input, Council Input, Comments and Responses

City of Visalia 2009-2010 Action Plan	
Community Input, Council Input & Public Testimony Notes	
<i>Washington Residents for a Better Community Meeting, Presentation of Draft Action Plan, March 26, 2009</i>	
Public Comment:	City Response
The Jefferson Park area is still not well lighted.	The Jefferson Park area did not include lights initially. Staff can re-evaluate the study to look at installing lights around the perimeter of the park.
<i>Citizens Advisory Committee Meeting, Presentation of Draft Action Plan, April 01, 2009</i>	
Public Comment:	City Response
What is the difference between a Grant & Program Income?	The Grant is the new allocation and Program income is derived from loans paid in full (principle and interest)
On Christian Church Home Project, where did the 300K come from?	Funds came from the previous year housing rehabilitation program funds and program income.
Because the Oval Park usually goes hand in hand with Washington School Area; will any funding be allocated to the Washington Area?	The City did not allocate money to the Washington Area in this Action Plan year; however, assistance was provided in 08/09 for public improvements.
What funds were freed up to allow additional funding to be allocated to the Code Enforcement and Mobile Home Sharp Program	Explanation included funding from the existing Emergency Repair and Basic Needs Program previous year will continue to be utilized, therefore this year (09/10) funding was not allocated to the program; and reduced payment of the Section 108 loan.
Have allocations changed drastically or are they about the same? Where did the money come from?	The annual allocation is not confirmed, we utilize last year's allocation as an estimate. The two projects that were allocated additional funding, due to the needs of the community are Code Enforcement and the Mobile Home Senior Handicap and Repair Program.
For the Consolidated Plan, did the City have a Consultant before? Are you comfortable with a budget of \$30k?	The City did not have a consultant for the previous Cons Plan; however, because of new regulations the City is completing a Request for Proposal. The Cons Plan consultant will conduct a 6 month analysis. As far as the budget, this is what staff has been told is a comparable amount.
Explain why Christian Church Homes needs \$300k? Has the project been stopped?	CCH/VSH Project- miss interpretation of the project status, tax credits were not obtained due to the economic conditions. An explanation of the resources, such as reduction in construction costs, due to rebidding the project, reduction of developer fees, adding donations from VSH, and increasing funds through an amendment to the Section 202 grant, these increases and decreases have brought the project costs down from \$11.6 to \$9.4 million dollars. City is assisting with the gap, however if costs are reduced further, funding may be reimbursed.
What is the debt ratio?	Explanation of the definition was made to the committee
What is the income limit?	The income limit is up to the 80% of the median of income level.
Does the City see Program Income as increasing or decreasing due to the market conditions?	With the economy the way it is, it is hard to know for sure if program income will increase or decrease; however, staff conducts a quarterly analysis to try to determine what is going on with the economy.
Why is the name on the SHARP changing to Mobile Home SHARP?	The department director wanted to rename the program so that the name tells the public that this program is to assist those folks who reside in a Mobile Home Park.
Are there monies left over at the end of the year?	Sometimes there are monies left over. Those funds would carry over to the following Fiscal Year. In the case of the Mobile Home Senior Home Repair Program, no monies were left, thus the reason to increase this years allocation.
Do people know about these programs?	Yes, the City has been active in outreach and marketing. Along with our partners; Self-Help & CSET, the city has target Mobile Home Park owners, and various agencies around town.
<i>City Council Work Session, Presentation of Draft Action Plan, April 06, 2009</i>	
Public and Council Comments:	City Response
What happens with other programs that need money?	Potentially CCH may not need the full amount of \$300k
Is program income expected to decline down?	If homes financed through the City's programs are not selling, program income will decline. Much of the City's program income (principal & interest) is driven by market conditions.
Can you give an overview on the Senior Housing Development?	The City has worked with Christian Church Homes to deliver this project over the past several months. Due to the downturn in the economy, CCH has been unable to secure tax credits for the project. As a result, CCH has requested \$300,000 in additional HOME Funds from the City and an Amended Section 202 HUD Grant in the amount of \$375,000 (Rhonda please confirm). CCH plans to break ground on this project in July.
Is \$50k enough for the Oval Park Improvements project? Council requested Staff look for funding opportunities in the future for the Oval Park	The City has amassed a total of \$110,000 in CDBG funds over the past two years to support the eventual implementation of improvements for the Oval Park area. With the completion of the Caltrans Study expected in late Summer, the City will be exploring federal stimulus funds as well as other support from the State to commence implementation of the recommendations for the area
<i>North Visalia Neighborhood Advisory Committee Meeting, Presentation of Draft Action Plan, April 09, 2009</i>	
Public Comment:	City Response
How much funding has been allocated for Oval Park Improvements?	A total of \$90k from this action and \$80k from 08/09 Action Plan and an amendment
Who is the contractor for the Christian Church Homes Project?	Don Lieberman, Sunderi Construction, 48 Comanche Court, Chico, CA 95928, 530-891-6444
What is the amount of a Rehabilitation Loan	Maximum of \$80k
How do people know about these programs?	City staff has been conducting various outreach presentations to realtors/lenders, school district, etc. Additionally our partners; CSET & Self-Help conduct their own outreach through presentations at Mobile Home parks, flyer distribution to daycares, churches, etc.
Anyway to formulate a plan and maybe work with Habitat for Humanity on revitalizing the bottling company? It's become such an eyesore	The City has looked at the site, but the price is currently to high right now.
How much from Stimulus funding will you be receiving? Anything from FTA?	We are expecting approximately \$320k in stimulus funding. I am not aware of any FTA monies; however, it would be a good idea to look at bus stops throughout town.
<i>Disability Advocacy Committee Meeting, Presentation of Draft Action Plan, April 06, 2009</i>	
Public Comment:	City Response
No Comments or Questions	NA
<i>City Council Public Hearing Meeting, Presentation of Final Action Plan for Adoption, April 20, 2009</i>	
Public and Council Comments:	City Response

Exhibit "O" - Continuum of Care- Point-In-Time Survey

**Tulare County
2009 Point In Time Results**

Age Group	<20	16	5%	Ethnicity	African Ame	16	5%		
	21-29	64	19%		Native Ame	10	3%		
	30-39	66	19%		White	124	37%		
	40-49	99	29%		Asian/Pacifi	18	5%		
	50-59	68	20%		Hispanic/La	151	45%		
	60-69	11	3%		Multi-Cultur	12	4%		
	70+	9	3%		Other	8	2%		
	Unknown	6	2%		Unknown	0	0%		
Total	339	100%		Total	339	100%			
In the past three years, how many times have you been homeless?	1 Time	202	60%	Primary Language	English	256	76%		
	2 Times	62	18%		Spanish	49	14%		
	3 Times	24	7%		Bilingual	30	9%		
	4 Times	14	4%		Hmong	0	0%		
	5 Times	5	1%		Lao	0	0%		
	6 or more	13	4%		Other	4	1%		
	Unknown	19	6%		Unknown	0	0%		
	Total	339	100%			Total	339	100%	
How long homeless this time?	<2mo	53	16%	Highest level of Education	Grade Scho	75	22%		
	2<6mo	82	24%		HS/GED	174	51%		
	7<12mo	33	10%		Some Colle	61	18%		
	13<24mo	55	16%		College Deg	15	4%		
	25<36mo	36	11%		No School	4	1%		
	37<48mo	18	5%		Unknown	10	3%		
	49<60mo	7	2%		Total	339	100%		
	60+	25	7%						
Unknown	30	9%	Location of Previous Housing	KC	6	2%			
Total	339	100%		TC	259	76%			
				Another Cox	46	14%			
Current Housing	EH	48		14%	Out of State	20	6%		
	TH	72		21%	Out of Cour	2	1%		
	Rel/Friend	66		19%	Unknown	6	2%		
	Street/Car	74		22%	Total	339	100%		
	Motel/Hotel	23		7%	Studio	80	24%		
	Unknown	56	17%	1bd	120	35%			
	Total	339	100%	2bd	81	24%			
				3bd	30	9%			
Gender	Male	198	58%	Size House/Apt. Needed	4bd	7	2%		
	Female	140	54%		5bd	5	1%		
	Unknown	1	0%		None Wante	4	1%		
	Total	339	100%		Unknown	12	4%		
	Are you a Veteran?	YES	28		8%	Total	339	100%	
		NO	309		91%	YES	41	12%	
		Unknown	2		1%	NO	290	86%	
		Total	339		100%	Unknown	8	2%	
Have you been convicted of a felony?		YES	151	45%	DV Victim?	Total	339	100%	
		NO	179	53%		YES	64	19%	
		Unknown	9	3%		NO	263	78%	
		Total	339	100%		Unknown	12	4%	
						Homeless w/Spouse?	Total	339	100%
							YES	64	19%
							NO	263	78%
							Unknown	12	4%
				Total	339		100%		

Page 1 of 2

Exhibit "O"- Continuum of Care- Point-In-Time Survey (Con't)

2009 Point In Time Results
Visalia

Age Group	<20	13	Ethnicity	African American	14	What is your income by source?	Wages	28	What is/are the reason(s) for your CURRENT experience of homelessness?	Alcohol/other drug	61															
	21-29	35		Native American	6		Child Support	3		Medical	24															
	30-39	29		White	73		Retirement/SS	1		Mental Health	31															
	40-49	49		Asian/Pacific Islander	8		Veteran's Benefits	1		Physical disabilities	29															
	50-59	41		Hispanic/Latino	67		GA	4		Argument with family/friends	38															
	60-69	8		Multi-Cultural	8		Food Stamps	48		Domestic Violence	13															
	70+	2		Other	4		TANF	8		Discharged from Hospital	11															
	Unknown	3		Unknown	0		SSI	21		Discharged from Prison	17															
Total	180	Total	180	SSDI	3	Divorce/Separation	16																			
How long homeless this time?	1 Time	121	Primary Language	English	149	Do you have any of the following Disabilities?	SDI	1	Services Needed	Family Violence	12															
	2 Times	33		Spanish	10		Tribal Benefits	1		Eviction	23															
	3 Times	12		Bilingual	19		Unemployment	3		Mortgage foreclosure	2															
	4 Times	4		Hmong	0		No income	80		No affordable housing	23															
	5 Times	2		Lao	0		Unknown	2		Substandard housing	5															
	6 or more	7		Other	2		Total	202		Aged out of foster care	4															
	Unknown	1		Unknown	0		Surveys	123		Lost benefits	10															
	Total	180		Total	180		Physical	54		Lost public assistance	5															
Current Housing	EH	26	Highest level of Education	Grade School	38	Are you Employed?	Mental	48	Chronically Homeless?	Food/Hot meal	135															
	TH	59		HS/GED	90		Dual Diagnosis	19		Mental Health	66															
	Rel/Friend	21		Some College	38		PTSD	18		Dental	124															
	Street/Car	47		College Degree	13		Other	6		Vision	106															
	Motel/Hotel	3		No School	0		Substance Abuse	48		Substance Abuse	65															
	Unknown	24		Unknown	1		Total	196		Transportation	124															
	Total	180		Total	180		KC	5		Housing	132															
	Gender	Male		128	Location of Previous Housing		TC	141		If No, Last Employment Date:	YES	19	Households with Children	Legal	69											
Female		53	Another County	24		NO	156	Health	121																	
Unknown		1	Out of State	9		Unknown	1	Job Training	101																	
Total		180	Out of Country	0		Never	4	Education	84																	
Are you a Veteran?		YES	17	Size House/Apt. Needed		Unknown	1	Pregnant?	<2mo		8	Visalia Surveys		None	6											
		NO	163			Studio	53		NO		179			>6mo	22	Adults	Child Care	33								
		Unknown	0			1bd	73		Unknown		59			13-24mo	9		Children	Other	4							
		Total	180			2bd	32		N/A		22			25-36mo	12			Total	None	6						
	Have you been convicted of a felony?	YES	85		3bd	11	Total		180	37-46	8		Total	YES	46											
		NO	94		4bd	3	YES		9	48-60	5			Total	NO				127							
		Unknown	1		5bd	0	Total		180	>60mo	22				Total				Unknown	7						
		Total	180		None Wanted	3	NO		171	Unknown	59								Total	Total	180					
Homeless w/Spouse?		YES	18	Unknown	5	Households with Children	YES	9	Total	Total	180															
		NO	161	Total	180		NO	171				Total				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180									180									
		Total	180	NO	154													Total		180	180					
	Homeless w/Spouse?	YES	18	Unknown	2								Total									180	180			
		NO	161	Total	180									Total										180	180	
		Unknown	1	YES	24										Total											180
		Total	180	NO	154														Total							
Homeless w/Spouse?		YES	18	Unknown	2	Total			180	180																
		NO	161	Total	180						Total	180				180										
		Unknown	1	YES	24		Total	180																		

Exhibit "P" - The Homeless Need Table (Continuum of Care Homeless Population and Subpopulations Chart)

DRAFT

Exhibit "Q" – Community Development Needs Table

DRAFT

Exhibit "R" – Housing Needs Table

DRAFT

Exhibit "S" –Certifications

DRAFT

City of Visalia Agenda Item Transmittal

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Public Hearing to approve the recommended expenditure of and appropriate the State of California 2008 Citizens Option for Public Safety (COPS) Program funds of \$192,868. Adopt Resolution 2009-18 regarding the grant to be executed.

Deadline for Action: April 20, 2009

Submitting Department: Police

Contact Name and Phone Number: Chief Bob Carden, ext. 4215 or Chuck Hindenburg, ext. 4250

Department Recommendation:

Council is recommended to approve and appropriate the proposed expenditure plan for the 2008 Citizens Option for Public Safety (COPS) Program funds (\$192,868) to be used to:

- Continue funding one Police Records Specialist position to the Records Bureau - \$57,200
- Continue funding one Crime Prevention Assistant hourly employee - \$17,300
- Eighty-one (81) Sig P226 .40 cal. Handguns with holsters and handgun lights - \$63,342; less trade-in \$17,820 plus tax \$6,246 – Total price \$51,768
- 42,000 rounds .40 cal. Ammunition - \$16,800
- Fourteen (14) Colt M-4 .223 cal. Rifles with slings, rifle lights, and mounts - \$16,100
- 4,000 rounds .223 cal. Ammunition - \$2,400
- Explosive breaching façade - \$15,536
- Thirteen (13) Digital Recorders - \$4,050
- Simunition Equipment for departmental training - \$11,714

and adopt Resolution 2009-18 regarding the grant to be executed.

Summary/background: AB 3229 creates the Citizens Option for Public Safety Program (COPS). The bill allocates money to cities and counties for law enforcement and public safety purposes. The city was awarded Supplemental Law Enforcement Services Fund (SLESF) funds in the amount of \$192,868 for the year 2008. These funds will be deposited in and expensed from Fund 6311, Citizens Option for Public Safety (COPS). Meetings have been held with Department Staff to develop and finalize the recommendation for expenditure.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The City Council is responsible for appropriating SLESF funds. This money may only be spent on "front Line law enforcement services" and may not be used to supplant existing law enforcement services. "Front line law enforcement services" is not specifically defined, but it includes "anti-gang" and "community crime prevention programs." There is no provision in AB 3229 permitting requests for funding to be made directly by community activists to the city council.

Continue Funding One Police Records Specialist Position, Records Bureau

One new Police Records Specialist position was added to the Property Crimes Unit using funds from the 2007 State COPS grant. The Paper Processing and Word Processing positions are critical positions in the Records Unit. They process officers' paperwork, prepare arrest packages, and type in-custody narratives for the District Attorney, Juvenile Hall and City Attorney's offices. The deadline for arrest packages to be complete is 10:00 AM each week day. If the deadlines are not met, suspects could be released from custody. At the expiration of the COPS 2007 funding, the Police Records Specialist position may be absorbed into the General Fund budget through attrition of existing authorized positions, added to the allocated strength through the appropriate new position request process, or further extended with future grant funding. Salary and benefits will be approximately \$57,200 for 2009/2010.

Continue Funding One Part-time Crime Prevention Assistant

Two new Crime Prevention Assistant hourly positions were added to the Crime Prevention Unit using funds from the 2006 State COPS grant. These two positions were reduced to one due to attrition. The position works a flexible schedule allowing her to attend evening and weekend events, greatly enhancing Department Crime Prevention efforts. The hourly position assists with and develops new Neighborhood Watch groups as well as strengthening current Neighborhood Watch programs. This person works closely with different community groups and other city agencies, such as Recreation Department and Code Enforcement promoting Crime Prevention efforts in areas such as gang awareness. She also schedules and coordinates Crime Prevention presentations of various topics. Hourly salary, car allowance, training and cell phones will be approximately \$17,300 for 2009/2010.

Sig P226 .40 cal. Handguns

The Police Department has issued the Sig SP 2340 as its duty handgun since 1999. Due to the years of service and the general overall poor performance of the weapon, the department tested several different weapons and selected the Sig P226 .40 cal. pistol as the replacement handgun. Council approved the purchase of one half of the total new handguns in the FY 2009/10 budget. It was the intention of the department to request funding for the remainder of the weapons in the FY 2010/11 budget; however, since it is preferable to replace all the weapons at one time and the availability of funding for the 2010/11 budget is questionable, funding for the second half of the purchase is being requested through the State COPS grant. Handguns (including trade-in of old weapons), holsters, and handgun lights will cost \$51,768. Ammunition to complete conversion training/qualification and duty issue is \$16,800.

Colt M-4 .223 cal. Rifles

In 2006 the decision was made to equip all of the Patrol Division with semi-automatic rifles. Rifles have been added incrementally to the division over the past three years. To complete this project, fourteen Colt M-4 .223 cal. Rifles with slings and rifle lights are being requested at a

cost of \$16,100. Ammunition to complete conversion training/qualification and duty issue is \$2,400.

Explosives Breaching Façade

Explosive breaching, i.e. the positive use of explosive materials to create an opening through a wall, door, or barrier, can be an effective option in SWAT team tactics. Effective breaching techniques allow tactical teams immediate entry with minimal risks to themselves, the victims and the suspects. Visalia Police Department's Bomb Technicians are trained and OSHA certified in the construction, placement and initiation of explosive breaching charges. The construction of a façade will allow the Bomb Squad and SWAT personnel to conduct extensive training together to ensure the safety of all involved personnel during actual operations in the field. It will also allow the breaching team to conduct research for the development of proper charges. The construction of building façade was approved in the FY 2008/09 Capital Improvement Program, but was frozen and subsequently cut due to budget constraints. The cost of the façade is \$15,536.

Digital Recorders

Digital recorders are currently used by the majority of the Investigations Bureau for dictating reports. They eliminate the need for tape cassettes and download directly on to a data bank that may be accessed by records personnel for transcribing. Thirteen recorders are being requested at a cost of \$4,050 - nine to Youth Services, two to Violent Crimes, and two to K9.

Simunition Equipment

Simunition training employs realistic scenarios by utilizing the department's actual weapons with a training round filled with paint. The Police Department has been using Simunitions for active shooter and SWAT training for several years. Because of its proven effectiveness, training with Simunitions will be expanded throughout the department. Additional equipment and ammunition to accomplish the added training will cost \$11,714.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: Refuse the designated grant money.

Attachments: Resolution of the City Council authorizing the Police Department to use State COPS grant monies as recommended.

Recommended Motion (and Alternative Motions if expected):

I move to approve the recommended expenditures of 2008 Citizens Option for Public Safety (COPS) Program funds, that \$192,868 be appropriated in recognition of the grant, and to adopt Resolution 2009-18 regarding the grant to be executed.

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:

RESOLUTION NO. 2009- 18

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
AUTHORIZING THE POLICE DEPARTMENT
TO USE STATE COPS GRANT MONIES AS RESOLVED BELOW

WHEREAS, the City of Visalia has been granted State funds through the Citizen Option for Public Safety Program (COPS); and

WHEREAS, the monies are expected to be expended for the enhancement of services by the Police Department to the betterment of the community;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Visalia:

1. That the City Council of the City of Visalia held a public hearing to receive input from the public concerning the expenditure of the aforesaid funds; and
2. That the City of Visalia is committed to see that these funds are properly expended.

PASSED AND ADOPTED: 4/20/2009

STEVEN M. SALOMON, CITY CLERK

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2009- passed and adopted by the Council of the City of Visalia at a regular meeting held on April 20, 2009.

Dated: April , 2009

STEVEN M. SALOMON, CITY CLERK

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Authorization to set a Public Hearing to consider amending the City's Rates & Fees beginning July 1, 2009, for a multi-year rate increase program for Sanitation (Wastewater) and Solid Waste and to reduce solid waste's commercial recycling rates.

Deadline for Action: April 20, 2009

Submitting Department: Administrative Services &
Public Works

Contact Name and Phone Number:

Eric Frost	Admin. Services Director	713-4474
Andrew Benelli	Public Works (PW) Director	713-4340
Earl Nielsen	P.W. Mgr. – Solid Waste	713-4533
Jim Ross	P.W. Mgr. – Wastewater	713-4466
Tim Fosberg	Financial Analyst	713-4565

Department Recommendation:

That City Council authorize the setting of a Public Hearing to consider amending the City's Rates & Fees beginning July 1, 2009 for a multi-year rate increase program for Wastewater and Solid Waste and to reduce Solid Waste's commercial recycling rates.

Summary:

Wastewater and Solid Waste are faced with capital demands requiring the City to consider rate increases. Wastewater has the largest increase due to a required upgrade to the treatment plant facility to meet National Pollutant Discharge Elimination System (NPDES) requirements. This \$54 to \$64 million project produces no additional capacity but will improve water quality. Solid Waste's capital problem is smaller but still requires that the Council consider a rate adjustment to adequately fund need capital expenditures.

Due to increased capital and operating costs, staff recommends increasing the last 3 years of Solid Waste's existing multi-year increase program by 1.5% (from 5.5% to 7.0% per year), and increasing the last 3 years of Wastewater's existing multi-year increase program by 7.0% (from 5.0% to 12.0% per year). Staff also recommends adding an additional year (FY 2012-13) to Wastewater's multi-year program in an effort to adjust rates using smaller increases by spreading the increase over 4 years verses 3 years. If Council directs a public hearing will be scheduled for June 15th to take public input on these recommendations along with annual adjustments to other fees for FY09-10.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_15__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

As shown in Table 1, Proposed Utility Rate Increase Program, Solid Waste's current already approved multi-year fee increase of 5.5% would be increased by an additional 1.5% for each remaining year. Wastewater's current already approved multi-year fee increase of 5.0% would be increased by 7.0% (totaling 12.0%) for the remaining three years and extended one additional year. Wastewater's increase is being spread over as many years as possible, but is limited to the number of years due to bond issuance restrictions (project completion date).

Table I
Proposed Utility Rate Increase Program

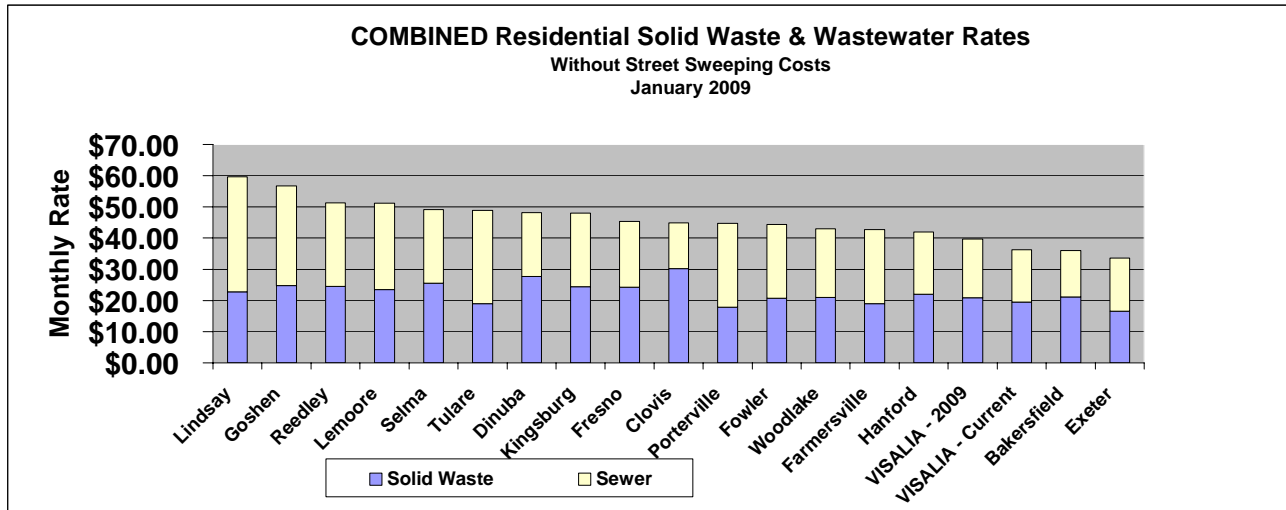
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
		July 1,	July 1,	July 1,	July 1,
	PERCENTAGES (%)				
Solid Waste					
Approved - 2005	Jul. 1	2.5%			
Approved - 2007	Apr. 1	5.5%	5.5%	5.5%	5.5%
Proposed - 2009			1.5%	1.5%	1.5%
		<u>8.0%</u>	<u>7.0%</u>	<u>7.0%</u>	<u>7.0%</u>
Wastewater (1)					
Approved - 2007	Apr. 1	5.0%	5.0%	5.0%	5.0%
Proposed - 2009			7.0%	7.0%	12.0%
		<u>5.0%</u>	<u>12.0%</u>	<u>12.0%</u>	<u>12.0%</u>
		RESIDENTIAL Rates (\$)			
Solid Waste		<u>\$ 19.50</u>	<u>\$ 20.85</u>	<u>\$ 22.30</u>	<u>\$ 23.90</u>
Wastewater		<u>16.80</u>	<u>18.80</u>	<u>21.05</u>	<u>23.60</u>
Total		<u>\$ 36.30</u>	<u>\$ 39.64</u>	<u>\$ 43.36</u>	<u>\$ 47.49</u>
	Combined Increase - \$	<u>\$ 3.34</u>	<u>\$ 3.71</u>	<u>\$ 4.14</u>	<u>\$ 2.81</u>
	Combined Increase - %	<u>8.4%</u>	<u>8.6%</u>	<u>8.7%</u>	<u>5.6%</u>

(1) Amounts reflect a debt issuance of \$54.0 million.

Table II, Combined Residential Solid Waste & Wastewater Rates compares Visalia's current rate and the proposed July 1, rate increase with other local cities combined rates. After including the

proposed rate increases, Visalia will still remain as the third lowest in combined rates when compared to the other cities.

Table II



Utility Projection Assumptions

In calculating both the Solid Waste and Wastewater projections, a conservative approach was taken, in that growth in revenues (other than rate increases) is 1.0%, while most expenses are based on a 5.0% annual growth factor. For Solid Waste, tipping fees were projected at an annual increase of 5.0%, but this could be higher depending on a number of factors included increased governmental regulations and higher landfill fees. An exception to the 5.0% annual expense increase is salaries and benefits, as they were projected at annual increases of 2.5%.

WASTEWATER

The Federal Clean Water Act established pollution limits and specific monitoring and reporting requirements. The Act requires wastewater discharges to have a NPDES permit to operate. To obtain this required permit the Wastewater Treatment Plant facility is required to have specific capital improvements. Early estimated costs for these required improvements were ranging between \$50.0 and \$60.0 million and now current estimates are between \$54 and \$64 million. To prepare for this major project, the City needs to adjust its rates to support the resulting debt service. While the costs will likely be somewhere in this range, staff’s recommendation is to take a more conservative approach and use the higher-end of the range in establishing rates to support the required rate covenant. If the total design and construction costs are less than the higher-end, the rates can be adjusted down. Currently the City is in the process of awarding a design contract within a few weeks of which approximately \$5.0 million is estimated to be spent by 2010.

The City is looking at utilizing Revenue Bonds or a State loan program to the fund the improvements. Either way, the City will be required to maintain a cash flow of 125% of the operating costs including debt service. To obtain the financing, it will be necessary to already have implemented a rate structure sufficient to cover this new debt. Table III, Wastewater Cash Flow Projections reflects the rate increase required to achieve the required rate covenant. A 1992 Wastewater Revenue Bond Issue of \$18.6 million final payment of approximately \$2.0 million was made last fiscal year, allowing the fund to acquire additional debt in that same amount without additional revenues needed. Note, Table III projects out for 7 years, as is required for bond investors.

Table III

Wastewater CASH FLOW Projections (In Thousands)	Rate:	12%	12%	12%	12%						
	Growth:	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
	FY 08/09	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
OPERATING Cash - Beg. Revenues	\$ 749	\$ 1,242	\$ 1,013	\$ 651	\$ 1,270	\$ 1,574	\$ 2,259	\$ 2,247	\$ 2,599	\$ 2,179	\$ 2,099
Fees - Monthly User	9,635	10,888	12,303	13,903	15,710	15,867	16,026	16,186	16,348	16,512	16,677
Fees - Septage & Other	775	866	972	1,090	1,224	1,238	890	899	908	917	926
Revenue - Farm Land	500	1,000	525	1,050	551	1,103	579	1,158	608	1,216	638
Revenue - Contributed Capital	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468	5,523	5,578	5,634
Revenue - Interest Earnings	26	43	35	23	44	55	79	79	91	76	73
Impact Fees	0	216	215	215	216	215	215	215	215	216	0
	16,037	18,165	19,254	21,535	23,054	23,839	23,565	24,371	24,064	24,891	24,329
Expenditures											
Salary & Benefits	(2,540)	(2,604)	(2,669)	(2,736)	(2,804)	(2,874)	(2,946)	(3,020)	(3,095)	(3,173)	(3,252)
Materials & Services	(5,022)	(5,273)	(5,537)	(5,813)	(6,104)	(6,409)	(6,730)	(7,066)	(7,420)	(7,791)	(8,180)
Materials & Services - Expansion	0	(100)	(375)	(500)	(525)	(551)	(579)	(608)	(638)	(670)	(704)
Depreciation	(2,250)	(2,200)	(2,150)	(2,850)	(2,800)	(2,750)	(2,700)	(2,650)	(2,600)	(2,550)	(2,500)
Transfer - Contributed Capital	(5,101)	(5,152)	(5,203)	(5,255)	(5,308)	(5,361)	(5,414)	(5,468)	(5,523)	(5,578)	(5,634)
Transfer - Debt Service	(632)	(5,066)	(8,682)	(4,762)	(5,708)	(5,708)	(5,707)	(5,708)	(5,708)	(5,708)	(4,642)
Transfer - Capital / Operating	0	2,000	5,000	1,000	500	500	500	500	500	500	500
	(15,544)	(18,394)	(19,616)	(20,916)	(22,749)	(23,153)	(23,577)	(24,020)	(24,484)	(24,970)	(24,412)
OPERATING Cash - End.	\$ 1,242	\$ 1,013	\$ 651	\$ 1,270	\$ 1,574	\$ 2,259	\$ 2,247	\$ 2,599	\$ 2,179	\$ 2,099	\$ 2,017
CAPITAL Cash - Beg. Increases	10,810	11,614	10,305	6,328	6,332	6,700	6,948	7,065	7,046	6,879	6,552
Transfer - Depreciation	2,250	2,200	2,150	2,850	2,800	2,750	2,700	2,650	2,600	2,550	2,500
Transfer - Contributed Capital	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468	5,523	5,578	5,634
Transfer - Debt Service	632	4,850	8,468	4,547	5,492	5,492	5,492	5,492	5,492	5,492	4,642
Transfer - Capital / Operating	0	(2,000)	(5,000)	(1,000)	(500)	(500)	(500)	(500)	(500)	(500)	(500)
Revenue - Interest Earnings	374	404	358	219	219	232	241	245	244	238	227
Reconciling Adjustment - Cash Basis	513	0	0	0	0	0	0	0	0	0	0
Serial Bond Proceeds - New	0	0	13,000	30,000	11,000	0	0	0	0	0	0
	8,869	10,605	24,179	41,871	24,319	13,335	13,347	13,356	13,360	13,359	12,503
Decreases											
CIP - Constructed	(2,188)	(1,900)	(1,976)	(2,055)	(2,137)	(2,223)	(2,312)	(2,404)	(2,500)	(2,600)	(2,704)
CIP - WIP	0	0	0	0	0	0	0	0	0	0	0
CIP - Contributed	(5,101)	(5,152)	(5,203)	(5,255)	(5,308)	(5,361)	(5,414)	(5,468)	(5,523)	(5,578)	(5,634)
CIP - NPDES	0	(4,000)	(17,000)	(30,000)	(11,000)	0	0	0	0	0	0
Debt Payment - Existing	(777)	(863)	(859)	(859)	(864)	(861)	(862)	(860)	(861)	(864)	0
Debt Payment - New	0	0	(1,118)	(3,697)	(4,642)	(4,642)	(4,642)	(4,642)	(4,642)	(4,642)	(4,642)
Bond Issuance Costs	0	0	(2,000)	0	0	0	0	0	0	0	0
	(8,065)	(11,914)	(28,156)	(41,866)	(23,951)	(13,087)	(13,230)	(13,375)	(13,527)	(13,685)	(12,981)
CAPITAL Cash - End.	\$ 11,614	\$ 10,305	\$ 6,328	\$ 6,332	\$ 6,700	\$ 6,948	\$ 7,065	\$ 7,046	\$ 6,879	\$ 6,552	\$ 6,075
TOTAL Cash - End.	\$ 12,856	\$ 11,318	\$ 6,978	\$ 7,602	\$ 8,274	\$ 9,207	\$ 9,312	\$ 9,644	\$ 9,057	\$ 8,652	\$ 8,091

Although earlier presentations stated that staff would return with supporting the lower-end of the projected capital costs, staff is presenting the upper-end of the cost range at \$64 million to ensuring the required coverage is available. The City plans on spending approximately \$10.0 million of Wastewater's current cash to reduce the size of the debt issue, therefore approximately \$54.0 million in debt was used for this projection. Appendix 1 – Wastewater \$44.0 Million Debt Tables projects the rates, cash flow and debt coverage required for the for the lower-end estimate of \$54.0 million in improvements.

In Wastewater there is relatively little operationally that can be cut to reduce costs. Staff will focus on critically watching over the \$54 to \$64 million in improvements and will monitor closely for capital items that can be reduced or eliminated. In that same light of reducing expenses, Table III was prepared on the basis of issuing serial bonds over the life of the project rather than all up front in the first year to reduce interest expense as much as possible in the early years. A 6% interest rate was used, if the actual interest rate is significantly different, we will return to Council with recommendation for adjustment.

Table IV, Wastewater Debt Coverage Projections shows the coverage ratio out till FY2018-19, with all years above the required 125% revenue coverage ratio except for FY2016/17 and staff anticipates through further analysis before issuance of the debt that the coverage ratio for the required period will be met.

Table IV

Wastewater

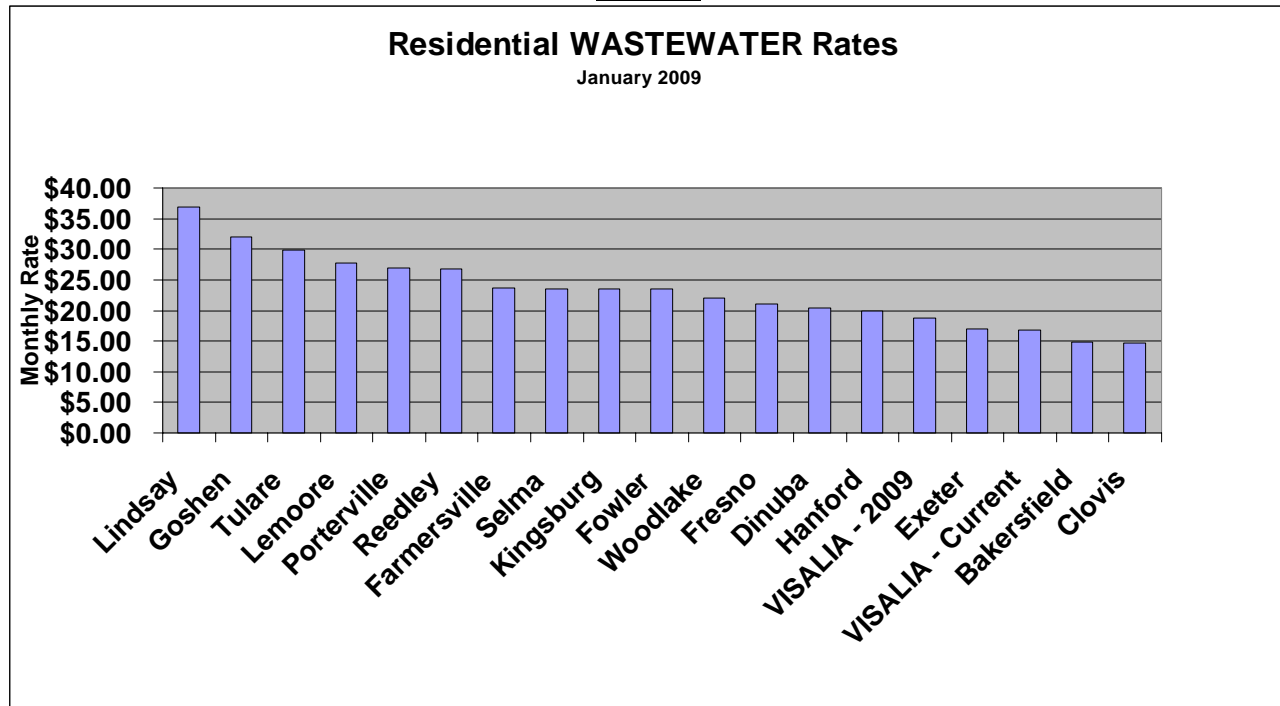
DEBT COVERAGE Projections

(In Thousands)

	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>	<u>FY 16/17</u>	<u>FY 17/18</u>	<u>FY 18/19</u>	
Coverage Revenues											
Fees	\$ 11,754	\$ 13,276	\$ 14,992	\$ 16,934	\$ 17,105	\$ 16,916	\$ 17,086	\$ 17,256	\$ 17,429	\$ 17,603	
Farm Land	1,000	525	1,050	551	1,103	579	1,158	608	1,216	638	
Interest Earnings	43	35	23	44	55	79	79	91	76	73	
	<u>12,798</u>	<u>13,836</u>	<u>16,065</u>	<u>17,530</u>	<u>18,263</u>	<u>17,574</u>	<u>18,322</u>	<u>17,955</u>	<u>18,721</u>	<u>18,315</u>	
Coverage Expenses											
Salary & Benefits	2,604	2,669	2,736	2,804	2,874	2,946	3,020	3,095	3,173	3,252	
Materials & Services	5,373	5,912	6,313	6,629	6,961	7,309	7,674	8,058	8,461	8,884	
	<u>7,977</u>	<u>8,581</u>	<u>9,049</u>	<u>9,433</u>	<u>9,835</u>	<u>10,255</u>	<u>10,694</u>	<u>11,153</u>	<u>11,633</u>	<u>12,136</u>	
Coverage Net Income	<u>4,821</u>	<u>5,255</u>	<u>7,016</u>	<u>8,097</u>	<u>8,428</u>	<u>7,320</u>	<u>7,628</u>	<u>6,802</u>	<u>7,087</u>	<u>6,179</u>	
Debt Service											
Existing	863	859	859	864	861	862	860	861	864	0	
New	0	1,118	3,697	4,642	4,642	4,642	4,642	4,642	4,642	4,642	
	<u>863</u>	<u>1,977</u>	<u>4,556</u>	<u>5,506</u>	<u>5,504</u>	<u>5,504</u>	<u>5,502</u>	<u>5,503</u>	<u>5,506</u>	<u>4,642</u>	
				Coverage Ratio	147%	153%	133%	139%	124%	129%	133%

Table V, Residential WASTEWATER Rates compares Visalia’s current rate and the July 1, proposed rate increase with other local cities.

Table V



Solid Waste

Currently a multi-year rate increase of 5.5% in place and scheduled for July 1st each of the next 3 fiscal years (2009-10, 2010-11 and 2011-12). Staff recommends an additional increase of 1.5% for

each of the next three fiscal years bring the yearly rate increase to 7.0%. Solid Waste has currently depleted all of its cash reserves, resulting in relying on short term cash advances from the General Fund, and even with the proposed rate increases that trend of borrowing from the General Fund is expected to continue for the next couple years due to high capital costs for trucks, equipment and improvements. The fund will become self supporting about 2011-12, and will begin to have adequate cash reserves around FY 2012-13.

In an effort to minimize the proposed rate increase, Solid Waste will work to control costs down as much as possible. To reduce costs in the short run, staff is recommending the following partial reductions in non-revenue generating services until such time as economic circumstances improve and Council approves reinstating the services:

Curbside Specials (\$100,000 Savings) - Reducing the number of special "free" customer pickups (Curbside Specials where a customer can call to have up to 10 items, bags or bundles picked up, or have their can emptied an extra time) down from the current allowable 3 times a year to 1 time a year, which would save the City an estimated \$100,000 a year in salaries, capital maintenance, tipping fees, and fuel costs and allow the equipment and driver to be used more effectively servicing routes or other duties directly related to revenue generating solid waste utility services.

Dump-On-Ups Events (\$60,000 Savings) – We currently hold 4 Dump-On-Ups events annually where city-wide residents can bring virtually anything to a central collection point and the City will dispose of it free of charge. Staff recommends reducing the number to 2 a year. Each event costs the City a little over \$30,000 to sponsor and reducing to 2 events will save approximately \$60,000 per year.

Neighborhood Cleanups (\$75,000 Savings) – Staff recently spent two days cleaning up the Oval area (trash pickup, removing debris and garbage from home sites, clearing empty lots, etc.), and is scheduled to spend two days cleaning up the Washington Park area. This service is free of charge to those residents serviced. The 2-day Oval cleanup at the Oval area cost the City approximately \$75,000 to provide, and the Washington Park area clean up will probably come close to the same cost. Staff recommends reducing from a 2-day event for each site to a 1-day, saving \$75,000 a year.

Spring and Fall Drop-Offs (\$25,000 Savings) – These events allow residents to take their green waste to an appropriate green waste recycling facility free of charge during one week in the spring and one week in the fall, and receive a yard of compost material in exchange. The City pays the reduced tipping fees and pays a reduced charge for the compost material. Each of these events cost the City an average about \$25,000 to sponsor. Staff recommends cutting the time spent in fall and spring by one-half saving \$25,000 a year.

If Council were to approve of the above recommended reductions in service, the resulting combined annual savings of \$260,000 would equate to a 0.5% reduction in the proposed rate increase for each of the next 3 years. This 0.5% reduction would reduce the annual increase by approximately \$0.10 cents a month. Instead of \$1.35 monthly increase (7.0%) next year, it would be a \$1.25 increase at 6.5%. Please note, the following tables have not included these proposed recommendations.

The fund does need additional capital in the upcoming years for future projects. Staffs objective is to have the Solid Waste fund's cash balance somewhere between 15% and 20% of total expenditures. Table VI, Solid Waste Cash Flow Projections reflects that with the proposed rate

increase the “Cash as a Percentage of Operational & Capital Expenses” starts to obtain that desired balance out in FY2013-14.

TABLE VI

SOLID WASTE

Cash Flow Projections

(In Thousands)

OPERATIONS

	Rate:	7.0%	7.0%	7.0%		
	Growth:	1.0%	1.0%	1.0%	1.0%	1.0%
	08-09	09-10	10-11	11-12	12-13	13-14
REVENUES	\$ 14,982	\$ 16,127	\$ 17,429	\$ 18,835	\$ 19,023	\$ 19,214
EXPENSES						
Personnel	(4,141)	(4,325)	(4,433)	(4,543)	(4,657)	(4,773)
Tipping Fees	(3,789)	(3,978)	(4,078)	(4,180)	(4,284)	(4,391)
Operations & Maintenance	(730)	(767)	(786)	(805)	(825)	(846)
Fleet Costs	(2,151)	(2,259)	(2,315)	(2,373)	(2,432)	(2,493)
Allocated Costs	(1,895)	(1,971)	(2,020)	(2,071)	(2,122)	(2,175)
Depreciation	(1,097)	(1,163)	(1,192)	(1,222)	(1,252)	(1,284)
	(13,803)	(14,463)	(14,824)	(15,194)	(15,572)	(15,962)
Net from OPERATIONS	1,179	\$ 1,664	\$ 2,605	\$ 3,641	\$ 3,451	\$ 3,252

NON-OPERATING

Revenues - Penalties	608	620	636	652	668	685
Revenues - Grants	470	200	-	2,000	-	-
Interest Income (Expense)	(35)	(25)	10	60	125	66
Total NON-OPERATING	1,043	795	646	2,712	793	751

**CURRENT YEAR RESOURCES
AVAILABLE FOR CAPITAL**

	\$ 2,222	\$ 2,459	\$ 3,251	\$ 6,353	\$ 4,244	\$ 4,003
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CASH

Beginning Cash (Loan)	(910)	510	(78)	(1,318)	1,210	2,648
Add: Curr. Yr. Resources	2,222	2,459	3,251	6,353	4,244	4,003
Add: Depreciation (non-cash)	1,097	1,163	1,192	1,222	1,252	1,284
Less: CIP Auth. - Curr. Yr.	(748)	(3,647)	(3,121)	(3,547)	(3,458)	(3,363)
Less: CIP Auth. - Prior Yrs.	(1,151)	(563)	(563)	-	-	-
Less: Corporation Yard	-	-	(2,000)	(1,500)	(600)	(1,000)
ENDING CASH	\$ 510	\$ (78)	\$ (1,318)	\$ 1,210	\$ 2,648	\$ 3,572

**CASH as a Percentage of
Operational & Capital Expenses**

		0%	-7%	6%	13%	18%
Residential RATE	\$ 19.50	\$ 20.85	\$ 22.30	\$ 23.90	\$ 23.90	\$ 23.90

Table II, also includes funding for budgeted operational equipment purchases for the next four years, and also includes projected funding for various capital project and new operational expenditures not currently budgeted for (see Additional Estimated Capital below). Most of the projected future costs deal with improvements and expansion of the Corporation Yard, of which Solid Waste is the most significant user and will pay the most. Other than the upgrade of the CNG

refueling stations, the Corporation Yard has not had any significant improvements or repairs made in over 20 years. The pavement is deteriorating badly throughout the yard, employee and equipment parking are filled up and spillover parking has been developed taking up needed equipment and material storage space. The buildings are in disrepair (one corner of the Solid Waste building on Cain Street is sinking) and the employee facilities (particularly at the Solid Waste building) have long since been over used and outgrown.

Estimated Additional Solid Waste Capital & Operational Expenses - Next 5 years:

Corporation Yard - Land Acquisition	\$ 2.0 million
Corporation Yard - Land Improvements	1.0 million
Corporation Yard - Repaving	0.5 million
Mandatory Commercial Recycling Costs (Staffing and Resources)	0.5 million
Increased Graffiti Removal & Natural Resource & Conservation Efforts	0.1 million
Corporation Yard - Cain Street Building Renovation and Repair	1.0 million

In addition to capital expenditures, projected annual increases to operational expenses may be more than the 5.0% annual increase used, especially when it comes to tipping fees, as waste stream processors pass through increased processing costs which can be resultant from state mandates such as increased costs due to Air District regulations for green waste composting.

Commercial Recycling - Staff is also proposing to reduce commercial recycling rates from the current level of 61% of regular refuse rates to 50%. This reduction will encourage more commercial recycling as well as increase the City's percentage rate of diverted waste. The costs of implementing this rate reduction will be a reduction of revenues estimated at approximately \$100,000 a year and an increase in routes and possibly staffing and equipment depending on the commercial recycling response, which will be offset by the current multi-year rate increase proposal.

Example: 3 - yard bin emptied once a week:

Refuse	\$ 67.70	current	
Recycling	41.30	current	61% of refuse rate
Recycling	33.85	proposed	50% of refuse rate

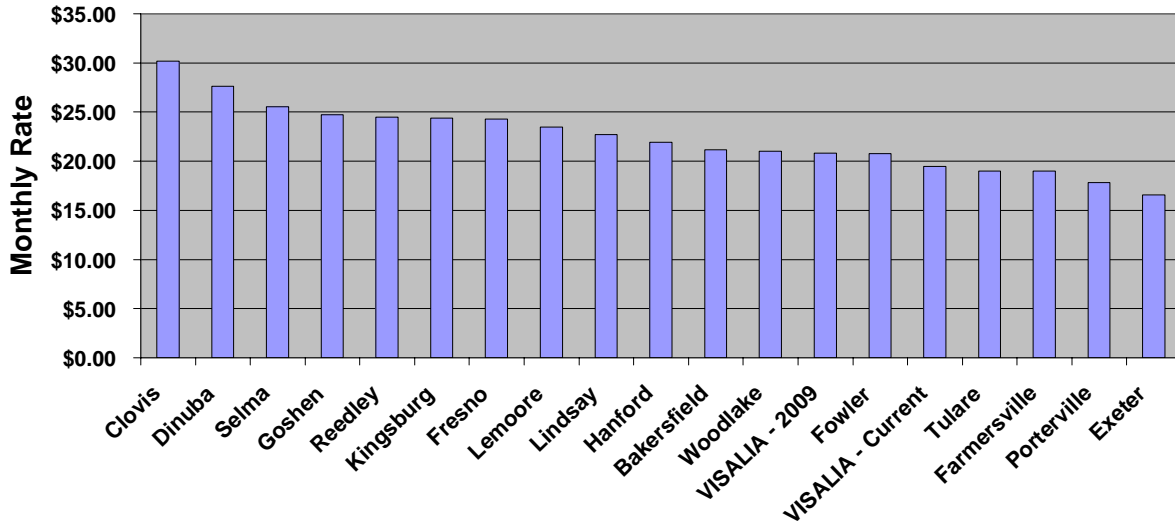
Table VII, Residential SOLID WASTE Rates compares Visalia's current rate and the July 1, existing rate increase with other local cities. With the proposed rate increase, Visalia will still be in the lower end of rates when compared to the other cities

TableVII

Residential SOLID WASTE Rates

Without Street Sweeping Costs

January 2009



Summary:

These proposed increases for the City of Visalia's utilities are for major capital investments and meet the objective of providing a quality service and are comparable with other City's in the South San Joaquin area.

Prior Council / Board Actions: The City's more recent adjustments to the Solid Waste and Wastewaters fees are:

<u>Fee</u>	<u>Date</u>	<u>Action</u>
Solid Waste	Aug. 6, 2007	5-year program - 5.5% (operational & capital costs)
Wastewater	Aug. 6, 2007	5-year program - 5.0% (operational & capital costs)
Solid Waste	Apr. 2, 2005	4-year program - 2.5% (CNG capital costs)

Committee / Commission Review and Actions:

The Citizens Advisory Committee (CAC) is scheduled to review the proposed adjustments to the existing in-progress 5-year rate adjustment program at their May 6, 2009 meeting. The CAC's comments and or recommendations will be included in the staff report for the June 15th Public Hearing.

Alternatives: Adjust fees by a different percentage or for a different number of years.

Attachments: Appendix 1- Wastewater - \$44.0 Million Debt Tables (4 years)
Appendix 2- Wastewater - \$54.0 Million Debt Tables (3 years)

Distributed Copies to:

Recommended Motion (and Alternative Motions if expected: I move to authorize to set a Public Hearing to consider amending the City's Rates & Fees beginning July 1, 2009, for a multi-year rate increase program for Solid Waste and for Sanitation (Wastewater) and to reduce solid waste's commercial recycling rates.

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)*

Appendix 1
Wastewater - \$44.0 Million Debt Tables (4 years)

The following *Tables* reflects the required rates, cash flow, and debt service coverage on required capital improvements at the Wastewater Treatment Plant based on the issuance of \$44.0 million of debt.

Table VIII, Wastewater Debt @ \$44.0 Million (4 Year Rate Increases), projects Wastewater's rates based on the estimated at the low-end of \$54.0 million improvements less the use of existing cash of \$10.0 million netting a need for \$44.0 million in debt issuance.

Table VIII
Wastewater Debt @ \$44.0 Million
(4 year rate increase)

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	
		July 1,	July 1,	July 1,	July 1,	
	PERCENTAGES (%)					
Solid Waste						
Approved - 2005	Jul. 1	2.5%				
Approved - 2007	Apr. 1	5.5%	5.5%	5.5%	5.5%	
Proposed - 2009			1.5%	1.5%	1.5%	
		8.0%	7.0%	7.0%	7.0%	
Wastewater (1)						
Approved - 2007	Apr. 1	5.0%	5.0%	5.0%	5.0%	
Proposed - 2009			5.0%	5.0%	10.0%	
		5.0%	10.0%	10.0%	10.0%	
		RESIDENTIAL Rates (\$)				
Solid Waste		\$ 19.50	\$ 20.85	\$ 22.30	\$ 23.90	\$ 23.90
Wastewater		16.80	18.50	20.35	22.40	24.60
Total		\$ 36.30	\$ 39.35	\$ 42.65	\$ 46.29	\$ 48.50
	Combined Increase - \$	\$ 3.05	\$ 3.31	\$ 3.64	\$ 2.21	
	Combined Increase - %	7.7%	7.8%	7.9%	4.6%	

(1) Amounts reflect a debt issuance of \$44.0 million.

Table IX, Wastewater Cash Flow Projections – Using \$44.0 million Debt Issuance:

Wastewater CASH FLOW Projections (In Thousands)	Rate:	10%	10%	10%	10%						
	Growth:	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
	FY 08/09	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
OPERATING Cash - Beg.	\$ 749	\$ 1,242	\$ 806	\$ 231	\$ 745	\$ 728	\$ 1,069	\$ 690	\$ 648	\$ (190)	\$ (714)
Revenues											
Fees - Monthly User	9,635	10,695	11,872	13,178	14,627	14,773	14,921	15,070	15,221	15,373	15,527
Fees - Septage & Other	775	852	941	1,036	1,145	1,157	829	837	846	854	863
Revenue - Farm Land	500	1,000	525	1,050	551	1,103	579	1,158	608	1,216	638
Revenue - Contributed Capital	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468	5,523	5,578	5,634
Revenue - Interest Earnings	26	43	28	8	26	25	37	24	23	(7)	(25)
Impact Fees	0	216	215	215	216	215	215	215	215	216	0
	16,037	17,958	18,783	20,742	21,873	22,635	22,337	23,119	22,786	23,586	22,997
Expenditures											
Salary & Benefits	(2,540)	(2,604)	(2,669)	(2,736)	(2,804)	(2,874)	(2,946)	(3,020)	(3,095)	(3,173)	(3,252)
Materials & Services	(5,022)	(5,273)	(5,537)	(5,813)	(6,104)	(6,409)	(6,730)	(7,066)	(7,420)	(7,791)	(8,180)
Materials & Services - Expansion	0	(100)	(375)	(500)	(525)	(551)	(579)	(608)	(638)	(670)	(704)
Depreciation	(2,250)	(2,200)	(2,150)	(2,850)	(2,800)	(2,750)	(2,700)	(2,650)	(2,600)	(2,550)	(2,500)
Transfer - Contributed Capital	(5,101)	(5,152)	(5,203)	(5,255)	(5,308)	(5,361)	(5,414)	(5,468)	(5,523)	(5,578)	(5,634)
Transfer - Debt Service	(632)	(5,066)	(8,425)	(4,074)	(4,849)	(4,848)	(4,848)	(4,848)	(4,848)	(4,849)	(3,783)
Transfer - Capital / Operating	0	2,000	5,000	1,000	500	500	500	500	500	500	500
	(15,544)	(18,394)	(19,358)	(20,228)	(21,890)	(22,294)	(22,717)	(23,160)	(23,624)	(24,110)	(23,552)
OPERATING Cash - End.	\$ 1,242	\$ 806	\$ 231	\$ 745	\$ 728	\$ 1,069	\$ 690	\$ 648	\$ (190)	\$ (714)	\$ (1,269)
CAPITAL Cash - Beg.	10,810	11,614	10,305	6,328	6,332	6,700	6,948	7,065	7,046	6,879	6,552
Increases											
Transfer - Depreciation	2,250	2,200	2,150	2,850	2,800	2,750	2,700	2,650	2,600	2,550	2,500
Transfer - Contributed Capital	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468	5,523	5,578	5,634
Transfer - Debt Service	632	4,850	8,210	3,859	4,633	4,633	4,633	4,633	4,633	4,633	3,783
Transfer - Capital / Operating	0	(2,000)	(5,000)	(1,000)	(500)	(500)	(500)	(500)	(500)	(500)	(500)
Revenue - Interest Earnings	374	404	358	219	219	232	241	245	244	238	227
Reconciling Adjustment - Cash Basis	513	0	0	0	0	0	0	0	0	0	0
Serial Bond Proceeds - New	0	0	10,000	25,000	9,000	0	0	0	0	0	0
	8,869	10,605	20,921	36,183	21,459	12,475	12,488	12,496	12,500	12,499	11,644
Decreases											
CIP - Constructed	(2,188)	(1,900)	(1,976)	(2,055)	(2,137)	(2,223)	(2,312)	(2,404)	(2,500)	(2,600)	(2,704)
CIP - WIP	0	0	0	0	0	0	0	0	0	0	0
CIP - Contributed	(5,101)	(5,152)	(5,203)	(5,255)	(5,308)	(5,361)	(5,414)	(5,468)	(5,523)	(5,578)	(5,634)
CIP - NPDES	0	(4,000)	(14,000)	(25,000)	(9,000)	0	0	0	0	0	0
Debt Payment - Existing	(777)	(863)	(859)	(859)	(864)	(861)	(862)	(860)	(861)	(864)	0
Debt Payment - New	0	0	(860)	(3,009)	(3,783)	(3,783)	(3,783)	(3,783)	(3,783)	(3,783)	(3,783)
Bond Issuance Costs	0	0	(2,000)	0	0	0	0	0	0	0	0
	(8,065)	(11,914)	(24,898)	(36,179)	(21,091)	(12,228)	(12,371)	(12,515)	(12,667)	(12,825)	(12,121)
CAPITAL Cash - End.	\$ 11,614	\$ 10,305	\$ 6,328	\$ 6,332	\$ 6,700	\$ 6,948	\$ 7,065	\$ 7,046	\$ 6,879	\$ 6,552	\$ 6,075
TOTAL Cash - End.	\$ 12,856	\$ 11,111	\$ 6,559	\$ 7,077	\$ 7,429	\$ 8,017	\$ 7,755	\$ 7,694	\$ 6,689	\$ 5,838	\$ 4,805

Table X, Wastewater Debt Coverage Projections- Using \$44.0 Debt Issuance

Wastewater DEBT COVERAGE Projections (In Thousands)		FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
Coverage Revenues											
Fees		\$ 11,548	\$ 12,812	\$ 14,214	\$ 15,772	\$ 15,931	\$ 15,750	\$ 15,908	\$ 16,067	\$ 16,227	\$ 16,390
Farm Land		1,000	525	1,050	551	1,103	579	1,158	608	1,216	638
Interest Earnings		43	28	8	26	25	37	24	23	(7)	(25)
		12,591	13,366	15,272	16,349	17,059	16,366	17,089	16,697	17,436	17,003
Coverage Expenses											
Salary & Benefits		2,604	2,669	2,736	2,804	2,874	2,946	3,020	3,095	3,173	3,252
Materials & Services		5,373	5,912	6,313	6,629	6,961	7,309	7,674	8,058	8,461	8,884
		7,977	8,581	9,049	9,433	9,835	10,255	10,694	11,153	11,633	12,136
Coverage Net Income		4,614	4,785	6,223	6,916	7,224	6,112	6,396	5,544	5,803	4,867
Debt Service											
Existing		863	859	859	864	861	862	860	861	864	0
New		0	860	3,009	3,783	3,783	3,783	3,783	3,783	3,783	3,783
		863	1,719	3,868	4,646	4,644	4,645	4,643	4,643	4,647	3,783
Coverage Ratio		149%	156%	132%	138%	132%	138%	119%	125%	129%	

Appendix 2
Wastewater - \$54.0 Million Debt Tables (3 years)

The following *Tables* reflects the required rates, cash flow, and debt service coverage on required capital improvements at the Wastewater Treatment Plant based on the issuance of \$44.0 million of debt.

Table XI, Proposed Utility Rate Increase Program, with Wastewater Capital improvement program estimated at the low end of \$54.0 million less the use of existing cash of \$10.0 netting a need for \$44.0 million in debt issuance

Table XI
Wastewater - 3 Year Rate Increase Program

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
		July 1,	July 1,	July 1,	July 1,
	PERCENTAGES (%)				
Solid Waste					
Approved - 2005	Jul. 1	2.5%			
Approved - 2007	Apr. 1	5.5%	5.5%	5.5%	5.5%
Proposed - 2009			1.5%	1.5%	1.5%
		<u>8.0%</u>	<u>7.0%</u>	<u>7.0%</u>	<u>7.0%</u>
Wastewater (1)					
Approved - 2007	Apr. 1	5.0%	5.0%	5.0%	5.0%
Proposed - 2009			10.5%	10.5%	10.5%
		<u>5.0%</u>	<u>15.5%</u>	<u>15.5%</u>	<u>0.0%</u>
RESIDENTIAL Rates (\$)					
Solid Waste		\$ 19.50	\$ 20.85	\$ 22.30	\$ 23.90
Wastewater		<u>16.80</u>	<u>19.40</u>	<u>22.40</u>	<u>25.85</u>
Total		<u>\$ 36.30</u>	<u>\$ 40.25</u>	<u>\$ 44.71</u>	<u>\$ 49.75</u>
	Combined Increase - \$		<u>\$ 3.95</u>	<u>\$ 4.46</u>	<u>\$ 5.04</u>
	Combined Increase - %		<u>9.8%</u>	<u>10.0%</u>	<u>10.1%</u>
				<u>10.1%</u>	<u>0.0%</u>

(1) Amounts reflect a debt issuance of \$54.0 million.

Table XII – Wastewater Cash Flow Projections – Using \$54.0 million Debt Issuance – 3 YEARS:

Wastewater CASH FLOW Projections (In Thousands)	Rate:	15.5%	15.5%	15.5%	15.5%						
	Growth:	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
	FY 08/09	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
OPERATING Cash - Beg.	\$ 749	\$ 1,242	\$ 1,375	\$ 1,856	\$ 3,947	\$ 3,999	\$ 4,419	\$ 4,129	\$ 4,190	\$ 3,465	\$ 3,067
Revenues											
Fees - Monthly User	9,635	11,225	13,077	15,235	15,388	15,541	15,697	15,854	16,012	16,172	16,334
Fees - Septage & Other	775	891	1,029	1,187	1,200	1,214	872	881	890	898	907
Revenue - Farm Land	500	1,000	525	1,050	551	1,103	579	1,158	608	1,216	638
Revenue - Contributed Capital	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468	5,523	5,578	5,634
Revenue - Interest Earnings	26	43	48	65	138	140	155	145	147	121	107
Impact Fees	0	216	215	215	216	215	215	215	215	216	0
	16,037	18,527	20,097	23,007	22,801	23,574	23,287	24,080	23,759	24,572	23,996
Expenditures											
Salary & Benefits	(2,540)	(2,604)	(2,669)	(2,736)	(2,804)	(2,874)	(2,946)	(3,020)	(3,095)	(3,173)	(3,252)
Materials & Services	(5,022)	(5,273)	(5,537)	(5,813)	(6,104)	(6,409)	(6,730)	(7,066)	(7,420)	(7,791)	(8,180)
Materials & Services - Expansion	0	(100)	(375)	(500)	(525)	(551)	(579)	(608)	(638)	(670)	(704)
Depreciation	(2,250)	(2,200)	(2,150)	(2,850)	(2,800)	(2,750)	(2,700)	(2,650)	(2,600)	(2,550)	(2,500)
Transfer - Contributed Capital	(5,101)	(5,152)	(5,203)	(5,255)	(5,308)	(5,361)	(5,414)	(5,468)	(5,523)	(5,578)	(5,634)
Transfer - Debt Service	(632)	(5,066)	(8,682)	(4,762)	(5,708)	(5,708)	(5,708)	(5,707)	(5,708)	(5,708)	(4,642)
Transfer - Capital / Operating	0	2,000	5,000	1,000	500	500	500	500	500	500	500
	(15,544)	(18,394)	(19,616)	(20,916)	(22,749)	(23,153)	(23,577)	(24,020)	(24,484)	(24,970)	(24,412)
OPERATING Cash - End.	\$ 1,242	\$ 1,375	\$ 1,856	\$ 3,947	\$ 3,999	\$ 4,419	\$ 4,129	\$ 4,190	\$ 3,465	\$ 3,067	\$ 2,650
CAPITAL Cash - Beg.	10,810	11,614	10,305	6,328	6,332	6,700	6,948	7,065	7,046	6,879	6,552
Increases											
Transfer - Depreciation	2,250	2,200	2,150	2,850	2,800	2,750	2,700	2,650	2,600	2,550	2,500
Transfer - Contributed Capital	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468	5,523	5,578	5,634
Transfer - Debt Service	632	4,850	8,468	4,547	5,492	5,492	5,492	5,492	5,492	5,492	4,642
Transfer - Capital / Operating	0	(2,000)	(5,000)	(1,000)	(500)	(500)	(500)	(500)	(500)	(500)	(500)
Revenue - Interest Earnings	374	404	358	219	219	232	241	245	244	238	227
Reconciling Adjustment - Cash Basis	513	0	0	0	0	0	0	0	0	0	0
Serial Bond Proceeds - New	0	0	13,000	30,000	11,000	0	0	0	0	0	0
	8,869	10,605	24,179	41,871	24,319	13,335	13,347	13,356	13,360	13,359	12,503
Decreases											
CIP - Constructed	(2,188)	(1,900)	(1,976)	(2,055)	(2,137)	(2,223)	(2,312)	(2,404)	(2,500)	(2,600)	(2,704)
CIP - WIP	0	0	0	0	0	0	0	0	0	0	0
CIP - Contributed	(5,101)	(5,152)	(5,203)	(5,255)	(5,308)	(5,361)	(5,414)	(5,468)	(5,523)	(5,578)	(5,634)
CIP - NPDES	0	(4,000)	(17,000)	(30,000)	(11,000)	0	0	0	0	0	0
Debt Payment - Existing	(777)	(863)	(859)	(859)	(864)	(861)	(862)	(860)	(861)	(864)	0
Debt Payment - New	0	0	(1,118)	(3,697)	(4,642)	(4,642)	(4,642)	(4,642)	(4,642)	(4,642)	(4,642)
Bond Issuance Costs	0	0	(2,000)	0	0	0	0	0	0	0	0
	(8,065)	(11,914)	(28,156)	(41,866)	(23,951)	(13,087)	(13,230)	(13,375)	(13,527)	(13,685)	(12,981)
CAPITAL Cash - End.	\$ 11,614	\$ 10,305	\$ 6,328	\$ 6,332	\$ 6,700	\$ 6,948	\$ 7,065	\$ 7,046	\$ 6,879	\$ 6,552	\$ 6,075
TOTAL Cash - End.	\$ 12,856	\$ 11,680	\$ 8,184	\$ 10,279	\$ 10,699	\$ 11,367	\$ 11,194	\$ 11,235	\$ 10,344	\$ 9,619	\$ 8,725

Table XIII, Wastewater Debt Coverage Projections- Using \$54.0 Debt Issuance- 3 YEARS

Wastewater DEBT COVERAGE Projections (In Thousands)		FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
Coverage Revenues											
Fees		\$ 12,116	\$ 14,106	\$ 16,422	\$ 16,588	\$ 16,755	\$ 16,569	\$ 16,735	\$ 16,902	\$ 17,071	\$ 17,242
Farm Land		1,000	525	1,050	551	1,103	579	1,158	608	1,216	638
Interest Earnings		43	48	65	138	140	155	145	147	121	107
		13,160	14,680	17,537	17,277	17,998	17,302	18,037	17,656	18,408	17,987
Coverage Expenses											
Salary & Benefits		2,604	2,669	2,736	2,804	2,874	2,946	3,020	3,095	3,173	3,252
Materials & Services		5,373	5,912	6,313	6,629	6,961	7,309	7,674	8,058	8,461	8,884
		7,977	8,581	9,049	9,433	9,835	10,255	10,694	11,153	11,633	12,136
Coverage Net Income		5,183	6,099	8,488	7,844	8,163	7,048	7,343	6,503	6,774	5,851
Debt Service											
Existing		863	859	859	864	861	862	860	861	864	0
New		0	1,118	3,697	4,642	4,642	4,642	4,642	4,642	4,642	4,642
		863	1,977	4,556	5,506	5,504	5,504	5,502	5,503	5,506	4,642
Coverage Ratio		142%	148%	128%	133%	118%	123%	118%	123%	126%	

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Authorization for staff to prepare the grant application for the Energy Block Grant with an emphasis on energy retrofits and alternative transportation, and creation of a Conservation Account to fund future conservation measures.

Deadline for Action: June 24, 2009

Submitting Department: Administration

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

Department Recommendation:

It is recommended that Council authorize staff to develop an application for the Energy Block Grant funding with an emphasis on energy retrofits and alternative transportation, and authorize the creation of a Conservation Account to fund future conservation measures.

Based on these priorities, staff will do the necessary research on energy savings, job creation and costs, and prepare the grant application.

Background:

As part of the stimulus project, the City of Visalia will receive \$1.14 million in funding through the Energy Block Grant program. For Cities the size of Visalia, this is a formula program, and the City will receive the money providing we apply in a timely fashion and agree to spend the money in the prescribed manner. The Department of Energy has outlined the following options for spending this funding including:

*Development of an Energy Efficiency and Conservation Strategy and Technical Consultant Services to assist in the development of such a strategy.

*Residential and Commercial Building Energy Audits.

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 LBC41609
(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.

- *Financial Incentive Programs and Mechanisms for energy efficiency improvements such as energy savings performance contracting, on-bill financing, and revolving loan funds.
- *Grants to nonprofit organizations and governmental agencies for the purpose of performing Energy Efficiency Retrofits.
- *Energy Efficiency and Conservation Programs for Building and Facilities.
- *Development and Implementation of Transportation Programs to conserve energy.
- *Building Codes and Inspections to promote building energy efficiency. Energy Distribution Technologies that significantly increase energy efficiency, including distributed resources, combined heat and power, and district heating and cooling systems.
- *Material Conservation Programs including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency.
- *Reduction and Capture of Methane and Greenhouse Gases generated by landfills or similar waste-related sources.
- *Energy efficient Traffic Signals and Street Lighting.
- *Renewable Energy Technologies on Government Buildings.
- *Any Other Appropriate Activity that meets the purposes of the program and is approved by DOE.

PRIOR PREPARATIONS:

Last year, the City Council authorized several proactive steps that should provide the City with additional opportunities to capitalize on this funding opportunity. The Council authorized staff to submit an application for an Energy Partnership with Southern California Edison and Southern California Gas Company. The City was successful, and the resolution of support for the partnership is also on tonight's agenda for Council consideration. It is expected that the City will be able to begin working with the program this summer. The City will be able to recoup additional incentive funding from the utilities as part of this program.

As part of the City's on-going effort to improve the environment and save money, an electrical audit at City facilities was conducted last year by Southern California Edison (SCE). A list of energy efficiency measures were outlined by SCE, and staff has begun preparing a request for proposals to determine which of the possible retrofits make sense from both an energy and economic standpoint, and to identify a vendor to make the retrofits.

The Council also authorized a greenhouse gas emission study based on the ICIELI model. It was recently completed, and as part of the accompanying draft Climate Action Plan to reduce greenhouse gases in Visalia, several types of projects were identified, including additional energy retrofits. (The survey and plan are being reviewed by the Environmental Committee and will be brought to the Council in June.)

PROPOSED PRIORITIES FOR ENERGY FUNDING:

Based on the information provided by the Council, and after consulting with all Departments regarding possible needs, staff is recommending the following types of projects be given priority for spending the Energy Block Grant funding:

***Retrofit existing buildings** –Use the 2008 audit conducted by SCE, the parking structure audit from 2009, and other feasible retrofit projects that may be discovered in the grant application development, to identify retrofit projects that will be undertaken as part of the Energy Block Grant Program. Based on the initial review, the identified retrofits could reduce the City’s electrical demand by 109kW and reduce the City’s electricity usage by over 300,000 kWh annually. This is estimated to save the City approximately \$40,000 annually. If all the retrofits are undertaken, it will result in over \$20,000 in incentive rebates. The cost of the retrofits will be identified during the application development.

***Fund the fourth season of the Sequoia Shuttle** – Implementing transportation programs that save energy is an identified option in the Energy Block Grant funding. The original funding for the shuttle will expire at the end of the 2009 season. While staff is working on securing long term funding for the future, the fact that the National Parks Service needs to complete and analyze the three year pilot program before making a final determination to continue the program, and the current economic conditions, have made it more difficult.

***Conversion of traffic signals to LED lights** – A significant portion of the traffic lights were converted in when the original retrofits were completed in 2001/2002. According to a preliminary review by traffic safety, the cost will be approximately \$600,000. LED lights are expected to reduce energy consumption by 84% that will result in an annual savings that could approach \$1 million annually. While further calculations are needed, the energy and monetary savings are expected to be significant.

***Irrigation controller program** - The Council approved a program to replace all the irrigation controllers in the City parks, and in the landscape and lighting districts. These controllers are expected to save 30% of the current water usage, as well as energy. Staff is developing more specific figures. Any funding not used to implement the first three programs is recommended to be spent to install these controllers. The cost is approximately \$7,500 per controller, and a total of \$700,000 is needed to fully implement the program.

ON-GOING FUNDING

While not required, there has been considerable emphasis associated with the Energy Block Grant funding, and in the industry in general, to see the savings from energy efficiency programs being used to fund future efficiencies. Staff believes that having a revolving fund could give the City a competitive edge in future grant funding.

The Natural Resource Conservation staff would work with the Administrative Services staff to develop a revolving fund. It is recommended that any rebate incentives received from utilities for any retrofits, and that in the first three years after any retrofit project, half of the savings realized annually from the energy efficiency measures made from the Energy Block Grant funding be placed in a Conservation Fund and used to fund other conservation projects that would improve the environment.

In addition, if funding is available for the irrigation controllers for the Landscape and Lighting districts, it is recommended that the Districts be required to repay the City over time, and that 100 percent of the repayment would go in to the Conservation Fund.

Staff will work out the details including how to assess the savings, types of projects that could be funded, and other program specifics.

Summary/background:

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to authorization staff to prepare the grant application for the Energy Block Grant with an emphasis on energy retrofits and alternative transportation, and creation of a Conservation Account to fund future conservation measures.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 20, 2009

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: First reading of Ordinance 09-04 amending Ordinance 07-13 to reduce Council salaries during the 2009-2010 budget year. **(First Reading of Ordinance 09-04 required)**

Deadline for Action: N/A

Submitting Department:

Contact Name and Phone Number: Alex Peltzer, City Attorney, 636-0200; Leslie Caviglia, Deputy City Manager, 713-4317.

Recommendation

It is recommended that the Council discuss the options provided relating to Council compensation, and if appropriate, hold the first reading for Ordinance 09-04.

Department Discussion

In light of the fact that Council is asking employees to not accept the 4% raise that many employees are entitled to this budget year per the current contracts, Council Member Collins proposed that the City consider waiving Council compensation increases for the 2009-2010 fiscal year. At the last Council meeting, the Council discussed the proposal, and directed staff to develop several options for consideration.

There are four options for Council consideration.

1. The Council could adopt the proposed Ordinance with subsection C1 which would reduce the newly elected Council Member salaries to \$560 from the time they assume office until July 1, 2010. This would result in an approximately 35% decrease in compensation for the newly elected Council Members for seven months. The currently seated Council Member's salary would remain at \$800. This is the measure that was originally proposed by Council Member Collins.

2. The Council could adopt the proposed Ordinance with subsection C2 which would reduce the newly elected Council Member compensation by 4% from the time they assume office until July 1, 2010. This would result in the newly elected Council Members receiving approximately \$833. The currently seated Council Member's salary would remain at \$800.

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 41509

Finance

City Atty

City Mgr

3. The Council could adopt the proposed Ordinance with subsection C3 which would reduce all Council Member's compensation by 4% until July 1, 2010. This would result in the newly elected Council Members receiving approximately \$833, and the currently seated Council Members receiving \$768 until the beginning of the new fiscal year.

4. The Council could leave the current Ordinance in place and make no changes to Council compensation. Council compensation would remain at \$800 for seated Council Members and would increase by the adopted formula to approximately \$855 for newly elected Council Members. If Council selects this option, Ordinance 09-04 should not be introduced.

Background:

In June 2007, at the recommendation of the Citizens Advisory Committee, the City Council approved the first increase to Council compensation since 1991. The Council salaries were raised from \$500 to \$800, with the elimination of a \$60 stipend. In addition, an automatic inflator that is compounded annually based on the California Consumer Price Index (CPI) was added. According to the current ordinance, after the November, 2009 election, the three newly elected Council Members would be eligible for \$800, plus an automatic compounded inflator based on the California CPI. Based on the California CPI for 2007 and 2008, the increase would be approximately \$26.40 (3.3%) for 2007 and \$28.93 (3.5%) for 2008 for a total of approximately \$855.32 (based on projected CPI for the year, actual figures will be calculated when appropriate.)

Since City Charter prohibits Council Members from raising their own salaries, only the Council members that were elected in November, 2007, (Council Members Link and Shuklian) receive the \$800. They will not receive any further increase unless they are reelected in 2011.

In light of the fact that Council is asking employees to not accept the 4% raise that many are entitled to this budget year per the current contract, Council Member Collins asked Council Members to not accept any compensation increases for the 2009-2010 fiscal year.

Prior Council/Board Actions:

July 16, 2007 – Adopted new Council salary as recommended by the Citizens Advisory Committee.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

1. I move to introduce Ordinance 09-04 relating to Council compensation with subsection (C1, C2, or C3).
2. Take no action.

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)*

ORDINANCE 2009 – 04
AMENDING SECTION 2.02.080 OF THE ORDINANCE CODE RELATED TO COUNCIL MEMBER COMPENSATION AND PRESCRIBING THE EFFECTIVE DATES THEREOF

WHEREAS the Visalia City Council monthly compensation schedule was amended in 2007; and

WHEREAS the change was based upon a recommendation from the Citizens Advisory Committee which conducted a salary survey, and based on that information, recommended that the proposed increase be adopted; and

WHEREAS the current compensation schedule includes an inflationary factor to keep Council compensation in line with inflation; and

WHEREAS, the Council intends that any increase in monthly compensation be applied only at the commencement of a Council member's term, in conformance with provisions of the Visalia Charter; and

WHEREAS, given the current economic circumstances, the Council has asked City employees to forego contracted salary increases for 2009-2010; and

WHEREAS, the City Council is interested in demonstrating their commitment to the community and its fiscal health by postponing any automatic salary increases in Council salary for fiscal year 2009-2010.

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

Section 1: Section 2.04.080 (Council Compensation) of Chapter 2.04 of Title 2 of the Visalia Municipal Code is hereby amended to read:

SECTION 2.04.080 (COUNCIL COMPENSATION)

- A. The compensation amount in effect at the commencement of a Council member's term shall be the maximum compensation amount received by that Council member for the duration of that term (except as provided below), and no increase in monthly compensation shall be applied during a Council member's term.
- B. Effective November 2007, the monthly compensation for Council Members shall be determined at the commencement of each new term, according to the following formula: \$800 multiplied by a fraction equal to the CPI (as defined below) for the month preceding the commencement of the Council Member's term divided by the CPI for December 1, 2007. The CPI shall be the Consumer Price Index for Western Region - All Items, All Urban Consumers (1982-84 = 100), as maintained by U.S. Department of Labor, Bureau of Labor Statistics.
- C1. Following the November, 2009, Council Elections, the effective compensation rate for Council Members elected or reelected in that election shall be calculated as provided in Paragraph B. above, but as a temporary cost saving measure, compensation for Council Members elected or reelected in November 2009 shall be reduced to \$560. Such temporary reduction shall be in effect until July 1,

2010, at which time the compensation rate shall revert to the rate as calculated pursuant to Paragraph B.

Or

- C2. Following the November, 2009, Council Elections, the effective compensation rate for Council Members elected or reelected in that election shall be calculated as provided in Paragraph B. above, but as a temporary cost saving measure, compensation for Council Members elected or reelected in November 2009 shall be reduced by 4%. Such temporary reduction shall be in effect until July 1, 2010, at which time the compensation rate shall revert to the rate as calculated pursuant to Paragraph B.

Or

- C3. Following the November, 2009, Council Elections, the effective compensation rate for Council Members elected or reelected in that election shall be calculated as provided in Paragraph B. above, but as a temporary cost saving measure, compensation for all Council Members shall be reduced by 4%. Such temporary reduction shall be in effect until July 1, 2010, at which time the compensation rate shall revert to the rate as calculated pursuant to Paragraph A and B.

Section 2: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

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

Section 4: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

Jesus Gamboa, Mayor

ATTEST:

Steve Salomon, City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

Alex M. Peltzer, City Attorney