

Visalia City Council Agenda

For the regular meeting of: MONDAY, June 1, 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.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.



PUBLIC COMMENT ON WORK SESSION AND CLOSED SESSION ITEMS

4:00 p.m.

1. Quarterly update on comprehensive Code Enforcement efforts in the Oval Park and Washington School neighborhoods.
Receive public comment

4:20 p.m.

2. Request by MSJ Partners to amend wording in the Pre-Annexation Agreement pertaining to the Vargas annexation, located at the north east corner of Plaza Drive and Riggins Avenue.
Receive public comment

4:40 p.m.

3. Authorize the City Manager to release a Request for Proposal (RFP) for the preparation of a General Plan Update and Program Environmental Impact Report.
Receive public comment

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)

4. Conference with Labor Negotiators (GC 54957.6)
Agency Designated Representatives: Eric Frost, Steve Salomon, Janice Avila
Employee Organization: All Employee Groups
5. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: two potential cases

6. Conference with Real Property Negotiators (GC 54956.8)
Property: 16 acres on the south side of Hillsdale Avenue at Tommy Street, east of Akers St.
APN: 085-010-096
Negotiators for City: Steve Salomon, Mike Olmos, Cliff Ronk
Negotiators for Lessee: Sam Sciacca
Under Negotiation: Terms and conditions of potential lease agreement

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Albert Padilla, Visalia 1st Assembly of God

SPECIAL PRESENTATIONS/RECOGNITION - Recognition of Citizens in the Know graduates

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.

7. INFORMATION ITEMS - (No action required)
 - a) Receive Planning Commission Action Agenda for the meeting of May 26, 2009.
8. **PUBLIC HEARING** - Proposed funding changes, amendment, and assessment increases of balloted Landscape and Lighting Maintenance Assessment Districts. *(Upon completion of the public hearing, staff will open and tabulate the ballots. The results will be reported at the end of the meeting).*

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

9. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Approval of resolution adopting the 2009-10 appropriations limit for the City of Visalia's General Fund. **Resolution 2009-22 required.**

- c) Appoint Ben Arellano and Craig Hartman as voting members, and Ken Lavinder as an alternate to the Visalia Environmental Committee as recommended by the Citizens Advisory Committee and the Visalia Environmental Committee.
 - d) Update on the implementation of the recommendations approved by Council regarding FEMA's revised Flood Insurance Study and Flood Insurance Rate Maps (FIRMs).
 - e) Authorize the donation of a used light truck to the Visalia Downtown Association.
 - f) Authorization for City Manager to execute the third amendment to the Joint Powers Agreement for the Lake Kaweah Enlargement Project.
 - g) Authorize the City Attorney to provide an opinion regarding the current considerations concerning the school district's trustee elections and trustee boundaries as it relates to the City Charter.
 - h) Authorization for the City of Visalia to provide a letter of support for the proposal being submitted by the Visalia Tour of California Committee to host a stage of the 2010 Amgen Tour of California.
 - i) Authorization to negotiate a contract with Cherokee Investment Services to provide federal grant services on behalf of the City of Visalia in an amount not to exceed \$50,000.
10. **PUBLIC HEARING-** To place Miscellaneous Special Assessments on the Tulare County secured property tax roll for Sewer Connection, Business Incentive Zone, Curb and Gutter, Landscape and Lighting, Northeast Improvement District, Sewer, Weed & Lot Clearing, Code Enforcement, Los Rios/Casa Blanca and Property & Business Improvement District (downtown). **Resolution 2009-21 required**
11. **PUBLIC HEARING** - of the proposed Substantial Amendment (3rd) to the 2008/09 Annual Action Plan for the use of Community Development Block Grant Recovery (CDBG-R) funds in the amount of \$322,067, appropriated by the American Recovery and Reinvestment Act (Recovery Act) distributed through U.S. Department of Housing and Urban Development (HUD).
12. Report results of balloted Landscape and Lighting Maintenance Assessment Districts.

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	TRAPP, T. Stanley & Carol	351 sf portion of APN 103-320-009	McAuliff btw Mill Creek Pkwy & Houston	As part of Mill Creek Parkway to Houston	5/7/09	Chris Young

Upcoming Council Meetings

- Monday, June 15, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, July 13, 2009, 4:00 p.m. Work Session; Special Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, August 3, 2009, 4:00 p.m. Work Session; Special 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.

City of Visalia Agenda Item Transmittal

Meeting Date: June 1, 2009

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: QUARTERLY UPDATE ON COMPREHENSIVE CODE ENFORCEMENT EFFORTS IN THE OVAL PARK AND WASHINGTON SCHOOL NEIGHBORHOODS

Deadline for Action: None

Submitting Department: Housing & Economic Development

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director (x4190), Tim Burns, Neighborhood Preservation Manager (x4172)

Department Recommendation: This is a quarterly status report on code enforcement efforts requiring no action.

Summary/background: On Friday, October 24, 2008, Department heads and staff from Police, Fire, Public Works, Community Development, Parks and Recreation and Housing and Economic Development Department met to formulate the creation of a project team to address city-wide code enforcement and targeted neighborhood efforts on a collaborative basis.

The S.M.A.R.T. Project Team was introduced to Council during a Work Session on Monday, January 5, 2009. During the session staff committed to providing Council with a progress report on the measurable efforts and accomplishments on a quarterly basis. This report provides a status on various activities undertaken over the past four (4) months. Staff plan to return to Council in December with an update comparing the first part of the year with the second half.

Key Elements of First Quarter. This report summarizes key elements focused on by the City's SMART Team which was formed in the Fall of 2008 by combining the Neighborhood Preservation Division's efforts with various city departments.

The key elements include:

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.

Neighborhood Preservation

Complaints

During the first quarter of 2009, the Division received a total of 289 complaints city-wide. Complaints are divided into two primary categories consisting of substandard housing complaints and general nuisance code enforcement complaints. General nuisance complaints involve a variety of complaints such as: abandoned vehicle, auto repair, animal, business in residence, commercial, conditional use permit, foreclosure properties, illegal vendor, junk, maintenance, marijuana cultivating, construction without permits, illegal signage, abandoned swimming pools, nuisance properties, trailer, traffic safety, yard sales, etc..

Substandard Housing Complaints

Seventy-five (75) of the 289 complaints received city-wide involved substandard housing. Thirteen (13) of the 75 substandard housing complaints received involved properties in the Lincoln Oval Park Neighborhood. Six (6) of those cases have been closed, 8 additional rollover complaints from previous years have also been closed. Five (5) of the 75 substandard housing complaints received involved properties in the Washington Elementary School Neighborhood. Two of those cases have been closed. Four additional complaints rolled over from previous years have also been closed.

Code Enforcement Complaints

Two Hundred and Fourteen (214) of the 289 complaints received city-wide involved code enforcement general nuisance complaints. Fifteen (15) of the 214 cases involved properties in the Lincoln Oval Park neighborhoods. Ten of the 15 cases have been closed. Six of the 214 cases involved in the Washington Elementary School Neighborhood; three of those cases have been closed.

A total of 142 non sub-standard housing complaints were opened city-wide during the first quarter of 2009 with 10 and 4 within the Oval Park and Washington School Neighborhoods; a total of 72 closed. A total of 32 substandard housing complaints opened thus far in 2009 with 14 and 6 in the Oval Park and Washington School Neighborhoods.

Cases

Lincoln Oval Park Neighborhood

- 317 NE Second Street – Foreclosure four-plex, new owner, permits issued, rehabilitation in progress
- 319 NE Second Street – Distressed four-plex, proactive code enforcement action for substandard housing, permit issued, work pending
- 1009 N. West Street – Distressed tri-plex, proactive code enforcement action for substandard housing, permits issued, rehabilitation underway
- 1735 N. Dinuba – Abandoned single family residence, property owner in care facility, staff is working with County Conservator to demolish residence and clear parcel
- 318 NE Fourth Street – Significantly fire damaged single family residence, abandoned, warrant pending with city attorney for demolition
- 308 NE 2nd Street – Vacant parcel with an unreinforced underground cave creating an attractive nuisance, proactive enforcement action taken, ground compacted, property owner noticed
- 315 W. Houston – Distressed commercial building, boarded and moving through site plan review process to develop into business office

- 335 W. Grove – 3-plex, excessive roach infestation, proactive code enforcement action in progress
- 238 NW 2nd – triplex, no heat in units, proactive code enforcement action in progress
- 208 NE 3rd – abandoned single family residence with transient habitation, attractive nuisance, boarded and proactive enforcement action in progress.

Washington School Neighborhood

- 944 S. Court Street- Distressed historical single family residence in foreclosure, recently purchased and rehabilitated and currently for sale
- 449 S. Garden Street – Distressed historical single family residence, residence purchased in foreclosure, rehabilitated and currently for sale
- 811 S. Church Street – Distressed single family residence in foreclosure, residence purchased, cost recovery fees, fines and penalties of \$16,018 paid with rehabilitation of residence to begin soon.

Other Projects in Process

- Lincoln Oval Housing Stock Survey – A snap shot evaluation of approximately 800 residential properties has begun in order to establish a baseline for housing conditions and future substandard housing enforcement needs. This is expected to be completed by the end of the year.
- Reformation of the Washington Neighborhood Committee comprised of residents, business owners, non-profits, pastor and school administrators. This Committee now meets monthly and is lead by Lieutenant Allyn Wightmon.
- Reserve Code Enforcement Office Program. A reserve program is being created to utilize trained volunteer code enforcement officers to assist code enforcement staff with lower level code enforcement violations that may not otherwise be resolved based on higher priority matters taking precedence. This program s projected to commence in the Spring of 2010.
- Volunteer in Code Enforcement Program. A volunteer program is being developed to assist code enforcement staff in dealing with lower priority quality of life code enforcement complaints such as abandoned shopping carts and non-permitted signage in the public right-of-way. This program is projected to commence in the Spring of 2010.
- Transition of the Private Property Vehicle Abatement Program from the Fire Department to the Housing and Economic Development Department. This transition is expected to take place in July 2009.

Building Inspector Assigned to Police Department

In October 2008, Council approved the hiring of a Building Inspector to be assigned to the Police Department to participate in drug and gang enforcement efforts, recognizing that although not a requirement, drug and gang violations frequently involve substandard housing violations as well.

During the first quarter of 2009, the Inspector has participated with the Police Department in the following activities:

- 11 search and warrants
- 5 Knock and Talks (visits to homes)
- 8 Police Department requests for inspections

- The Inspector has also been involved in the abatement of 16 contaminated swimming pools
- The Inspector has also assessed a total of \$220,854 in fees.

Miscellaneous Activities

Building Permit Activity in the Oval Park and Washington School Neighborhoods

A total of 21 building permits have commenced in the two neighborhoods during the first quarter of 2009. 13 permits were in the Oval and 8 in the Washington School Neighborhood. In the Oval Park area, 9 of the 13 have been finalized and are in the process of being issued. The majority relate to roof work. In the Washington School Neighborhood, 8 of the 9 have been issued and most pertain to residential alterations.

Corridor Studies

A study is underway to examine the long-term zoning for six corridors in and around the Downtown Visalia area and in the Oval Park and Washington School Neighborhoods. The objective is to evaluate current Corridor land uses with the intent to recommend zoning and/or other measures which will promote improvement and sustained vitality of the Corridors and the adjacent neighborhoods.

The Studies will focus on the following corridors:

1. Phase I: Corridors south of Highway 198 (Noble, Locust, Court & Santa Fe)
 - May/June: Data collection and staff analysis
 - June: Community/landowner outreach
 - July: Recommendations presented to Planning Commission and City Council
2. Phase II: Corridors north of Highway 198 (Locust, Court, Dinuba Highway, Houston Avenue)
 - July-September: Data collection and staff analysis
 - October: Community/landowner outreach
 - November: Recommendations presented to Planning Commission and City Council

Currently, staff are conducting field surveys for the corridors south of Highway 198 which are scheduled for completion in late May. Additionally, staff are completing mapping and evaluating zoning, design and historic districts, home occupancy, streets and infrastructure conditions. The City's Development Project Manager is managing this project and working in tandem with representatives from Planning, Engineering and Neighborhood Preservation divisions.

Community Cleanups

During the month of March, two successful cleanups were conducted in the Oval Park area. The Public Works Department led this effort with assistance from the Fire Department and Neighborhood Preservation Division which conducted door-to-door canvassing of residences inviting occupants to dump unwanted items from their homes and offer free smoke detectors. In April, the Public Works Department hosted a cleanup in the Washington School Neighborhood as well. Future "Dumps On Us" will be scheduled based on funding availability.

Music in the Park

Last Fall (2008), the City's Parks and Recreation Department hosted a total of four (4) very successful musical events in the Oval Park on Friday evenings. Bands were hired to play music and activities for children were provided. This year, local merchants are proposing to host the events which should begin by late Spring 2009.

Washington School Lights

Over the past several months, staff have worked diligently to advance the street lighting deficiencies in the neighborhood. A total of 47 new street lights will be installed at select locations throughout the neighborhood beginning in June. Many lights will be installed on existing power poles. Also, staff is currently evaluating the feasibility of installing additional street lights around Jefferson Park.

Homeownership and Rehabilitation

Since November 2008, Habitat for Humanity has purchased and rehabilitated a total of three real estate owned and foreclosed homes in the Oval Park area utilizing a combination of NSP (Neighborhood Stabilization Program) funds and Redevelopment low/mod funds for the initial purchase. The City has also aggressively targeted the acquisition of foreclosed homes through its' foreclosure acquisition program in both neighborhoods and has purchased one home and has two in escrow in North Visalia (outside of the Lincoln Oval Park boundaries). The City also established a market rate loan program in the two targeted neighborhoods with one loan currently under review. Staff continue to market the program with local realtors and neighborhood organizations. A major challenge in financing homes is due to the foreclosure crisis. Prospective buyers can choose homes and neighborhoods in which to purchase their new homes. Historic homes tend to fall within older neighborhoods, many with challenges, deeming them more difficult to market. Plus, these homes tend to need more rehabilitation while homes in newer neighborhoods require less upgrades. Staff will continue to market the program in the neighborhoods working closely with realtors representing homes for sale as well as the Historic Preservation Committee and other interested bodies.

Graffiti Cleanup

Under the direction of the Parks and Recreation Department, a total of 2,873 graffiti cases have been addressed city-wide; 172 in the Oval Park and 324 in the Washington School Neighborhoods. Thus far in 2009, a total of 395 cases have been cleaned city-wide with 19 in the Oval Park and 15 in the Washington School Neighborhoods. Local residents have played a key role in notifying staff when graffiti appears. Generally, it is removed within 72 hours.

Police Activities

During the first quarter of 2009, the Visalia Police Department has been engaged with SMART Team efforts through the District 1 & 2 Patrol Substations and members of the Special Enforcement Bureau.

The assignment of a Building Inspector to the Police Department's Special Enforcement Bureau has improved communication between the two units and is proving to be an effective collaboration. This Inspector has assisted Department units on 11 search warrants in 2009 and provided assistance in response to other neighborhood complaints handled by officers and investigators alike. The Department's Narcotics Unit has implemented the Drug Residence Notification Letter identified in Visalia City Ordinance 15.44.240B. This Ordinance prohibits a landlord from knowingly causing or permitting a rental property to be used for any drug related use. The use of this Ordinance will aid City officials in addressing recurring violators. The process of tracking and conducting follow-up in response to notifications delivered to property owners will be a collaborative effort between Code Enforcement and the Narcotics Unit. Thus far, two (2) notices have been issued.

Special Enforcement Bureau Units have served seven search warrants for narcotics violations within the Lincoln Oval and Washington School areas to date in 2009. These investigations, coupled with assistance from the Code Enforcement Unit are aimed at reducing illegal drug

activity within Visalia neighborhoods and addressing substandard housing conditions that are commonly associated with those activities.

The Department's District 1 and Traffic Unit officers have been an active partner in community meetings and planning sessions to develop ideas for the Caltrans Grant that is aimed at improving traffic flow through the Lincoln Oval Park area. Visalia Police Officers and Volunteers in Police Services (VIPs) also participated in the Oval Park Clean-Up days sponsored by the Public Works Department in February and in April assisted with similar efforts in the Washington School neighborhood.

The Lincoln Oval Park neighborhood is within the safe zone boundaries of the City's civil gang injunction that was implemented in May 2008. There have been a total of 174 validated gang members served with notice of the civil gang injunction and 8 arrests made for violation of the injunction. The injunction has had a significant impact on a reduction of blatant gang activity in the Lincoln Oval Park neighborhood and a reduction in overall gang crime. During the first quarter of 2009, there have been only 8 eight incidents of gang-related violence city-wide.

Visalia Police Citizen Volunteers, Sector Officers, and Community Service Officers are continuing to monitor abandoned vehicles located within public right-of-way. These efforts have resulted in enforcement action taken against 10 abandoned vehicles in the Lincoln Oval Park Area and 21 in the Washington School Area.

The Department will be evaluating strategies for the upcoming summer months to address drug and alcohol calls for service that tend to increase with warmer weather, similar to the Lincoln Oval Action Plan employed by District 1 Officers in the Summer of 2008.

Fire Safety

Smoke Detectors Issued

In order to minimize fire hazards in homes, the City's Fire Department has pro-actively installed smoke detectors to households throughout the City. In 2008, a total of 128 were installed with a goal of 200 in 2009. Thus far, fire personnel have installed 33 smoke detectors in the Oval Park Neighborhood as part of a community-wide clean-up conducted in March. A total of 50 are projected to be installed in the Oval Park Neighborhood in 2009 and 25 in the Washington School Neighborhood. The Fire Department has also provided code enforcement staff with a supply of smoke detectors to install when building inspectors recognize the need.

Additionally, fire personnel painted a total of 46 and 40 hydrants in the Oval Park and Washington School Neighborhoods respectively this past quarter.

Fire Inspections

Residential

In 2009, the Fire Department intends to identify all residential living units with 5 or more attached units so that fire compliance can be performed in future years. These units will be identified with an R-2 designation.

57 R-2 units have been identified in the Lincoln Oval Park neighborhood. 51 R-2 units have been identified in the Washington Elementary School Neighborhood. The Fire Department intends to inspect 12 R-2 units per month in either the Lincoln Oval or Washington School neighborhoods.

Commercial

Ninety (90) business locations have been identified in the Lincoln Oval Park area, 24 were inspected in the first quarter. 18 business locations were identified in the Washington School area, 7 were inspected in the first quarter of 2009. The goal for the year is to complete 15 per month and 180 for the year in the two neighborhoods.

Abandoned Vehicles on Private Property

This program is in the process of being transferred from the Fire Department to the Housing & Economic Development Department (HEDD). Due to the Neighborhood Preservation Division's role conducting indepth inspections of residential properties and the Fire Department's need to focus more attention on fire inspections for commercial and multi-family developments with only one inspector, it makes more sense to transfer this activity. In 2007, 29 and 67 abandoned vehicles were abated in the Oval Park and Washington School Neighborhoods respectively. In 2009, the goals are for 52 and 34 respectively. Thus far, the Oval Park has a total of 18 cases started with 10 complete. In the Washington School Neighborhood, 14 cases have started with 4 completed. These numbers are expected to increase with the transfer from Fire to HEDD within the next few months. Staff anticipate completing extensive public outreach to ensure the appropriate community education occurs before pursuit of a pro-active abatement of vehicles. This program will also generate revenues for the City resulting in fees assessed for removal of vehicles.

Weed Abatement

In 2007, there were 25 and 15 properties abated in the Oval Park and Washington School Neighborhoods respectively. Thus far, 10 and 3 cases have been opened respectively. However, Weed Abatement Season began on April 15th. It is anticipated these figures will increase over the next few months.

Property Maintenance

This includes removal of all junk and trash from private properties. In 2008, 164 and 73 properties were cleared in the Oval Park and Washington School Neighborhoods respectively. Thus far, the Department has cleared 1 parcel in the Oval and 9 in the Washington School area.

SMART Team

Initially, the SMART Team began meeting bi-weekly following the January 5th presentation to Council. Shortly thereafter, meetings were converted to monthly and combined with the Neighborhood Preservation Division's meetings since many of the same staff attended both meetings. This Committee has proven to be very effective in order to improve communications between city departments and divisions as well as partner agencies such as Cal-Water, Southern Cal Edison and other utility companies. Most recently, the Team assisted the Public Works Department in coordinating two effective cleanups in the Oval Park Neighborhood.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: On January 5, 2009, Council received and accepted a progress report on the individual code enforcement efforts occurring in the Lincoln Oval Park and Washington Elementary School Neighborhood areas.

Alternatives: None

Attachments:

Recommended Motion (and Alternative Motions if expected): Accept staff's progress report on the collaborative efforts city-wide and in the Lincoln Oval Park and Washington Elementary School neighborhood areas and provide direction as appropriate.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 1, 2009

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Request by MSJ Partners to amend wording in the Pre-Annexation Agreement pertaining to the Vargas annexation, located at the north east corner of Plaza Drive and Riggins Avenue.

Deadline for Action: None.

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Brandon Smith, Senior Planner - 713-4636

Fred Brusuelas, Assistant Director of Community Devt - 713-4364

Department Recommendation: Staff recommends that the City Council consider the proponent's request, and provide direction on two proposed amendments to the Pre-Annexation Agreement associated with land in the Vargas annexation. These amendments are being proposed by MSJ Partners, developers of the Vargas property. If approved by Council, the amendments will:

- Allow creation of two 40-acre parcels of land in lieu of three 40-acre parcels, and
- Make the Groundwater Mitigation & General Plan Maintenance Fees payable with building permits rather than with final map recordation for the entire 480-acre annexation.

Summary / Background: In 2007, the City received an application for the 480-acre Vargas annexation located north of the Industrial Park. The City Council, citing a desire to "ready" land for the demands of potential large and small industrial users, approved the annexation subject to a master plan requirement enforced through the Pre-Annexation Agreement. This master plan requires that the southerly 160 acres will be the "Stage 1 Area" developed first, and the northerly 320 acres will be the "Stage 2 Area". Stage 1 may be subdivided, provided that 75% is devoted to parcels at least 40 acres in size, and the remaining 25% is devoted to parcels at least 10 acres in size. This concept is illustrated in **Figure 1** on the next page, whereby there are three 40-acre parcels and four 10-acre parcels.

In April 2009, Vargas / MSJ Partnership LLC filed a tentative parcel map application on the Stage 1 Area (site plan attached herein as Exhibit "A"). The proposed map shows two parcels sized at 42 acres accounting for roughly 50% of the parcel map area. The remaining area is proposed with five parcels ranging between 10 and 15 acres in size. This concept is illustrated in **Figure 2** on the next page as well as Exhibit "A".

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.):_30_

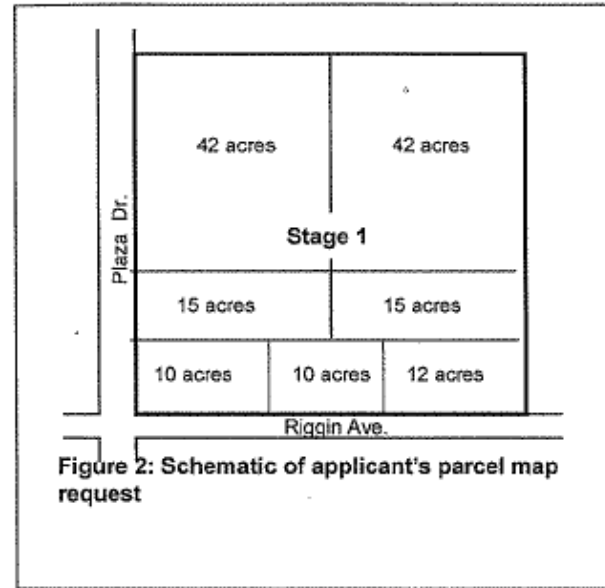
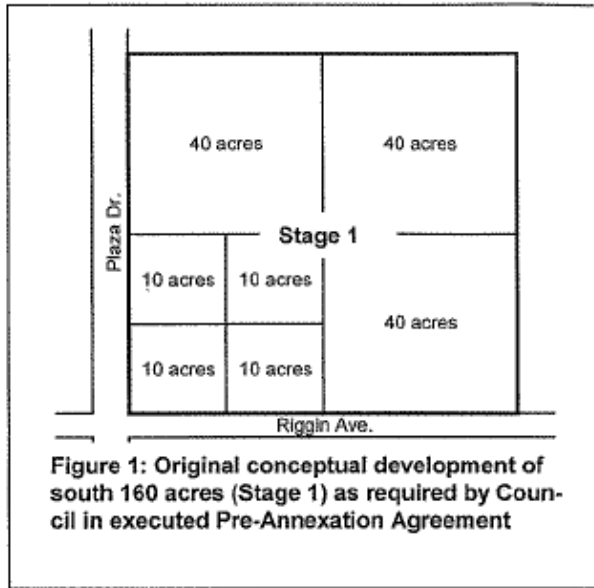
Review:

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.



Staff initially advised the applicants that the tentative parcel map could not be supported because it conflicts with the Pre-Annexation Agreement. Alternatives available to the applicant would be to add one more 40-acre parcel to comply with the current agreement, or to request that the City Council amend the terms of the Pre-Annexation Agreement in a manner which would accommodate the proposed parcel configuration. The applicants have elected to request a Pre-Annexation Agreement amendment to enable the parcel map to move forward, as specified in the letter attached herein as Exhibit "B".

If the City Council allows the proposed Pre-Annexation Agreement amendments, staff will proceed with concurrently amending Pre-Annexation Agreement and processing the tentative parcel map.

If the City Council does not authorize the proposed amendments, the existing terms of the Pre-Annexation Agreement requiring three 40-acre parcels (constituting 75% of State 1 Area) will remain in effect, and the applicant will need to revise their map accordingly.

The changes to the Agreement are as shown in edited text:

Changes in Parcel Composition

A) The **current** wording regarding parcel size reads as follows:

"The subdivision of the Stage 1 Area will be allowed immediately upon annexation, provided 75% of the Stage 1 Area is devoted to parcels having a minimum size of at least 40 acres, and 25% of the Stage 1 Area is devoted to parcels having a minimum size of at least 10 acres..."

B) The **proposed** wording by MSJ Partners is as follows, with new language indicated by underline:

"The subdivision of the Stage 1 Area will be allowed immediately upon annexation, provided at least two parcels are created with a minimum size of 40 acres each, and all other parcels have a minimum size of 10 acres..."

The remaining conditions regarding master-planning the property in the Pre-Annexation Agreement are not affected by the changes and will remain applicable. The "Stage 2 Area"

cannot be built on until the “Stage 1 Area” is at least 75% developed. In addition, a “Stage 2 Area” master plan shall establish minimum parcels sizes for the area and shall be agreed upon between the City and Owner.

Changing Fee Payment Timing

The **current** wording in the Pre-Annexation Agreement pertaining to the payment of impact fees requires

that the Groundwater Mitigation and General Plan Maintenance Fees shall be made payable upon the recordation of a final map.

It was brought to staff’s attention that the applicants could potentially develop an entire 160-acre parcel for a single use without needing a subdivision or parcel map. To ensure that impact fees are assessed with future development on the site, the **proposed** changes to the Pre-Annexation Agreement terms will recognize

that Groundwater Mitigation and the General Plan Maintenance Fees shall be made payable with building permits.

Analysis: Both the existing and proposed language in the Agreement results in parcels consistent with General Plan requirements. The applicant contends that their proposed revisions better reflect market trends in the area. The effects of the revisions provide more flexibility in the parcel composition, thus accommodating a wider range of development projects on the property and expanding the marketability of the property in light of the depressed economy. Once a final map is recorded in the Stage 1 Area, parcels on the map may be combined through a lot line adjustment or subsequent parcel map if market trends demand additional larger parcels, provided the resulting parcels remain consistent with the Pre-Annexation Agreement wording.

Staff is agreeable to this change in fee payment timing, recognizing that impact fees will still be collected prior to development.

Committee/Commission Review and Actions: None.

Alternatives:

1. Authorize amendments to the Pre-Annexation Agreement.
2. Do not authorize amendments.
3. Modify proposed amendment language as appropriate.

Attachments:

- Exhibit “A” – Proposed Tentative Parcel Map
- Exhibit “B” – Letter from applicant
- Location Map

Recommended Motion (and Alternative Motions if expected):

I move to authorize amendments to the Pre-Annexation Agreement and direct that the agreement be amended as requested by the applicant.

-OR-

I move to not authorize amendments to the Pre-Annexation Agreement.

Environmental Assessment Status

CEQA Review: No CEQA review required at this time. If authorized by City Council, an Addendum to the Negative Declaration previously approved with the Vargas Annexation will be prepared.

NEPA Review: None



May 14, 2009

Mr. Brandon Smith
Senior Planner
CITY OF VISALIA
315 E. Acequia
Visalia, CA 93291

Re: Processing of Parcel Map and Modification to Annexation Agreement for
Industrial Property at Riggan Avenue and Plaza Drive
Visalia, California

Dear Brandon:

As we have discussed, Vargas/MSJ Development, LLC has submitted our proposed plan for the subdivision of our first approximately 160 acres to you for your consideration. It is our belief that it adheres to the original annexation agreement and its general intent to provide large industrial parcels. Our parcel map still provides parcels in excess of 10 acres and subdivides the approximately 160 acres into only 7 parcels as was originally outlined in the annexation agreement. While our proposed parcel map is a minor modification to the exact original parcelization scheme, it provides greater flexibility to meet the various opportunities that are in the market.

In addition we are requesting the city's willingness to defer the payment of the remaining fees due under the annexation agreement until the issuance of a building permit. We are asking based on our previous payment of all required fees to date and due to the harsh economic climate we are all currently experiencing.

As for CEQA compliance, my land use counsel suggests that an addendum to the previously approved negative declaration be prepared in accordance with CEQA Guideline 15164 (b) that explains that none of the conditions described in CEQA Guideline 15162 (a) have occurred (i.e., no substantial changes in the project or the circumstances under which it is undertaken, no new information of substantial importance, etc.) and, assuming the proposed agreement amendment is approved, that a NOD be filed with the county recorder.

Thank you for your consideration.

Sincerely,

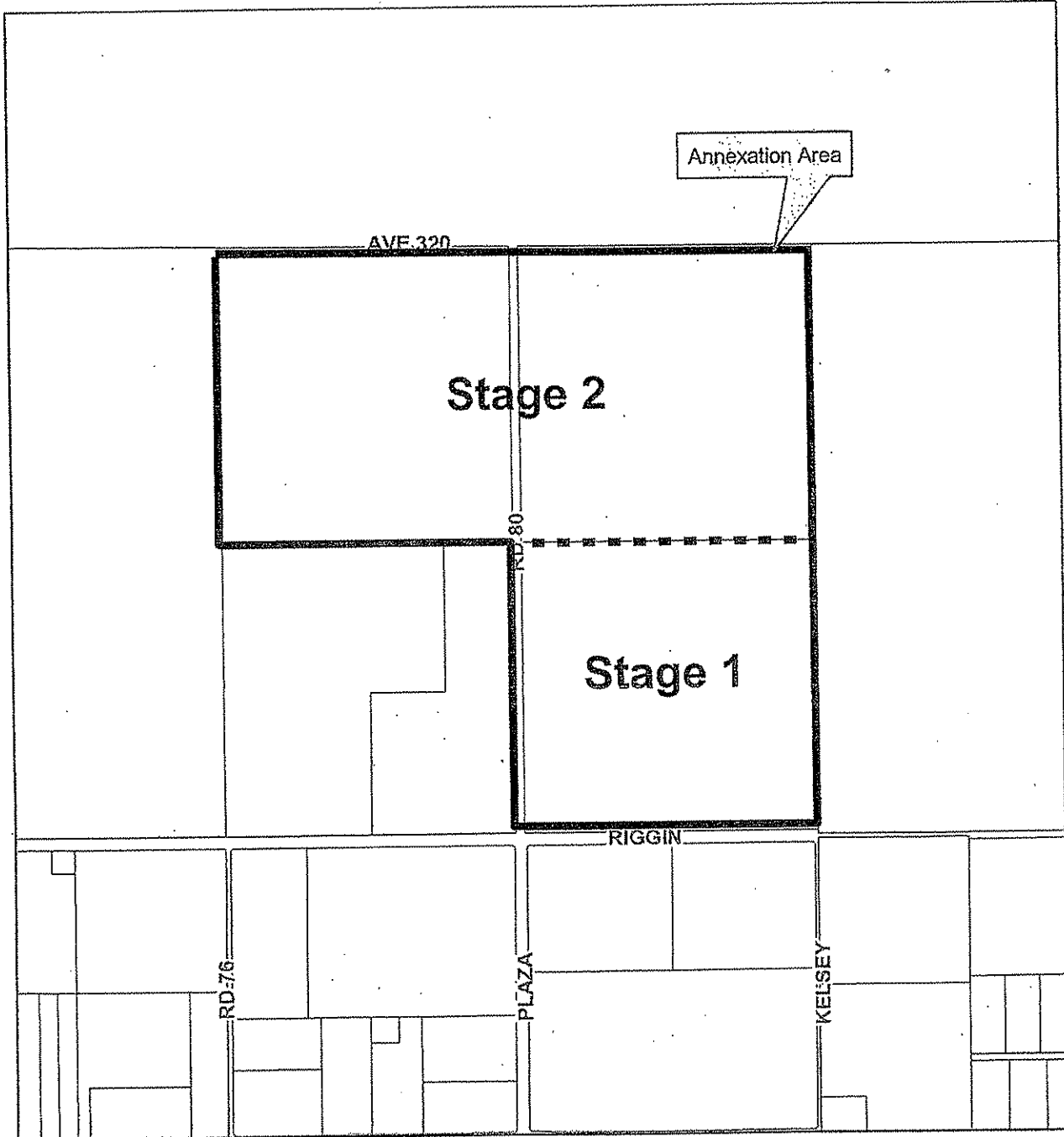
Pat Daniels
Manager of Vargas/MSJ Development, LLC

cc: Mike Olmos
Brad Brownlow

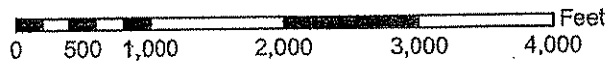
1300 Quail Street, Suite 206 Newport Beach, CA 92660
www.msjpartners.com
T 949.660.1456 F 949.660.1870

EXHIBIT B

Annexation No. 2007-01 (Vargas)



Visalia Annexation No. 2007-01
Pre-Annexation Agreement



City of Visalia Agenda Item Transmittal

Meeting Date: June 1, 2009

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Authorize the City Manager to release a Request for Proposal (RFP) for the preparation of a General Plan Update and Program Environmental Impact Report.

Deadline for Action: None.

Submitting Department: Community Development Dept. –
Planning Division

Contact Name and Phone Number:

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

Recommendation: The General Plan Update Advisory Committee (GPAC) recommends that the City Manager be authorized to release a RFP, for the preparation for a General Plan Update and Program Environmental Impact Report (EIR) by a qualified consultant team. A Draft of the RFP is attached as Exhibit "A".

The Request for Proposals will:

- Seek the hiring of a qualified General Plan consultant team with specialized skills and experience in contemporary comprehensive General Plan updates and Program EIRs. Specifically, this consultant team must demonstrate ability to comprehend the myriad of issues facing a large community that may expand to a population of 200,000 residents during a 20 to 30-year planning period, and assist the staff, GPAC, and community in drafting meaningful and practical policies to effectively manage that growth.
- Request qualified consultants to submit proposals that include a project approach, budget plan, and schedule of services.
- Include a Scope of Work that encompasses a Comprehensive General Plan, Program EIR, and Public Participation Program (Scope is attached as Exhibit "B"). Per the Scope of Work, the Update will need to adapt Visalia's community values, ongoing Planning Efforts, and State mandates.
- Identify "Big Picture" relevant issues that are facing Visalia and shall be considered in the Comprehensive Update (list is attached as Exhibit "C"). This list was compiled with the input from the GPAC over a series of three meetings.
- Encourage qualified consultants to submit work programs that demonstrate the ability to be flexible given the risk of a potential funding shortfall in this economic recession.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.) 45 min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

City staff (with Planning Division taking lead) will oversee project management and will heavily assist with performing background research, establishing local conditions, keeping key issues on point, and coordinating community outreach. Staff will work with the consultants side by side during the General Plan process and will be an integral part of the Update team. The Planning Division will assign 1.5 staff members to work with consultants preparing the General Plan Update.

Summary / Background: On March 2, 2009, the City Council authorized the comprehensive approach for updating the City's General Plan. Also, the City Council previously authorized the formation of the General Plan Update Advisory Committee to manage the General Plan Update and the EIR. There are a total of 23 persons serving on the committee, reflective of a cross-section of the City's economic, social, residential, and community organizations and committees.

With Council's direction, the GPAC began meeting and embarked on its first task to prepare a list of major issues to be considered in the General Plan Update. The group has met three times since the City Council's authorization in March.

On April 30, 2009, the GPAC voted to adopt the final draft of the major issues (Exhibit "C"). Also on this date, the Committee reviewed a draft copy of the Scope of Work to be included in the RFP (Exhibit "B"), and authorized taking the Scope of Work and an RFP to the City Council.

Once the City Council authorizes distribution of the RFP, the GPAC will meet again to assemble a selection committee which will interview interested consultants and discuss the questions and criteria used to select a consultant to recommend to City Council.

Roles of Staff and Consultant: The Committee has recommended circulating an RFP seeking a consultant to facilitate the General Plan process, with the ultimate goal of having an adopted comprehensive General Plan and Program EIR. While it will be the duty of the consultant to provide the finished project, Planning Division staff, working on behalf of the GPAC and City leadership, will exercise control over managing the project and the consultant team, and will work closely with consultants throughout the Planning process. The roles and expectations of the involved parties – City staff, the GPAC, and the consultant – are clearly defined in the RFP.

Planning staff will be heavily engaged in the comprehensive General Plan Update. Primary duties will involve managing the consultant team and acting as staff advisors to the General Plan Update Advisory Committee. Staff will also hold responsibility for effectively communicating the interests of the City Council, the GPAC, and the public at large to the consultant. Planning staff will fully and actively participate in the ongoing work during the update.

Other duties to be performed by Planning Division staff are to include:

- Conducting a majority of the background data research, including but not limited to demographic analyses, land inventories, traffic, and many other types of data;
- Working collaboratively with the consulting team on defining community issues, drafting policies, evaluating data, and conducting community outreach;
- Facilitating involvement from other City departments on pertinent General Plan Elements;
- Striving to minimize the project's overall cost.

To carry out the above duties, a minimum of 1.5 Full Time Equivalent Planning staff is necessary for the General Plan Update, in addition to the efforts of the General Plan consultant team.

Scope of Work: The Scope of Work contained in the RFP (see Exhibit “B” attached herein) provides an overview of the services and expectations associated with the project. Components of the Scope of Work include:

- *Public Participation Program* – This will be a major component of the Update process, critical for ensuring community support and acceptance of the project. The consultant will be responsible for employing successful methods of public outreach toward all facets of the community.
- *Comprehensive General Plan* – The Comprehensive General Plan will provide a valuable opportunity for the community to develop a 20 to 30 year vision for the City of Visalia, during which the city may expand to a population of 200,000 residents. It also represents a milestone in the City’s history as it will update all of the City’s free-standing elements at once, allowing the consultant to use innovative strategies for integrating all elements into a concise document.
- *Environmental Impact Report* – The EIR document will accompany the General Plan Update serve as an assessment of environmental impacts associated with the General Plan’s implementation. The EIR will consider the current conditions of the City’s built environment and develop baseline conditions to evaluate buildout of the General Plan’s growth area. It will also consider development carried out in accordance with the East Downtown Implementation Plan accepted by the City Council in 2005.

The consultant selected to prepare the EIR document will be informed about EIR documents being prepared for the Southeast Area Specific Plan and Wastewater Treatment Plan Expansion, both significant City projects. Work from these documents may be utilized in the General Plan EIR, resulting in a more synchronized document and possible cost savings.

Big Picture Issues: This list (Exhibit “C”) is included as an attachment to the Scope of Work. City staff and the GPAC have compiled this list to recognize the issues that are unique to Visalia, and to provide preliminary insight to potential consultants on what the General Plan Update shall be expected to cover.

The Issues are grouped into seven representative categories:

- Physical Growth,
- Quality of Life,
- Economic Vitality,
- New External Imperatives,
- Municipal Services,
- Agriculture, and
- Transportation.

Line items in the list include many large-scale issues that play a large factor into Visalia’s future physical growth: west Hwy 198 corridor, location for a four-year university campus, alternative transportation modes, High Speed Rail, Smart Growth concepts, water availability, retail space needs, and so on. The City has struggled with several of these issues for years; the General Plan Update will enable these topics to be thoroughly reviewed with the community.

The Comprehensive Update therefore presents a unique opportunity by utilizing a staff / consultant team, the GPAC, and a public outreach program to address all of these topics at one time. In the long term, addressing these issues in an all-inclusive effort will save the City considerable time and money spent on effort to address these issues individually.

Cost of Update: Based on expenses of other public agencies, a Comprehensive Update and Program EIR Update for a city typical of Visalia's size could cost about \$1.0 million.

However, the exact cost will not be known until proposals received though the RFP distribution is received from qualified consultants.

It is important to note that sending out an RFP does not bind the City to contracting with a consultant or limit the City to considering only those offers which were received. The City will have the option of rejecting all bids and determining another course of action.

Budgeting: In the 2008/09 and 2009/10 fiscal year budgets combined, there is \$962,250 currently budgeted for updating components of the General Plan. This figure represents \$860,000 for the overall Update effort, and \$102,250 specifically for the Parks & Rec Element. No money has been spent on these accounts to date. Amounts are broken down as follows:

<u>General Plan Update</u>	(General Fund #0011/Project #8078)	\$100,000 (FY 2008/09)
		\$350,000 (FY 2009/10)
	Money unfrozen for FY 2008/09	\$250,000*
	Budget Revision	\$160,000*
<u>Parks & Rec Element Update</u>	(Fund #1211/Project #9931)	<u>\$102,250</u>
		\$962,250

*The un-frozen \$250,000 and additional \$160,000 were both approved by City Council as part of the mid-cycle budget adjustments on May 18, 2009.

The General Plan Update represents a significant multi-year undertaking necessitating the sustained support of the City Council. It is anticipated that the General Plan Update would constitute a three to five-year effort not withstanding any unforeseen delays. However, with the current unstable economic conditions which may put revenue sources at risk, the City must be prepared to suspend and resume work as necessary. The RFP therefore stipulates that work programs and budgets submitted in the proposals should allow for work to progress in increments, and allow for efforts to be consolidated if needed.

Cost Recovery: Staff anticipates that a method for recouping the cost of the General Plan Update and EIR is critical to the project's successful completion. A commonly used and legally defensible method would be to impose a fee applicable to future development aided by the General Plan Update. Already there is a cost recovery fee tied to new annexations, enacted by the City Council in 2004. However, the slowdown in subdivision activity and the worsening economic conditions have resulted in revenues below what was projected. After the economy improves, annexation activity should increase.

A modernized method of recouping General Plan Update costs will be prepared upon contracting with a consultant, after the RFP is circulated. At this time, there is not enough information known about the Update's actual costs and timelines to determine the amount of the cost recovery fee. Only the budget proposals and projected timelines given by the selected consultant will reveal exactly how much the City would need to budget for the General Plan Update.

Next Steps: Following are the next steps to be taken once the City Council authorizes the RFP to move forward. Assuming authorization is given on June 1, staff projects returning to City Council in approximately three months to award the contract.

- **Finalization of invitation list.** An invitation list consisting of professional consultants with California General Plan experience will be utilized for distributing the RFP.
- **General Plan Advisory Committee meeting.** A meeting of the General Plan Advisory Committee will be held prior to the RFP's distribution to assemble a Selection Committee and develop interview questions.
- **RFP distribution and interviews.** Potential consultants will have 45 days to respond for the RFP – actual dates are to be determined. Upon closing of the distribution period, the Selection Committee will establish a short list of consultants, hold interviews, and score consultants based on established criteria. The GPAC will meet again to consider the Selection Committee's findings and develop a recommendation to the City Council.
- **City Council meeting to award contract.** City staff will return to the City Council with the GPAC's recommendation. The City Council will be asked to allow the City Manager to enter into a contract with the consultant for a specified amount.

Alternatives: The RFP being recommended by the GPAC would hire a consultant to work with staff and GPAC to prepare a comprehensive General Plan document, a Program EIR, and other technical documents and studies as appropriate.

Alternately, the City Council may consider directing staff and the GPAC to change the RFP to accommodate one of the following alternatives:

1. Consultant to prepare Program EIR only. In this alternative, the RFP would advertise for a consultant responsible for preparing an EIR and any affiliated technical studies. The comprehensive update would be managed in-house by Planning staff, possibly with the assistance of contract planner(s).

Advantages include the comprehensive update being completely a Visalia process, and a likely cost savings.

Risks include a potentially less comprehensive and detailed document, less expertise in emerging issues (such as AB 32 and SB 375 compliance, light rail, and other potential challenges), and a longer time frame to complete. However, given limits on staff resources and other planning responsibilities, if this option is taken, staff recommends that a contract planner with experience / expertise on General Plan Updates be hired to manage the project, including community outreach.

2. Bifurcate RFP to include optional work program. In this alternative, the RFP would establish two separate work programs and budget summary: 1) a Comprehensive Update completed by the consultant, and 2) omission of the Safety, Historic Preservation, and Parks-Recreation Elements from consultant work program. These Elements would be completed by staff in-house.

The advantage is an incrementally less outside cost expense.

Risks include difficulty in ensuring elements will be processed simultaneously, coordination of public outreach and scheduling, and internal consistency among General Plan elements.

Committee/Commission Review and Actions: N.A.

Attachments:

- Exhibit "A" – Draft Request for Proposals
- Exhibit "B" – Project Background and Scope of Work
- Exhibit "C" – "Big Picture" Issues for the General Plan Update

Recommended Motion:

I move to authorize the City Manager to release a RFP for the preparation of a General Plan Update and Program Environmental Impact Report (EIR) by a qualified consultant

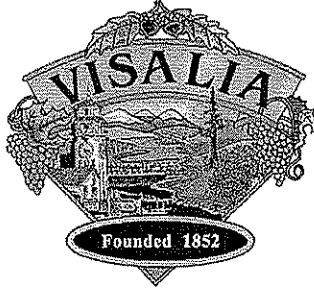
Environmental Assessment Status

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

NEPA Review: *NA*

Copies of this report have been provided to:

- General Plan Update Advisory Committee



**CITY OF VISALIA
REQUEST FOR PROPOSAL
RFP # - - -**

**Preparation of a General Plan Update and
Program Environmental Impact Report**

Submittal: One (1) unbound original, seven (7) bound copies, and one (1) CD ROM copy must be received on or before: 5:00 p.m. on _____.

Addressed to: City of Visalia
Purchasing Division
707 W. Acequia Avenue
Visalia, CA 93291

Mark envelope: RFP No. _____
Preparation of a General Plan Update and Program Environmental Impact Report

Proposals received after the time and date stated above shall be returned unopened to the proposer.

INQUIRIES:

Direct questions for clarification of this bid document to Purchasing Division (559) 713-4334, or Fax (559) 713-4802, or email purchasing@ci.visalia.ca.us. All questions must be received on or before _____.



**CITY OF VISALIA
REQUEST FOR PROPOSAL
RFP [REDACTED]**

SEALED PROPOSALS will be received by the Purchasing Division located at 707 West Acequia, Visalia, CA 93291, until 5:00 P.M. on [REDACTED] for:

Preparation of a General Plan Update and Program Environmental Impact Report

Contract documents may be inspected and obtained in the office of the Purchasing Division, 707 W. Acequia Ave., Visalia, California 93291 or by calling (559) 713-4334, or by FAX (559) 713-4802 or web site <http://www.visaliapurchasing.org>.

The City hereby affirmatively ensures that Minority Business Enterprises and Disadvantaged Business Enterprises (DBE) will be afforded full opportunity to submit proposals in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, handicap, gender, or religion in any consideration leading to the award of contract.

No qualified disabled person shall, on the basis of disability, be excluded from participating in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity leading to the award of a contract.

The right is reserved by the City of Visalia to reject any or all proposals, to waive any irregularities or informalities not affected by law, to evaluate the proposals submitted and to award the contract according to the proposal which best serves the interests of said City.

Publication Dates: [REDACTED]

TABLE OF CONTENTS

<u>TITLE</u>	<u>PAGES</u>
I. Definitions	4
II. Introduction	4
A. Request for Proposal	4
B. About the City of Visalia	4
C. Summary Scope of Work	5
D. RFP/Agreement Schedule	5
III. Scope of Services	5
A. Required Product	5
B. Services of the Consultant	6
C. City Responsibilities	8
IV. Proposal Content and Format Requirements	8
A. General Information	8
B. Proposal Project Approach	9
C. Staff Qualifications and Related Experience	9
D. Proposed Fee Structure and Schedules	9
E. Conflict of Interest	10
V. Consultant Selection Procedure	10
A. Criteria	10
B. Weight of Criteria	11
C. Background Check	11
D. Award of Contract	11
VI. General Conditions	12
A. Important Notice	12
B. Contracting Agency	12
C. Legal Responsibilities	12
D. Permits and Licenses	12
E. Insurance	13
VII. Contract Requirements	14
A. Withdrawal of Proposals	14
B. Rejection of Proposals	14
C. Evaluation/Award of Contract	15
D. Proposal Pricing Guidelines	15
E. Assignment of Contract	16
F. Right to Require Performance	16
G. Ethics in Public Contracting	16
H. Equal Employment Opportunity	16
I. Venue	16
J. Proprietary Information	17
K. Incurring Costs	17
VII. Attachments	18-33
Project Background and Scope of Work	
"Big Picture" Issues for Next General Plan Update	
Non-Collusion Affidavit	
Workers' Compensation Insurance Certificate	
Equal Employment Opportunity Compliance Certificate	
Ownership Disclosure Form	
Sample Contract	

I. DEFINITIONS

For the purposes of this RFP NO. [REDACTED], the following terms shall have the meanings indicated:

1. "City" means the City of Visalia
2. "City Council" means the Council of the City of Visalia
3. "Bidder", "Vendor", "Supplier", "Consultant", "Contractor" and "Subrecipient" are used interchangeably throughout this invitation to mean the person, firm, or corporation or other entity submitting a Bid in response to the Request for Bid.
4. "Bid" and "Proposal" are used interchangeably to mean an individual's or entity's offer in response to this Request for Proposal.
5. "RFP" means Request for Proposal No. [REDACTED].

II. INTRODUCTION

A. Request for Proposal

The City of Visalia is requesting proposals from qualified consulting firms experienced in cost-conscious professional planning and environmental services for the preparation of a comprehensive update of the Visalia General Plan and its associated Program Environmental Impact Report (EIR), as well as for other planning and technical services to support development of the General Plan and EIR.

This Request for Proposal is being issued by the City of Visalia Purchasing Division. Unless otherwise directed, all communications regarding this Request for Proposals should be directed to the Purchasing Division, at (559) 713-4334 or via email at purchasing@ci.visalia.ca.us.

Any revisions to the Request for Proposals will be issued and distributed as addenda. Proposers are encouraged to submit any questions or items for clarification in writing to the above mentioned persons.

B. About the City of Visalia

Visalia is the county seat of Tulare County, located in the heart of California's San Joaquin Valley. The town was founded in 1852 and is the oldest town between Stockton and Los Angeles. The area that was settled and would become Visalia was noted for its numerous waterways flowing out of the Sierra Nevada range, which resulted in a vast oak woodland and grassland stretching from the foothills. The City still continues a long tradition of recognizing and protecting the Valley Oak tree that once dominated the land.

Today, the City has grown into a 36-square mile charter city with a population of approximately 123,500. Visalia has maintained its position over the years as a regional center for retail, services, health care, and public education. Agriculture is the predominant land use surrounding Visalia and contributes a leading role in shaping the City's economy. Visalia continues to exhibit a strong small-town character and takes pride in its vibrant downtown which has remained the focal point and geographic center of the City. Yet Visalia also offers all the amenities of a big city, despite being a "non-Highway 99" Valley town.

C. Summary Scope of Work

The intent of this request is to seek proposals from interested professional consulting firms for preparation of a comprehensive update of the Visalia General Plan and its associated Program EIR. Other planning and technical services associated with this project to be performed by the selected Consultant include establishing and carrying out a public outreach program, preparation of technical studies necessary for the General Plan Update and Program EIR, and preparation of a land use diagram and other related illustrations for the General Plan.

The General Plan Update and EIR process will require knowledge of current and emerging planning trends to address issues unique to the character of Visalia and its surrounding region. Technical knowledge will be required for issues that include agricultural land and natural resource conservation, air quality, climate change and greenhouse gases (including compliance with Assembly Bill 32 and Senate Bill 375), growth management, and transportation. The General Plan and Program EIR will also need to be integrated with and address ongoing long-term planning efforts in certain areas of the City.

A statement containing a thorough project background, scope of work, and list of matters to be identified in the General Plan is included as an attachment to this RFP.

The selected Consultant will be expected to report to City staff and to work with a General Plan Citizen Representative Committee, the City Council, the Planning Commission, affected local agencies, and the general public.

The firm selected by the City as the most qualified for the cost to perform the requested work will be required to enter into an agreement, similar to the attached, with the City. The interested firms responding to this solicitation are hereinafter referred to as "Consultants". A joint venture of consultants is acceptable to accomplish the anticipated Scope of Services discussed below. In such case one composite proposal shall be submitted by the firm that will perform as the "prime".

Please note that due to potential funding shortfalls in the course of the work program, Proposals will in part be evaluated on the work program's flexibility and capability to progress incrementally based on available funding. To this end, the work program and budget proposal should demonstrate the ability to consolidate and preserve the work to date, in anticipation of resuming the effort within a reasonable timeframe.

D. RFP/Agreement Schedule

Event	Date of Event
RFP Available to the public	_____
RFP due at 5:00 pm at Purchasing Division, 707 W. Acequia Ave.....	_____
<i>Short list established and vendors notified.....</i>	_____
<i>Interviews/Presentations with short-listed vendors (if required).....</i>	_____
<i>Second interviews (if required).....</i>	_____
<i>Award of Contract @ City Council Meeting.....</i>	_____
<i>Contract Begins.....</i>	_____

Italicized items and dates are at the City's option. The City reserves the right to award contract solely on the basis of proposal content.

III. SCOPE OF SERVICES

A. Required Product

The selected Consultant team will have the primary responsibility for preparing a Comprehensive General Plan with required and optional elements and a Program EIR. The City envisions that the General Plan will be presented in the form of a usable document that is frequently consulted by staff, stakeholders, and the public when considering land use decisions. The documents shall be technically sound and accurate while also accessible and meaningful to the general public.

The Comprehensive General Plan will restructure the City's existing free-standing elements into one concise document, with each element containing separate background information, goals, objectives, policies, and implementation strategies. The current Conservation, Open Space, Parks and Recreation Element will be separated into a Conservation Air Quality Element and an Open Pace and Parks and

Final publications of the General Plan, EIR, appendices, and technical studies shall be in 8½" x 11" format. The document shall have the ability to be easily revised to accommodate future General Plan updates and amendments. An electronic form of the document used for editing (Microsoft Word compatible) shall be provided with the final document.

The Plan will also be supplemented by land use diagram(s) that identify land uses, City boundaries, and transportation routes. It is anticipated that the General Plan document will contain various maps and illustrations as a means of conveying information. Consultants are free to illustrate draft forms of the land use diagram using a method of their choosing. Final editions of the land use diagram shall be developed using ArcMap software and able to be integrated to the City's developed GIS system.

B. Services of the Consultant

The selected Consultant will be expected to perform the following tasks related to the preparation of the General Plan Update and EIR. These tasks represent the expected services that the selected Consultant will provide to the City. The Consultant is also invited to suggest additional and/or alternative tasks which may be suitable for the process.

Meetings

- Plan and facilitate meetings as specified under the Meetings heading.
- Attend public hearings with Planning Commission and City Council, and attend additional meetings as needed with City staff and/or Review Committee.
- Meet and confer with other local, regional, state, and federal agencies as necessary to identify and address concerns and comments.
- Attend workshops and public hearings before the Review Committee, Planning Commission, and City Council, during which the Consultant will be required to present progress reports, provide follow-up information, and respond to questions.

Staff Consultation and Identification of Issues

- Assist City staff in developing a detailed work program and timeline for preparing and carrying out the project. Assist City staff in identifying any additional tasks not identified in this RFP.
- Determine and make recommendations on necessary background and technical research, including, but not limited to, local agricultural preservation policies and practices, air quality impacts, and climate change impacts.
- Make a base line determination with respect to the physical, natural, economic, environmental, and social conditions for use with the general Plan and Environmental Impact Report.
- Analyze potential residential densities on infill and Greenfield sites compared to the carrying capacity of the land.
- Identify potential significant environmental impacts which may occur as a result of implementation of the City's General Plan Update.
- Develop potential mitigation measures to reduce significant environmental impacts to a less than significant level, or if not possible, to the extent feasible, and discuss potential mitigation measures which could aid in the City's interest toward minimizing unnecessary outward physical growth.
- Identify unavoidable significant environmental impacts as a result of implementation of the City's General Plan Land Use Map with increased residential densities. Assist the City in preparing defensible findings for Statements of Overriding Considerations.

Public Participation Program

- Develop an outreach program targeted to reach representatives of all segments of the community. Methods for ongoing public participation can include but are not limited to public

workshops, publication of information in a citywide newsletter, and/or a General Plan section within the City's web site.

Environmental Impact Report

- Prepare a Notice of Preparation, Initial Study, Notice of Completion, Notice of Determination, and if necessary, a Statement of Overriding Considerations.
- Prepare and submit an Administrative Draft of the EIR, including technical studies and appendices, for review and editing. Provide ten (10) bound copies, one (1) unbound copy, and one (1) CD-ROM containing Microsoft Word and Adobe Reader (pdf) versions of the document.
- Evaluate City comments of the Administrative EIR and incorporate changes directed by staff into a Draft EIR.
- Prepare and submit a Draft EIR, including technical studies and appendices. Provide a minimum thirty (30) bound copies with additional copies as needed for distribution to agencies as required by CEQA and the State and local Guidelines implementing CEQA, one (1) unbound copy, and (1) CD-ROM containing Microsoft Word and Adobe Reader (pdf) versions of the document.
- Assist the City in evaluating and formulating responses to comments received on the Draft Environmental Document during public review period and the resulting changes to the Draft EIR.
- Prepare and submit a Final EIR, including technical studies and appendices, and incorporating comments of City staff. Provide a minimum forty (40) bound copies of the Final EIR with additional copies as needed for distribution to agencies as required by CEQA and the State and local Guidelines implementing CEQA, one (1) unbound copy, and one (1) CD-ROM containing Microsoft Word and Adobe Reader (pdf) versions of the document.
- Assist in preparation of findings necessary to adopt or certify the Final Environmental Document, including a Statement of Overriding Considerations, if needed.
- Prepare a draft and final Mitigation Monitoring and Reporting Program, if needed.

General Plan Update

- Prepare and submit Draft and Final Background Studies. Provide thirty (30) bound copies of each study, one (1) unbound copy, and one (1) CD-ROM containing Microsoft Word and Adobe Reader (pdf) versions of the document.
- Prepare and submit a General Plan summary. Provide two hundred (200) bound copies of each summary, one (1) unbound copy, and one (1) CD-ROM containing Microsoft Word and Adobe Reader (pdf) versions of the document.
- Prepare and submit a Final General Plan. Provide forty (40) bound copies of the plan, one (1) unbound copy, and one (1) CD-ROM containing Microsoft Word and Adobe Reader (pdf) versions of the document.

Meetings: Prospective consultants shall assume as a minimum the following number of meetings. Payment for meetings will be based upon the actual number of meetings attended. The proposed fee for meetings shall be segregated by type of meeting and should include all costs for personnel, presentation materials/equipment, travel and ancillary costs.

<u>DESCRIPTION</u>	<u>MINIMUM NUMBER OF MEETINGS</u>
Project Initiation Meeting with City Staff (1/2 day AM)	1
Kick-off / Scoping Meeting with Review Committee & Public (1/2 day PM)	1
Milestone Meetings with Review Committee / Staff	6
Workshops with the Review Committee / Public	3
Workshops with City Council / Planning Commission	4

C. City Responsibilities

1. Compensate the Consultant as provided in the contract agreement.
2. Provide a "City Representative", who will represent the City and who will work with the Consultant in carrying out the provisions of the RFP. The Consultant shall communicate with the City representative who will provide the following services:
 - Examine documents submitted to the City by the Consultant and render timely decisions pertaining thereto.
 - Give reasonably prompt consideration to all matters submitted by the Consultant for approval to the end that there will be no substantial delays in the Consultant's program of work.
 - Process invoices submitted by Consultant.
 - Provide Consultant with information, maps, and other documentation necessary for completion of Consultant's work.
 - Act as coordinator between Consultant and other City representatives.
 - Actively participate with the Consultant in presentation of material in all public forums, workshops, meetings, and hearings.

IV. PROPOSAL CONTENT AND FORMAT REQUIREMENTS

Please provide seven (7) bound copies, one (1) unbound copy, and one (1) CD-ROM copy of your proposal. Those companies who propose to joint venture a response are asked to respond as a single entity with a designated lead entity and person who will be authorized to respond on behalf of the group. At a minimum, the proposal shall include the following information:

A. General Information

- Firm name, address, telephone number and fax number.
- Account Representative or other person to contact for clarification of any item contained in the proposal. Include telephone and fax numbers if different from above.
- Specify type of organization (individual, partnership or corporation) and if applicable indicate whether you are:
 - a. Small Business.
 - b. Disadvantaged Business.
 - c. Minority and/or Women-Owned Business.
- Proposed Project Team, including sub-consultants, if any, listing key team members and their duties and responsibilities. Provide a team organizational chart. The contract with the selected Consultant will require that key members shown in the proposal be required to commit time to the project and that the City of Visalia retains the right to accept, reject, or re-negotiate the terms regarding any proposed changes of key personnel or sub-consultants.
- Provide surety information for all sureties – General and Automobile Liability, E/O and Worker's Compensation.
- Minimum of five (5) relevant client references (in the Central Valley or California, if possible) including their name, title, address, e-mail, and telephone number.

B. Proposed Project Approach

Summarize your approach and understanding of the project and any special considerations of which the City of Visalia should be aware. Indicate clearly, the levels of participation you will expect from City of Visalia staff in the fulfillment of the contract. The contents of this section shall be determined by the proposer, but should demonstrate an understanding of the special characteristics of the project. Consultants may provide alternative ideas, programs, formats, and suggestions in the proposal, based on experience with other projects.

This section shall outline the proposed approach to the project. This approach or scope of work shall consist of:

- Phase
- Objective(s)
- Task(s) and brief description
- Work products
- Meetings
- Timeline
- Completion date

Exceptions to the requirements of the RFP should be clearly delineated in this section.

In addition, you are invited to include a maximum of two (2) pages of information not included, nor requested in this RFP, if you feel it may be useful and applicable to this project.

The information in this section will aid the City in the refinement of the scope of work during contract negotiations.

C. Staff Qualifications and Related Experience

1. Staff Qualifications

Describe the qualifications of all key members of the project team to be assigned to this project by providing resumes/experience summaries describing their education, credentials, experience, and their proposed roles for this contract. All proposed sub-consultants and their tasks in the project shall be identified.

If your firm intends to subcontract any of the services required under this RFP it should be discussed in this section. Detailed information for each subcontractor must be provided. Note: No work may be subcontracted, nor assigned, without prior written approval of the City of Visalia.

2. Related Experience

Include descriptive information concerning the qualifications and experience of the firm with an emphasis on experience relative to this project. Include information about two (2) previous projects of similar scope and magnitude for which the Consultant has provided the requested services. Be prepared to submit & present example(s) of recent work product which is relevant to this scope of work. For each representative project, identify the client and include a project description, the estimated cost, final fee for the Consultant's services, date started, date completed and contact reference person(s) with phone numbers. Examples of previous work may be included.

D. Proposed Fee Structure and Schedules

The Proposed Fee Structure and Schedule shall be provided under separate, sealed cover as a part of the RFP submittal.

Provide proposed fees and cost information and recommend a budget plan for all services to be provided in the following format:

- Proposers should review the requirements of this RFP and address all services in this fee schedule that might reasonably be expected to support the project. Indicate how the City will be invoiced for services, i.e., unit or hourly costs. This information should be detailed and broken down by type of service and units of work or other applicable measure. Proposers should endeavor to provide a comprehensive, fee schedule, as the City will not include compensation in the contract for items not addressed.
- Include a total cost to provide services, based on the consultant's fee schedule and the scope of work as outlined in this RFP. This cost will be used as a basis for negotiations.
- The fee proposal submitted under separate, sealed cover, along with the proposed project approach, will be used as a basis for any contract negotiations. The actual scope of services and fees included in the contract may be negotiated and may vary to satisfy the City's actual needs.

E. Conflict of Interest

- Disclose any financial, business or other relationship with the City or any member of the City staff that may have an impact on the outcome of the project.
- List current clients who may have a financial interest in the outcome of the project.

V. CONSULTANT SELECTION PROCEDURE

Selection of the successful proposal shall be generally based on the information provided by the Consultant in response to the Request for Proposals and any subsequent interviews that may be conducted. *Consultant interviews will be held solely at the option and discretion of the City of Visalia.* The process for selection shall occur in the following sequence:

- Review Proposals
- Establish a "short list" of two or more firms
- Interview "short-listed" firms (at the option and discretion of the City)
- Identify best qualified firm
- Determine which, if any, alternates will be selected, and negotiate a fee
- Award contract

A sub-committee will be formed to evaluate the proposals and to make recommendation to the Visalia City Council. The sub-committee may consist of representatives of the user department, members of the community, members of the Council and the Administrative Services Department, and may include a representative knowledgeable in auditing services from outside of the community. Composition and creation of the sub-committee is at the sole discretion of the City. Names of the sub-committee members, should one be formed, will not be released prior to the time for interviews.

The Sub-committee will review the proposals for format to ensure conformance with the requirements of the RFP and may select finalists to interview with the Sub-committee as a part of the Sub-committee's evaluation process. The City does not guarantee that an interview will take place, thus reserving the right to select a consultant based solely on the information provided in the proposals received in response to the RFP. *Should an interview take place, the key personnel responsible for fulfilling the requirements of the project shall be required to be present for the interview.*

A. Criteria

The Sub-committee will address the following criteria in evaluation of proposals in order to gauge the ability of a consultant to perform the contract as specified. The same general criteria will be used to judge

both the proposal and the presentation, should the City choose to conduct interviews with short-listed firms.

<u>Criteria</u>	<u>As Demonstrated By:</u>
• Merit of Proposal/Presentation	• Proposal thoroughness and approach
• Knowledge and Expertise	• Capability of personnel, firm qualifications and experience • Knowledge in preparation of comprehensive general plans and zoning codes utilizing Smart Growth principles • Knowledge of contemporary CEQA practices and environmental issues, including climate change & AB 32 compliance
• Understanding of Project	• Knowledge of project and requirement; • Ability and resources to develop a detailed, professional, and technically sound General Plan and Program EIR in accordance with State law
• Past Performance, References	• Ability to work effectively with City staff, public, decision-makers, and Responsible Agencies; • Demonstrated ability to complete tasks within budget; • Satisfactory record of ability to perform on similar projects
• Understanding of Visalia	• Familiarity with the City of Visalia, its policies, ordinances, and procedures
• Knowledge of Local Conditions	• Project work in Tulare, Kings, and southern Fresno Counties
• Timeline	• Ability to meet City schedule

B. Weight of Criteria

<u>Criteria</u>	<u>Weight</u>
• Merit of Proposal/Presentation	15
• Knowledge and Expertise	25
• Understanding of Project	20
• Past Performance, References	20
• Understanding of Visalia	10
• Knowledge of Local Conditions	5
• Timeline	5

Prior to the award of contract, the City must be assured that the proposer selected has all of the resources required to successfully perform under the contract. This includes, but is not limited to, personnel with the skills required, equipment/materials and financial resources sufficient to provide services called for under this contract. If, during the evaluation process, the City is unable to assure itself of the proposer's ability to perform under the contract, if awarded, the City has the option of requesting from the proposer, any information that the City deems necessary to determine the proposer's capabilities. If such information is required, the proposer will be notified and will be permitted seven (7) working days to submit the requested information.

C. Background Check

The City reserves the right to conduct a background inquiry of each proposer which may include the collection of appropriate criminal history information, contractual and business associations and practices, employment histories and reputation in the business community. By submitting a proposal to the City, the proposer consents to such an inquiry and agrees to make available to the City such books and records as the City deems necessary to conduct the inquiry.

D. Award of Contract

The successful firm will be required to execute a contract with the City of Visalia. A Draft Agreement has been included in this RFP to alert proposers to the provisions generally found in City contracts. The Draft Agreement may be altered from the enclosed form at the discretion of the City and without notice to consultant prior to award of contract. The City does not guarantee that the Final Agreement will duplicate the enclosed Draft Agreement. The Visalia City Council will make the final decision on the consultant selection, and authorize the execution of a contract for consulting services.

VI. GENERAL CONDITIONS

A. Important Notice

The City of Visalia will not be responsible for oral interpretations given by any City employee, representative, or others. Proposers are cautioned that any statements made that materially change any portion of the proposal documents shall not be relied upon unless subsequently ratified by a formal written amendment to the proposal document. The issuance of a written addendum is the only official method whereby interpretation, clarification, or additional information can be given. If any addenda are issued to this Request for Proposals, the City will attempt to notify all prospective vendors who have secured same. However, it will be the responsibility of each vendor, prior to submitting their proposal, to contact the Purchasing Division, located at 707 W. Acequia, Visalia, CA 93291, (559) 713-4334 to determine if addendums were issued and to make such addendum a part of the proposal.

B. Contracting Agency

The contract resulting from this Request for Proposals will be administered by the City of Visalia Administrative Services Department, Purchasing Division.

C. Legal Responsibilities

All proposals must be submitted, filed, made, and executed in accordance with State of California and Federal laws relating to proposals for contracts of this nature whether the same or expressly referred to herein or not.

By submitting a proposal, Consultant certifies that he or she will comply with all Federal laws and requirements, including but not limited to Equal Employment Opportunity, Disadvantaged Business Enterprise, Labor Protection and other laws and regulations applicable to contracts utilizing Federal funds.

D. Permits and Licenses

1. Business License Certificate

Possession of a City of Visalia Business Tax Certificate is not required to submit a proposal in response to this invitation. *However, Consultant shall be required to possess, at his/her own expense, a valid and current City of Visalia Business Tax Certificate, prior to commencing work.* Fee is based on gross receipts for all business transactions in the City of Visalia. For additional information, contact the City of Visalia at (559) 713-4326.

2. Professional License

Consultant is to be licensed in accordance with the California Business and Professions Code and is to possess current professional registration and be licensed to perform work in the State of California.

3. Permits

Consultant shall be required to obtain and maintain at his/her own expense, any and all permits, licenses and certifications issued by any federal, state or local governmental agency, pertaining to, and necessary for providing the services required in this Request for Proposals.

E. Insurance

Indemnification and Insurance

As respects acts, errors, or omissions in the performance of services, CONTRACTOR agrees to indemnify and hold harmless CITY, its elected and appointed officers, employees, and CITY designated volunteers from and against any and all claims, demands, losses, defense costs, liability or consequential damages arising directly out of CONTRACTOR's negligent acts, errors or omissions in the performance of his/her services under the terms of this Agreement; except to the extent those arise out of the negligence of CITY.

CITY agrees to indemnify and hold harmless CONTRACTOR, its officers, employees, and designated volunteers from and against any and all losses, defense costs, liability or consequential damages to the extent arising out of CITY'S negligent acts, errors or omissions in the performance of this Agreement.

As respects all acts or omissions which do not arise directly out of the performance of services, including but not limited to those acts or omissions normally covered by general and automobile liability insurance, CONTRACTOR agrees to indemnify, defend (at CITY's option), and hold harmless CITY, its elected and appointed officers, agents, employees, representatives, and volunteers from and against any and all claims, demands, defense costs, liability, or consequential damages of any kind or nature arising out of or in connection with CONTRACTOR's (or CONTRACTOR's subcontractors, if any) performance or failure to perform, under the terms of this Agreement; except to the extent those which arise out of the negligence of CITY.

Without limiting CITY's right to indemnification, it is agreed that CONTRACTOR shall secure prior to commencing any activities under this Agreement, and maintain during the term of this Agreement, insurance coverage as follows:

- Workers' Compensation insurance as required by California statutes.
- Commercial general liability insurance with a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence. Such insurance shall include coverage for Premises and Operations, Contractual Liability, Personal Injury Liability, Products and Completed Operations Liability, Broad Form Property Damage (if applicable), Independent Contractor's Liability (if applicable).
- Professional liability insurance coverage, in an amount not less than One Million Dollars (\$1,000,000).
- Comprehensive Automobile Liability coverage with a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence. Such insurance shall include coverage for owned, hired, and non-owned automobiles and shall be provided by a business automobile policy.

Each insurance policy required by this Agreement shall contain the following clause:

"This insurance shall not be canceled, limited in scope or coverage, or non-renewed until after thirty (30) days prior written notice has been given to the City Clerk, City of Visalia, 425 E. Oak Avenue, Suite 301, Visalia, CA 93291, with the exception of cancellation for non-payment of premium, in which case ten (10) days notice shall be given"

In addition, the Commercial general liability and comprehensive automobile liability policies required by this Agreement shall contain the following clauses:

"It is agreed that any insurance maintained by the City of Visalia shall apply in excess of and not contribute with insurance provided by this policy."

"The City of Visalia, its officers, agents, employees, representatives and volunteers are added as additional insureds as respects operations and activities of, or on behalf of the named insured, performed under contract with the City of Visalia."

The successful bidder shall maintain the insurance for the life of the contract. Endorsements are to be received and approved by the City before work commences. Should contractor cease to have insurance as required during any time, all work by contractor pursuant to this agreement shall cease until insurance acceptable to the City is provided.

VII. EXAMINATION OF CONTRACT REQUIREMENTS AND ACCEPTANCE OF PROPOSAL CONTENT

Before submitting a proposal, proposers must satisfy themselves by personal examination of the proposal requirements and other contract documents, and by any other means as they may believe necessary, as to the actual conditions, requirements, and difficulties under which the work must be performed and to verify any representations made by the City of Visalia, upon which the offeror will rely.

The submission of a proposal shall be considered conclusive evidence that the proposer has carefully investigated all conditions that affect, or may at some future date affect, the performance of services covered by this solicitation, and is satisfied as to the character, quality, and quantities of work to be performed and as to the requirements of the proposal. Submission of a proposal shall also be evidence that the proposer is familiar with directives that in any way affect prosecution of the work or persons engaged or employed in the work.

No proposer shall at any time after submission of a proposal make any claim or assertion that there was any misunderstanding or lack of information regarding the nature or amount of work necessary for satisfactory performance under the contract. If the proposer receives an award as a result of this Request for Proposals, failure to have made such investigations and examinations will in no way relieve the proposer from its obligations to comply in every detail with all provisions and requirements of the contract documents, nor will a plea of ignorance of such conditions and requirements be accepted as a basis for claim whatsoever by the proposer for additional compensation. Any errors, omissions, or discrepancies found in the specifications or other contract documents shall be called to the attention of the City and clarified prior to the submission of proposals.

Should the proposer feel there has been a supplemental or oral modification, it shall be his responsibility to verify said modification in writing prior to submission of the proposal.

The contents of the proposal of the successful proposer shall become contractual obligations if procurement action ensues. Failure to accept these obligations in a contractual agreement shall result in cancellation of award.

A. WITHDRAWAL OF PROPOSALS

Any proposal may be withdrawn at any time prior to the time fixed in the public notice for the receipt of proposals, only by written request for the withdrawal of the proposal filed with the Purchasing Division. The request shall be executed by the proposer or his duly authorized representative. The withdrawal of a proposal does not prejudice the right of the proposer to file a new proposal. No proposal may be withdrawn after the time fixed in the public notice for the receipt of proposals.

B. REJECTION OF PROPOSALS

Failure to meet the requirements of the RFP may be cause for rejection of the proposal. The City may reject the proposal if it is deemed incomplete, contains irregularities of any kind or is offered conditionally. The City reserves the right to reject any and all proposals without cause.

The proposal is to be prepared in such a way as to provide a straightforward, concise delineation of the information requested. Proposals which contain false or misleading statements, or which do not support an attribute or condition claimed by the proposer, may be cause for rejection of the proposal. If, in the opinion of the City, such information was intended to mislead the City in its evaluation of the proposal, it will be cause for rejection of the proposal.

C. EVALUATION/AWARD OF CONTRACT

Evaluation and selection of proposals will be based on the information called for in this RFP. Brochures or other promotional presentations beyond that sufficient to submit a complete and effective proposal are not desired. Elaborate artwork, expensive paper or binders, and expensive visuals are not necessary.

Proposals will be evaluated by a sub-committee. The sub-committee may consist of representatives of the user department, members of the community, the Purchasing Division, and may include a representative knowledgeable in engineering services from outside of the community. In connection with its evaluation, the City may, at its option, invite one or more proposers to make an oral presentation to the sub-committee. During these interviews, the proposers will be allowed to present such evidence as may be appropriate in order that the sub-committee can correctly analyze all materials and documentation submitted as a part of the proposals.

The award, if made, will be made within ninety (90) days from proposal closing date. Proposer agrees and so stipulates in submitting this proposal, as though stated therein, and in any subsequent award of contract that:

1. Proposer is an independent contractor, not an employee, agent, or officer of the City.
2. Contract, should it be awarded, shall be interpreted, construed, and given effect in all respects according to the laws of the State of California.
3. Should proposer be awarded contract, proposer shall not assign contract, or any part thereof, or any moneys due or to become due thereunder, without prior consent of the City.
4. Proposer shall indemnify and hold harmless the City, its officers, officials, employees, and agents from and against all claims, damages, losses, and expenses caused in whole or in part by any negligent act or omission of the proposer, its consultants, subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct by the City.
5. Proposer shall hold the City harmless from liability of any nature or kind, including cost and expenses for infringement or use of any copyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used in connection with the contract.
6. Proposer warrants that no gratuities, in the form of gifts, entertainment, or otherwise, were offered or given by the proposer, to any officer or employee of the City with a view toward securing the

contract or securing favorable treatment with respect to any determination concerning the performance of the contract. For breach or violation of this warranty, the City shall have the right to terminate the contract, either in whole or in part. The rights and remedies of the City provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under the contract.

D. PROPOSAL PRICING GUIDELINES

Proposer shall provide proposed fees and cost information as a part of this Request for Proposals. Proposed fees shall be submitted under separate, sealed cover.

E. ASSIGNMENT OF CONTRACT

No assignment by the vendor of the contract or any part hereof, or of funds to be received there under, will be binding upon the City unless such assignment had prior written approval and consent of the City. In the event the City gives such consent, the terms and conditions of the agreement shall apply to, and bind the party or parties to whom such work is assigned, sublet or transferred.

F. RIGHT TO REQUIRE PERFORMANCE

The failure of the City at any time to require performance by the proposer of any provisions hereof shall in no way affect the right of the City thereafter to enforce the same. Nor shall waiver by the City of any breach of any provision hereof be taken or held to be waiver of any succeeding breach of such provision or as a waiver of any provision itself.

G. ETHICS IN PUBLIC CONTRACTING

Each proposer, by submitting a proposal, certifies that it is not a party to any collusive action or any action that may be in violation of the Sherman Antitrust Act by submitting a proposal, the proposer certifies that its proposal was made without fraud; that it has not offered or received any kickbacks or inducements from any other proposer in connection with the request for proposal; and that it has not conferred on any public employee, public member or public official having responsibility for this procurement transaction, any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value. The proposer further certifies that no relationship exists between itself and the City or another person or organization that interferes with fair competition or constitutes a conflict of interest with respect to a contract with the City of Visalia.

Prior to the award of any contract, the potential Consultant may be required to certify in writing to the Purchasing Division that no relationship exists between the proposer and any City employee, officer, official or agent that interferes with fair competition or is a conflict of interest with respect to a contract with the City of Visalia.

More than one proposal from an individual, firm, partnership, corporation or association under the same or different names may be rejected. Reasonable grounds for believing that a proposer has interest in more than one proposal for the work solicited may result in rejection of all proposals in which the proposer is believed to have an interest.

H. EQUAL EMPLOYMENT OPPORTUNITY

During the performance of the contract, proposer agrees to the following:

1. Proposer shall comply with all the requirements, when applicable, of the California Fair Employment Practice Commission and provisions of, when applicable, all Federal, State of California, County of Tulare and City of Visalia laws and ordinances related to employment practices.
2. Proposer shall not discriminate against any employee or applicant for employment on the basis of race, religion, color, gender, age, handicap, national origin or ancestry, except when such a condition is a bona fide occupational qualification reasonably necessary for the normal operations of

the proposer. The proposer agrees to post in conspicuous places, visible to the employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

3. Proposer, in all solicitations or advertisements for employees, placed by, or on behalf of the proposer, shall state that proposer is an Equal Opportunity Employer.

I. VENUE

Any contract resulting from this solicitation shall be governed by, and construed in accordance with, the laws of the State of California. Venue for any litigation arising out of the contract will be vested in Tulare County, California.

J. PROPRIETARY INFORMATION

The proposals received shall become the property of the City of Visalia and are subject to public disclosure. Proposal prices and information submitted by proposers will be made available to proposers after City Council has approved award of contract. Proposers are to indicate any restrictions on the use of data contained in their responses. Those parts of a proposal which are defined by the proposer as business or trade secrets, as that term is defined in California Government Code, Section 6254.7, and are reasonably marked as "Trade Secrets", "Confidential" or "Proprietary" shall only be disclosed to the public if such disclosure is required or permitted under the California Public Records Act or otherwise by law. Proposers who indiscriminately and without justification identify most, or all, of their proposal as exempt from disclosure may be deemed non-responsive.

K. INCURRING COSTS

The City of Visalia is not liable for any cost incurred by proposers in responding to this Request for Proposals.

Attachment:
Comprehensive General Plan Update and Program Environmental Impact Report
Project Background and Scope of Work

BACKGROUND

The Visalia General Plan represents the City's vision for 20 to 30 years into the future. In form, it is a statement of community values and is a public policy document for guiding the distribution of public and private land uses inside an established urban growth boundary. The Plan anticipates continued growth for the City's population and economy and includes a framework for land uses, circulation, services, and public facilities to meet the City's future needs.

The current Visalia General Plan is comprised of the seven mandated and three optional elements. A separate contract is currently under way to update the Housing Element in accordance with State Department of Housing and Community Development; thus the Update to the Housing Element is not part of this Scope of Work. For the past several decades the Elements have been stand-alone documents updated independently from each other. The last major update for each element occurred in the following years:

- Land Use and Program EIR 1991
- Circulation 2001
- Housing 2005
- Conservation, Open Space, Parks & Recreation (optional) 1989
- Noise 1995
- Safety 1975
- Scenic Highways (optional) 1976
- Historic Preservation (optional) 1979

All current General Plan Elements and the Program EIR can be viewed online at http://www.ci.visalia.ca.us/depts/community_development/planning/publications/default.asp.

The well-managed physical growth and maturing of the City of Visalia has been accomplished as a direct result of its adopted Land Use Element. The 1991 Update of the Land Use Element designated areas to accommodate urban growth over a 30-year planning period ultimately to the year 2020. In 1990, the City's population was approximately 75,659 persons. Projecting growth rates ranging between 2.50% and 3.25% over a 30 year period, the plan anticipated that Visalia would reach a population of 165,000 in the year 2020. With a current population estimated at 123,500 persons, Visalia is close to meeting its original 2010 target population projection of 129,000 persons.

Visalia's General Plan and its successive updates have effectively guided the City's physical growth and expansion in recent decades. A key Visalia goal since the 1970s has been to maintain concentric growth around the City's downtown. The current Land Use Element uses a growth management system of three date-based growth rings tiered to population and buildout. Both the City Council and the community have generally shown support for the well-managed and concentric growth policies that lay the foundation for the Land Use Element.

The direction to prepare a Comprehensive Update to the General Plan and Program EIR was given by the Visalia City Council on March 2, 2009. This will be first time in the City's history that all elements of the General Plan (minus the Housing Element) are updated simultaneously.

SCOPE OF WORK

Public Participation Program

Public participation is an essential part of the General Plan process to ensure community support for the project and to establish a base of knowledge about the role of the General Plan into the future. The City desires that the project will include an outreach program targeted to reach representatives of all segments of the community, including residents, businesses, service groups, youth, seniors, and non-English speaking persons. The consultant may utilize various methods for ongoing public participation, including but not limited to public workshops, publication of information in a citywide newsletter, and a General Plan section within the City's web site.

Comprehensive General Plan

The Comprehensive General Plan Update will provide the Visalia an opportunity to bring the community together and prepare a fresh vision for the City in terms of addressing its current needs and planning for the future. The adoption of a new General Plan will be an important milestone in guiding the future growth, develop, and redevelopment of the City of Visalia. Among the most critical issues to be considered in the Plan is how to direct the City's future residential and economic growth in a manner that demonstrates an efficient and sustainable pattern of land absorption.

The Comprehensive Update will encompass the following:

- Updates to six elements required by State law: Land Use, Circulation, Conservation, Open Space, Noise, Safety (an update to the Housing Element is ongoing under a separate contract),
- Establishment of a new Air Quality Element as required by State Assembly Bill 170 for all jurisdictions in the San Joaquin Valley
- Updates to three optional elements: Parks/ Recreation, Scenic Highways, and Historic Preservation.

The following matters shall be considered as part of the Comprehensive Update:

- The Conservation Element is currently combined with the Open Space and Parks / Recreation Element as a single document. It is anticipated that the Comprehensive Update will result in the two required elements being addressed independently while remaining in the context of the Comprehensive Update.
- The Scenic Highways Element was a required General Plan Element upon its adoption in 1979, and ceased to be a required element in 1984 per State law. Because the Element is generally disregarded in these current times, retention of this element or its incorporation with another element should be heavily considered prior to its update.

The current Land Use Element is a key document for defining the community values which embody Visalia and make it unique among other communities in the Central Valley. It has been successful in identifying and establishing policy to practice these values. However, the City has been met with several challenges and emergent issues that could not have been forecasted 20 years ago.

Because the Land Use Element has been successful in carrying out policies that embrace the City's community values, it is envisioned that these policies could be used as a strong foundation for the update process. A new Comprehensive Plan would essentially build upon

concepts which have help shape Visalia's identity - particularly concentric growth and preservation of the Core Downtown Area – while preparing the community for the future.

In addition to addressing community values, the Comprehensive Update will need to consider the following matters:

- Integration of new development – Significant amounts of development have been added to the community since the last Update 18 years ago. Area inside its City limits expanded by 40% to include an additional 10.30 square miles. Visalia has also added 50,000 new residents to its City limits representing a 67% increase since 1991, and has seen notable expansions to the Industrial Park and Mooney Boulevard regional retail corridor.
- New Planning efforts – The City recently initiated community planning efforts for an East Downtown expansion, Medical District expansion, and a Southeast Area Specific Plan – representing a sum area of over 1,000 acres. These long-term plans will come to fruition during the planning period of the General Plan and will need to be effectively adapted into the General Plan document.
- State mandates – The General Plan together with the Program EIR will need to respond to newly emerging state regulations pertaining to climate change, mandatory air quality element for San Joaquin Valley cities, flood plain management, and regional planning, and will need to address issues identified in adopted time-sensitive legislation including Assembly Bill 32 and Senate Bill 375.

To help guide the General Plan update process, the City Council has appointed a Representative Committee comprised of approximately 23 persons from various committees and community interest groups. This committee will meet frequently during project, likely on a monthly basis, to provide oversight for the duration of the Update and assist with the development of the General Plan Elements on new policies and measures. The Committee will also help to build support within their respective groups and within the community.

The anticipated three-year planning process is intended to accommodate ample opportunity for community outreach and input to weigh in on “big picture” issues that are unique to Visalia. City staff and the Representative Committee have worked together to establish the relevant issues facing the community, as observed by each committee member. Staff believes that these issues can be grouped in seven representative categories:

- Physical Growth,
- Quality of Life,
- Economic Vitality,
- New External Imperatives,
- Municipal Services,
- Agriculture, and
- Transportation.

A listing of the “Big Picture” Issues within each of these categories is attached as an exhibit to this Scope of Work.

Environmental Impact Report

A comprehensive Environmental Impact Report, prepared in accordance with the procedural guidelines of the California Environmental Quality Act (CEQA), will need to be prepared and certified prior to the adoption of the General Plan Update. The City desires to have a Program EIR that will be used in the evaluation of future development projects which are a part of its growth area. It is anticipated that certification of a Program EIR will allow for the "tiering" of future environmental review and/or alleviate the need to prepare detailed subsequent environmental documentation for projects consistent with the adopted General Plan.

The scope of the Program EIR shall focus on lands within the defined urban growth area for the planning period defined by the General Plan Update. It shall consider the current conditions of the City's built environment and develop baseline conditions to evaluate cumulative impacts for the buildout of the defined growth area.

The Program EIR will also consider development carried out in accordance with the East Downtown Implementation Plan (EDIP), a multi-faceted comprehensive planning program accepted in 2005 to revitalize a 160-acre area immediately east of the existing downtown area. The Implementation Plan provides a roadmap for transitioning lower density service-commercial uses and vacant lands to higher density, urban mixed-uses that include new residences, government facilities, parks and open space enhancements, and infrastructure improvements.

The EIR must be comprehensive with respect to analyzing the environmental effects of the written General Plan Elements (including all of their goals, objectives, and policies) as well as any companion implementing maps such as a land use diagram. The consultant will be responsible for determining what background reports, technical studies, or additional analyses are needed in certain focus areas to supplement the environmental impacts evaluated in the current Program EIR. These assignments are to be described and delineated individually in the Scope of Services.

ABOUT THE DESIRED CONSULTANT

The City desires to receive proposals from qualified consultants who have a thorough understanding of city planning and of the applicable laws regarding the preparation and content of a General Plan. Consultants are advised to be familiar with the Council of Government's San Joaquin Valley Blueprint Planning Process and how it may influence the General Plan Update and EIR processes. The successful candidate must be fully versed in Smart Growth concepts and strategies which will comprise a fundamental philosophical approach to the City's future growth. The successful candidate must also have strong experience in the field of growth management, and can assist the City in finding a balance between maintaining its role as a population and economic growth engine of the Central Valley, and demonstrating strong sustainable development practices.

The consultant responsible for the environmental documentation (this may be the primary consultant or a sub-consultant contracted by the lead consultant) shall possess a firm understanding of current CEQA trends, including recent court decisions and recent state legislation pertaining to control of greenhouse gasses, air quality, water, energy, and transportation.

Attachment:
Discussion by General Plan Update Review Committee of
“Big Picture” Issues for the Next General Plan Update
Final Version: April 30, 2009

PHYSICAL GROWTH

- 165,000 Population Urban Development Boundary (UDB)
 - Pre-zoning the Reserve Areas
 - Reconsider criteria for expanding
- Other Jurisdictions Encroachment into Visalia Planning Area
- Residential Densities
- How We Grow
- SMART Growth Concepts
- Annexations
- Changing Demographics
- Mixed Use Developments
- Mixed Density Neighborhoods
- Southeast Area Specific Plan
- East Downtown Plan
- Quality/Design
- Primary Education/Public Services
- Location for Four-Year University Campus
- Non-Residential Land Uses
- Health Care Facilities
- Re-look Existing Specific/Master/Area Plans
- Water Availability

QUALITY OF LIFE

- Core Community Values
- Civic Self Image
- Public Safety
- Equality / Inclusiveness
- Neighborhoods
- Historic Preservation
- Recreation and Parks
- Riparian Trails
- Primary Education
- Secondary Education
- Sense of Place
- Hwy 198 Corridor
- Quality Development
- Health
- Assembly Bill 32 (re. Greenhouse Gases)
- Job Growth
- Air Quality

ECONOMIC VITALITY

Successful Business Climate

Realizing Job Growth

Education

Secondary Education

Healthy Population

Retail and Office Needs and Trends

Industrial Development

Agricultural Base

Hwy 99

Hwy 198

Other Jurisdiction Initiatives

Priorities for Cultivating Enterprise

Next Generation Re-use Strategies

Historic Preservation

Energy Availability

Transportation Infrastructure

Alternative Growth Scenarios (Contingencies for Population Declines)

NEW EXTERNAL IMPERATIVES

Assembly Bill 32 (re. Greenhouse Gases)

Senate Bill 375 (re. Greenhouse Gases)

Regional Blueprint

Social, Economic, Demographic Trends

Alternatives to Automobile Trips

Affordable Housing

Air Quality

Water

Energy Conservation

California Environmental Quality Act (CEQA) mandates

Flood Zones

MUNICIPAL SERVICES

Infrastructure Capacities

Delivering Services

Public Safety

Code Enforcement

Enterprise Activities

Funding

Levees

AGRICULTURE

Urban Interface

Annexations

Open Space

Agricultural Preserves

AGRICULTURE (continued)

Economic Development
Interface with Tulare County
Hwy 198 Corridor
Water Availability

TRANSPORTATION

Road Capacities / Capital Improvement Projects
Buildout Capacities
Alternative Transportation Modes
Public Transit
Trip Generation
Trip Lengths
Connectivity Among Places / Neighborhoods
Connectivity Among Riparian Trails
Light Rail Corridors
High Speed Rail
Senate Bill 375 (re. Greenhouse Gases)
Regional Blueprint
Visalia Airport

ACTION

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Lawrence Segroe



VICE CHAIRPERSON:
Adam Peck

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

TUESDAY MAY 26, 2009; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- 7:01 TO 7:02 1. THE PLEDGE OF ALLEGIANCE
- 7:02 TO 7:03 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.
Spoke:
1. John Bookwaltrs
- 7:03 TO 7:03 3. CITY PLANNER AGENDA COMMENTS – No comments
- 7:03 TO 7:03 4. CHANGES TO THE AGENDA –No changes
- 7:03 TO 7:04 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
- 7:04 TO 7:12 6. PUBLIC HEARING – Brandon Smith
 Approved As recommended (Salinas, Soltesz) 5-0
 Open: 7:07
 Close: 7:10
 Spoke:
 1. Steve Peck
 Conditional Use Permit No. 2009-27: A request by Mangano Company, Inc. to allow tenant improvements for a 2,270 sq. ft. gymnasium / fitness center in the C-CM (Community Commercial) Zone. The site is located at 3222 North Demaree Street, Suite C, on the southeast corner of Demaree St. and Flagstaff Ave. (Village at Willow Creek Shopping Center). (APN: 078-210-022)
- 7:22 TO 7:26 7. PUBLIC HEARING – Teresa Nickell, presented by Paul Scheibel
 Approved As recommended (Salinas, Peck) 5-0
 Open: 7:21
 Close: 7:25
 Spoke:
 1. Lyle Munch
 Conditional Use Permit No. 2009-24: A request by Valley Business Bank to convert an existing 18,000 sq. ft. office building to a bank with a drive-thru lane and a drive-up ATM on a 1-acre site in the C-DT (Central Business District Retail) zone. The site is located at 701 West Main Street. (APN: 093-197-008)

7:26 TO 8:25

Motion approved to approve the Variance and to continue to 06/08/09 to allow staff to prepare findings to approve the Variance and amend the Resolution. (Peck, Soltesz) 3-2 Segrue and Salinas voted no

8. PUBLIC HEARING – Paul Scheibel

Variance No. 2009-07: A request by Mary Ivey to allow an accessory structure to encroach 2.5 feet into the required 5-foot side yard setback in the R-1-6 (Single-family Residential- 6,000 sq. ft. minimum lot size) zone. The site is located at 520 Lombard St. (APN 089-150-025).

Open:7:35

Close: 756

Spoke:

- 1. Mary Ivey
- 2. John Bookwaltrs

8:25 TO 8:33

9. DIRECTOR’S REPORT/PLANNING COMMISSION DISCUSSION:

- 1. Joint PC/CC meeting still being considered
- 2. Prior City Council Actions: Budget- Planning Division Impacts
- 3. PC invited to a farewell party for Teresa Nickell who’s last day with the city is May 29th.

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, JUNE 8, 2009
CITY HALL COUNCIL CHAMBERS, 707 WEST ACEQUIA**

8:33 TO 8:33

Motion to Adjourn (Segrue, Peck) 5-0

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 1, 2009

Agenda Item Number (Assigned by City Clerk): 8

Agenda Item Wording: Public Hearing to discuss proposed funding changes, amendment, and assessment increases of balloted Landscape & Lighting Maintenance Assessment Districts. (Upon completion of the public hearing, staff will open and tabulate ballots. The results will be reported in Regular Session.)

Deadline for Action: None

Submitting Departments: Finance

Contact Name and Phone Number:

Eric Frost - 713-4474, Jason Montgomery - 713-4425

DEPARTMENT RECOMMENDATION:

That City Council:

- 1) Conduct a Public Hearing to receive ballots and public testimony on the proposed funding changes, amendment, and assessment increases for the maintenance of balloted Landscape and Lighting Maintenance Assessment Districts (Districts).
- 2) Allow staff to open and tabulate ballots.
- 3) Certify the results of the balloted Districts.
- 4) Direct staff to implement the proposed changes for the Districts that approved the changes.
- 5) Authorize the placing of the increased benefit assessment amounts on the 2009-10 Property Tax Roll.

PUBLIC HEARING:

The Public Hearing is being held for the purpose of taking public input on the proposed funding changes, amendments, and assessment increases to the balloted Districts and, if passed by the voters, to approve and implement those changes.

BALLOTING PROCESS:

Proposition 218 requires that increases to a property based assessment not previously agreed to, be subject to a ballot vote of all the affected property owners. Assessment votes are conducted on the amount of the assessment. Since these assessments are all of equal value, authorization is determined by a simple majority of the returned ballots.

On April 17, 2009, the City mailed 388 ballot letters to five Districts with deficit cash balances requesting property owners to approve an increase in the benefit assessment and the inclusion of a standard benefit assessment increase allowance for the Districts. These Districts consisted of

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Stonebridge (50 ballots), Country Akers III (12 ballots), Copper Creek (257 ballots), St. Charles Place (14 ballots), and Foxglen (55 ballots). The approval of the standard benefit assessment increase allowance will allow the City to make small changes in the assessment fee to balance the District's finances without having to ballot the Districts in the future.

Upon completion of the public hearing, staff will open and tabulate the ballots, of which the results will be reported at the end of tonight's Regular Session. If the recommended inclusion of the standard benefit assessment increase allowance passes, the approved District(s) assessments for the 09-10 County Tax Roll will be increased by up to 10%. If it fails, staff will evaluate the District(s) to determine the best course of action including cost containments and possible future balloting.

BALLOTTED DISTRICTS WITH DEFICIT BALANCES:

This discussion refers to the balloted Districts with deficit cash balances and the Landscape and Lighting Maintenance Assessment Districts that benefit these real property owners. These Districts maintain common area improvements (e.g. turf, shrubs, trees, walls, and irrigation equipment) around participating subdivisions, with each parcel sharing equally in the annual cost.

- **ASSESSMENT ADJUSTMENT PROGRAM (Program)**

The five Districts balloted were being asked to approve an increase in their benefit assessment and to include the Assessment Adjustment Program to their District. The Assessment Adjustment Program includes:

1. Incorporating a Standard Annual Allowance for Increase: An annual automatic allowance for assessment increases (Allowance) was incorporated into the formation of ALL District's starting in December 1994. The Allowance is included in the Engineers Report which initially estimates the District's costs for maintenance and utilities, and is the basis for the first year's benefit assessment. The Allowance allows for cumulative increases of 5% per year with a maximum increase of 10% in single year. This annual increase can be done without balloting of the property owners for approval. To increase an assessment on a District formed before Dec. 1994 currently requires balloting.

2. Implementing Cost Containment Measures: Staff will implement various measures to reduce expenses to those Districts that are projected to remain in a cash deficit position.

- reduce the amount of work currently being contracted for (e.g. reduce watering, mowing frequency, and other services being provided).
- replace or remove improvements that requires a higher level of maintenance and replace them with improvements that require little or no maintenance (groundcover).

3. Operating and Capital Reserve: Staff recommends maintaining a cash balance for each district that would equal **1.5 year's worth of operating expenses** (not to include sinking fund items such as street maintenance), but no less than **\$10,000** for capital repairs or replacements.

- **FINANCIAL CONDITION**

Table 1, Estimated Ending Cash Balances, shows the financial condition of the five Districts

that were balloted. These figures are estimates for the fiscal year ending June 30, 2009.

Table 1
Estimated Ending Cash Balances
For Period July 1, 2008 - June 30, 2009

L&L District #	Description	# of Parcels	Beginning Cash Balance	2009 Revenues	Estimated 2009 Expenses	Estimated Ending Cash Balance
8804	Stonebridge	50	(6,150)	5,104	(13,174)	(14,220)
8905	Country Akers III	12	(3,664)	3,339	(3,360)	(3,685)
8909	Copper Creek	257	(2,752)	14,700	(16,990)	(5,042)
9107	St. Charles Place	14	(3,081)	457	(907)	(3,531)
9110	Foxglen	55	(2,612)	3,410	(5,138)	(4,340)

As the table represents, these Districts are continuing to fall into a more negative cash position. The inclusion of the standard benefit assessment increase allowance will help staff to fiscally manage these Districts more effectively. If a District approves the increase in the benefit assessment, this increase will be implemented on the 09-10 County Tax Roll. Staff will also implement the before mentioned cost containment measures until the District has improved financially.

STONEBRIDGE DISTRICT

The Stonebridge Landscape and Lighting District was one of the first Landscape and Lighting Districts formed. The District was formed in 1988 and did not include the automatic inflator clause that is included with all Districts formed after 1994. Therefore, any increase in assessment for the Stonebridge District must go through the ballot process. This years ballot includes a request for an assessment increase as well as an amendment to the District for inclusion of the automatic inflator clause so that future balloting would not be required.

Unlike the other Landscape and Lighting Districts, the Parks Department maintains the Stonebridge District. Staff is working with the Parks Department on reducing costs for the District. Most of the maintained area in the Stonebridge District is for a ponding basin park for which costs are allocated to the Storm Drain division within Wastewater Collection. The Parks Department will look to determine if the allocation of costs between the District and Storm Drain division is appropriate. Currently, costs are allocated at 60% to the District and 40% to the Storm Drain division. If necessary, a credit will be given to the District which may improve the District financially. In addition, if further cost reduction is needed for the District, the Parks Department will look at such things as reduced watering, mowing frequency and a reduction in other services provided.

The District assessment will need to be addressed even with the implementation of the cost reducing items. Over time, as utilities and maintenance costs have risen, the District benefit assessment has remained constant. Passage of the ballot proposal will help staff to fiscally manage the District more effectively as the assessment could be adjusted to be more in line with current expenses without the need for future balloting.

ACCOUNTING AND ADDITIONAL INFORMATION

Landscape & Lighting Districts were created to facilitate the collection of benefit assessments, paying for the maintenance of the Districts real property improvements on behalf of property owners. Since the first District was created in 1987, each District's individual revenues and expenses have been separately accounted for. This accounting reflects the annual financial condition over the years and

the resulting trends in assessment revenues and expenses, which is the basis for either increasing, decreasing, or for maintaining the amount of the District's annual benefit assessment. Assessment amounts are initially based on an Engineers Report estimating the maintenance costs at the time of formation

Generally, all contiguous phases of a residential development are in an individual District. The maintenance of the District's is provided by private landscapers that bid to contract for maintaining given areas. The City's Urban Forestry Supervisor manages these contracts, ensuring contractor performance and also handles complaints from District property owners.

All property owners within a District share equally in the maintenance costs, based on the number of parcels in the District. Overhead costs, not specific to an individual District, are allocated to all of the Districts parcels equally. District property owners have an assessment placed on their Tulare County Property Taxes each year by the City in August. The process begins in April and usually in June a Public Hearing is held for any increases or other changes that require public input. Districts fall under provisions of the Landscape & Lighting Act of 1972, and since the assessments are a property related fee, they are subject to Proposition 218 requirements.

Prior Council/Board Actions: On June 23, 2008, City Council certified the results of the balloted Landscape and Lighting Maintenance Assessment Districts that were tabulated and reported at the June 16, 2008 Council meeting and authorized the placing of the increased benefit assessment amounts on the 2008-09 property tax roll and the incorporation of the standard benefit assessment increase allowance to the Districts that approved the changes.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Attachment 1 - Sample Ballot

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

- 1.) Move to open the Public Hearing to receive public input on the proposed funding changes, amendment, and assessment increases to the balloted Landscape & Lighting Maintenance Assessment Districts.
- 2.) Certify the results of the balloted Districts and if passed, move to approve the recommended funding changes, amendment, and assessment increases of the balloted Landscape & Lighting Maintenance Districts and place the increases on the 2009-10 Tulare County property tax roll.

Copies of this report have been provided to:

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

City of Visalia
707 W, Acequia
Visalia, CA 93291

April 17, 2009

John & Jane Doe

100 Anywhere Street
Visalia Ca 93277



Subject: To maintain common landscape and lighting in your neighborhood, the City is asking you to approve a Benefit Assessment Increase Allowance for the Copper Creek District.

Dear John & Jane Doe:

This letter includes a ballot. The City is asking you to consider a change in how common landscaping and lighting is funded in your neighborhood. You will be asked to either approve or disapprove the proposal.

The City maintains common landscape and lighting in your neighborhood, funded by a benefit assessment. The maintained landscaping and improvements visually enhance your neighborhood, add value to the surrounding properties and increase your quality of life.

To fiscally manage your district and maintain the landscape's appearance in your neighborhood, the City of Visalia is proposing to include a standard Benefit Assessment Increase Allowance for your District. The City is requesting you consider and return the enclosed ballot indicating your choice, either approving or disapproving a Benefit Assessment Increase Allowance. The approval of the allowance will allow the City to make small changes in the assessment fee to balance the district's finances.

Proposal: Provide a Benefit Assessment Increase Allowance which limits changes in benefit assessments to the lesser of: 1) cost; 2) a 5% per year cumulative increase (from the year the District was created); or, 3) 10 % of the current assessment, **WHICHEVER IS THE LEAST.**

Please consider the enclosed documents, which include a ballot form, an informational page about the Copper Creek District, a detailed overview of this process, and a return envelope.

If you have questions or concerns, please contact Jason Montgomery, Financial Analyst at 713-4425 or by email at jmontgomery@ci.visalia.ca.us Thank you for your time and consideration.

City of Visalia City Clerk's Office
425 E. Oak Ave., Suite 301
Visalia, CA 93291

April 17, 2009

City of Visalia City Clerk's Office
425 E. Oak Ave., Suite 301
Visalia, CA 93291

Attn: **Copper Creek, 89-09** District ballot

BALLOT INSTRUCTIONS

Completion and Return Instructions:

1. Fill out the ballot at the bottom of this page. Be sure to print your name, mark your choice, sign, and date the ballot (**the ballot will not be counted without your signature**)
2. Fold this page so the addresses above are visible.
3. Insert this page into the provided return envelope so the Clerk's address is visible through the window of the envelope.
4. Place appropriate postage on the return envelope and mail it.
5. In order to be counted, the ballot must arrive at the above address (City Clerk's Office) on or before 5:00pm, June 1, 2009.
6. ALTERNATIVE DELIVERY: you may also hand deliver the ballot to the City Clerk's office at 425 E. Oak Ave., Suite 301 Visalia, CA., on or before 5pm on June 1, 2009. If delivered in person, the ballot **must** be in a sealed envelope, or it cannot be accepted.

If you have any question or concerns about the ballot process or Benefit Assessment Increase Allowance, please contact Jason Montgomery, Financial Analyst at (559) 713-4425 or by email at jmontgomery@ci.visalia.ca.us

BALLOT

Proposal: Provide a Benefit Assessment Increase Allowance which limits changes in benefit assessments to the lesser of: 1) cost; 2) a 5% per year cumulative increase (from the year the District was created); or, 3) 10 % of the current assessment, WHICHEVER IS THE LEAST.

John & Jane Doe, owning property located at 100 Anywhere Street in the Copper Creek Landscape & Lighting Assessment Maintenance District:

(Check one)

APPROVES

DISAPPROVES

(Property Owner Signature)

(Date)

DISTRICT COPPER CREEK, 89-09 INFORMATION

The City is proposing an automatic Benefit Assessment Increase Allowance in order to keep up with maintenance costs for the common areas in your District, **work toward eliminating a current outstanding deficit cash balance of \$(2,752)** and to eventually create a small reserve to help offset any future unexpected maintenance costs. Keeping the landscaping and improvement common areas maintained helps to keep neighborhoods looking good and helps to increase property values. Currently your district is comprised of 257 lots, with current year benefit assessments at \$14,700.40 and last year's expenses of (\$16,161) detailed as follows:

Annual Benefit Assessment Revenue	\$14,700
Fiscal Year 2007/08 actual expenses	
Contract Services (Landscape Contractors, etc.)	(\$9,141)
Electricity	(\$587)
Water / Refuse / Sewer	(\$4,662)
Project Management Costs	(\$1,771)
Total Current Annual Expenses	(\$16,161)

Adding the annual maintenance costs and assessment revenue to the beginning negative cash balance of (\$1,291) for your District brings the current total outstanding costs to (\$2,752). If approved, the proposed Assessment Increase Allowance calculation would cap the maximum allowable increase the annual assessment for your district to \$16,170.44 for this year (from the existing \$14,700.40 assessment). Consequently, your contribution to keeping the maintenance up in your District would be **an additional \$5.72 per year, or \$0.48 per month.** You would see this as an increase in the Property Benefit Assessment included on your County of Tulare real property tax bill.

On the previous page is a ballot which gives you, the property owner, certain options:

1. **Yes, I approve of the proposed Automatic Benefit Assessment Increase Allowance.** If a majority of the returned ballots select this option, it will allow the City to secure funding from your District for the increased costs of maintenance, and over a period of time will repay any outstanding deficit cash balance. It will also allow the City to provide full maintenance effort to your district (versus a reduced maintenance effort due to a shortage of adequate funds).
2. **No, I do not approve of the proposed Automatic Benefit Assessment Increase Allowance.** If a majority of the returned ballots select this option, it will cause the City to re-evaluate the level of maintenance provided to your District, and likely will result in reduced maintenance, such as reduced watering and/or reduced frequency of mowing and trimming of the common areas.

Public Hearing

The Public Hearing for this proposal will be held on Monday, June 1, 2009, in the City Council Chambers at 707 W. Acequia, Visalia CA., and is scheduled at the beginning of the City Council Regular Session, at approximately 7:00pm. The ballots will be counted and the results delivered to Council at the end of the Regular Session of the City Council Meeting that same evening. At this meeting, affected citizens will have an opportunity to speak to Council, and may also change their ballot vote if desired.

Benefit Assessment Increase Allowance

Why is the Benefit Assessment Increase Allowance Needed?

Most of the older Districts do not generate enough revenue funding through their Benefit Assessments to pay the costs of the maintenance and upkeep of their improvement areas. Historically the City has only occasionally asked for small increases (never more than 10%) from these Districts, through a required ballot process. However, the ballot process is costly and not always successful, so if funds from Benefit Assessments are not enough to cover maintenance costs and an increase is not approved, the City of Visalia must make the difficult decisions to decrease the District's level of maintenance, in an effort to contain the maintenance costs to the amount of Benefit Assessments received. Decreased maintenance efforts have included reduced watering and mowing frequency, replacing labor intensive plantings with a ground cover that requires very little or no maintenance, and other less visually enhancing options. Some districts are already experiencing some or all of these cost saving measures.

How will it Work?

With a Benefit Assessment Increase Allowance, each District is reviewed annually to determine if an increase to the Benefit Assessment is needed. If total costs (which include any beginning deficit balances) are greater than the annual assessment being received, a standardized calculation would be used to determine the allowable increase for that year. **If an increase is warranted it would be limited to either the amount of total costs, a 5% per year cumulative increase (from the year the District was created), or 10% of the current assessment, WHICHEVER IS THE LEAST.** Only if total costs are greater than the Benefit Assessment revenue received, will the automatic benefit assessment increase allowance be used. In no case would any increase be more than 10% of the current assessment in any given year. This is the same automatic allowance process that is already being used in districts created after 1994. If approved the automatic allowance will:

- Decrease the costs incurred by the Districts from repetitive balloting.
- Allow the City to better fiscally manage the individual districts, and to more closely match benefit assessment revenue to the actual costs incurred.
- Reduce the need for cost reduction measures, and improve neighborhood appearances throughout the City, particularly in the older Districts.

Do assessments ever decrease?

Yes they do. Decreases do not require a ballot vote, so are done automatically. The City's goal is to match District maintenance costs to the benefit assessment revenue as closely as possible, so Districts are evaluated for both increases and decreases.

Example of a Benefit Assessment Allowance Increase Calculation:

5% cumulative increase calculation = (base year assessment) x $1.05^{(N-1)}$ (Where N = number of years District has existed).

Example:

A District's base year Benefit Assessment was \$8,000. The 2nd year it was increased 5%, and no increase in the 3rd year. The existing assessment is therefore \$8,400. There are 90 properties in the District, so the existing assessment equals \$93.34 per property per year:

In year 4 after the District was initially created, the costs are \$9,600, and there is \$300 outstanding from the prior year to repair a brick wall, **so total costs are \$9,900.** The calculation to determine what the assessment increase can be is:

5% cumulative (using base year assessment)
 $\$8,000 \times 1.05^{(N-1)} = \$9,261.00$

Or

10% single year (using current Year assessment)
 $\$8,400 \times 1.1 = \$9,240.00$

The **lesser** of the two maximum allowances is \$9,240.00 which is also less than the total costs, **so the total assessment increase would be limited to \$9,240 or \$102.67 per property (an increase of \$9.33 per year, or about \$0.78 a month for each property).** The \$660 of excess costs would be carried over to the next year. Had the total costs been less than \$9,240, the increase would have been limited to the actual amount of total costs.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 1, 2009

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

Agenda Item Wording: City Council approval of Resolution 2009-22 adopting the 2009-10 appropriations limit for the City of Visalia's General Fund.

Deadline for Action: June 30, 2009

Submitting Department: Administration / Finance Division

Contact Name and Phone Number:

Eric Frost, 713-4474
Melody Murch, 713-4379

Department Recommendation:

That the City Council adopt Resolution 2009-22 establishing the appropriations limit for the 2009-10 fiscal year in the amount of \$109,514,001 for the General Fund.

Discussion:

The Appropriation Limitation imposed by Propositions 4 and 111 creates a restriction on the amount of revenue which can be appropriated in any fiscal year. The limit is based on actual appropriations during the 1978-79 fiscal year and is increased each year by a factor comprised of the change in population combined with the change in California per capita personal income.

The General Fund is the only fund subject to the appropriation limit. Any challenge to the appropriations limit must be brought within 45 days from the effective date of the resolution.

The State of California Department of Finance is mandated to provide the population and California per capita personal income change data for local jurisdictions to calculate their appropriations limit. Based on the following data received from the Department of Finance, a population change of 2.59% and per capita income change of .62%, the appropriations limit for 2009-10 is \$109,514,001. The total appropriation subject to limitation for the 2009-10 fiscal year is \$49,020,540 which is well under the appropriations limit as shown in Table 1, Gann Appropriations Limit.

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.

Table 1			
Gann Appropriations Limit			
FY 2009-10			
Appropriations Limit FY 2008-09			\$106,087,379
Adjustment Factors:			
Population Change (2.59+100/100=1.0259)		1.0259	
Per Capita Income Change (.62+100/100=1.0062)	x	1.0062	
Total Adjustment Factor		1.0323	
Increase to FY 2008-09			3,426,622
Appropriations Limit for FY 2009-10			109,514,001
Budgeted Expenditures Subject to Limit FY 2009-10			49,020,540
Amount of Unspent Authorized Appropriation			\$60,493,461

Table 2, Calculation of Proceeds of Taxes, categorizes General Fund revenues. As shown in the table, the amount of taxes is equivalent to the budgeted expenditures subject to the 2009-10 limit.

Table 2			
Calculation of Proceeds of Taxes			
FY 2009-10			
	<u>Tax</u>	<u>Non-Tax</u>	<u>Total</u>
	<u>Proceeds</u>	<u>Proceeds</u>	
General Fund			
Taxes	\$49,020,540	\$0	\$49,020,540
Licenses & Permits	0	207,550	207,550
Fines	0	1,304,600	1,304,600
Revenue From Use of Money & Property	0	74,000	74,000
Revenue From Other Agencies	0	1,504,960	1,504,960
Revenue for Current Services	0	2,076,680	2,076,680
Other Revenue	0	286,860	286,860
Subtotal	49,020,540	5,454,650	54,475,190
Interest	0	1,000,000	1,000,000
Total General Fund	\$49,020,540	\$6,454,650	\$55,475,190

Prior Council/Board Actions: June 23, 2008 - Council adoption of Resolution establishing the appropriations limit for the 2008-09 fiscal year.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments:

Attachment 1 – Resolution No. 2009-22

Attachment 2 – CA Department of Finance Letter on Price and Population

Recommended Motion (and Alternative Motions if expected):

I recommend that the City Council adopt Resolution No. 2009-22 establishing the appropriations limit for the 2009-10 fiscal year in the amount of \$109,514,001 for the General Fund.

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:

Attachment 1

RESOLUTION NO. 2009-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
ESTABLISHING THE 2009-10 APPROPRIATIONS LIMIT

WHEREAS, in 1979, California voters approved Proposition 4 (Article XIII-B of the California State Constitution). Informally known as the "Gann Initiative," Article XIII-B provides limits to the amount of tax proceeds state and local governments can spend each year.

WHEREAS, in 1980, the State Legislature added Section 9710 of the Government Code stating that the governing body of each City must establish, by resolution, an appropriations limit for the following year. The limit for any fiscal year is equal to the previous year's limit, adjusted for population changes and the change in the U.S. Consumer Price Index (or California per capita personal income, if smaller). The necessary statistical information is provided by the California Department of Finance.

WHEREAS, Proposition 111 modified Article XIII-B. A City may choose which annual adjustments to use. The adjustment factors include the growth in the California Per Capita Income, or the growth in the non-residential assessed valuation due to construction within the City and the population growth within the City or county.

AND IT FURTHER provided for the 2009-10 fiscal year, any challenge to the appropriations limit must be brought within 45 days from the effective date of the resolution.

NOW, THEREFORE, BE IT RESOLVED that the appropriations limit as defined by Propositions 4 and 111 is set at \$109,514,001 for 2009-10 fiscal using a percentage change growth factor of 2.59% and change in per capita income of .62% as established by the California Department of Finance.

City of Visalia Agenda Item Transmittal

Meeting Date: June 1, 2009

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

Agenda Item Wording: Appoint Ben Arellano and Craig Hartman to the Visalia Environmental Committee as voting members, and Ken Lavinder to serve as an alternate as recommended by the Citizens Advisory Committee and the Visalia Environmental Committee.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Nathan Garza, 713-4532;
Leslie Caviglia, 713-4317

Department Recommendation

The Citizens Advisory Committee and the Visalia Environmental Committee recommend that the Visalia City Council appoint Ben Arellano to a one year term on the Visalia Environmental Committee as a voting member beginning immediately and ending December 31, 2009. It is also recommended that the Visalia City Council appoint Craig Hartman to the Visalia Environmental Committee as voting member, and Ken Lavinder as an alternate, both beginning immediately and ending December 31, 2010. Alternating terms allows for even rotation of incoming members.

Background

The Environmental Committee has reviewed the available applications and has interviewed the candidates. Based on this information, they recommended to the Citizen's Advisory Committee that Craig Hartman, Ben Arellano and Ken Lavinder be appointed to fill two vacant positions and one alternate position on the Visalia Environmental Committee. The CAC reviewed the recommendation, and concurred with the Environmental Committee's recommendation.

Ben Arellano has been a resident of Visalia for 27 years and has a history in working on energy efficiency projects with both So. Cal Gas and So. Cal Edison. Currently he is a Certified Energy Analysis for Allied Energy Services, Inc here in Visalia. He has served as a member of the Visalia Sports Committee and has been involved with Habitat for Humanity. If approved he hopes to contribute his knowledge regarding energy efficiency to the Environmental Committee and community.

Craig Hartman has been a resident of Visalia for 4 years. He is an Associate Engineer with Quad Knopf here in Visalia and has served as an environmental expert in storm water, air quality and the energy sector. He has worked on solving water quality issues in the communities of Plainview, Huron and Exeter. Also, he has had 8 years of experience as a Solar PV Consultant and received his Air Quality Certificate in 2006. If appointed, he is interested in

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

Finance

City Atty

City Mgr

assisting the Visalia Environmental Committee to address Visalia's environmental issues and identify the factors behind the solutions

Ken Lavinder has been a resident in Visalia for 30 years. He has a construction background in both carpentry and in plumbing. Ken has served as a representative with the Carpenters Local 1109. His background includes real estate sales here in Visalia and had also operated a small business in Visalia for approximately 7 years. Ken has three children attending Mt. Whitney High and Divisadero Middle Schools. If selected to serve as an alternate on the Visalia Environmental Committee, Ken plans to help our City by volunteering his time and by listening to the issues threatening our natural resources.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

April, 2009 - Visalia Environmental Committee recommended applicants to the CAC.

May, 2009 – CAC reviewed and concurred with the Environmental Committee recommendation.

Alternatives:

Any of these positions could remain vacant

Attachments:

Applications

Recommended Motion (and Alternative Motions if expected):

I move to appoint Ben Arellano and Craig Hartman to the Visalia Environmental Committee to serve the recommended terms. I move to appoint Ken Lavinder to serve as an alternate to the Visalia Environmental Committee to serve the recommended term.

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*)

Member Dorothy Osak resigned November 18th 2008. With the appointment of Mr. Loeb and Mr. Newton there will be two remaining vacancies on the Visalia Environmental Committee. New appointments will be considered to fill the remaining vacancies

**City of Visalia
Agenda Item Transmittal**

Meeting Date: 6/01/2009

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

Agenda Item Wording: Update on the implementation of the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps (FIRMs).

Deadline for Action: N/A

Submitting Department: Community Development/
Engineering Division

Contact Name and Phone Number:
Chris Young, Assistant Community Dev. Director – 713-4392

Department Recommendation: Staff requests that the City Council accepts this update and provide comments or direction as appropriate.

Department Discussion:

Meetings with Representatives of Senators Boxer and Feinstein's Offices: On May 22, Mayor Gamboa, Councilman Greg Collins and City staff members met with Ameen Khan (Senator Boxer's Field Representative) and Shelly Abajian (Senator Feinstein's Regional Director/Central California). Issues regarding FEMA's "new" Flood Insurance Rate Maps, and the map modernization process were discussed per Council's direction. The representatives of both Senators suggested that the City send follow-up letters to the Senators emphasizing two items as needing immediate attention. These two items are listed below:

- Extension of the Preferred Risk Policy for an additional year
- Reconsideration of FEMA's methodology for the Visalia FIRM update

The follow-up letters to both Senators are attached (Exhibit "A"). It should also be noted that Congressman Nunes is now a co-sponsor of the Flood Elevation Notification Act (HR 1316).

Local Working Group: Council approved a staff recommendation to establish a "local working group" of engineers, and other interested residents that have knowledge, expertise, or interest regarding floodplain related issues. The first meeting of the group is scheduled for June 4th. A list of members is attached (Exhibit "B"). The committee membership includes Councilman Link, several engineers, professional land surveyors, an insurance professional, a developer, a representative from the Kaweah Delta Water Conservation District, and several other residents.

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 _____ 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.

Status of Letters of Map Revision (LOMRs) and Related RFP: Staff continues to work with FEMA, local developers, engineers and surveyors to identify areas that can be shown to be above the base floodplain elevation. To date, staff has provided technical information to FEMA to show that over 300 lots should be removed from the floodplain. FEMA's "ruling" on these lots is expected any day.

Staff is developing a Request for Proposals for consultants to provide assistance with floodplain analysis and the processing of Letters of Map Revision and Letters of Map Amendment. Staff anticipates advertising the RFP this week.

City staff will continue to provide regular updates regarding the implementation of the recommendations approved by Council.

Prior Council/Board Actions:

- December 15, 2003: Authorized the Mayor to send a letter to FEMA requesting that the City's flood maps be updated.
- April 19, 2004: Authorized \$100,000 to be submitted to FEMA for the update of the City's flood maps and authorized the City Manager to sign a Cooperating Technical Partners Memorandum of Agreement with FEMA.
- May 4, 2009: Council directed staff to implement the seven recommendation made to the Council regarding FEMA's revise Flood Insurance Study and Flood Insurance Rate Maps
- May 28, 2009: Council voted to support Congressman's Nunes' request to FEMA to extend the period of the Preferred Risk Policies, and to solicit support from Senators Boxer and Feinstein on several issues related to FEMA flood mapping.

Committee/Commission Review and Actions:

Alternatives: N/A

Attachments:

- Exhibit "A" – Letters to Senators Boxer and Feinstein
- Exhibit "B" - Roster of "Local Working Group"

Recommended Motion (and Alternative Motions if expected): Motion that Council accepts this update from staff.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 1, 2009

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

Agenda Item Wording:

Authorize the donation of a used light truck to the Visalia Downtown Association.

Deadline for Action: None

Submitting Department: Public Works

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

Department Recommendation and Summary:

Authorize City staff to donate a pickup truck to the Visalia Downtown Association (Visalians Inc.).

Background:

The Visalia Downtown Association was formed to promote and maintain the retail and office area along Main Street and the other streets in the City's central core. The Association is supported with fees paid by the business owners in the area. The Association plans many activities downtown and also provides maintenance and security for the downtown. The Association has a full time employee that is assigned to various maintenance duties in the downtown area.

The City recently purchased a new truck for the Park Maintenance Division. The old Parks truck is a 1995 Ford F-250 with 148,019 miles on the odometer. The old truck is no longer needed by any of the City departments. The Downtown Association requested the truck and agreed to be responsible for all operating expenses, liability and registration costs. They plan to store the truck at the City Corporation Yard when it is not in use.

Prior Council/Board Actions:

Committee/Commission Review and Actions: None

Alternatives: Not Applicable

Attachments:

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
Date _____

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): Authorize City staff to donate a used 1995 Ford F-250 truck to the Visalia Downtown Association.

Environmental Assessment Status

CEQA Review: None

NEPA Review: None required.

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

None.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: May 18, 2009

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

Agenda Item Wording:

Authorize the City Manager to execute the third amendment to the Joint Powers Agreement for the Lake Kaweah Enlargement Project.

Deadline for Action: None

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli, Public Works Director, 713-4340

Department Recommendation and Summary:

Staff recommends that the Council authorizes the City Manager to execute the third amendment to the original Lake Kaweah Enlargement Agreement. This amendment will clarify that that the Army Corps of Engineers (Corps) will reimburse Kaweah Delta Water Conservation District (KDWCD) for work that they paid for on the Enlargement Project that the Corps was responsible for. The third amendment will also clarify that KDWCD has the contractual rights to the additional agricultural water supply storage created by the enlargement project. The City participated in this project to improve flood protection. The third amendment does not change the City's funding responsibilities or flood protection benefits.

Background:

On February 9, 2001, the city of Visalia entered into an agreement to be a "Local Sponsor" on the Lake Kaweah Enlargement Project. The Enlargement Project increased the height of the spillway by twenty-one feet and increased the storage from 143,000 acre-feet to 185,600 acre-feet. The project also included acquisition of land around the perimeter of the Lake, the relocation of Route 198 near Slick Rock and Western Holiday Lodge Motel, the construction of a new bridge where Route 198 crosses over Horse Creek, and the purchase of mitigation and riparian property near the Lake and in the Tulare Lakebed.

The local sponsors for the project are listed below. The local sponsor financial share is also shown.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
Date _____

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.

Local Sponsor	Funding Responsibility
Kaweah Delta Water Conservation District (KDWCD)	17%
City of Visalia	27%
Kings County	4%
Tulare County	12%
Tulare Lake Basin Water Storage District	<u>40%</u>
	100%

The total project cost, to date, is \$59 million. So far, the Army Corps has paid approximately \$35 million, the State has paid \$15.5 million, and the local sponsors have paid \$8.5 million. Visalia has paid \$2.3 million as one of the local sponsors. The spillway improvements are now complete, but some other construction related costs are still pending. There are some environmental mitigation details and some right of way acquisition issues still being resolved. Final completion will likely not occur before 2011. The local sponsors will still be responsible for a share of the operation and maintenance costs.

Visalia used an internal loan from the General Fund to pay for their share of the cost to raise the spillway. These funds are being repaid with money generated from monthly utility bills for sewer service and storm water disposal. Utility users are currently paying \$0.48 per month on their utility bill. The outstanding balance on the loan is approximately \$500,000. The General Fund earns 4.18% on the loan.

Prior Council/Board Actions:

Committee/Commission Review and Actions: None

Alternatives: Not Applicable

Attachments:

Recommended Motion (and Alternative Motions if expected): Authorize the City Manager to execute the Third Amendment to the Joint Powers Agreement for the Lake Kaweah Enlargement Project.

Environmental Assessment Status

CEQA Review: None

NEPA Review: None required.

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

None.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 1, 2009

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

Agenda Item Wording: Authorize the City Attorney to provide an opinion regarding the current considerations concerning the school district's trustee elections and trustee boundaries as it relates to the City Charter.

Deadline for Action:

Submitting Department: Administration

Contact Name and Phone Number:
Steve Salomon (559) 713-4312

Department Recommendation: Authorize the City Attorney to provide an opinion regarding the current considerations concerning the school district's Trustee elections and Trustee boundaries as it relates to the City Charter.

Summary/Background: The VUSD Board of Education is studying their current system for electing Trustees and the boundaries drawn for the Trustees' Area. They are doing this in anticipation of receiving the new Federal Census data in 2011. The Council is aware that the school district is included in the City's Charter (see attachment). A copy of a letter from Superintendent Stan Carrizosa requesting the City Attorney's assistance in relation to the charter issues is attached.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: (A) Letter from Stan Carrizosa
(B) City of Visalia Charter – Note Articles IV, V, and X

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:

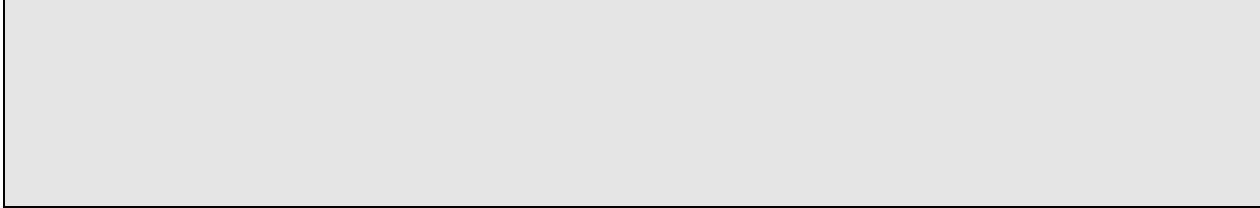
Dept. Head _____
(Initials & date required)

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): Authorize the City Attorney to provide an opinion regarding the current considerations concerning the school district's Trustee elections and Trustee boundaries as it relates to the City Charter.



Environmental Assessment Status

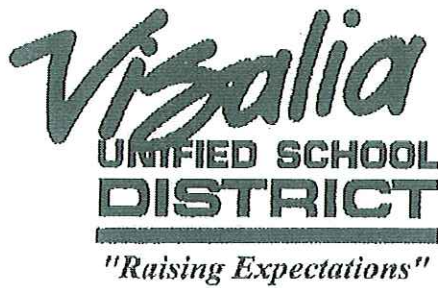
CEQA Review:

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:

Stan A. Carrizosa
Superintendent



Board of Education

Rodney Elder
William A. Fulmer
Juan R. Guerrero
Larry Jones
Michael D. Lane
Donna Martin
Jim L. Qualls

May 15, 2009

Steve Salomon, City Manager
City of Visalia
425 E. Oak, Suite 301
Visalia, CA 93291

Dear Steve:

The VUSD Board of Education has passed a resolution as part of their Trustee Area Election Boundary Study Plan, calling for a future change to "by area" elections. This plan involves authorizing the Community Advisory Committee to study trustee area election boundaries over the next year and prepare possible recommendations for new boundaries following official receipt of the 2010 Federal Census data.

We plan to engage Tulare County Counsel and specialized private counsel to serve as a resource to both the Advisory Committee and School Board. One issue that needs to be researched and addressed is the mention of the school district's elections system in the Visalia City Charter. I would appreciate it if you would allow the attorney for the City to meet and confer with our legal counsel to advise and assist the district in addressing this issue.

If I can answer any questions, please do not hesitate to contact me.

Sincerely,

Stan A. Carrizosa
Superintendent

City of Visalia Agenda Item Transmittal

Meeting Date: June 1, 2009

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

Agenda Item Wording: Authorization for the City of Visalia to provide a letter of support for the proposal being submitted by the Visalia Tour of California Committee to host a stage of the 2010 Amgen Tour of California

Deadline for Action: June 1, 2009

Submitting Department: Administration

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

Department Recommendation

It is recommended that the City Council authorize a letter of support for the proposal being submitted by the Visalia Tour of California Committee to host a stage of the 2010 Amgen Tour of California.

Department Discussion

Visalia has been invited to submit a proposal for the 2010 Amgen Tour of California. The Request for Proposals became available in mid-May. As part of the proposal, the Committee is required to demonstrate that the City will work with the Committee and Amgen officials on details that are vital to the event's success including traffic control, crowd control, garbage collection, etc.

On February 19, 2009, Visalia was the host for the 5th stage of the third annual Amgen Tour of California. This prestigious event has historically attracted the top cyclists in the world. Attention on the event was heightened by the return of seven time Tour de France and cancer survivor Lance Armstrong. Visalia received significant media coverage, including international television coverage and a centerfold shot in *Sports Illustrated*. A crowd of 10,000 people took to the streets of Visalia for the event, including spectators from throughout the United States and several countries.

It was recently announced that the Tour of California will change in 2010. It will move from February to May, and it will be a day shorter, for a total of 8 stages. According to the announcement, the May 16-23 event will "enable the race to avoid the wet weather that has pelted the event in the last few years, and allow for more mountain stages in the majestic Sierras, including a likely mountaintop finish."

The reference to the Sierra mountains is an encouraging sign that another Valley loop will be part of the Amgen Race. The fact that Visalia was specifically invited to submit a proposal is

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC52709

Finance

City Atty

City Mgr

also an encouraging sign, although there is expected to be significant competition for the coveted stage host slots.

An interesting note is that the California race will go head-to-head with a prestigious Italy race. Local racing enthusiasts expect that the major international teams will participate in the Italian race which will lessen the number of foreign cyclists. The Amgen Race will still be the largest race in the United States and is expected to draw a large following of cyclists and spectators. In 2011, the race is slated to become a Pro Race, which will provide additional prestige and exposure in the cycling world.

The Committee has indicated that they are willing to raise the necessary funding to host a stage, expected to be \$70,000 to \$150,000, depending upon whether Visalia is a start or a finish stage host. Last year, there were a number of sponsors including, but not limited to, Yokohl Ranch, Kawneer, AT&T, the County of Tulare and the City of Visalia. It is anticipated that the Committee would approach these and other sponsors in the quest to raise the necessary funds. It is significantly less expensive to be a starting stage. Ending stages are expected to cover the cost of more room nights, meals, etc. The Visalia Committee is filing to be a start stage host, but will indicate that they are willing to host either a start or an ending stage. The Committee will also be proposing several mountain loops, which will include Visalia as a start or an end to the stage.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to authorize the Mayor to sign a letter for Visalia Amgen Tour of California Committee in support of their quest to host a stage of the 2010 Amgen Tour of California.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 1, 2009

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

Agenda Item Wording: AUTHORIZATION TO NEGOTIATE A CONTRACT WITH CHEROKEE INVESTMENT SERVICES TO PROVIDE FEDERAL GRANT SERVICES ON BEHALF OF THE CITY OF VISALIA IN AN AMOUNT NOT TO EXCEED \$50,000.

Deadline for Action: June 15, 2009

Submitting Department: Housing & Economic Development

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director (x4190)

Department Recommendation: Authorize staff to negotiate a contract with Cherokee Investment Services to provide grant development services on behalf of the City of Visalia in an amount not to exceed \$50,000.

Summary/background: The City is seeking funding from the U.S. Economic Development Administration (EDA). The City is seeking two EDA Grants totaling \$4 million. The first will support the continued improvement of Plaza Drive between Hurley and Goshen Avenues. This will result in improving traffic circulation in the area and creating more opportunities to attract new industrial development in the area which will result in more jobs for the Visalia Community.

The second consists of the development of the Greater Visalia Area Tourism Center seeking a total of \$2 million in EDA funds. The Tourism Center will serve as a visitor center that will promote tourism throughout the area and increase the number of tourists to the Central Valley region, thereby creating more jobs in hospitality and related industries. A special focus will be the promotion of a Majestic Mountain Loop concept (Yosemite, Sequoia and Kings Canyon), the National Forest, agri-tourism, outdoor adventure and local culture and history. The Center will also be the focal point for promoting the Sequoia Shuttle to and through the Sequoia National Park. It is anticipated that a minimum of 100 new jobs will be created as a result of the development of the Center. These jobs will include permanent positions with the Park Service (rangers and administration), hotel sales manager positions and a host of other related positions. The center will be conveniently located in Downtown Visalia at the Convention Center, a location well suited for travelers between two hotels, with easy access from the freeway, convenient parking for RV's and trailers, and just a block from Visalia's thriving and historic downtown.

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.

Financing:

- For the Plaza Drive Road Extension: Community Development Capital Improvement Funds: 3011-72-9438; Transportation Impact Fees
- For the Tourism Center: Transit Funds (Account No. 4511-45451-551000)

Prior Council/Board Actions:

- Council approval of contract with Mark Briggs & Associates (prior company name) for the preparation and submittal of a HUD Section 108 Loan and Brownsfield Economic Development Initiative (BEDI) Grant; May 20, 2002

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: None

Recommended Motion (and Alternative Motions if expected): : Authorize staff to negotiate a contract with Cherokee Investment Services to provide grant development services on behalf of the City of Visalia in an amount not to exceed \$50,000.

Environmental Assessment Status

CEQA Review:

NEPA Review: Will be required for any new developments with use of federal funds.

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 1, 2009

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Adoption of Resolution 2009-21 which allows the City of Visalia to place Miscellaneous Special Assessments on the Tulare County secured property tax roll for Sewer Connection, Business Incentive Zone, Curb & Gutter, Landscape and Lighting, Northeast Improvement District, Sewer, Weed & Lot Clearing, Code Enforcement, Los Rios/Casa Blanca and Property & Business Improvement District (Downtown).

Deadline for Action: June 1, 2009

Submitting Department: Finance

Contact Name and Phone Number: Eric Frost – x4474,
Jason Montgomery – x4425

Department Recommendation

After holding the Public Hearing, it is recommended that the Visalia City Council adopt Resolution 2009-21 which allows the City of Visalia to place Miscellaneous Special Assessments on the Tulare County secured property tax roll for collection.

This is an annual process that allows the City to collect fees for three general categories:

1. Agreements entered into at the property owners request (Sewer Connection, Curb and Gutter, Business Incentive Zone)
2. Special assessments (Landscape and Lighting, Northeast Improvement District, Los Rios/Casa Blanca and Property & Business Improvement District - PBID)
3. Delinquent service charges (Weed and Lot Clearing, Code Enforcement, Sewer)

Summary: Each year, the Council considers a Resolution to place assessments on the property tax roll for collection. The preliminary amount for fiscal year 2009-10 is \$3,176,110, an increase of \$651,123 over last year's tax roll amount of \$2,524,987. The increase is primarily due to Landscape and Lighting assessments which increased by \$485,257 with the addition of 1,417 parcels to this year's assessments and Code Enforcement assessments which increased by \$136,946 with the addition of 59 parcels.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Discussion: Table I. Tax Roll Summary, compares the current year assessment with the prior year. The table is followed by descriptions of the categories, the types of assessments within each category, and the preliminary amounts expected to roll to taxes in FY2009/10 for each assessment.

Table I.
Tax Roll Summary

	<u>FY 2008/09</u>		<u>Preliminary FY 2009/10</u>		<u>Inc/(Dec)</u>	<u>Inc/(Dec)</u>
	No. of Parcels	Amount	No. of Parcels	Amount	No. of Parcels	\$ Amount
Owner Requested Services						
Sewer Connection	45	24,994	50	27,416	5	2,422
Curb & Gutter	9	8,143	8	7,656	(1)	(487)
Business Incentive Zone	3	77,680	3	77,680	-	0
Subtotal	57	110,816	61	112,752	4	1,936
Special Assessments						
Landscape & Lighting Dist.	13,299	1,921,443	14,716	2,406,700	1,417	485,257
Northeast Improvement Dist.	2,962	143,362	2,962	143,362	-	-
Los Rios Assessment Dist.	249	60,868	249	60,868	-	-
Property & Business Improvement Dist.	278	235,682	278	235,682	-	-
Subtotal	16,788	2,361,355	18,205	2,846,612	1,417	485,257
Delinquent Service Charge						
Weed & Lot Abatement	31	19,851	79	41,024	48	21,173
Code Enforcement	47	30,648	106	167,594	59	136,946
Sewer	11	2,317	41	8,129	30	5,812
Subtotal	89	52,816	226	216,747	137	163,931
Total	16,934	2,524,987	18,492	3,176,110	1,558	651,123

1. ***Agreements entered into at the property owner's request.*** The assessments below are supported by an agreement between the City of Visalia and the property owner.

- Sewer Connection:** 50 Parcels totaling \$27,416
 These special assessments are for the construction of the main line and lateral for connection to the Visalia Waste Water Treatment Plant for the specific parcel (Public Works Department). The annual roll of this type of Special Assessment would be for property owners that opted to pay connection costs through their property tax bill over a five or ten year period. A 7% interest rate is charged on the outstanding principal balance each year.
- Curb & Gutter:** 8 Parcels totaling \$7,656
 These special assessments are for the construction of curb and gutter or sidewalk for the specific parcel (Public Works Department). The annual roll of this type of Special Assessment would be for property owners that opted to pay for the construction costs through their property tax bill over a period of up to ten years. A 7% interest rate is charged on the outstanding principal balance each year.
- Business Incentive Zone:** 3 Parcels totaling \$77,680
 These special assessments are for certain eligible companies whose operations meet specific guidelines established by City Ordinance. The ordinance allows these companies to elect to pay their development impact fees over five years on the property tax roll.

2. **Special assessments.** The next four categories represent annual Special Assessments districts that are placed on the Tulare County secured property tax roll. Proposition 218 requires that any increase be approved by a vote of the property owners unless the district was created with or has implemented a benefit assessment increase allowance.
- Landscape & Lighting Districts (L&L): 14,716 Parcels totaling \$2,406,700.
These special assessments are for the maintenance of improvements in L&L Maintenance Districts (Public Works Department). This assessment is for the annual cost of maintaining common area real property improvements in and around specific subdivisions. Each subdivision parcel shares equally in the annual cost of the landscape maintenance.
 - Northeast Improvement District: 2,962 Parcels totaling \$143,362.
This special assessment is for the Northeast Open Space and the assessments are used to develop and maintain the Northeast Area Specific Plan (Public Works Department). This includes the maintenance of the landscape and lighting along the medians in St. Johns Parkway, Mill Creek Parkway, Lovers Lane and improvements along Houston Ave.
 - Los Rios Assessment District: 249 Parcels totaling \$60,868.
These special assessments are for the costs and expenses to construct certain improvements benefiting the specific Special Assessment District (Engineering Division). Bonds were issued to pay for streets, lights, water, sanitary sewer, block walls and landscaping. The annual debt service payments are collected from the property owners within the district through the annual tax roll process. These bonds originated in 1994 with a principle balance of \$1.545 million and were refinanced in December 2001 with a principle balance of \$637,000 at a reduced interest rate saving the property owners over \$120,000 over the life of the debt. The debt is scheduled to be paid off in 2019.
 - Property & Business Improvement District (Downtown District): 278 Parcels totaling \$235,682
The Downtown property and business owners have developed this benefit assessment district to improve and convey special benefits to properties located within the central business district. The district provides improvements and activities, including parking improvements, streetscape improvements, maintenance, security, economic development and marketing. This portion includes only those properties that pay property taxes, the remainder (governmental agencies) pay through the City's Accounts Receivable system. The plan was first adopted in 1998 and renewed in 2001 and 2005.
3. **Delinquent service charges.** The following categories are collection assessments which provide a means for the City of Visalia to annually collect money owed for services rendered that the City has not been able to collect through the normal billing process.
- Weed and Lot Clearing: 79 Parcels totaling \$41,024.
These special assessments are for the clearing of weeds and/or other material from properties by the fire department.
 - Code Enforcement : 106 Parcels totaling \$167,594.
These special assessments are for code enforcement cost recovery fees.
 - Sewer: 41 Parcels totaling \$8,129.

These special assessments are used for sewer accounts that have delinquent service charges for refuse and/or sewer service that are billed for city services only and where the service is provided to the property owner in the property owners name at the specific parcel (finance department).

This Public Hearing is intended to include all fees, charges, and assessments administered by the City of Visalia. The City departments are responsible for calculating and setting the charges and fees. The property owners are notified of the tax roll assessment through a Public Hearing Notification advertisement placed in the newspaper by the City Clerk and individually at: 1) the time of the agreement, as in the case of the owner requested services; 2) through a balloting process, as in the case of Landscape and Lighting District Assessments; and 3) by mail, as in the case of delinquent service charges. All notifications and public hearings are in accordance with the Visalia Ordinance Code and Proposition 218.

A preliminary listing of the parcel numbers to be assessed is on file with the City Clerk. This listing changes up until the final filling in August with the Tulare County assessors office due to payments received and parcel number exceptions. A final listing will be available August 28, 2009.

Prior Council Actions: Council has authorized the roll to taxes for many years to ensure collection of special assessment fees and delinquent service charges.

Committee/Commission Review and Actions: n/a

Alternatives: Do not authorize Finance to roll to taxes. This will negatively affect several funds and could potentially require increased fees and charges to subvent non-collectable accounts through alternative billing methods.

Attachments: Resolution No. 2009–21

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Adoption of Resolution 2009-21 which allows the City of Visalia to place Miscellaneous Special Assessments on the Tulare County secured property tax roll for Sewer Connection, Business Incentive Zone, Curb & Gutter, Landscape and Lighting, Northeast Improvement District, Sewer, Weed & Lot Clearing, Code Enforcement, Los Rios/Casa Blanca and Property & Business Improvement District (Downtown).

Financial Impact

Funding Source:

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes ___	No __X__	

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

RESOLUTION NO. 2009- 21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
CERTIFYING TO THE COUNTY THE VALIDITY OF THE LEGAL PROCESS
USED TO PLACE MISCELLANEOUS SPECIAL ASSESSMENTS ON THE SECURED TAX
ROLL**

WHEREAS, the Section 25831 of Chapter 12 of the Government Code establishes the procedure for collection of fees remaining unpaid to the local agency for 60 days or more, and

WHEREAS, the written notices have been mailed to all delinquent accounts, and the required public hearings have been held as specified by the Visalia Ordinance Code; and

WHEREAS, the City is placing miscellaneous special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the special assessments have been levied in accordance with a particular benefit to each parcel to be assessed without regard to its assessed valuation; and

WHEREAS, the Sewer Connection special assessments are for the construction of the service lateral and for connection to the Visalia Waste Water Treatment Plant for the specific parcel; and

WHEREAS, the Curb and Gutter special assessments are for the construction of curb and gutter or sidewalk for the specific parcel; and

WHEREAS, the Business Incentive Zone special assessments are for the development impact fees of eligible companies whose operations have met the specific guidelines established by City Ordinance; and

WHEREAS, the Landscape and Lighting special assessments are used for maintenance and operation of the improvements situated in the specific Maintenance District; and

WHEREAS, the Northeast Improvement District special assessments are used to develop and maintain the Northeast Area Specific Plan; and

WHEREAS, the Weed & Lot Clearing special assessments are used for the clearing of weeds and other materials from lots; and

WHEREAS, the Code Enforcement special assessments are used for the cost recovery of Code Enforcement Fees for the specific parcel; and

WHEREAS, the Sewer special assessments are used for the payment of delinquent sewer accounts; and

WHEREAS, the Los Rios Assessment District special assessments are for the repayment of debt associated with the costs and expenses to construct certain improvements benefiting the specific special assessment district; and

WHEREAS, the Property & Business Improvement District special assessments are for the improvement and conveyance of special benefits to properties located within the central business district.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Visalia that the list submitted with parcel numbers, and amount are certified as being correct, the Administrative Services Director is hereby directed to give the list to the Tulare County Auditor for placement on the secured tax roll for collection:

1. The Sewer Connection special assessment,
2. The Curb and Gutter special assessment,
3. The Business Incentive Zone special assessment,
4. The Landscape and Lighting special assessment,
5. The Northeast Improvement District special assessment,
6. The Weed and Lot Clearing special assessment,
7. The Code Enforcement special assessment,
8. The Sewer special assessment,
9. The Los Rios Assessment District special assessment,
10. The Property & Business Improvement District special assessment.

PASSED AND ADOPTED:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 01, 2009

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Public Hearing of the proposed Substantial Amendment (3rd) to the 2008/09 Annual Action Plan for the use of Community Development Block Grant Recovery (CDBG-R) funds in the amount of \$322,067, appropriated by the American Recovery and Reinvestment Act (Recovery Act) distributed through U. S. Department of Housing and Urban Development (HUD).

Deadline for Action: June 01, 2009

Submitting Department: Housing & Economic Development Department

Contact Name and Phone Number:

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

Recommendation: Staff recommends that the City Council:

- 1) Approve and adopt the proposed (3rd) Substantial Action Plan Amendment, in the use of the Community Development Block Grant Recovery (CDBG-R) funds , in the amount of \$322,067, herein treated by HUD as a special Community Development Block Grant (CDBG) allocation; and
- 2) Authorize City Manager, or Housing & Economic Development Director to adjust program goals to maximize expenditure of CDBG-R funds.

Summary / Background: On February 17, 2009, the U. S. Congress passed the American Recovery and Reinvestment Act of 2009 (ARRA) (aka Recovery Act). The Recovery Act appropriated \$1 billion in Community Development Block Grant (CDBG) funds to states and local governments to carry out, on an expedited basis, eligible activities under the CDBG Program. On May 06, 2009, HUD notified grantees of the operating procedures, guidance and notice of availability for the use of the CDBG-R funding. The funds are being distributed to grantees that received CDBG funding in Fiscal Year (FY) 2008 in accordance with the provision of 42 U. S. C. 53406. The grant program under title XII is commonly referred to as the CDBG Recovery (CDBG-R) funding.

The City was notified that the \$322,067 in CDBG-R funds is a special CDBG allocation, has a clear purpose to stimulate the economy through infrastructure, energy efficiency, expansion of educational opportunities and access to health care. The funds shall be awarded upon completion/submission of a Substantial 2008 Action Plan Amendment.

For action by:

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

For placement on which agenda:

- Work Session
 Closed Session

Regular Session:

- Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The deadline for submittal of the Substantial Amendment to the 2008/09 Action Plan is **June 05, 2009**. The City of Visalia's proposal is to invest the CDBG-R funds into the infrastructure and other public facility activities which will achieve long-term benefits, quickly spur further economic investment, create and/or retain jobs in the community, especially in areas with the greatest need, and improve the quality of life in deteriorating neighborhoods.

Project Readiness: HUD references that the goal is to use at least 50% of the funds for activities that can be initiated not later than 120 calendar days after February 17, 2009, which is June 17, 2009. Since the Substantial Amendment is due June 5th to HUD in addition to review and approval of the amendment follows after June 5th. It is noted that it is not a mandatory requirement and unlikely to the HUD grant agreement will be executed by June 17th, 2009. Staff will focus its attention on addressing the provisions to give priority to projects that can award contracts within 120 days of the execution of its grant agreement.

Overall Low & Moderate Benefit Requirement and Areas of Greatest Need: All projects (100%) shall benefit persons that are low and moderate income. The projects are located within the City's CDBG Targeted areas, which are 51% low to moderate income census tract areas. (*Exhibit "B" – CDBG Targeted Area Boundaries*).

Additionally, the area in which the projects lie, are areas in which City Council has focused its' energies to revitalize, the Lincoln Oval Park and Washington School Areas. These areas are also within the City's NSP targeted areas where funding is being utilized to acquire, rehabilitate and resell foreclosed properties (*Exhibit "D"- NSP High Risk of Foreclosure/Abandonment Areas*).

The construction work conducted in these areas will improve quality of life and create construction and permanent jobs in these areas impacted by the economic crisis. The estimated number of jobs created with the use of CDBG-R funding for full-time, part-time and temporary jobs shall be identified upon receiving more information from HUD as to the requirements.

List of City of Visalia Proposed Projects: The CDBG-R funds will enable the City of Visalia to undertake four (4) projects/activities meeting the national objectives and CDBG-R Regulation. Priority has been given to projects that can award contracts quickly. The Recovery Act directs that priority be given to projects which can be awarded contracts based upon bids within 120 days from the date of funding/grant approval. Attached as, *Exhibit "A"- Map location of projects*, identifies the location of each project, which also lies within the City's CDBG Target Areas (*Exhibit "B"- CDBG Targeted Area Boundaries*). The CDBG Target Area identifies Census Tracts that reflect low to moderate income levels. A description of each proposed projects is listed below, and is included within the attached table (*Exhibit "C"- City of Visalia Table of Projects*), which identifies the CDBG regulation, national objective and funding amount. The *CDBG-R Substantial (3rd) 2008 Action Plan Amendment* is attached as *Exhibit "F"* and published on the City's website for public review.

Jefferson Park Public Sidewalk & Handicapped Access Project: The Jefferson Park Project is an infrastructure project that will provide long term economic benefits to the surrounding neighborhood. Specifically, the public improvement is intended to benefit all the residents of the area. The project consists of the construction of sidewalks along both Watson Avenue (7' wide), on the west side of the park, and Myrtle (6' wide) on the North, including a handicap ramp at the intersection of Watson and Myrtle. Jefferson Park is located at 700 S. Watson (3.6 acres) bounded by Watson/Myrtle/Encina and Cypress within the CDBG area. (\$35,000)

Jefferson Park Reconstruction Project: This infrastructure project achieves long term public benefits, improves the quality of life and will improve the quality of the neighborhood facility for low income persons. The project involves a number of safety related issues which includes reconstruction/replacement of the existing 35 year old backstop, dugouts, and foul line fencing in addition to lighting at the Jefferson Park basketball courts. (\$90,000)

Provident Skate Park Project: This infrastructure project achieves long term public benefits, improves the quality of life, and the quality of the neighborhood facility for low income persons. The project involves constructing a six foot (6') high perimeter wrought iron fence to match the fencing at the Oak ball park limiting ingress and egress at the park. This improvement will allow police and recreation staff to better manager the activities at the park. The provident Skate Park is located in Recreation Park (13.5 acres) bounded by Murray/Jacob/Center and Giddings within the CDBG Target areas. Recreation Park is adjacent to the Anthony Community Center located at 345 N Jacob. It is frequented by youth (between the ages of 10-21) in the area. (\$103,200)

Anthony Community Center Rehabilitation: This infrastructure project achieves long term public benefits, improves the quality of life and will improve the quality of the neighborhood facility for low income persons. The project includes of the rehabilitation of the multi-purpose main room & restrooms; These facilities are 50 years old. The primary work would be to repair and paint the walls in the multi-purpose room; replace the existing rubber floor with a tile floor; project includes replacement of sheet rock in some areas, texture, primer & painting of the walls and renovation of existing restrooms. The rehabilitation of this facility will continue to provide long term activities to the community. (\$61,660)

Administration: Administration funds will be used in compliance with 24 CFR 570 requirements, in addition to providing management, compliance and planning activities for the City's CDBG-R Program. Not more than ten percent (10%) has been allocated to the administration of the CDBG-R program. For all grantees, the 10 percent limitation applies to the grant as a whole. (\$32,207)

Davis Bacon Wages: Davis Bacon Wages are required for all CDBG- R projects.

Collaboration: City Staff will continue to collaborate with other agencies and departments expecting to receive Recovery Act funds to maximize all available resources.

Energy Efficiency: The City will make every effort to promote energy efficiency and conservation.

Environmental Review: The City is contracted with a Consultant to complete all environmental review documents. The Consultant works closely with the City's Environmental Coordinator, Housing & Economic Development Department and other departmental staff.

Community Input: Staff published on May 22, 2009, the notice within the local newspaper (Visalia Times Delta), posted the notice and report upon the City's website (www.ci.visalia.ca.us) and has made copies available at City Hall East, West and North, in addition to other postings in public locations. Any public comments received, will be posted. Noticing requirements for the CDBG-R funding is seven (7) calendar days. The notice and plan was made available on Thursday, May 21, 2009, with an ending public comment period of June 01, 2009. (*Exhibit "E"- CDBG-R Public Notice*)

Prior Council/Board Actions: 2008-09 Annual Action Plan adopted on April 21, 2008; 2nd Amendment – NSP funding adopted on November 03, 2008.

Committee/Commission Review and Actions: None,

Alternatives: None

Attachments:

Exhibit "A"- Map-Location of Projects

Exhibit "B" -CDBG Targeted Area Boundaries

Exhibit "C" City of Visalia Table of Projects

Exhibit "D"- NSP High Risk of Foreclosure/Abandonment Areas (reference only)

Exhibit "E"- CDBG-R Public Notice

Exhibit "F" CDBG-R 2008 Substantial (3rd) Action Plan Amendment Report

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

1. Approve and adopt the proposed (3rd) Substantial Action Plan Amendment, in the use of the Community Development Block Grant Recovery (CDBG-R) funds , in the amount of \$322,067, herein treated by HUD as a special Community Development Block Grant (CDBG) allocation; and
2. Authorize City Manager, or Housing & Economic Development Director to adjust program goals to maximize expenditure of CDBG-R funds.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: Underway for the use of the CDBG-R funds.

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

Copies of this report have been provided to:

Exhibit "A" Location of Projects

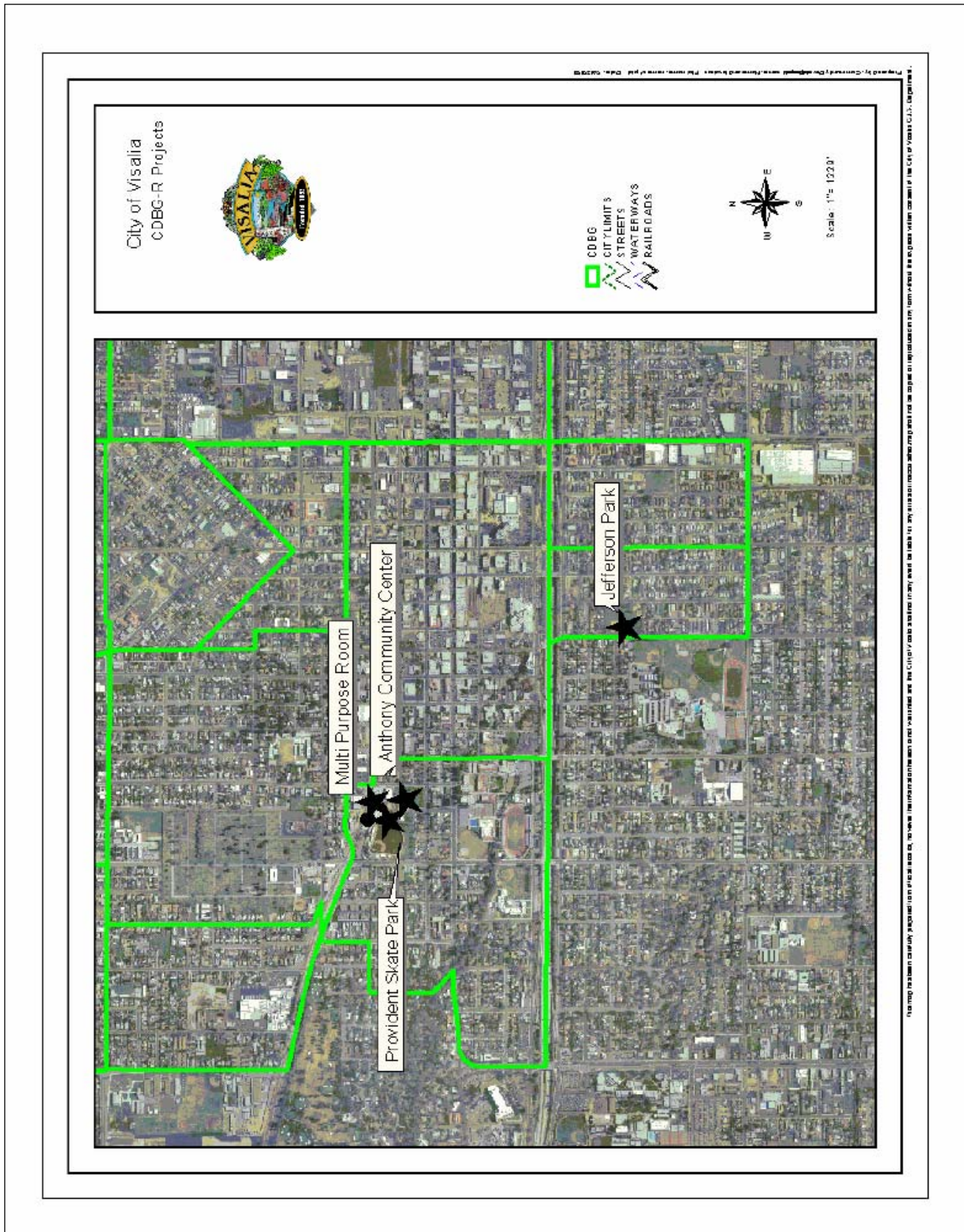


Exhibit "C"
City of Visalia Table of Projects

Jurisdiction/Grantee Name: City of Visalia, California		CDBG-R Formula Grant Amount: \$322,067				Date: 05-15-09	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Jefferson Park Public Sidewalk & Handicapped Access	Project to construct sidewalks along both Watson Avenue (7' wide), on the west side of the park, and Myrtle (6' wide) on the North, including a handicap ramp at the intersection of Watson and Myrtle. Jefferson Park is located at 700 S. Watson (3.6 acres) bounded by Watson/Myrtle/Encina and Cypress within the CDBG area.	24 CFR Part 570.201 (c) , improvement to a public facility	Section 570.208 (a) (1) (ii) , area benefit- 51% of residents benefiting low- and moderate-income persons	\$ 35,000			35,000
Jefferson Park Reconstruction/replacement	The project involves a number of safety related issues. Reconstruction/replacement of the existing 35 year old backstop, dugouts, and foul line fencing in addition to lighting at the Jefferson Park basketball courts. This project will improve the quality of a neighborhood facility for low income persons	24 CFR Part 570.201 (c) , improvement to a public facility	Section 570.208 (a) (1) (ii) , area benefit- 51% of residents benefiting low- and moderate-income persons ;	\$ 90,000			90,000
Provident Skate Park	Project to construct a six foot (6') high perimeter wrought iron fence to match the fencing at the Oak ball park limiting ingress and egress at the park. This improvement will allow police and recreation staff to better manager the activities at the park. The provided Skate Park is located in Recreation Park (13.5 acres) bounded by Murray/Jacob/Center and Giddings within the CDBG Target areas. Recreation Park is adjacent to the Anthony Community Center located at 345 N Jacob. This project will improve the quality of a neighborhood facility for low income persons	24 CFR Part 570.201 (c) , improvement to a public facility	Section 570.208 (a) (1) (ii) , area benefit- 51% of residents benefiting low- and moderate-income persons	\$ 103,200			103,200
Anthony Community Center	Rehabilitation of multi-purpose main room & restrooms. These facilities are 50 years old. The primary work would be to repair and paint the walls in the multi-purpose room, replace the existing rubber floor with a tile floor, includes replacement of sheet rock in some areas, texture, primer & painting of the walls, and renovation of existing restrooms. This project will improve the quality of a neighborhood facility for low income persons	24 CFR Part 570.201 (c) , improvement to a public facility	Section 570.208 (a) (1) (ii) , area benefit- 51% of residents benefiting low- and moderate-income persons	\$ 61,660			61,660
Staff Administration	Administration funds will be used in compliance with 24 CFR 570 requirements, in addition to providing management, compliance and planning activities for the City's CDBG-R Program. Not more than ten percent (10%) has been allocated to the administration of the CDBG-R program.	24 CFR 570.206		\$ 32,207			32,207

Exhibit "D"

NSP High Risk of Foreclosure/Abandonment Areas (reference only)

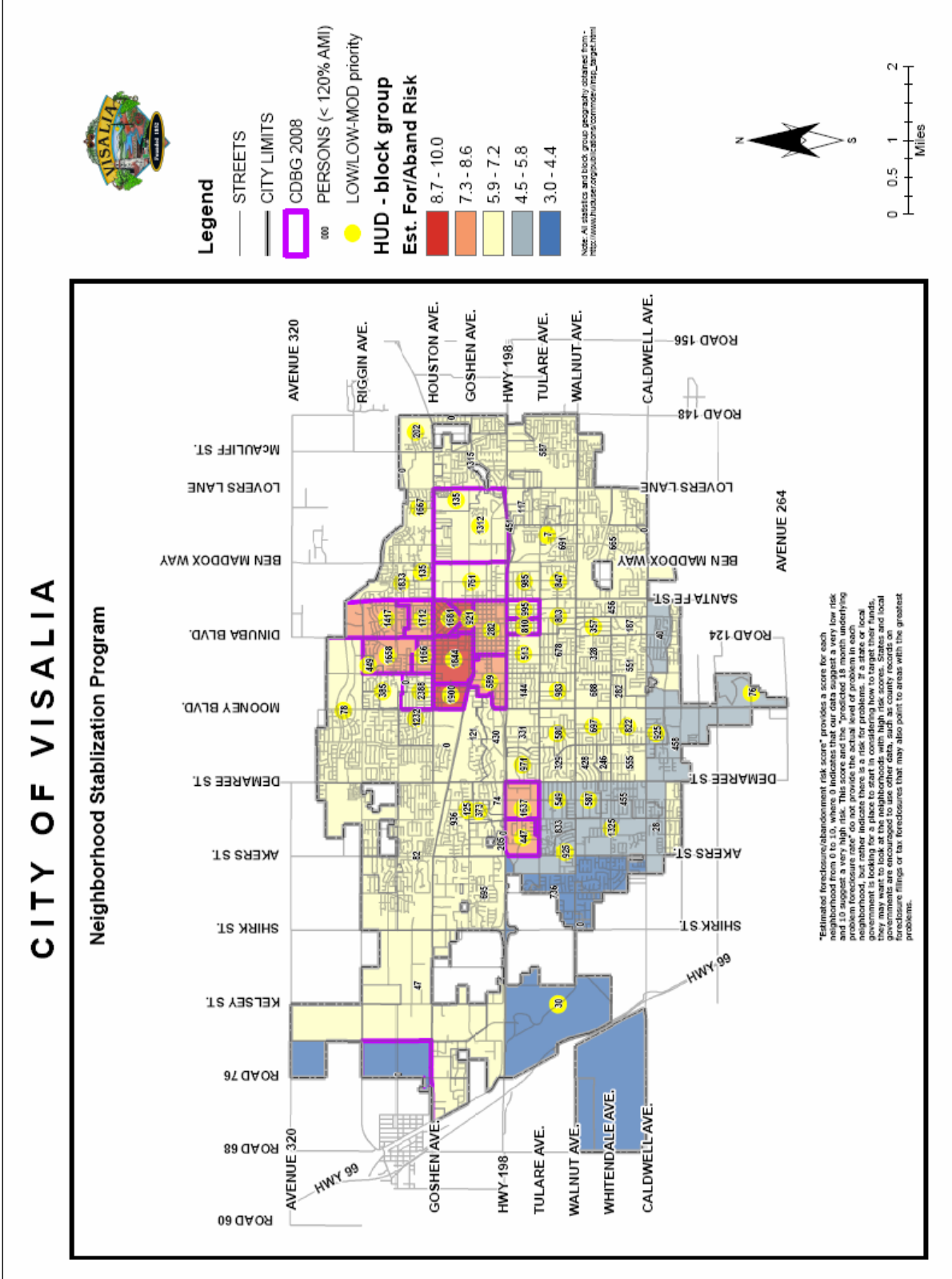


Exhibit "E"
CDBG-R Public Notice

HUD ANNOUNCES FUNDS FOR
COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY
(CDBG-R) FUNDING



NOTICE OF
CITY COUNCIL PUBLIC HEARING
INTENT TO AMEND THE 2008/2009 ANNUAL ACTION PLAN
(Substantial Amendment- 3rd)

City Council Public Hearing

Time: 7:00 p.m.

Location: City Hall Council Chambers, 707 W Acequia, Visalia

Date: Monday, June 01, 2009

On February 17, 2009, the U. S. Congress passed the American Recovery and Reinvestment Act of 2009 (ARRA) (aka Recovery Act). The Recovery Act appropriated \$1 billion in Community Development Block Grant (CDBG) funds to states and local governments to carry out, on an expedited basis, eligible activities under the CDBG Program. The funds are being distributed to grantees that received CDBG funding in Fiscal Year (FY) 2008 in accordance with the provision of 42 U. S. C. 53406. The grant program under title Xii is commonly referred to as the CDBG Recovery (CDBG-R) funding.

The City of Visalia's allocation is \$322,067. The CDBG-R grant is a special Community Development Block Grant (CDBG) allocation has a clear purpose- to stimulate the economy through measures that modernize the Nation's infrastructure, improve energy efficiency, and expand educational opportunities and access to health care.

The City of Visalia 2008/2009 Action Plan was previously reviewed and adopted by the City Council of the City of Visalia, to address the housing and community development needs identified in the 2005-2010 Consolidated Plan. This is a substantial amendment (3rd amendment) to the City of Visalia 2008/2009 Action Plan and approved consolidated plan

The City Council of the City of Visalia will hold a Public Hearing on Monday, June 01, 2009, at 7:00 PM. The meeting will be held at City Hall, Council Chambers, 707 W. Acequia Avenue, Visalia, California, to adopt a substantial amendment (3rd) to the 2008/2009 Annual Action Plan and 2005-2010 Consolidated Plan, and incorporate the Community Development Block Grant Recovery (CDBG-R) funding.

The Public comment period on the substantial amendment to the 2008/2009 Action Plan (3rd amendment) and Consolidated Plan **begins May 21, 2009, and ends June 01, 2009**. During this time the Substantial Plan Amendment may be viewed and obtained at the City of Visalia Housing and Economic Development Department, located at 315 East Acequia, Visalia or by telephoning Rhonda Haynes, Housing Specialist at (559) 713-4460.

Any questions or written comments may be directed to Ricardo Noguera, Housing & Economic Development Director, or Rhonda Haynes, Housing Specialist, at the City of Visalia at the address and phone number (559) 713-4190.

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

For hearing impaired, if signing is desired, please call (559) 713-4512 twenty-four (24) hours in advance of the Meeting and such services will be provided as soon as possible following the meeting.

Publishing dates: Thursday, May 21, 2009

Exhibit "F"
CDBG-R 2008 Substantial (3rd) Action Plan Amendment Report

CITY OF VISALIA

CDBG-R SUBMISSION TEMPLATE

& CHECKLIST

The American Recovery and Reinvestment Act of 2009 ("Recovery Act") was signed into law by President Obama on February 17, 2009. The Recovery Act awards \$1 billion in CDBG Recovery (CDBG-R) funds to be distributed to cities, counties, insular areas and states, of which \$10 million has been reserved by HUD for its administrative costs and \$10 million of which will be awarded to Indian tribes. Recipients of the remaining \$980 million of CDBG-R funds will be the approximately 1,200 jurisdictions that received CDBG funding in Fiscal Year 2008. This template sets forth the suggested format for grantees receiving funds from CDBG-R. A complete submission contains the information requested below, including:

- (1) The CDBG-R Substantial Amendment (template attached below)
- (2) Spreadsheet for Reporting Proposed CDBG-R Activities (see <http://www.hud.gov/recovery>)
- (3) Signed and Dated Certifications (see <http://www.hud.gov/recovery>)
- (4) Signed and Dated [SF-424](#).

Grantees should also attach a completed CDBG-R Substantial Amendment Checklist to ensure completeness and efficiency of review (attached below).

THE CDBG-R SUBSTANTIAL AMENDMENT

<p>Jurisdiction(s): City of Visalia, California</p> <p>Jurisdiction Web Address: www.ci.visalia.ca.us</p> <ul style="list-style-type: none">• (URL where CDBG-R Substantial Amendment materials are posted) <p>www.ci.visalia.ca.us/depts/housing_n_economic_development/affordable_housing/publications.asp</p>	<p>CDBG-R Contact Person: Steven M. Salomon, City Manager Address: 425 East Oak Avenue, Suite 301, Visalia, CA 93291 Telephone: (559) 713-4312 Fax: (559) 713-4800 Email: ssalomon@ci.visalia.ca.us</p> <p>Second Contact: Ricardo Noguera, Housing & Economic Development Director; 315 East Acequia, Visalia, CA 93291 (559) 713-4190; rnoguera@ci.visalia.ca.us</p>
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CITY OF VISALIA DUNS No.:

DUNS: NO. 030999866

CFDA No:

14.253- Entitlement City (CDBG-R)

ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD’s recovery website at <http://www.hud.gov/recovery>.

B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)

(1) **Activity Name:** (Grantees should follow the same order that activities are listed in the Spreadsheet for Reporting Proposed CDBG-R Activities – this will allow HUD to easily match activity narratives with the information provided in the spreadsheet.) See

Jurisdiction/Grantee Name: City of Visalia, California		CDBG-R Formula Grant Amount: \$322,067				Date: 05-15-09		
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget	
Jefferson Park Public Sidewalk & Handicapped Access	Project to construct sidewalks along both Watson Avenue (7' wide), on the west side of the park, and Myrtle (6' wide) on the North, including a handicap ramp at the intersection of Watson and Myrtle. Jefferson Park is located at 700 S. Watson (3.6 acres) bounded by Watson/Myrtle/Encina and Cypress within the CDBG area.	24 CFR Part 570.201 (c), improvement to a public facility	Section 570.208 (a) (1) (ii), area benefit- 51% of residents benefiting low- and moderate-income persons	\$ 35,000			35,000	
Jefferson Park Reconstruction/replacement	The project involves a number of safety related issues. Reconstruction/replacement of the existing 35 year old backstop, dugouts, and foul line fencing in addition to lighting at the Jefferson Park basketball courts. This project will improve the quality of a neighborhood facility for low income persons	24 CFR Part 570.201 (c), improvement to a public facility	Section 570.208 (a) (1) (ii), area benefit- 51% of residents benefiting low- and moderate-income persons ;	\$ 90,000			90,000	
Provident Skate Park	Project to construct a six foot (6') high perimeter wrought iron fence to match the fencing at the Oak ball park limiting ingress and egress at the park. This improvement will allow police and recreation staff to better manager the activities at the park. The provident Skate Park is located in Recreation Park (13.5 acres) bounded by Murray/Jacob/Center and Giddings within the CDBG Target areas. Recreation Park is adjacent to the Anthony Community Center located at 345 N Jacob. This project will improve the quality of a neighborhood facility for low income persons	24 CFR Part 570.201 (c), improvement to a public facility	Section 570.208 (a) (1) (ii), area benefit- 51% of residents benefiting low- and moderate-income persons	\$ 103,200			103,200	
Anthony Community Center	Rehabilitation of multi-purpose main room & restrooms. These facilities are 50 years old. The primary work would be to repair and paint the walls in the multi-purpose room; replace the existing rubber floor with a tile floor; includes replacement of sheet rock in some areas, texture, primer & painting of the walls, and renovation of existing restrooms. This project will improve the quality of a neighborhood facility for low income persons	24 CFR Part 570.201 (c), improvement to a public facility	Section 570.208 (a) (1) (ii), area benefit- 51% of residents benefiting low- and moderate-income persons	\$ 61,660			61,660	
Staff Administration	Administration funds will be used in compliance with 24 CFR 570 requirements, in addition to providing management, compliance and planning activities for the City's CDBG-R Program. Not more than ten percent (10%) has been allocated to the administration of the CDBG-R program.	24 CFR 570.206		\$ 32,207			32,207	

(2) **Activity Narrative:**

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:

- Preserving and creating jobs and promoting economic recovery;
- Assisting those most impacted by the recession;
- Providing investment needed to increase economic efficiency;
- Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
- Minimizing or avoiding reductions in essential services; or
- Fostering energy independence.

The Housing and Economic Development Department staff will present to City Council the a Substantial (3rd) Amendment to the 2008 Action Plan for the City of Visalia for the Community Development Block Grant Recovery (CDBG-R) Funds received through the American Recovery and Reinvestment Act of 2009 (ARRA).

The City was notified that \$322,067 in Community Development Block Grant Recovery (CDBG-R) funds shall be awarded upon completion/submission of a Substantial 2008 Action Plan Amendment. The City of Visalia's proposes to invest the CDBG-R funds, as referenced in Section 1602 of ARRA, into the infrastructure and other public facility activities which will quickly spur further economic investment and job creation or retention in the community, especially in areas with the greatest need.

With economic conditions, it would be difficult to finance these activities with existing funds, therefore the use of the CDBG-R funding allows these projects to move forward and benefit the community.

City of Visalia Table of Projects								
Description	Description	Allocation	Energy Efficiency or Conservation	No. of Est. Jobs	Matrix Code	Definition of Matrix	Regulation	National Objective
Jefferson Park Public Sidewalk & Handicapped Access	Project to construct sidewalks along both Watson Avenue (7' wide), on the west side of the park, and Myrtle (6' wide) on the North, including a handicap ramp at the intersection of Watson and Myrtle. Jefferson Park is located at 700 S. Watson (3.6 acres) bounded by Watson/Myrtle/Encina and Cypress within the CDBG area.	\$ 35,000		Temporary-5 jobs	03L	Sidewalks	24 CFR Part 570.201 (c), improvement to a public facility	Section 570.208 (a) (1) (ii), area benefit- 51% of residents benefiting low- and moderate-income persons; OR: Slum or Blighted area - contributed to deterioration of the area
Jefferson park rehab/replacement	The project involves a number of safety related issues. Reconstruction/replacement of the existing 35 year old backstop, dugouts, and foul line fencing in addition to lighting at the Jefferson Park basketball courts. This project will improve the quality of a neighborhood facility for low income persons	\$ 90,000	Yes; Energy Efficiency	FT-7; PT-2; Temp-1	03F	Parks, Recreational Facilities	24 CFR Part 570.201 (c), improvement to a public facility	Section 570.208 (a) (1) (ii), area benefit- 51% of residents benefiting low- and moderate-income persons; OR: Slum or Blighted area - contributed to deterioration of the area
Provident Skate Park	Project to construct a 7 foot high perimeter wrought iron fence to match the fencing at the Oak ball park limiting ingress and egress at the park. This improvement will allow police and recreation staff to better manage the activities at the park. The Provident Skate Park is located in Recreation Park (13.5 acres) bounded by Murray/Jacob/Center and Giddings within the CDBG Target areas. Recreation Park is adjacent to the Anthony Community Center located at 345 N Jacob. This project will improve the quality of a neighborhood facility for low income persons	\$ 103,200		TBD	03F	Parks, Recreational Facilities	24 CFR Part 570.201 (c), improvement to a public facility	Section 570.208 (a) (1) (ii), area benefit- 51% of residents benefiting low- and moderate-income persons
Anthony Community Center	Rehabilitation of multi-purpose main room & restrooms. These facilities are 50 years old. The primary work would be to repair and paint the walls in the multi-purpose room; replace the existing rubber floor with a tile floor; includes replacement of sheet rock in some areas, texture, primer & painting of the walls, and renovation of existing restrooms.	\$ 61,660		TBD	03F	Parks, Recreational Facilities	24 CFR Part 570.201 (c), improvement to a public facility	Section 570.208 (a) (1) (ii), area benefit- 51% of residents benefiting low- and moderate-income persons
Staff Administration	Administration funds will be used in compliance with 24 CFR 570 requirements, in addition to providing management, compliance and planning activities for the City's CDBG-R Program. Not more than ten percent (10%) has been allocated to the administration of the CDBG-R program.	\$ 32,207			21A	General Administration	24 CFR 570.206	

Jefferson Park Public Sidewalk & Handicapped Access Project(\$35,000): The Jefferson Park Project is an infrastructure project that will provide long term economic benefits to the surrounding neighborhood. Specifically, the public improvement is intended to benefit all the residents of the area. The project consists of the construction of sidewalks along both Watson Avenue (7' wide), on the west side of the park, and Myrtle (6' wide) on the North, including a handicap ramp at the intersection of Watson and Myrtle. Jefferson Park is located at 700 S. Watson (3.6 acres) bounded by Watson/Myrtle/Encina and Cypress within the CDBG area.

Jefferson Park Reconstruction Project (\$90,000): This infrastructure project achieves long term public benefits, improves the quality of life and will improve the quality of the neighborhood facility for low income persons. The project involves a number of safety related issues which includes reconstruction/replacement of the existing 35 year old backstop, dugouts, and foul line fencing in addition to lighting (energy efficient) at the Jefferson Park basketball courts.

Provident Skate Park Project (\$103,200): This infrastructure project achieves long term public benefits, improves the quality of life, and the quality of the neighborhood facility for low income persons. The project involves constructing a six foot (6') high perimeter wrought iron fence to match the fencing at the Oak ball park limiting ingress and egress at the park. This improvement will allow police and recreation staff to better manage the

activities at the park. The provident Skate Park is located in Recreation Park (13.5 acres) bounded by Murray/Jacob/Center and Giddings within the CDBG Target areas. Recreation Park is adjacent to the Anthony Community Center located at 345 N Jacob. It is frequented by youth (between the ages of 10-21) in the area.

Anthony Community Center Rehabilitation (\$61,660): This infrastructure project achieves long term public benefits, improves the quality of life and will improve the quality of the neighborhood facility for low income persons. The project includes of the rehabilitation of the multi-purpose main room & restrooms. These facilities are 50 years old. The primary work would be to repair and paint the walls in the multi-purpose room; replace the existing rubber floor with a tile floor; project includes replacement of sheet rock in some areas, texture, primer & painting of the walls and renovation of existing restrooms. The rehabilitation of this facility will continue to provide long term activities to the community.

Administration (\$32,207): Administration funds will be used in compliance with 24 CFR 570 requirements, in addition to providing management, compliance and planning activities for the City's CDBG-R Program. Not more than ten percent (10%) has been allocated to the administration of the CDBG-R program.

- (3) **Jobs Created:** (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).

All projects are within Census Tracts that have at least 51% low to moderate income. These areas are deemed a part of the City's CDBG Targeted Areas (Attachment "A" – CDBG Targeted Area Boundaries). Additionally, the area in which the projects are located near or within both Lincoln Oval and Washington School Areas, which City Council placed emphasis upon addressing the needs of both neighborhoods. Also, these are areas in which the City's NSP funding is being utilized to acquire, rehabilitate and resell foreclosed properties. Therefore, in addition to the economic conditions and the Visalia's unemployment rate has reached, as of March 2009 (preliminary numbers from: <http://www.calmis.ca.gov/file/lfmonth/msaur-400m.pdf>) a rate of 17.7%. The construction work conducted in these areas will increase quality of life and provide part time and/or temporary jobs in these areas hit hardest. The table identifies projects estimated number of jobs to be created with the use of CDBG-R funding. The estimated number of jobs created with the use of CDBG-R funding for full-time, part-time and temporary jobs shall be identified upon receiving more information from HUD as to the requirements.

- (4) **Additional Activity Information:** (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

Public Service Benefit: The proposed projects are not public service activities, therefore no funds shall be allocated as a 15% public service activity.

Priority Needs: The CDBG-R funds will enable the City of Visalia to undertake activities meeting the national objectives and will give priority to projects that can award contracts quickly. The Recovery act directs that priority be given to projects which can be awarded contracts based upon bids within 120 days from the date of funding/grant approval.

Project Readiness: HUD references that the goal is to use at least 50% of the funds for activities that can be initiated not later than 120 calendar days after February 17, 2009, which is June 17, 2009. Since the Substantial Amendment is due June 5th to HUD in addition to review and approval of the amendment follows after June 5th. It is noted that it is not a mandatory requirement and unlikely to the HUD grant agreement will be executed by June 17th, 2009. Staff will focus its attention on addressing the provisions to give

priority to projects that can award contracts within 120 days of the execution of its grant agreement.

Overall Low & Moderate Benefit Requirement: All projects (100%) shall benefit persons that are low and moderate income. The projects are located within the City's CDBG Targeted areas, which are 51% low to moderate income census tract areas. (see attached map Exhibit "?").

Collaboration: City Staff will continue to collaborate with other agencies and departments expecting to receive Recovery Act funds to maximize all available resources.

Energy Efficiency: The City will make every effort to promote energy efficiency and conservation. Specifically referenced above, the Jefferson Park Reconstruction Project includes energy efficient lighting.

Environmental Review: The City is contracted with a Consultant to complete all environmental review documents. The Consultant works closely with the City's Environmental Coordinator, Housing & Economic Development Department and other departmental staff.

- (5) **Responsible Organization:** (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

The proposed projects will be carried out and over seen by the City of Visalia Park and Recreation Department, Vince Elizondo, The City's address and responsible person is: Steven M. Salomon, City Manager, 425 East Oak Avenue, Suite 301, Visalia, CA 93291; contact number is: (559) 713-4312.

The Park and Recreation Department Project Manager will monitor the Davis Bacon requirements and will work closely with the Housing & Economic Development Department to complete the IDIS data entry as required on a quarterly basis.

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

Note: A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

Response:

A public notice shall be published on May 21, 2009 to ensure the opportunity for public review and comment upon the Plan. The Public comment period on the proposed 2008 (3rd) Substantial Action Plan begins **May 21, 2009**, and ends **June 01, 2009**. During this time the Plan may be viewed and obtained at City Hall East; located at 315 E. Acequia, Visalia; City Hall North, located at 425 East Oak Avenue, Suite 301; City Hall West, located at 707 West Acequia; or by telephoning, City of Visalia at (559) 713-4361.

The Draft Plan has also been published on the City of Visalia website at www.ci.visalia.ca.us. The City of Visalia will post the 2008 (3rd) Substantial Action Plan Amendment upon its website by May 21, 2009.

The Visalia City Council will review, through a public hearing, the Substantial Amendment on June 01, 2009, @ 7:00 P.M.. The Public meeting will be held at:

Visalia City Hall Council Chambers

707 West Acequia
Visalia, CA 93291

Any questions or written comments may be directed to Ricardo Noguera, Housing and Economic Development Director of the City of Visalia at the address and telephone number (559) 713-4190.

For hearing impaired, if signing is desired, please call (559) 713-4512 twenty-four (24) hours in advance of the Meeting and such services will be provided as soon as possible following the meeting.

The notice is posted on the City's website at www.ci.visalia.ca.us/depts/housing_n_economic_development/affordable_housing/publications.asp

Attachments:

Attachment "A"- CDBG Target Areas- Boundaries

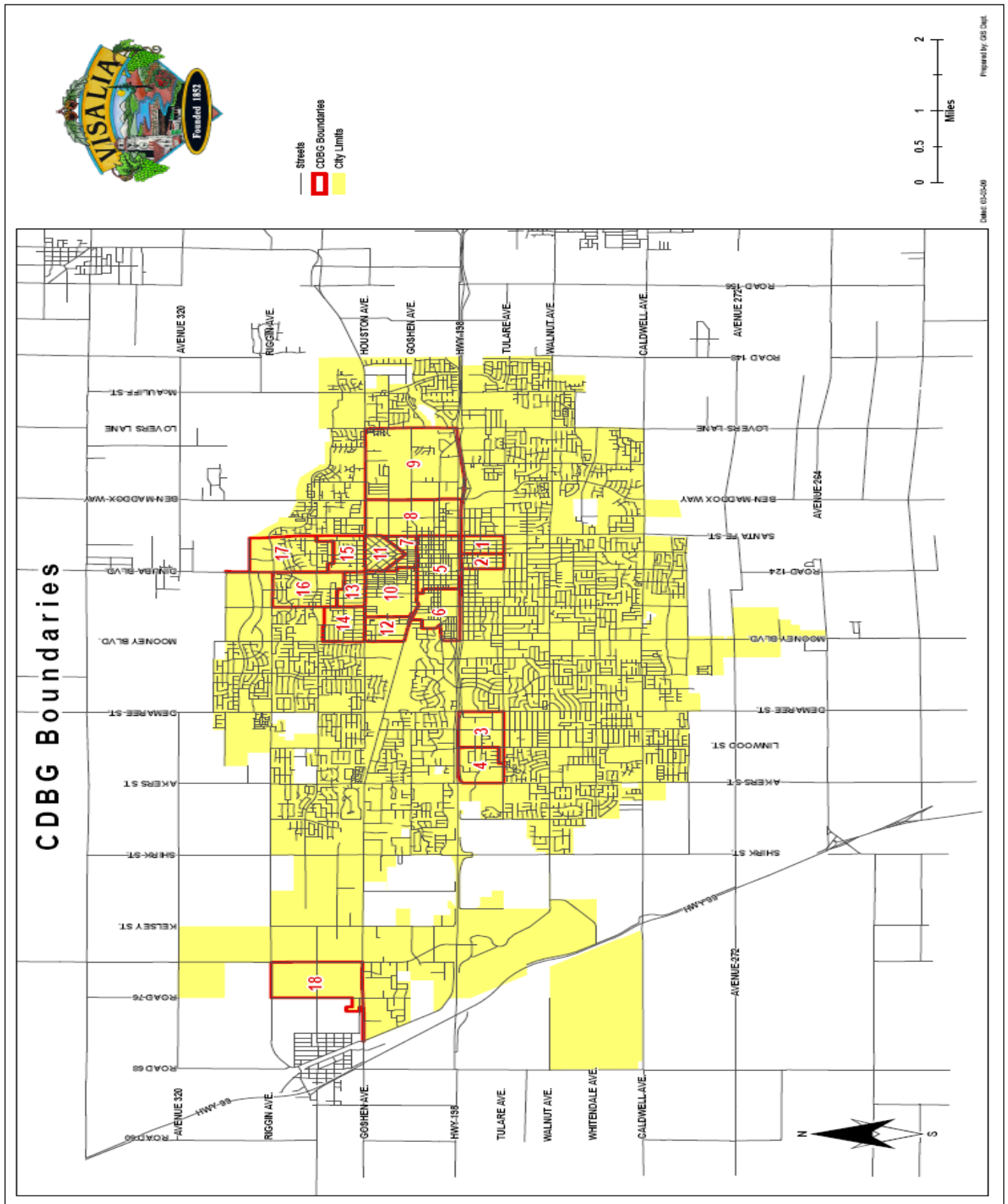
Attachment "B"-Proposed Projects

Attachment "C"- Table of Projects

Attachment "D"- Public Notice

Attachment "E"- Certifications

Attachment "A"- CDBG Target Areas- Boundaries



Date: 05-20-09
 Prepared by: GIS Dept

Attachment “C”

Table of Projects

Jurisdiction/Grantee Name: City of Visalia, California		CDBG-R Formula Grant Amount: \$322,067				Date: 05-15-09	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Jefferson Park Public Sidewalk & Handicapped Access	Project to construct sidewalks along both Watson Avenue (7' wide), on the west side of the park, and Myrtle (6' wide) on the North, including a handicap ramp at the intersection of Watson and Myrtle. Jefferson Park is located at 700 S. Watson (3.8 acres) bounded by Watson/Myrtle/Encina and Cypress within the CDBG area.	24 CFR Part 570.201 (c). improvement to a public facility	Section 570.208 (a) (1) (ii). area benefit- 51% of residents benefiting low- and moderate-income persons	\$ 35,000			35,000
Jefferson Park Reconstruction/replacement	The project involves a number of safety related issues. Reconstruction/replacement of the existing 35 year old backstop, dugouts, and foul line fencing in addition to lighting at the Jefferson Park basketball courts. This project will improve the quality of a neighborhood facility for low income persons	24 CFR Part 570.201 (c). improvement to a public facility	Section 570.208 (a) (1) (ii). area benefit- 51% of residents benefiting low- and moderate-income persons ;	\$ 80,000			90,000
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Anthony Community Center	Rehabilitation of multi-purpose main room & restrooms. These facilities are 50 years old. The primary work would be to repair and paint the walls in the multi-purpose room; replace the existing rubber floor with a tile floor; includes replacement of sheet rock in some areas, texture, primer & painting of the walls, and renovation of existing restrooms. This project will improve the quality of a neighborhood facility for low income persons	24 CFR Part 570.201 (c). improvement to a public facility	Section 570.208 (a) (1) (ii). area benefit- 51% of residents benefiting low- and moderate-income persons	\$ 61,660			61,660
Staff Administration	Administration funds will be used in compliance with 24 CFR 570 requirements, in addition to providing management, compliance and planning activities for the City's CDBG-R Program. Not more than ten percent (10%) has been allocated to the administration of the CDBG-R program.	24 CFR 570.206		\$ 32,207			32,207

Attachment "D"- Public Notice

**HUD ANNOUNCES FUNDS FOR
COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY
(CDBG-R) FUNDING**



**NOTICE OF
CITY COUNCIL PUBLIC HEARING
INTENT TO AMEND THE 2008/2009 ANNUAL ACTION PLAN
(Substantial Amendment- 3rd)**

City Council Public Hearing

Time: 7:00 p.m.

Location: City Hall Council Chambers, 707 W Acequia, Visalia

Date: Monday, June 01, 2009

On February 17, 2009, the U. S. Congress passed the American Recovery and Reinvestment Act of 2009 (ARRA) (aka Recovery Act). The Recovery Act appropriated \$1 billion in Community Development Block Grant (CDBG) funds to states and local governments to carry out, on an expedited basis, eligible activities under the CDBG Program. The funds are being distributed to grantees that received CDBG funding in Fiscal Year (FY) 2008 in accordance with the provision of 42 U. S. C. 53406. The grant program under title Xii is commonly referred to as the CDBG Recovery (CDBG-R) funding.

The City of Visalia's allocation is \$322,067. The CDBG-R grant is a special Community Development Block Grant (CDBG) allocation has a clear purpose- to stimulate the economy through measures that modernize the Nation's infrastructure, improve energy efficiency, and expand educational opportunities and access to health care.

The City of Visalia 2008/2009 Action Plan was previously reviewed and adopted by the City Council of the City of Visalia, to address the housing and community development needs identified in the 2005-2010 Consolidated Plan. This is a substantial amendment (3rd amendment) to the City of Visalia 2008/2009 Action Plan and approved consolidated plan

The City Council of the City of Visalia will hold a Public Hearing on Monday, June 01, 2009, at 7:00 PM. The meeting will be held at City Hall, Council Chambers, 707 W. Acequia Avenue, Visalia, California, to adopt a substantial amendment (3rd) to the 2008/2009 Annual Action Plan and 2005-2010 Consolidated Plan, and incorporate the Community Development Block Grant Recovery (CDBG-R) funding.

The Public comment period on the substantial amendment to the 2008/2009 Action Plan (3rd amendment) and Consolidated Plan **begins May 21, 2009, and ends June 01, 2009**. During this time the Substantial Plan Amendment may be viewed and obtained at the City of Visalia Housing and Economic Development Department, located at 315 East Acequia, Visalia or by telephoning Rhonda Haynes, Housing Specialist at (559) 713-4460.

Any questions or written comments may be directed to Ricardo Noguera, Housing & Economic Development Director, or Rhonda Haynes, Housing Specialist, at the City of Visalia at the address and phone number (559) 713-4190.

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

For hearing impaired, if signing is desired, please call (559) 713-4512 twenty-four (24) hours in advance of the Meeting and such services will be provided as soon as possible following the meeting.

Publishing dates: Thursday, May 21, 2009

Attachment “E” Certifications

CERTIFICATIONS

- (1) **Affirmatively further fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.
- (2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.
- (3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
 4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

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

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

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

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

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

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

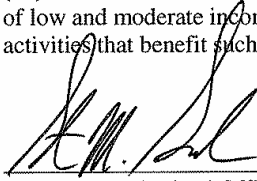
(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.



Signature/Authorized Official

5/20/09
Date

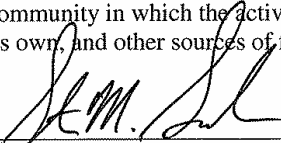
Steven M. Salomon, City Manager_
Title

OPTIONAL CERTIFICATION

CDBG-R

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

Where the urgent need is the current economic conditions, the grantee certifies that the activity is alleviating current economic conditions which pose a threat to the economic welfare of the community in which the activity is being carried out, the recipient is unable to finance the activity on its own, and other sources of funding are not available.



Signature/Authorized Official

5/20/09
Date

Steven M. Salomon, City Manager

Title

**APPLICATION FOR
FEDERAL ASSISTANCE**

OMB Approved No. 3076-0006

Version 7/03

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		2. DATE SUBMITTED 06-02-09	Applicant Identifier
<input type="checkbox"/> Pre-application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name: City of Visalia		Organizational Unit: Department: Housing & Economic Development	
Organizational DUNS: 030998866		Division:	
Address: Street: 425 East Oak Avenue, Suite 301		Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Mr. First Name: Steven	
City: Visalia		Middle Name M.	
County: Tulare		Last Name Salomon	
State: CA	Zip Code 93291	Suffix:	
Country: USA		Email: Ssalomon@ci.visalia.ca.us	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 94-600049		Phone Number (give area code) (559) 713-4312	Fax Number (give area code) (559) 713-4800
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.)		7. TYPE OF APPLICANT: (See back of form for Application Types) C= Municipal Other (specify)	
Other (specify) CDBG-R - 2008 Substantial Amendment		9. NAME OF FEDERAL AGENCY: U. S. Department of Housing & Urban Development (ARRA funding)	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 14-253		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: 2008 Substantial Amendment for the use of Community Development Block Grant Recovery Funds appropriated by ARRA distributed through HUD to stimulate the economy through infrastructure projects.	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): City of Visalia, within the City Limits			
13. PROPOSED PROJECT Start Date: 09-30-2009		14. CONGRESSIONAL DISTRICTS OF: a. Applicant 21	
Ending Date: 09-30-2012		b. Project	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ 322,067 ⁰⁰	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	\$ ⁰⁰	DATE:	
c. State	\$ ⁰⁰	b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372	
d. Local	\$ ⁰⁰	<input checked="" type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other	\$ ⁰⁰	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
f. Program Income	\$ ⁰⁰	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No	
g. TOTAL	\$ 322,067 ⁰⁰		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Authorized Representative			
Prefix Mr.	First Name Steven	Middle Name M	
Last Name Salomon		Suffix	
b. Title City of Visalia, City Manager		c. Telephone Number (give area code) (559) 713-4312	
d. Signature of Authorized Representative		e. Date Signed 05-21-09	

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Standard Form 424 (Rev.9-2003)
Prescribed by OMB Circular A-102

City of Visalia CDBG-R Substantial Amendment Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment

<p>Jurisdiction(s): City of Visalia Lead Agency- City of Visalia Jurisdiction Web Address: www.ci.visalia.ca.us <i>(URL where CDBG-R Substantial Amendment materials are posted)</i> www.ci.visalia.ca.us/depts/housing_n_economic_development/affordable_housing/publications.asp</p>	<p>CDBG-R Contact Person: Steven M. Salomon, City Manager Address: 425 East Oak Avenue, Suite 301, Visalia, CA 93291 Telephone: (559) 713-4312 Fax: (559) 713-4800 Email: Ssalomon@ci.visalia.ca.us</p>
	<p>Addtl Contact: Ricardo Noguera, Housing & Economic Development Director Address: 315 East Acequia, Visalia, CA 93291 Telephone: (559) 713-4190 Fax: (559) 713-4811 Email: Rnoguera@ci.visalia.ca.us</p>

The elements in the substantial amendment required for the CDBG recovery funds are:

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes No Verification found on page **10**

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes No Date Spreadsheet was emailed: **Visalia City Council review on June 1, 2009, submittal will follow thereafter**

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,

- Yes No Verification found on page(s) **3, 4, 5, 10**
- the Eligibility citation (eligibility regulatory cite or HCDA cite),
Yes No Verification found on page(s) **3, 4, 10**
- the CDBG national objective citation,
Yes No Verification found on page(s) **3, 4, 10**

B. CDBG-R INFORMATION BY ACTIVITY

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

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,
Yes No Verification found on page(s) **4, 5, 10**
- projected number of jobs created for each activity,
Yes No Verification found on page(s) **4, 5**
- whether an activity will promote energy efficiency and conservation,
Yes No Verification found on page(s) **4, 6**
- the name, location, and contact information for the entity that will carry out the activity,
Yes No Verification found on page(s) **6**
- evidence that no more than 10% of the grant amount will be spent on administration and planning,
Yes No Verification found on page (s) **3, 4, 5, 10**
- evidence that no more than 15% of the grant amount will be spent on public services,
Yes No Verification found on page (s) **5**
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
Yes No Verification found on page (s) **6**

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction’s usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes No . Verification found on page(s) **6-7, 11-12**

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

Yes No Verification found on page(s) **to be included**

D. CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|---|---|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

- | | | |
|--|---|-----------------------------|
| (5) Authority of jurisdiction | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (7) Section 3 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (8) Community development plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (9) Following a plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (10) Use of Funds | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (11) Excessive Force | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (12) Compliance with anti-discrimination laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (13) Lead-based paint procedures | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (14) Compliance with laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (15) Compliance with ARRA | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (16) Project selection | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (17) Timeliness of infrastructure investments | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (18) Buy American provision | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (19) Appropriate use of funds for infrastructure investments | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (20) 70% of CDBG-R for LMI | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|
Optional Certification | | |
| (21) Urgent Need | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |