

# Visalia City Council Agenda

For the regular meeting of: MONDAY, September 21, 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

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

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

**4:30 p.m.**

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

- 4:30 p.m. 1.  Update regarding Hazardous Material Response Program
- 4:45 p.m. 2. Update regarding the H1N1 Flu Virus and our preparedness efforts.
- 5:00 p.m. 3. Update on the Lover's Lane Interchange project and request for authorization for the City Manager to execute an agreement with Mark Thomas & Company, Inc. to perform the additional work requested by Cal Trans for conducting traffic analysis including the future Road 148/SR 198 Interchange at the estimated cost of \$47,339 using Measure R funds.

*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 Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: three potential cases
5. Conference With Real Property Negotiators (G.C. §54956.8)  
Property: APN: 095-134-024 & 030 (1933 S. Mooney Blvd.)  
Under Negotiation: Consideration and approval of appraisal; Authority to negotiate price, terms and conditions of potential purchase  
Negotiating Parties: Steve Salomon, Chris Young, Adam Ennis, Colleen Carlson, John Barbis and Glenn Stanton

## REGULAR SESSION

7:00 p.m.

### PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Jason Backland, Visalia Community Covenant Church

### INTRODUCTION OF NEW EMPLOYEE

Introduction of Kim Loeb Natural Resource Conservation Manager, by Leslie Caviglia Deputy City Manager

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

6. INFORMATION ITEMS - (No action required)
  - a) Receive Planning Commission Action Agenda for the meeting of September 14, 2009.

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

7. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
  - a) Authorization to read ordinances by title only.
  - b) Accept the City of Visalia Cash and Investment Report for the fourth quarter ending June 30, 2009.
  - c) Authorization to file a Notice of Completion for Recreation Park Stadium Improvements.
  - d) Appointment of a representative of the Mooney Boulevard Merchant's Organization to the General Plan Update Review Committee.
  - e) Authorize the City of Visalia's involvement in the San Joaquin Valley Air Pollution Control District's "Healthy Air Living Business" program. **Resolution 2009-41 required.**
8. **PUBLIC HEARING** - Final 2008/09 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) (CDBG & HOME funds); and 4<sup>th</sup> Amendment to the 2008-09 and 3<sup>rd</sup> Amendment to the 2007-08 Action Plans reprogramming CDBG funds. **Resolution 2009-42 required.**

9. Update regarding progress toward the implementation of the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps (FIRMs); authorization to work with Akerman Senterfitt toward extension of FEMA's Preferred Risk Program; authorize the Mayor to sign a letter asking FEMA to approve the City of Visalia's participation in the Community Rating System.

**REPORT ON ACTIONS TAKEN IN CLOSED SESSION**

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

<b>Buyer</b>	<b>Seller</b>	<b>APN Number</b>	<b>Address</b>	<b>Purpose</b>	<b>Closing Date</b>	<b>Project Manager</b>	<b>Purchase Price</b>
City of Visalia	Flyers, LLC, A California Limited Liability Co.: Stephen B. Dwelle, Authorized Officer	Portion of 096-291-023	1920 S. Mooney Blvd, Visalia CA	Grant of Easement for pedestrian purposes in association with Walnut/ Mooney intersection improvements	8/4/09	Manuel Molina	-0-
City of Visalia	Flyers, LLC, A California Limited Liability Co. Stephen B. Dwelle, Authorized Officer	Portion of 096-291-024	1942 W. Walnut Avenue, Visalia CA	Grant of Easement for pedestrian purposes in association with Walnut/ Mooney intersection improvements	8/4/09	Manuel Molina	-0-
City of Visalia	Flyers, LLC, A California Limited Liability Co.: Stephen B. Dwelle, Authorized Officer	Portion of 096-291-023	1920 S. Mooney Blvd, Visalia CA	Grant of Easement – Overhang Facilities Only	8/4/09	Manuel Molina	-0-
City of Visalia	Flyers, LLC, A California Limited Liability Co. Stephen B. Dwelle, Authorized Officer	Portion of 096-291-024	1942 W. Walnut Avenue, Visalia CA	Grant of Easement – Overhang Facilities Only	8/4/09	Manuel Molina	-0-

### **Upcoming Council Meetings**

- Tuesday, September 29, 2009; 4:00 p.m. Joint Meeting Visalia City Council and Visalia Planning Commission, Convention Center, 303 E. Acequia.
- Monday, October 5, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, October 19, 2009, 4:00 p.m. Work Session; Regular Meeting 7:00 p.m., Council Chambers 707 W. Acequia

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

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

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

## City of Visalia Agenda Item Transmittal

**Meeting Date:** 09/21/2009

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

**Agenda Item Wording:** Update on Haz Mat Response Team

**Deadline for Action:** September 2<sup>1st</sup>, 2009

**Submitting Department:** Fire Department

**Contact Name and Phone Number:** Fire Chief Mark Nelson  
ext. 4218

**Department Recommendation:**

This is an update on the Hazardous Materials Response Team; with a recommendation to approve the proposal from Tulare County on the short and long term funding models to support the on-going operations of the Visalia Haz Mat Response Team:

Short term Funding: Funding of \$60,000 to be proportionately paid by participating agencies by November 1, 2009. This would continue the City of Visalia Haz Mat Response Team Services for the 6 month period; January 1 to June 30, 2010.

Long Term Funding: Continue working toward modifying the Tulare County Certified Unified Program Agency (CUPA) to include a surcharge fee funding all future operational costs of the Visalia Haz Mat Response Team beyond July 1, 2010.

**Summary/background:**

There are large amounts of hazardous materials, such as pesticides, fertilizers, petroleum products and military ordnances that travel through both Tulare and Kings Counties via highways and rail, necessitating the need for an emergency response system to be in place. Currently, there is a Haz Mat Agreement (effective March 21, 1995) to address the need for a Hazardous Materials Response Team. The agreement identifies the City of Visalia as the Haz Mat Responder for both Kings and Tulare Counties. The agreement allows for cost recovery when responding to a Hazardous Materials Incident within the City of Visalia, as well as Tulare and Kings Counties. The agreement does not cover the annual operating cost associated with the ongoing maintenance of the Haz Mat Program. Currently, the annual net cost to the City of Visalia is \$180,000 (see attachment A). This is the amount not covered by cost recovery revenues nor grants.

**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.

In reviewing the data for the Haz Mat Program for the last 4 years, staff has identified three significant areas of concern, they are:

- The low number of reported hazardous material incidents
- Inadequate funding to maintain the program
- Lack of communication between governmental agencies

While the Haz Mat service the City provides is extremely valuable to all, the on-going cost of the program is not shared equally by all of the agencies; the City bears the entire cost of the program with minimal reimbursements. During the May 18<sup>th</sup>, 2009 City Council Meeting, the Council directed staff to seek cooperative funding of the Haz Mat Program or prepare to discontinue the program by January 1, 2010.

There is an average of 100 calls per year for Haz Mat related incidents within the City of Visalia. Of these, there are 5 Haz Mat Team activations as follows (the balance of the Haz Mat calls for service were handled by the on-duty fire units):

- In City responses – 3.75 (per year)
- Out of City responses is 1.25 (per year)

The reported incidents do not reflect the actual numbers of hazardous material releases within the two counties. There have been several incidents outside the city limits that have recently occurred in which no request for service was made. The actual number on average for our population base would be between 50 to 60 Haz mat incidents per year for both counties.

If the program is to be discontinued, the City of Visalia would cancel the Haz Mat Agreements with all of the agencies in Kings and Tulare Counties by January 1, 2010. The City of Visalia would then operate at a First Responder Operations level and defer high level Haz Mat calls to Tulare County Environmental Health for mitigation.

Currently, businesses in Tulare and Kings Counties that store and utilize hazardous materials depend on the service of the Visalia Fire Department Haz Mat Team to respond in the event of a spill or release. The elimination of this program would require Tulare County to contract with the City of Fresno Fire Department or Kern County Fire Department for Haz Mat response, providing service to the citizens of Visalia, Tulare County. Additionally, if Tulare County decided to develop a new Haz Mat program the start-up cost would be approximately \$1 Million.

## **Discussion**

The Fire Chief and department staff has been working to secure a funding source to cover the ongoing cost associated with maintaining a Haz Mat Response Team since March of 2009. The Visalia Fire Department has been working with local fire departments, Tulare County City Managers, Tulare County Emergency Council and the Tulare County CAO as well as the director of Health Services to try and identify long term funding for the Haz Mat program.

On July 23, 2009, Chief Nelson made a presentation to the Tulare County Emergency Council regarding the funding of the Haz Mat Team. During this meeting, several options were discussed about future funding and operations.

The outcome of the meeting was that no other local fire agencies were interested in taking over the Haz Mat Program and concluded; if funding could not be secured, the Haz Mat Team

responsibilities may be transferred to either Fresno City Fire or Bakersfield City Fire for high level spills or releases.

Chief Nelson was directed to meet with Visalia City Officials and see if there could be any movement on reducing the operating costs (that is, what is the bottom line?). It should be noted, after evaluating the costs, staff was able to reduce the amount by \$25,000. Additionally, Tulare County would request a cost analysis for Haz Mat Response from Fresno and Bakersfield Fire Departments. The next meeting was scheduled for August 27<sup>th</sup>, 2009.

Since the July 23<sup>rd</sup>, 2009 Emergency Council meeting, the City Manager and Fire Chief have been working with Tulare County's CAO to discuss funding options (in preparation to the August 27<sup>th</sup> meeting).

There have been several funding models identified to support the operational cost of the Haz Mat Team. Of the several models discussed, the City of Visalia has listed an example that could be used to fund the Haz Mat Program:

1. Modify the existing contract to implement an annual fee for Tulare County and Cities (as well as the option to include Kings County and Cities) based on population (**see attachment A**) (ex. Solano County)

The City of Visalia recognizes that Tulare County has the legal responsibility and authority for Hazardous Materials Responsibilities for the County (CUPA - Certified Unified Program Agency, Health and Safety Code; Chapter 6.95, HS Code Sec. 25500). The City of Visalia desires to work cooperatively with Tulare County to offer this service to residents. In reviewing the annual ongoing cost of the program, the following recommendation was proposed to Tulare County Emergency Council at the August 27<sup>th</sup>, meeting:

- All participating agencies (including City of Visalia) to fund \$60,000 (**see attachment B**) for FY 09/10 (half year contribution) to the City of Visalia for Haz Mat Operational costs
- An agreement would reflect the billing revenue from current FY 09/10 (half year contribution) would be credited to next FY 10/11 operating budget
- The Tulare County Homeland Security Grant funding would continue to partially fund equipment and training needs for the Haz Mat Team. In the event grants are not awarded and/or cost recovery for Haz Mat response is not fully reimbursed, these costs would be added to next fiscal year's operating budget
- Replacement of the Haz Mat Response Vehicle; funds would need to be set aside from Grant money. In the event that grant monies are not available; there would need to be an annual amount set aside from each agency to plan for the replacement of the Haz Mat Response Unit. The existing vehicle has been fully depreciated and has no funds set aside for replacement. This unit will need to be replaced in the next 5 to 7 years at a cost of approximately \$500,000 (in today's dollar value)

The Tulare County Emergency Council met on August 27<sup>th</sup>, 2009 to discuss options for funding the Haz Mat Program. The unanimous direction from the Emergency Council was to gap fund the requested \$60,000 now and work on establishing a fee through the Tulare County CUPA

(Certified Unified Program Agency) to fund the on-going operational costs of the Haz Mat Program. Additionally, the Emergency Council decided not to pursue discussions with the Cities of Fresno and Bakersfield for Haz Mat response. This was due to the cost and delayed response time.

## **Next Steps**

The direction that came as an outcome from the August 27<sup>th</sup> Emergency Council Meeting:

1. The Tulare County Emergency Council will make the recommendation to the Tulare County Board of Supervisors to have the City of Visalia continue Haz Mat Response for Tulare County.
2. The Fire Chief to report back to the Visalia City Council at the September 21<sup>st</sup>, 2009 Council Meeting; update on meeting.
3. The Emergency Council would take the recommendation to the Board of Supervisors; the Board would either confirm or vote down the recommendation at the next Supervisor's Meeting (September 2009)
4. If the Board of Supervisors votes to confirm the recommendation, then a new agreement must be drafted between the City of Visalia and Tulare County outlining the changes and obligations.
5. Additionally, the Board would need to decide on a methodology to ensure participation from all agencies for funding the Haz Mat Program
6. Funding of \$60,000 (6 months) would be paid by participating agencies by November 1<sup>st</sup>, 2009. The program would continue through June 31<sup>st</sup>, 2010. A new funding source and agreement must be in place (by the June 30,10 date) if the Haz Mat Program is to continue the after July 1, 2010

On September 8<sup>th</sup>, 2009, Steve Salomon, Mark Nelson and Tulare CAO Jean Rousseau, facilitated a discussion at the City Managers Meeting regarding the Haz Mat Program and funding models to support on-going operational costs associated with the team. The outcome was that Jean Rousseau would send out a letter (**See Attachment C**) to all Cities in Tulare County asking them to commit to funding the program (through June 31<sup>st</sup>, 2010) by September 30<sup>th</sup>, 2009 as well as evaluating the possibility of adding a Haz Mat Team operational fee through the current CUPA program. This new fee would fund all future program costs associated with the Haz Mat Team. Additionally, the Tulare CAO, Chief Nelson and City Managers from Tulare County will be meeting with Kings County Officials regarding their participation in assisting with the on-going funding of the Haz Mat program. If negotiations are successful, the contributions will be less for Tulare County agencies.

## **Fiscal Impact**

The cost to the City of Visalia would be \$24,000 to \$33,000 annually depending on the cost sharing program implemented.

**Prior Council/Board Actions:** At the May 18, 2009 Council Meeting; Department Recommendation #5: To find an on-going funding source for the Haz Mat Response Team or discontinue service by January 1, 2010

## **Committee/Commission Review and Actions:**



**Alternatives:**

n/a

**Attachments:**

Letter to Tulare County Emergency Council  
Attachment A Cost Sharing Plan  
Attachment B Haz Mat Program Cost Analysis  
Attachment C Letter from Tulare County CAO

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

Recommend to approve the proposal from Tulare County on the short and long term funding models to support the on-going operations of the Visalia Haz Mat Response Team.

***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



# City Manager's Office

425 E. Oak Ave., Ste. 301, Visalia, CA 93291

Tel: (559) 713-4312 Fax: (559) 713-4800

Date: August 24<sup>th</sup>, 2009  
To: Tulare County Emergency Council  
From: Steve Salomon, City of Visalia, City Manager  
Mark Nelson, City of Visalia, Fire Chief  
Subject: Haz Mat Program

There have been several funding models identified to support the operational cost of the Haz Mat Team. Of the several models discussed, the City of Visalia has listed one of the examples that could be used to fund the Haz Mat Program:

1. Modify the existing contract to implement an annual fee for Tulare County and Cities (as well as the option to include Kings County and Cities) based on population (see attachment A) (ex. Solano County)

The City of Visalia recognizes that Tulare County currently has the legal responsibility and authority for Hazardous Materials Responsibilities for the County (CUPA – Certified Unified Program Agency, Health & Safety Code; Chapter 6.95, HS Code Sec. 25500). The City of Visalia desires to work cooperatively with Tulare County to offer this service to residents. In reviewing the annual ongoing cost of the program, the following recommendation is being proposed:

- All participating agencies (including City of Visalia) to fund \$120,000 (see attachment B) for FY 09/10 (\$60,000 for the half year contribution due November 1, 2009) to the City of Visalia for Haz Mat Operational costs
- An agreement would reflect the billing revenue from current FY 09/10 (half year contribution) would be credited to next FY 10/11 operating budget
- The Tulare County Homeland Security Grant funding would continue to fund equipment and training needs for the Haz Mat Team. In the event grants are not awarded and/or cost recovery for Haz Mat response is not fully reimbursed, these costs would be added to next fiscal year's operating budget
- Replacement of the Haz Mat Response Vehicle; funds would need to be set aside from Grant money. In the event that grant monies are not available; there would need to be an annual amount set aside from each agency to plan for the


replacement of the Haz Mat Response Unit. The existing vehicle has been fully depreciated and has no funds set aside for replacement. This unit will need to be replaced in the next 5 to 7 years at a cost of approximately \$500,000 (in today's dollar value)

- If the City of Visalia were to continue the Haz Mat Emergency Response Program; a payment made to the City of Visalia in the amount of \$60,000 (half year contribution) as well as a new agreement drafted and signed by Tulare County and participating agencies by November 1, 2009.

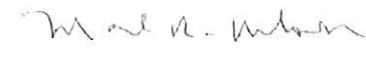
The Tulare County Emergency Council is scheduled to meet August 27<sup>th</sup>, 2009 to discuss options for funding the Haz Mat Program. It should be noted the Visalia City Council has requested an update on the funding of the Haz Mat Team at the September 8<sup>th</sup> City Council Meeting. It would be helpful to have direction on establishing a funding model by that time.

In closing, it is the City of Visalia's sincere hope that we can come to a viable solution to continue providing Haz Mat Response to our community as well as to Tulare County. As we all know, this is a valuable service from which all parties will benefit. Also, it would be helpful to know if Tulare County is interested in working with Kings County regarding Haz Mat response or if we need to focus solely on Tulare County.

Thank you for considering our Haz Mat Team funding proposal. We look forward to hearing from you regarding the direction the Emergency Council decides to recommend to the Tulare County Board of Supervisors.

  
Steve Salomon, City Manager

8/24/09  
Date

  
Mark Nelson, Fire Chief

August 24, 2009  
Date

cc: Phil Cox, Board of Supervisors  
Jean Rousseau, Tulare County  
City Managers

**Attachments:**

- A – Population Base for shared funding
- B – Haz Mat 3 Year Study for operating costs

Cost Sharing Visalia Haz Mat Program  
 Cal Dept of Finance Population  
 Tulare County

	<b>Population</b>	<b>Population %</b>	<b>Annual Cost Sharing Amount</b>	<b>Semi Annual Cost Sharing Amount</b>
Tulare County	145,123	33%	\$39,446	\$19,723
Dinuba	21,237	5%	\$5,772	\$2,886
Exeter	10,665	2.42%	\$2,899	\$1,449
Farmersville	10,771	2.44%	\$2,928	\$1,464
Lindsay	11,684	2.65%	\$3,176	\$1,588
Porterville	52,056	11.79%	\$14,149	\$7,075
Tulare	58,506	13.25%	\$15,903	\$7,951
Visalia	123,670	28%	\$33,615	\$16,808
Woodlake	7,769	1.76%	\$2,112	\$1,056
	441,481	100%	\$120,000	\$60,000

	<b>Population</b>	<b>Population %</b>	<b>Annual Cost Sharing Amount</b>	<b>Semi Annual Cost Sharing Amount</b>
Tulare County	145,123	33%	\$59,169	\$29,585
Dinuba	21,237	5%	\$8,659	\$4,329
Exeter	10,665	2.42%	\$4,348	\$2,174
Farmersville	10,771	2.44%	\$4,392	\$2,196
Lindsay	11,684	2.65%	\$4,764	\$2,382
Porterville	52,056	11.79%	\$21,224	\$10,612
Tulare	58,506	13.25%	\$23,854	\$11,927
Visalia	123,670	28%	\$50,423	\$25,211
Woodlake	7,769	1.76%	\$3,168	\$1,584
	441,481	100%	\$180,000	\$90,000



Cost Sharing Visalia Haz Mat Program  
 Cal Dept of Finance Population  
 Tulare and Kings County

	Population	Population %	Annual Cost Sharing Amount	Semi Annual Cost Sharing Amount
Kings County	35,474	6%	\$7,140	\$3,570
Avenal	15,871	2.66%	\$3,194	\$1,597
Corcoran	25,893	4.34%	\$5,211	\$2,606
Hanford	52,687	8.84%	\$10,604	\$5,302
Lemoore	24,818	4.16%	\$4,995	\$2,498
Tulare County	145,123	24%	\$29,208	\$14,604
Dinuba	21,237	3.56%	\$4,274	\$2,137
Exeter	10,665	1.79%	\$2,147	\$1,073
Farmersville	10,771	1.81%	\$2,168	\$1,084
Lindsay	11,684	1.96%	\$2,352	\$1,176
Porterville	52,056	8.73%	\$10,477	\$5,239
Tulare	58,506	9.81%	\$11,775	\$5,888
Visalia	123,670	21%	\$24,891	\$12,445
Woodlake	7,769	1.30%	\$1,564	\$782
	596,224	100%	\$120,000	\$60,000

	Population	Population %	Annual Cost Sharing Amount	Semi Annual Cost Sharing Amount
Kings County	35,474	6%	\$10,710	\$5,355
Avenal	15,871	2.66%	\$4,791	\$2,396
Corcoran	25,893	4.34%	\$7,817	\$3,909
Hanford	52,687	8.84%	\$15,906	\$7,953
Lemoore	24,818	4.16%	\$7,493	\$3,746
Tulare County	145,123	24%	\$43,813	\$21,906
Dinuba	21,237	3.56%	\$6,411	\$3,206
Exeter	10,665	1.79%	\$3,220	\$1,610
Farmersville	10,771	1.81%	\$3,252	\$1,626
Lindsay	11,684	1.96%	\$3,527	\$1,764
Porterville	52,056	8.73%	\$15,716	\$7,858
Tulare	58,506	9.81%	\$17,663	\$8,831
Visalia	123,670	21%	\$37,336	\$18,668
Woodlake	7,769	1.30%	\$2,345	\$1,173
	596,224	100%	\$180,000	\$90,000

**Haz Mat Program Comprehensive Revenues/Expenditures**  
**Three Year Study**  
**June 30, 2009**

	2006/07	2007/08	2008/09	3 year Totals	Forecast 2009/10
<b>REVENUE</b>					
Grants	26,199	5,485	18,235	49,919	0
Operations Revenue	0	17,460	10,974	28,434	10,000
<b>Total Revenue</b>	<b>26,199</b>	<b>22,945</b>	<b>29,209</b>	<b>78,353</b>	<b>10,000</b>
<b>EXPENDITURES</b>					
Annual Personnel Costs	59,005	33,959	45,501	138,465	47,321
Haz Mat Incentive Pay	27,024	41,306	40,909	109,239	41,000
Medical Costs	2,044	2,044	2,004	6,092	2,000
Training	8,640	8,548	3,413	20,601	6,867
*Operational Expenses	24,398	14,473	47,363	86,234	17,274
Account non payment	0	0	1,404	1,404	2,000
Fuel/Maintenance	1,679	2,313	2,584	6,576	2,850
<b>Total Expenditures</b>	<b>122,790</b>	<b>102,643</b>	<b>143,178</b>	<b>368,611</b>	<b>119,312</b>
<b>Program Cost per Year (Expenditures only)</b>				<b>\$122,870</b>	<b>\$119,312</b>
Future Vehicle Annual Replacement Fund (if not awarded grant) - 10 year replacement schedule reflecting 4% inflationary increase per year				\$62,400	\$62,400
<b>Total Annual Cost</b>				<b>\$185,270</b>	<b>\$181,712</b>

\*Operational expenses reflect supplies and maintenance costs of program, contracted services and equipment purchases

Administration Building  
2800 W. Burrel Ave.  
Visalia, California 93291  
TEL: (559) 636-5005  
FAX: (559) 733-6318  
www.co.tulare.ca.us

# County of Tulare



Jean M. Rousseau  
County Administrative Officer

Kristin Bennett, Assistant  
County Administrative Officer

September 10, 2009

To: Tulare County City Managers

The Visalia Fire Department Hazardous Materials Team (Visalia Haz Mat) has provided advanced hazardous materials response for incidents in Tulare County over the past fourteen years. Visalia Haz Mat has received specialty training and equipment to perform hazardous materials emergency response services, such as entering a "hot zone", identifying unknown hazardous materials and performing specialized containment and control operations. Training and equipment costs have been strongly supported through the Homeland Security Grant program, but no sustainable funding has been identified for ongoing operational costs.

The Visalia Fire Department notified the Tulare County Emergency Council on July 23, 2009 that the City of Visalia is no longer able to continue funding the operational costs of the Visalia Haz Mat Team due to recent budget cuts. The City of Visalia forecasts 2009/2010 operational costs to be \$119,312 (see attachment 1). The Emergency Council was tasked with identifying and recommending an alternate funding model for Visalia Haz Mat by November 1, 2009. If the Cities and the County desire to keep Visalia Haz Mat operational, \$60,000 (half year cost) is due to the City of Visalia by November 1, 2009. If no alternate funding model is identified by that time, Visalia Haz Mat will submit a 30-day notification to the County and each of the Cities to terminate the Hazardous Materials Operational Area Agreement, relinquishing Visalia Haz Mat from the responsibility of providing hazardous materials emergency response services in Tulare County.

The Emergency Council has reviewed other options to provide for hazardous materials response within the County. Response cost estimates were obtained from the Bakersfield and Fresno Fire Department Haz Mat Teams. Although response costs are reasonable, response times may be unacceptable in certain areas within the county and expose the County and the Cities to unnecessary risk. The Council has also researched available grants that could be used to offset Visalia Haz Mat's operational costs. None have been identified at this time, but we will continue to pursue this.



The Emergency Council unanimously agrees that it is imperative to maintain advanced hazardous materials response capabilities within Tulare County through Visalia Haz Mat to ensure appropriate levels of response and mitigation actions are readily available for any hazardous materials incident or emergency. The Emergency Council is pursuing the option of funding Visalia Haz Mat through the collection of fees by the Certified Unified Program Agency, which is administered by Tulare County Environmental Health. This process will likely take at least six months to establish, if at all possible. In the meantime, the Emergency Council requests that each of the incorporated Cities and the County agree to share in the semi-annual cost of \$60,000, which is due to the City of Visalia by November 1, 2009 (see attachment 2).

The Emergency Council recognizes that each jurisdiction is making difficult funding decisions during these economic times, but we urge all to consider the impact it may have on the safety of our residents and businesses if we are unable to immediately respond to and mitigate the effects of a large-scale hazardous materials release. We request that a response from each City be submitted to my office by September 30, 2009. On behalf of the Tulare County Emergency Council, I thank you for your consideration of this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean M. Rousseau", with a long, sweeping horizontal flourish extending to the right.

Jean M. Rousseau  
County Administrative Officer  
Chairman, Tulare County Emergency Council



**Attachment 1**

**Haz Mat Program Comprehensive Revenues/Expenditures  
Three Year Study  
June 30, 2009**

	2006/07	2007/08	2008/09	3 year Totals	Forecast 2009/10
<b>REVENUE</b>					
Grants	26,199	5,485	18,235	49,919	0
Operations Revenue	0	17,460	10,974	28,434	10,000
<b>Total Revenue</b>	<b>26,199</b>	<b>22,945</b>	<b>29,209</b>	<b>78,353</b>	<b>10,000</b>

<b>EXPENDITURES</b>					
Annual Personnel Costs	59,005	33,959	45,501	138,465	47,321
Haz Mat Incentive Pay	27,024	41,306	40,909	109,239	41,000
Medical Costs	2,044	2,044	2,004	6,092	2,000
Training	8,640	8,548	3,413	20,601	6,867
*Operational Expenses	24,398	14,473	47,363	86,234	17,274
Account non payment	0	0	1,404	1,404	2,000
Fuel/Maintenance	1,679	2,313	2,584	6,576	2,850
<b>Total Expenditures</b>	<b>122,790</b>	<b>102,643</b>	<b>143,178</b>	<b>368,611</b>	<b>119,312</b>

<b>Program Cost per Year (Expenditures only)</b>	<b>\$122,870</b>	<b>\$119,312</b>
Future Vehicle Annual Replacement Fund (If not awarded grant) - 10 year replacement schedule reflecting 4% inflationary increase per year	\$62,400	\$62,400
<b>Total Annual Cost</b>	<b>\$185,270</b>	<b>\$181,712</b>

\*Operational expenses reflect supplies and maintenance costs of program, contracted services and equipment

**Attachment 2**

**Cost Sharing Visalia Haz Mat Program  
Cal Dept. of Finance Population  
Tulare County**

	<b>Population</b>	<b>Population %</b>	<b>Annual Cost Sharing Amount</b>	<b>Semi-Annual Cost Sharing Amount</b>
Tulare County	145,123	33%	\$39,446	\$19,723
Dinuba	21,237	5%	\$5,772	\$2,886
Exeter	10,665	2.42%	\$2,899	\$1,449
Farmersville	10,771	2.44%	\$2,928	\$1,464
Lindsay	11,684	2.65%	\$3,176	\$1,588
Porterville	52,056	11.79%	\$14,149	\$7,075
Tulare	58,506	13.25%	\$15,903	\$7,951
Visalia	123,670	28%	\$33,615	\$16,808
Woodlake	7,769	1.76%	\$2,112	\$1,056
	<b>441,481</b>	<b>100%</b>	<b>\$120,000</b>	<b>\$60,000</b>

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** September 21, 2009

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

**Agenda Item Wording:** Update to the City Council regarding the H1N1 Flu Virus and our Preparedness Efforts

**Deadline for Action:** No Action Needed

**Submitting Department:** Fire Department – Emergency Preparedness

**Contact Name and Phone Number:**

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

**Department Recommendation:** The Fire Department recommends that the City Council review our preparedness efforts for the H1N1 Flu.

**Summary/background:** In April of 2009 a new strain of the flu virus, H1N1, had an impact that was felt around the world. H1N1 is a normal flu strain that impacts swine. In late March and early April 2009, cases of human infection with this H1N1 virus were first reported in Southern California and near San Antonio, Texas. All U.S. states have since reported cases of H1N1 flu infection in humans. As part of the federal government response to the H1N1 virus, the Department of Health and Human Services issued a nationwide public health emergency declaration on April 26, 2009. On June 11, 2009, the World Health Organization (WHO) signaled that a global pandemic of novel influenza A (H1N1) was underway by raising the worldwide pandemic alert level to Phase 6, the highest level possible. This action was a reflection of the spread of the new H1N1 virus, not the severity of illness caused by the virus. At the time, more than 70 countries had reported cases of novel influenza A (H1N1) infection and there were ongoing community level outbreaks of novel H1N1 in multiple parts of the world.

Since the WHO declaration of a pandemic, the new H1N1 virus has continued to spread, with the number of countries reporting cases of novel H1N1 nearly doubling. The Southern Hemisphere's regular influenza season has begun and countries there are reporting that the new H1N1 virus is spreading and causing illness along with regular seasonal influenza viruses. In the United States, significant novel H1N1 illness has continued into the summer, with

**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.

localized and in some cases intense outbreaks occurring. The United States continues to report the largest number of novel H1N1 cases of any country worldwide, however, most people who have become ill have recovered without requiring medical treatment.

As of September 4, 2009, the Centers for Disease Control and Prevention (CDC) reported 593 fatalities nationwide. In California a total of 1663 cases have required hospitalization and 144 fatal cases. For the last week in August, there were 135 new cases requiring hospital stays and 16 additional fatal cases in California. There are currently no deaths reported for Tulare County.

During the course of the initial outbreak, the Fire Department acted quickly to ensure that we would be prepared to handle a severe outbreak in the City of Visalia. Supplies were ordered to provide City employees with adequate protection to continue with their duties and protect our workforce. The City of Visalia Emergency Operations Center was opened for one week to help assist with keeping up with the large flow of information that was being generated by the H1N1 virus. Daily updates were provided to all Department Heads to ensure that we met any issues that developed. Training was provided to employees who needed additional information about the virus and proper personnel protective equipment issued to the employees most at risk.

During the summer months, the Fire Department continued to monitor the outbreak and was very active in the planning process to prepare for the anticipated impact of the H1N1 during the fall flu season. Fire Department and other City representatives have participated in numerous planning meetings with Tulare County Public Health and the Office of Emergency Services (OES). We have continued to update and improve our internal plan to deal with a pandemic, and have taken a leadership role in planning for the entire county. In addition, two employees were sent to a H1N1 Pandemic Preparation Planning training hosted by the State Department of Public Health. Also, in July, the City of Visalia held an Emergency Operations Center table top drill and used a H1N1 Pandemic as our drill theme. We had Public Health and OES participate in the drill with us.

A vaccine for the H1N1 virus is currently being produced, but the production process takes longer than the normal flu vaccine. It is not known how much of the vaccine will be available for the fall flu season. On October 1, 2009, City employees will participate in a Point of Dispensary drill with Tulare County Public Health. This drill will assist the City of Visalia in further preparation for possibly providing vaccine or anti-viral medication in the case of a Pandemic.

Last month the Federal Government put out an estimated impact of the H1N1 flu for the fall flu season. It is estimated that half of the United States population may be impacted in some form by the H1N1 virus and possibly 90,000 fatalities as a result of the H1N1 virus. The number of possible fatalities is  $\frac{1}{2}$  to  $\frac{2}{3}$  greater than the normal seasonal flu. Again, these are only estimates, but we need to continue to be vigilant in our preparation. The Fire Department will continue to monitor the information regarding the H1N1 virus and will also continue to be a leader in Tulare County's preparation efforts for the fall flu season.

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

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

**Alternatives:** N/A

**Attachments:** Power Point Presentation

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

No motion necessary.

***Environmental Assessment Status***

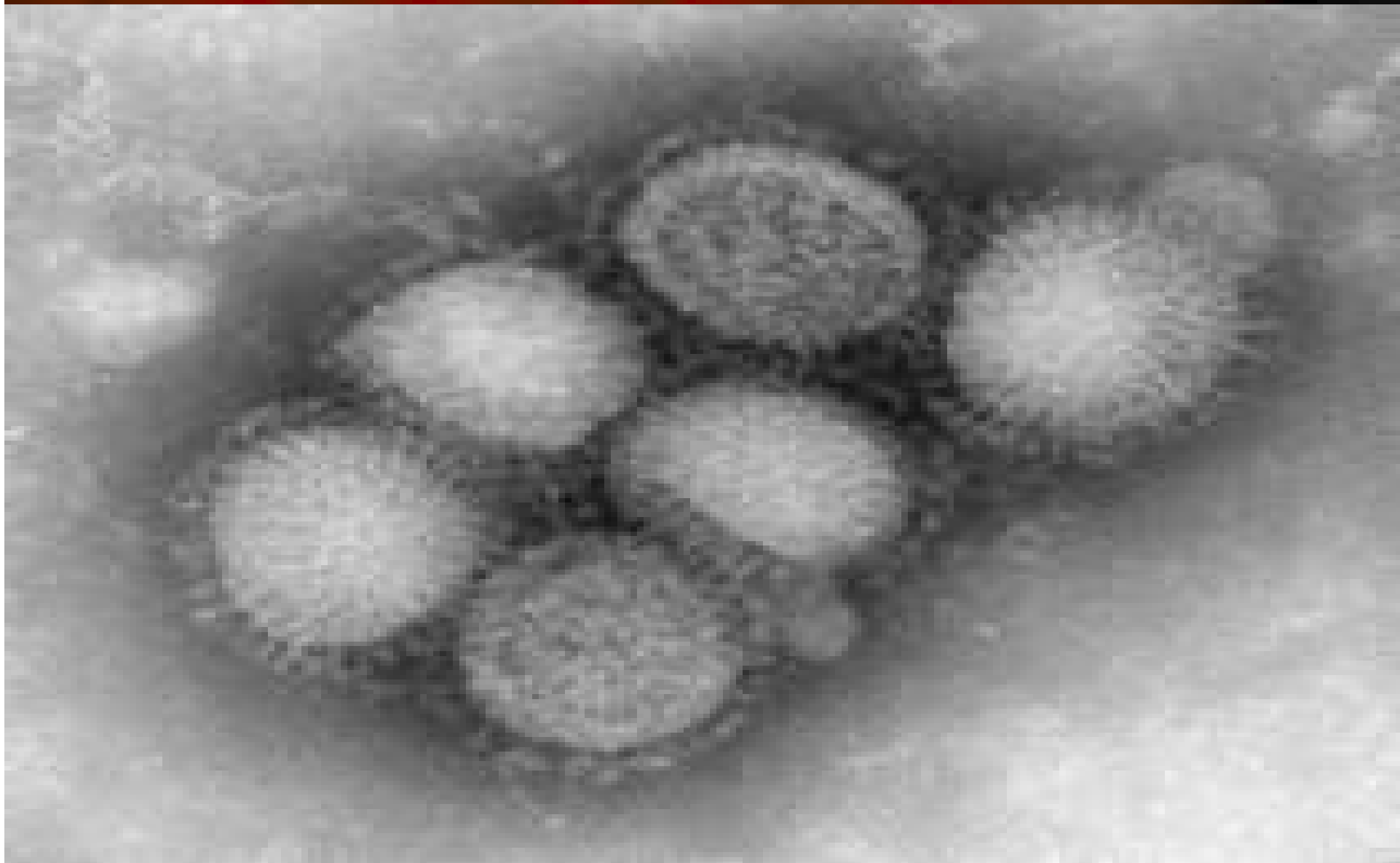
**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to: None

# September 2009 H1N1 Update



# International Status



- On June 11, the World Health Organization raised the pandemic alert level from phase 5 to phase 6 indicating that an influenza pandemic is underway.

# National and California Status

- As of week 34 (August 22-29, 2009)
- 7,983 Hospitalizations - National
- 593 Fatalities – National
- 1663 Hospitalizations – CAL
- 144 Fatalities – CAL
- No Fatalities in Tulare County

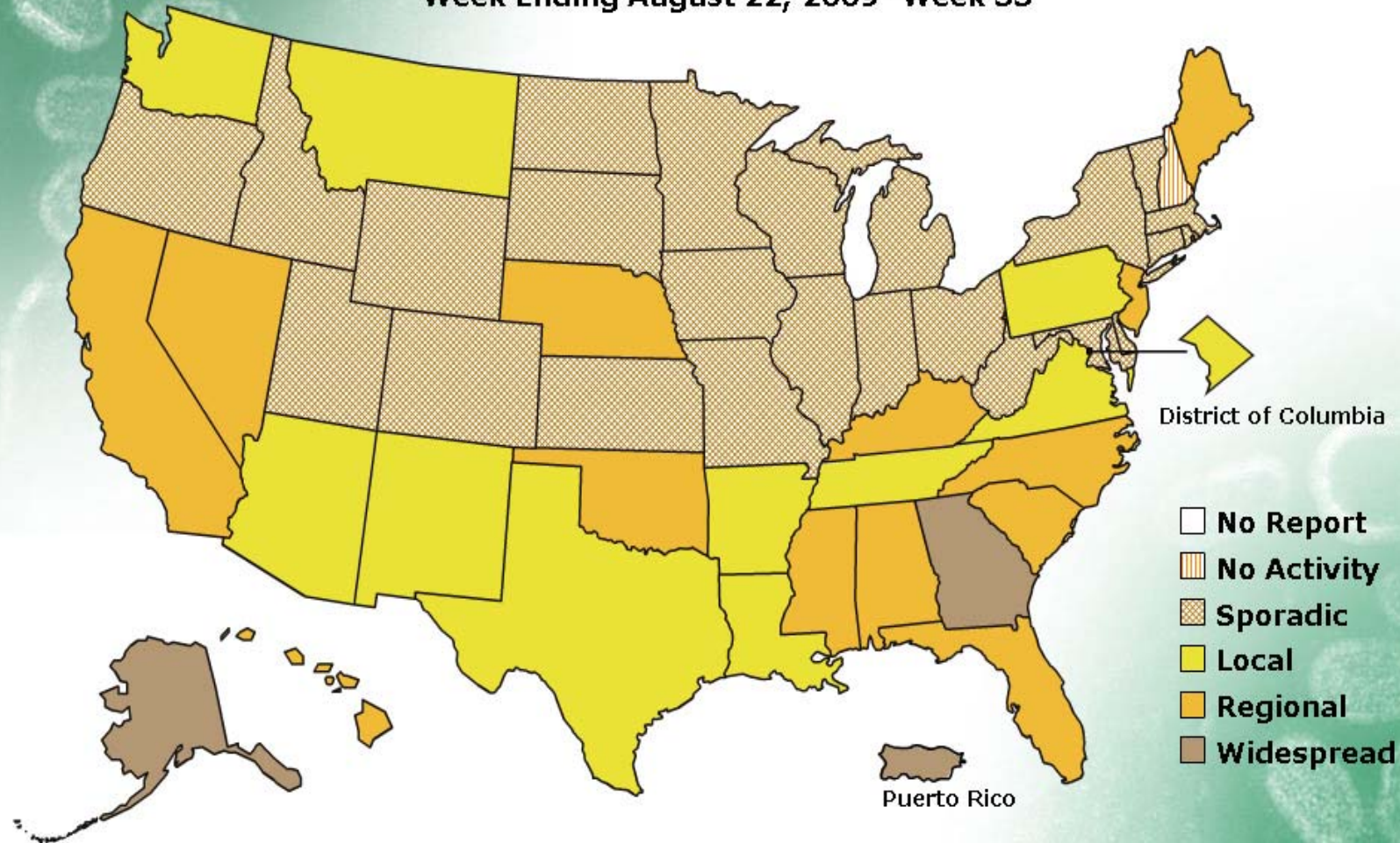


# FLUVIEW



**A Weekly Influenza Surveillance Report Prepared by the Influenza Division**  
**Weekly Influenza Activity Estimates Reported by State and Territorial Epidemiologists\***

**Week Ending August 22, 2009- Week 33**



\*This map indicates geographic spread and does not measure the severity of influenza activity.

# Tulare County Status

- H1N1 did not slow down over the summer and is predicted to get worse this fall.
- Only cases that result in death or hospitalization being reported.
- 40% of influenza-like-illness being tested in Tulare County lab, test positive for H1N1.

# Public Health Plan for Fall

- Areas of responsibility are divided into 4 committees.
  - Education/ Preparedness
  - Epidemiology/ Lab Surveillance
  - Vaccine distribution
  - Medical Surge



Influenza



# Point of Dispensing Plans (POD)

- Planning to exercise the County POD plan with the seasonal FLU vaccine.
- All agencies invited to observe or participate.
- Recommend to observe walk-in POD at Heritage Complex.
- Event to take place on October 1<sup>st</sup>

# Point of Dispensing Plans (POD)

- POD locations

- Mooney Grove / Visalia

drive thru

- Jamison Stadium / Porterville

drive thru

- Heritage Ag Center / Tulare

walk in

- VFD sta.55 / Visalia (possible option as well)

# 2009 H1N1 Vaccine

- Different than seasonal flu.
- Requires two shots three weeks apart.



# 2009 H1N1 Vaccine

- Based on severity of pandemic
  - Severe, moderate, and less severe.
- Current plan is for school age children to receive vaccine first.
- May vaccinate 1<sup>st</sup> responders as small scale POD exercise this Fall.



# COV Initial Outbreak Action

- Order Supplies – Protect Workforce
- Open Emergency Operations Center
- Communicate with Dept Heads
- Provide Training to Employees
- Provide Personnel Protective Equipment



# COV Action During Summer

- Continue to Monitor Outbreak
- Continue Updates with Internal Plan
- Meet with Public Health and OES
- Pandemic Preparation Planning
- EOC Table Top Drill
- Leadership Role with Planning in Tulare County

# Federal Government Estimations

- One half of the US Population may be Impacted during the Fall Flu Season
- Possibility of 90,000 Fatalities
- We will Continue to be Vigilant in our Preparation



# City of Visalia Agenda Item Transmittal

**Meeting Date:** September 21, 2009

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

**Agenda Item Wording:** Update of the Lover's Lane Interchange project and request authorization for the City Manager to execute an agreement with Mark Thomas & Company, Inc. to perform the additional work requested by Cal Trans for conducting traffic analysis including the future Road 148/SR 198 Interchange at the estimated cost of \$47,339 using Measure R funds.

**Deadline for Action:** None

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Adam Ennis – 713-4323  
Greg Dais – 713-4164

**Department Recommendation:**

Staff recommends that City Council receive and accept this update of the Lover's Lane Interchange Project and authorize the City Manager to execute an agreement with Mark Thomas & Company, Inc. to perform the additional work requested by Cal Trans for conducting traffic analysis including the future Road 148/SR 198 Interchange at the estimated cost of \$47,339 (Project # 0012-9952) using Measure R funds.

**Background/Summary:**

Due to increased development in the area, the Lovers Lane and State Highway 198 interchange has become impacted by traffic and is insufficient in providing acceptable levels of service for current and future traffic levels. The Lover's Lane Interchange Project consists of reconfiguring and expanding the interchange to increase the capacity and levels of service of the various traffic movements in the future. On May 10, 2007, Mark Thomas & Company, Inc. was hired as the engineering consultant for the project to provide the Project Study Report. To date the consultant has completed the initial site assessment, utility mapping, survey work for preliminary environmental analysis, traffic analysis and developed alternative layouts for the interchange.

The consultant has been evaluating the current and future projected traffic patterns at the interchange to determine the appropriate interchange design. Traffic modeling by the Tulare County Association of Governments (TCAG) was evaluated and future growth estimates were performed based on land uses and future planned roadways. For the traffic analysis portion of the report the consultant was provided the City's plans for future additions to the roadway

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 20

**Review:**

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

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(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.

system in that area. Although planned and budgeted in Measure R Phase 2, the Road 148/SR198 interchange was not included in the analysis since it has not been added to the Freeway Agreement with Cal Trans. Since the future interchange had not been added to the Freeway Agreement yet, which can be a relatively long and arduous process, Cal Trans would not allow the consultant to consider its future relief of traffic loads on the Lovers Lane/SR198 interchange. Therefore, future projections of traffic loads for the Lover's lane Interchange were analyzed and submitted to Cal Trans for their review without considering the future Road 148/SR 198 interchange. After several reviews and requests for revisions by Cal Trans the future traffic projections were approved. The consultant then began the traffic analysis for several alternative configurations for the interchange. The layouts considered included modification of the existing hook ramps, adding hook ramps, roundabout ramps, etc. **However, due to the lack of SR198 overcrossings and interchanges in this portion of the City, the traffic analysis indicated that future levels of service at the Lovers Lane interchange would be poor with all potential interchange layouts, even with a substantial expansion of the interchange such as triple left turn lanes.** According to the traffic analysis, the interchange is acting as a large funnel for all the traffic in the area attempting to cross SR198.

Due to the consultant's findings, City staff requested that the consultant perform some preliminary analysis to evaluate the possible influence of the future Road 148/SR 198 interchange on the projected traffic volumes at the Lover's Lane Interchange. **Based on their analysis it appeared that the future Road 148/SR 198 interchange could possibly provide enough traffic relief to the Lover's Lane interchange to substantially reduce the needed improvements and continue to provide an acceptable level of service as required by the City and Cal Trans.**

Based on the additional traffic analysis conducted by the consultant, City staff and the consultant requested that Cal Trans allow the future Road 148/SR 198 interchange be included in the future traffic projections for the Lover's Lane Interchange. Cal Trans agreed that it was appropriate to include the future interchange but would require additional analysis to determine if the future interchange would meet the traffic requirements to be added to the Freeway Agreement. One of the requirements is that it must be justified by traffic analysis showing the future need. Modifying the Freeway Agreement to add the interchange will also require approval by the California Transportation Commission (CTC) in the future. Cal Trans has requested that the City's consultant conduct and provide a specific scope of work to analyze the future Road 148/SR 198 interchange and its impact on the Lovers Lane interchange. The consultant has provided a proposal for this additional scope of work with a fee of \$47,339 which staff believes is reasonable for the added tasks.

## **Conclusion**

This additional work would provide enough data for Cal Trans to allow inclusion of the future Road 148/SR198 interchange into the traffic analysis for the Lover's Lane Interchange. The future projected traffic volumes for the Lover's Lane Interchange would then be reduced allowing for a smaller reconfiguration and expansion of the interchange (which would reduce upgrade costs significantly) and would assist in keeping the City from potentially "overbuilding". The additional work would also begin to lay the groundwork for getting the Road 148/SR 198 interchange into the Freeway Agreement with Cal Trans.

Once the traffic volumes are adjusted and the Cal Trans requested evaluations are completed interchange configurations can be evaluated and a preferred configuration for the Lover's Lane Interchange improvements selected. The project report, engineering design and right-of-way acquisition can then begin and are anticipated to take approximately 2 to 3 years to complete

with construction taking one to two years to complete thereafter. City staff has requested that the consultant be looking for all possible interim upgrades that could be constructed prior to the ultimate construction project that would assist in relieving the traffic congestion at the interchange and that would fit into the final configuration.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:** None Recommended

**Attachments:**

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

I move to receive and accept this update of the Lover's Lane Interchange Project and authorize the City Manager to execute an agreement with Mark Thomas & Company, Inc. to perform the additional work requested by Cal Trans for conducting traffic analysis including the future Road 148/SR 198 Interchange at the estimated cost of \$47,339 (Project # 0012-9952).

***Environmental Assessment Status***

**CEQA Review:** Environmental Document 2007- 45- Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15332 (infill project) of the Guidelines for Implementation of the California Environmental Quality Act

**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:

# ACTION

## PLANNING COMMISSION AGENDA

CHAIRPERSON:  
Lawrence Segrue



VICE CHAIRPERSON:  
Adam Peck

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

MONDAY SEPTEMBER 14, 2009; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

7:00 TO 7:00

1. THE PLEDGE OF ALLEGIANCE

7:00 TO 7:00

2. CITIZEN'S REQUESTS - The Commission requests that a 5-minute time limit be observed for requests. Please note that issues raised under Citizen's Requests are informational only and the Commission will not take action at this time.

No one spoke

7:00 TO 7:00

3. CITY PLANNER AGENDA COMMENTS – No comments

7:00 TO 7:01

4. CHANGES TO THE AGENDA – No changes

7:01 TO 7:02

5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.

Consent Calendar was approved (Peck, Lane)  
3-0 Soltesz & Salinas  
absent

- a. Time Extension for Conditional Use Permit No. 2006-23
- b. Time Extension for Conditional Use Permit No. 2007-41
- c. Memorandum and Understanding for the Firkin & Hound Restaurant
- d. Finding of Consistency for Phasing and Elevations for Conditional Use Permit No. 2008-40

7:02 TO 7:39

6. PUBLIC HEARING– Paul Bernal

Sign Variance Denied  
(Peck, Lane) 3-1 Soltesz  
voted no, Salinas absent

Sign Variance No. 2009-10: A request by Ad Art Sign Company to erect a 35-foot high/72 square foot double face freestanding sign for the Orchard Supply Hardware store located in the C-R (Regional Retail Commercial) Zone. The site is located at 2230 West Walnut Avenue. (APN: 095-134-045 & 046)

Open: 7:11

Close: 7:25

Spoke:

- 1. David Esajan
- 2. Patrick Walsh
- 3. Crag Van Ryn

7:39 TO 7:59

7. PUBLIC HEARING – Paul Bernal

Approved as recommended (Lane, Peck) 3-1 Soltesz voted no, Salinas absent

Conditional Use Permit No. 2009-36: A request by Richard Coleman to allow a tattooist in a permitted barber and nail salon in the C-R (Regional Retail Commercial) zone. The site is located at 1324 South Mooney Boulevard. (APN: 096-321-008)

Open: 7:44

Close: 7:46

Spoke:

1. Richard Coleman

7:59 TO 8:06

Approved as recommended (Peck, Lane)4-0 Salinas absent

Open: 7:56  
Close: 7:59

Spoke:  
1. Wa Wang

8. PUBLIC HEARING – Paul Bernal

Tentative Parcel Map No. 2009-04: A request by Lane Engineers, Inc., on behalf of Samatha Stella Thompson c/o Roland Roos to divide 3.29 acres into two (2) parcels with a remainder in the R-1-6 (Single-Family Residential, 6,000 sq. ft. minimum site area) Zone. The site is located on the south side of West Meadow Lane just 90 feet west of the intersection of South Demaree Street and West Meadow Lane. (APN: 087-110-032)

8:06 TO 8:15

9. DIRECTOR’S REPORT/PLANNING COMMISSION DISCUSSION:

- 1. GPA update Interviews
- 2. Planning Commission/City Council Meeting to be held on September 29, 2009.

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, SEPTEMBER 28, 2009  
CITY HALL COUNCIL CHAMBERS, 707 WEST ACEQUIA**

8:15 TO 8:15  
Motion to Adjourn (Segrue, Peck) 4-0 Salinas absent



# City of Visalia Agenda Item Transmittal

**Meeting Date:** September 21, 2009

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

**Agenda Item Wording:** Accept the City of Visalia Cash and Investment Report for the fourth quarter ending June 30, 2009.

**Deadline for Action:** None

**Submitting Department:** Administration - Finance

**Contact Name and Phone Number:** Eric Frost 713-4474,  
Jason Montgomery 713-4425

**Department Recommendation:** Staff recommends that Council take the following actions:

1. Accept the City of Visalia Cash and Investment Report for the quarter ending June 30, 2009.

### Economic Outlook

The economy continues to contract although the pace of the contraction is slowing and may begin to stabilize in the next few months. However, unemployment continues to remain high, incomes are stagnant, and consumers and businesses remain reluctant to spend and invest. At its June 2009 meeting the Federal Open Market Committee continued to hold the position that economic conditions are likely to warrant exceptionally low levels of the federal funds rate for an extended period of time. Although the FOMC did feel that economic activity was leveling out and that the end of the recession was coming soon, they did feel that economic activity is likely to remain weak for a time.

### Portfolio Performance

The June 30, 2009 investment report had a managed balance of \$128.67 million with a monthly portfolio earnings rate of 2.11%. The earnings rate for 2008-09 (July 08 – June 09) was 2.93%. Key benchmarks and performance statistics for the City's portfolio are shown in Table 1, Managed Portfolio Performance Statistics.

#### **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.

Quarter Ending	Portfolio Balance	City Monthly Portfolio Rate	LAIF Balance	LAIF Rate	2 YR Treasury	Weighted Average Maturity (WAM)
March, 2009	\$113.93	2.46%	\$72.66	1.91%	0.80%	0.46 years
June, 2009	\$128.67	2.11%	\$87.00	1.54%	1.11%	0.33 years
<b>Fiscal Year 2008-2009</b>		<b>2.93%</b>		<b>2.25%</b>	<b>1.31%</b>	

The portfolio balance grew \$14.74 million from March 2009 to June 2009 due mainly to a property tax payment received from the county on May 1, 2009. The payment received totaled \$15.58 million.

As rates have fallen, the city's managed investment portfolio rate has also fallen. Since December of 2007 the fiscal year to date portfolio rate has fallen from 4.63% to 2.93% or 37%. For comparison purposes, since December of 2007, the fiscal year to date LAIF rate has fallen from 5.15% to 2.25% or 56% and the fiscal year to date 2 year Treasury rate has fallen from 3.76% to 1.31% or 65%.

#### *LAIF*

The Local Agency Investment Fund (LAIF) is an investment option for California's local governments and special districts. LAIF is a part of a pooled investment account that has oversight from the State Treasurer, Director of Finance, and State Controller. The City invests a portion of its portfolio in LAIF because it is a liquid investment with a competitive yield.

At the end of June 2009 LAIF had 55% of its investments maturing within three months. Because of its short average maturity, its yield will continue to fall over the next few months. LAIF's yield has slipped from 1.91% at the end of March to 1.00% at the end of August 2009.

#### **Future Management**

The City manages the portfolio partly by considering the weighted average maturity (WAM) based upon management's expectations for rising, neutral or declining interest rates. Usually, the longer an investment's maturity, the higher the interest rate will be. However, the longer the maturity, the more at risk the portfolio is to market gains or losses due interest rate changes. As a result, the City has a target WAM based upon expected interest rate environments as shown on Table II, Target Weighted Average Maturity (WAM) Based on Interest Rate Expectations.

Table II  
Target Weighted Average Maturity (WAM)  
Based Upon Interest Rate Expectations

Forecasted Interest Rate Environment	Target WAM (Years)
Rising	0.50
Neutral	1.50
Declining	2.50

As previously discussed, rates have fallen. Staff believes that rates will begin to increase in the coming months and have positioned the portfolio to take advantage of future rising rates. When

rates are rising, the stated goal for the portfolio WAM is 0.50 years. At the end of June 2009 the portfolio WAM was 0.33 years. Staff will continue to keep the WAM short until it feels that rates will remain steady at which point the WAM will be increased to 1.50.

Another consideration in managing the investment portfolio is what investment alternatives exist if the City wanted to buy 3 or 5 year securities. At 1.43% or 2.36%, respectively, the risk/reward calculation does not justify buying a longer term security. As a result, staff continues to invest only in short-term securities.

**Cash Summary**

The City's cash and investments consist of the following as shown on Table III: Cash Summary at Market Value (in millions) as of 06/30/09.

Table III: Cash Summary at Market Value, 06/30/09

Investment Type	Amount (in millions)
<b>Managed Portfolio</b>	
LAIF	\$87.00
CD's	\$15.48
Agencies	\$14.14
Corporate Note	\$ 9.15
Citizens Sweep Account	\$ 2.90
<b>Total Managed Portfolio</b>	<b>\$128.67</b>
Trustee Cash and Investments	\$11.81
Banks & Depositories	\$.45
<b>Total Cash &amp; Investments</b>	<b>\$140.93</b>

This information is taken from the two report attachments: 1) City of Visalia Investment Position Report as of 06/30/09, attachment #1; and 2) City of Visalia Cash and Investments Summary as of June 30, 2009, attachment #2.

**City Investment Policy**

The City's investments are diversified by the various maturities, call structures, and credit types in the above categories which are allowed by the City's Investment Policy and California Government Code Section 53600 et seq. LAIF funds are highly liquid to meet the City's daily cash flow requirements while maintaining a high degree of safety and a higher rate of return over other suitable liquid investments. The City continues to maintain its conservative and prudent investment objectives, which in order of priority are safety, liquidity, and yield, while maintaining compliance with federal, state, and local laws and regulations. These investments enable the City to meet its expenditure requirements for the next six months, as required by state law.

**Attachments:**

- Attachment #1, City of Visalia Investment Position Report
- Attachment #2, City of Visalia Cash and Investment Summary

**Recommended Motion (and Alternative Motions if expected):** Move to accept the City of Visalia Cash and Investment Report for the fourth quarter ending June 30, 2009.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

# Attachment #1

City of Visalia  
Investment Position Report

30-Jun-09

		Coup. Rate	Yield (YTM)	Maturity Date	Face Value	Purchase Price	General Ledger Balance	Current Market Value	Purchase Date
<b>Checking Accounts</b>		2.3%							
Citizens Business Bank		1.17%	1.17% *	30-Jun-09	2,900,648	2,900,648	2,900,648	2,900,648	Various
	Totals		1.18%		2,900,648	2,900,648	2,900,648	2,900,648	
	Average Maturity (Days/Years)		1						
			* Note: Interest is based on an average daily balance.						
<b>Agency Notes</b>		11.0%							
Federal Home Loan Mtg Corp.	3137EAAF6 07-277	5.25%	4.85%	18-Jul-11	2,000,000	2,029,480	2,157,500	2,157,500	14-May-07
Federal Home Loan Banks	3133MGYH3 08-144	5.75%	4.32%	15-Aug-11	3,000,000	3,146,820	3,264,390	3,264,390	13-Nov-07
Federa Home Loan Banks	3133XGDD3 08-142	5.38%	4.23%	19-Aug-11	3,000,000	3,118,230	3,240,000	3,240,000	13-Nov-07
Federal Farm Credit Banks	31331XG30 08-143	5.45%	4.42%	21-Jun-12	3,000,000	3,127,320	3,302,820	3,302,820	13-Nov-07
Federal Home Loan Banks	3133XLX73 08-096	5.00%	4.71%	14-Sep-12	2,000,000	2,025,140	2,173,760	2,173,760	28-Sep-07
	Totals		4.27%		13,000,000	13,446,990	14,138,470	14,138,470	
	Average Maturity (Days/Years)		866	2.37					
	Average Duration								
<b>CD'S</b>		12.0%							
Citizens Business Bank	09-138	3.20%	3.30%	24-Jul-09	5,000,000	5,000,000	5,000,000	5,000,000	24-Oct-08
Bank of The Sierra - CDARS #1	09-260	1.88%	1.90%	13-Aug-09	5,000,000	5,000,000	5,000,000	5,000,000	12-Feb-09
Bank of The Sierra - CDARS #2	09-277	1.73%	1.75%	03-Sep-09	5,000,000	5,000,000	5,000,000	5,000,000	05-Mar-09
Visalia Community Bank		2.25%	2.25%	04-Oct-09	240,000	240,000	240,000	240,000	04-Mar-09
WestAmerica Bank (County Bank)	09-150	3.59%	3.70%	03-Dec-09	240,000	240,000	240,000	240,000	03-Nov-08
	Totals		2.35%		15,480,000	15,480,000	15,480,000	15,480,000	
	Average Maturity (Days/Years)		47	0.13					
<b>Corporates</b>		7.1%							
General Electric Cap Corp	09-278 & 9	3.75%	3.89%	15-Dec-09	5,000,000	4,994,500	5,042,550	5,042,550	06-Mar-09
Wells Fargo & Co.	09-323	4.63%	4.19%	09-Aug-10	4,000,000	4,022,000	4,102,200	4,102,200	15-Apr-09
	Totals		3.99%		9,000,000	9,016,500	9,144,750	9,144,750	
	Average Maturity (Days/Years)		272	0.74					
<b>LAIF</b>		67.6%							
State of California Local Agency Investment Fund			1.54%	Demand	87,001,631	87,001,631	87,001,631	87,001,631	Various
					87,001,631	87,001,631	87,001,631	87,001,631	
	Totals		2.11%		127,382,279	127,845,769	128,665,499	128,665,499	
	Average Maturity (Days/Years)		121	0.33					
Change from	31-May-09	Rate Days	-0.04% -11						

Attachment #2

CITY OF VISALIA CASH & INVESTMENTS SUMMARY  
As of June 30, 2009

<u>INSTITUTION</u>	<u>PURPOSE</u>	<u>BALANCE</u>	<u>TOTAL</u>
<b><u>CASH IN BANKS</u></b>			
BANK OF AMERICA	CONVENTION CENTER	\$ 33,782	
BANK OF AMERICA	GOLF	227,056	
CITIZENS BUSINESS BANK	A/P & PAYROLL	180,890	
PETTY CASH	VARIOUS DEPTS	11,034	
	<i>Total Cash Deposits</i>	<u>11,034</u>	\$ 452,763
<b><u>CASH AND INVESTMENTS WITH FISCAL AGENTS (TRUSTEE)</u></b>			
US BANK	2002 WASTE WATER BONDS	864,015	
	2003 EAST VISALIA REDEVELOPMENT	692,086	
	2005 CERTIFICATE OF PARTICIPATION	2,061,101	
ACCEL (Workers Compenation)	EXCESS LIABILITY DEPOSITS	1,032,744	
CITIZENS BUSINESS BANK	RDA LOAN - MOONEY DISTRICT	6,119,730	
DELTA DENTAL	DENTAL PREFUNDING	60,700	
EIA HEALTH	HEALTH PREFUNDING	955,947	
KEENAN & ASSOC	WORKERS COMP PREFUNDING	10,759	
VSP	VISION PREFUNDING	11,210	
	<i>Total Trustee Deposits</i>	<u>11,210</u>	11,808,291
<b><u>PORTFOLIO INVESTMENTS (MARKET VALUE)</u></b>			
UNION BANK OF CALIFORNIA INVESTMENTS		23,283,220	
LOCAL AGENCY INVESTMENT FUND		87,001,631	
SWEEP ACCOUNT (CITIZENS)		2,900,648	
CD'S		15,480,000	
	<i>Total Portfolio Investments</i>	<u>15,480,000</u>	128,665,499
<b>TOTAL CASH AND INVESTMENTS</b>			<b><u>\$ 140,926,553</u></b>

# City of Visalia Agenda Item Transmittal

**Meeting Date:** September 21, 2009

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

**Agenda Item Wording:** Request authorization to file a Notice of Completion for the Recreation Park Stadium Right Field Improvements Project, Dugout Reconstruction and Regrading of the Playing Field, Project # 0017-15152-720000-0-8037 located at 300 North Giddings Street. (Final Total Cost \$ 11,500,000)

**Deadline for Action:** None

**Submitting Department:** Community Development Department

**Contact Name and Phone Number:**

Adam Ennis – 713-4323  
Greg Dais – 713-4164

**Department Recommendation:** Staff recommends that authorization be given to file a Notice of Completion for the Recreation Park Stadium Right Field Improvements Project, Dugout Reconstruction and Regrading of the Playing Field, Project # 0017-15152-720000-0-8037 located at 300 North Giddings Street.

### Background

**Right Field Improvements:** The Recreation Park Stadium Right Field Improvement Project was approved by City Council on February 19, 2008, with an \$11.6 million dollar total budget. Included in that budget, City Council also approved a construction contract with Seals/Biehle Construction for the construction of the improvements at a cost of \$7,740,000. The project consisted of construction of a 19,994 sq. ft two story building with 344

permanent seats in the right field box and elevated grass berm seating. Within the building, there is a Hall Of Fame Club, with 52 outdoor permanent seats, a concession stand, team souvenir store, restrooms, team offices, ticket booth and 1433 sq. feet of leasable space.

**Dugout Reconstruction:** Due to strict fiscal management and minimal change orders during construction up through September 2008, the project budget appeared to have the capacity to add reconstruction of the dugouts to the project. Reconstruction of the dugouts, which included the addition of increased seating capacity, restrooms and handicap lifts, was a priority improvement to meet Arizona Diamondbacks and Minor League Baseball standards. Due to the relatively short time frame remaining for construction, the additional work was added to the Seals/Biehle construction contract. On October 6, 2008, the City Council approved an additional scope change order for \$715,000 to the general contractor already under contract for the Right Field Improvements to increase the scope of their contract to include the New Dugout Construction.

**Regrading Of Playing Field:** Regrading of the playing field was a priority requested by the Arizona Diamondbacks due to concerns for player safety. The playing field regregrading was not

### For action by:

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

### For placement on which agenda:

Work Session  
 Closed Session

### Regular Session:

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 20

### Review:

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

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

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

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



included in the \$7.74 million Right Field Improvement construction contract that was awarded on February 19, 2008, because it was not clear if there would be sufficient funding remaining in the original budget approved by City Council to cover this expense. However, due to efforts by the design team, the contractor and the City staff to control costs on the construction, there was sufficient funding for this improvement with sufficient contingency available for all of the remaining work. On November 17, 2008 City Council approved an additional scope change order to the Seals/Biehle construction contract to include the regrading of the playing field. The Rawhide Baseball Club took on the responsibility for installing new warning track material, infield material, bases and pitchers mound.

On April 15, 2009, the Right Field Improvements, Dugouts, and Playing Field was substantially complete and turned over to the Rawhide Baseball Club for use on their opening night, April 16, 2009 and during their 2009 Season.

The contractor worked on the "punch-list" items to satisfy final inspections and providing a graffiti coating to the right field structure. Completion of these items occurred through August due to some long lead items, repairs and small additional scope change orders needed to assist in operations of the stadium.

All of the work has been completed on this project by Seals/Biehle Construction at a final contract cost of \$9,048,209. The original contract amount for this job was \$7,740,000 with two additional scope change orders approved by City Council of \$715,000 for reconstruction of the dugouts and \$250,000 for regrading, repairing/adjusting sprinklers and re-sodding the playing field. The total City Council approved contract amount was \$8,705,000. The remaining overage of \$343,209 (3.9%) was due to several Change Order Committee approved change orders (excluding the City Council approved additional scope of work change orders for the dugout reconstruction and playing field regrading). The approved change orders can be divided into three categories:

- 1.) Unforeseen Conditions: Unknown conditions were discovered requiring additional work to properly complete the project and keep the project on schedule. These constituted about 7.4% of the change orders. These change orders included items such as:
  - i. Replacing rusted right field light tower base that was originally covered by grout.
  - ii. Cost to remove perimeter footing below grandstand berm to facilitate slab connections.
  - iii. Grounding right field light tower.
  - iv. Repairs needed for outfield sprinklers system due to damage to unknown quick couplers located just below ground surface.
  - v. Reinstall infield sprinkler system due to unavoidable damage during dugout construction.
  - vi. Replace decaying wooden padding supports at backstop.
  - vii. Plant street trees. Urban Tree Foundation grant suspended by State of California due to state budget.
  - viii. Place epoxy coating on dugout slab floors to minimize moisture transfer through slabs to meet warranty requirements for flooring.
  
- 2.) Additional Scope of Work: Additional work was needed to improve operations, maintenance, aesthetics, meeting schedule, suppliers needs such

as the beverage companies, etc. These constituted about 41.2% of the change orders. These change orders included items such as:

- i. Anti-graffiti coating to all brick and precast exterior finishes.
- ii. Additional temporary fencing, temporary power, padding and protection measures to protect fans and players during games played during construction period.
- iii. Addition of brick veneer to large concrete retaining walls facing inside of stadium to improve aesthetics.
- iv. Addition of mow strips on grass berm to assist in maintenance.
- v. Additional modified conduit and power runs to accommodate specific beverage company supplier needs.
- vi. Addition of tile to leaseable space restroom to avoid conflicts with adding at time of tenant improvements.
- vii. Widening ticket counters from 12" to 18" to improve operations.
- viii. Provide temporary power to irrigation controller.
- ix. Additional work for elevators and wheel chair lifts per state elevator inspector requirements.

3.) Credited work deleted from project such as eliminating the tuff shed. These constituted about 9.5% of the change orders. These change orders included items such as:

- i. Removal of Tuff Shed from contract due to the rawhide and Habitat for Humanity building a barn instead.
- ii. Shortened gas line installation.
- iii. Signage removed from this contract and separate signage contractor hired for all signage.

4.) Extra Costs due to plan and specification discrepancies found during construction. These constituted about 41.9% of the change orders. These change orders included items such as:

- i. Mitigate structural floor beam/Louver conflict.
- ii. Miscellaneous electrical conflicts on plans and specifications.
- iii. Concession roll up door finish and stainless steel counter conflicts.
- iv. Additional wall covering in concessions and venting as required by building code.
- v. Insulation/fire sprinkler conflicts.
- vi. Additional structural blocking and framing for support of awnings and storefronts.
- vii. Structural/architectural conflicts on drawings
- viii. Sound system modifications to facilitate operations.
- ix. Provide planter drainage.
- x. Modifications to grading at south side of facility.
- xi. Dugout changes due to omissions and conflicts.
- xii. Waterproofing modifications along grass berm to eliminate moisture seepage into first floor of facility.

## Conclusion

The project was delivered at about \$100,000 under budget at a total cost of \$11,500,000 and met the required schedule for the Rawhide Baseball Club. Construction of the right field

improvements, along with the new dugouts, regrading of the playing field and repairing the existing stadium lighting, are a significant improvement to the stadium and achieved the priority improvements required by the Minor League. It has increased the capacity of the stadium and provided facilities, such as the VIP banquet room, that were not previously on site. Recreation Park Stadium is an historic and cultural asset to the community and the renovation has made the stadium a modern baseball facility, a new venue for community events and a catalyst for increased investment in the neighborhood and the downtown.

**Prior Council/Board Actions:**

February 19, 2008 - City Council approved the Right Field Improvement Budget of \$11.6 million dollars and the construction agreement with Seals/Biehle in the amount of \$7.74 million dollars. On October 6, 2008, City Council approved issuing a change order to Seals/Biehle in an amount of up to \$715,000 to add the dugout construction to their scope of work (within the existing budget). On November 17, 2008 City Council approved a change order to the current construction contract to include the regrading of the playing field (within the existing budget).

**Committee/Commission Review and Actions:**

**Alternatives:** None Recommended

**Attachments:** Ownership Disclosure for Contractors and Consultants

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

I hereby move to authorize filing the Notice of Completion for the Recreation Park Stadium Right Field Improvements Project, Dugout Reconstruction and Regrading of the Playing Field, Project # 0017-15152-720000-0-8037.

***Environmental Assessment Status***

**CEQA Review:** Environmental Document 2007- 45- Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15332 (infill project) of the Guidelines for Implementation of the California Environmental Quality Act

**NEPA Review:**

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

Copies of this report have been provided to:

## City of Visalia Agenda Item Transmittal

**Meeting Date:** September 21, 2009

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

**Agenda Item Wording:** Appointment of a representative of the Mooney Boulevard Merchant's Organization to the General Plan Update Review Committee.

**Deadline for Action:** None

**Submitting Department:** Community Development- Planning

**Contact Name and Phone Number:** Paul Scheibel 713-4369,  
Fred Brusuelas 713-4364

**Department Recommendation:** It is recommended that the Visalia City Council appoint Mr. Don Wright of the Mooney Boulevard Merchant's Organization as a representative to participate on the General Plan Update Review Committee.

**Background / Prior Council Actions:** On November 3, 2008, the City Council authorized the formation of a General Plan Update Review Committee, and expanded the Committee's composition to include representation from several key stakeholders. The representative list for the Committee was approved by the Visalia City Council on December 15, 2008. There are currently 22 persons on the Committee representing 20 community-based groups (see attached Exhibit "A" for roster). The Committee held its first meeting on March 25, 2009, and has met approximately once a month since then.

**Discussion:** The Mooney Boulevard Merchant's Organization is an ad hoc consortium of business persons whose establishments are located along Mooney Boulevard. The group began very informally under the auspices of the Visalia Chamber of Commerce in February 2008, to facilitate communication between Caltrans and the business owners affected by the Mooney Blvd. street widening project. The City has attended the monthly "coffee klatches" since the group's inception.

The group and their meetings have evolved and grown over time. Approximately 20 – 25 business persons, Chamber staff, Caltrans and City staff members and officials regularly participate in the meetings. The group and their interests have also evolved over time to include marketing partnerships, community-wide business development, and developing strategies to preserve and enhance the Mooney Blvd. corridor as the area's primary retail business address.

On September 10, 2009, the Organization voted to request representation on the General Plan Update Review Committee. If representation is granted, Mr. Don Wright is expected to be the Organization's representative (please see Meeting Minutes, Exhibit A). Mr. Wright is a retail business owner (Wright's Hallmark) and has been an active participant in the Mooney Boulevard Merchant's Organization since its inception.

**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**

**Finance**

**City Atty**

**City Mgr**

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

**Alternatives:** None

**Attachments:** Exhibit "A" - Mooney Boulevard Merchant's Organization (Coffee Klatch)  
Minutes, September 10, 2009  
Exhibit "B" – General Plan Update Review Committee Roster

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

I move to include the Mooney Boulevard Merchant's Organization in the General Plan Update Review Committee, and to designate Mr. Don Wright to serve as its representative on the Committee.

***Environmental Assessment Status***

**CEQA Review: NA**

**NEPA Review: NA**

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

Exhibit "A"  
General Plan Update Review Committee  
Committee Roster - March 2009

<u>AUTHORIZED GROUP</u>	<u>DESIGNATED REPRESENTATIVE</u>
Visalia City Council	Bob Link (Committee Chair)
Visalia City Council	Greg Collins
Visalia Planning Commission	Larry Segrue (Committee Vice Chair)
Visalia Planning Commission	Vincent Salinas
Parks & Recreation Commission	Carla Calhoun
Parks & Recreation Commission	Jeff Boswell
Bicycle, Pedestrian, Waterways Trails Committee	Bob Brown
Citizens Advisory Committee	Dirk Holkeboer
Environmental Committee	Dean Mann
Historic Preservation Advisory Committee	Tim Burns
North Visalia Neighborhood Advisory Committee	Bill Huott
College of the Sequoias	Eric Mittlestead
Hispanic Chamber of Commerce	Raymond Macareno
Kaweah Delta Hospital	Dena Cochran
Tulare / Kings Home Builders Association	Josh McDonnell
Tulare County Affordable Housing	Ken Kugler
Tulare County Board of Realtors	Brian Icenhower
Tulare County Farm Bureau	Brian Blain
Visalia Chamber of Commerce	Mike Knopf
Visalia Economic Development Council	Jim Robinson
Visalia Unified School District	Randy Groom



# City of Visalia Agenda Item Transmittal

**Meeting Date:** September 21, 2009

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

**Agenda Item Wording:** Adoption of Resolution 2009-41 authorizing the City of Visalia's participation in the San Joaquin Valley Air Pollution Control District's Healthy Air Living Business Partner. **(Resolution 2009-41 required)**

**Deadline for Action:** N/A

**Submitting Department:** Administration

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

**Department Recommendation:**

The Visalia Environmental Committee recommends that the Visalia City Council sign the Healthy Air Living Resolution authorizing Visalia to join the San Joaquin Valley Air Pollution Control District's "Healthy Air Living Business" program.

**Background:**

The San Joaquin Valley Air Pollution Control District is seeking Visalia's continued support in working towards clean air for all Valley residents by participating in this voluntary, no cost, program that is available to Valley businesses. As a "Healthy Air Living Business Partner" Visalia will receive the (SJVAPCD's) assistance and resources to help Visalia's employees reduce their driving, adopt alternatives to pollution-creating practices, devise energy-efficiency strategies and help to reduce Visalia's operational emissions. As a partner the City of Visalia will receive free marketing and outreach tools, including incentive items to help promote Visalia's commitment to air quality measures.

All businesses participating in the program are asked to fill out a pledge card indicating how they will participate. The following are the program elements Visalia is already committed to include:

- \*Adopt a clean-fleet procurement policy
- \*Provide direct deposit of checks
- \*Develop outdoor picnic areas for employees
- \*Provide bicycles for employees for use for short trips
- \*Use solar power technology
- \*Schedule energy audits
- \*Enhance and accelerate maintenance/tune-up of combustion equipment
- \*Offer financial incentives to employees to reduce commute vehicle usage
- \*Offer telecommuting to employees, when practical
- \*Link employees to carpooling and vanpooling resources
- \*Allow appropriate personal internet usage during breaks and lunch
- \*Provide onsite services for employees such as mailing services, copying or dry cleaning

**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 91309**

**Finance**

**City Atty**

**City Mgr**

In addition, staff will look into implementing the following additional programs:

- \*Provide information to employees about the restrictions on wood-burning fireplaces
- \*Develop a green purchasing policy for procuring goods and services
- \*Provide preferred parking for carpools
- \*Provide secure bicycle storage
- \*Explore and adopt measures to minimize diesel vehicle idling

As one of the first efforts under this program, the SJVAPCD is sponsoring the Commute Green in the San Joaquin Challenge to encourage Valley employees to reduce emissions by ridesharing or using alternative methods of transportation.

The goal of this program is to increase the awareness of existing air quality measures currently available to City employees that will help reduce single occupancy commute vehicle trips and reduce motor vehicle emissions. As a Healthy Air Living Business Partner the SJVAPCD will assist in highlighting existing programs such as the Vi-Cycle Program, Ride-Share, public transportation programs, the Transportation Incentive Program (T.I.P) and the "Commute Green in the San Joaquin" program, which are all available to City employees. In doing so, the City organization can serve as an example for healthy air living for other local organizations and businesses.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

Resolution

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

I move to approve adoption of the Healthy Air Living Business Partnership resolution

***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 18<sup>th</sup> 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*

## RESOLUTION NO. 2009-41

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING VISALIA AS A HEALTHY AIR LIVING BUSINESS PARTNER

**Whereas**, the San Joaquin Valley faces unprecedented challenges in realizing clean air due to the perfect environment for pollution created by the natural geography and topography, and although advancement towards clean air has been made through innovation and participation among all segments of the Valley, there is still a long way to go; and

**Whereas**, in order to meet health-based standards for clean air in the Valley, citizens must reduce emissions Valleywide, which requires the active participation of every organization and individual; and

**Whereas**, Visalia has embraced air-quality improvement through innovative measures and a commitment to a better quality of life for its residents; and

**Whereas**, the Valley Air District's Healthy Air Living initiative encompasses a year-round approach to weaving choices into the fabrics of our lives that result in cleaner air and therefore better health for the Valley's residents; and

**Whereas**, Visalia makes a commitment to work towards cleaner air, and believes that all Visalians can be an active part of the solution by implementing Healthy Air Living strategies such as using transportation alternatives; adopting green purchasing policies, providing employees on-site services that reduce the need for driving during the day, and modifying operations to incorporate energy efficiency measures; or strategies that will reduce the emissions businesses produce;

**Now, therefore, be it resolved** that the Visalia City Council proclaims the City of Visalia a dedicated Healthy Air Living Business Partner.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** September 21, 2009

**Agenda Item Number (Assigned by City Clerk):** 8

**Agenda Item Wording:** Approve final 2008-2009 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) (CDBG & HOME funds); and approve 4th Amendment to the 2008-2009 and 3<sup>rd</sup> Amendment to the 2007-2008 Action Plans reprogramming CDBG funds. **Resolution No. 2009- 42** Appendix "A" attached

**Deadline for Action:** September 21, 2009

**Submitting Department:** Housing and Economic Development

**Contact Name and Phone Number:** Ricardo Noguera (4190); Rhonda Haynes (4460); Nancy Renovato (4462),

**Department Recommendation:**

1) That the City Council adopt by resolution the Final 2008-2009 Program Year CAPER (Consolidated Annual Performance Evaluation Report); and

2) That the City Council approve the 4th Amendment to the 08/09 Action Plan and 3<sup>rd</sup> Amendment to the 2007-2008 Action Plan, re-direct \$50,000 from the 08/09 and \$13,000 from 07/08 Action Plan due to a significant lower cost than previously anticipated for installation of new lamps in the Washington School neighborhood, and re-direct the remaining funds to support improvements to Jefferson Park which is in the same neighborhood.

**Summary/background:**

On September 08, 2009, City Council reviewed the Draft Action Plan Amendments and the Draft Consolidated Annual Performance and Evaluation Report (CAPER). This meeting, September 21, 2009, is a public hearing that allows, public testimony, authorization to reallocate funding through an amendment and also allows final review of the CAPER report for submission to the U. S. Department of Housing and Urban Development (HUD).

**1) Consolidated Annual Performance and Evaluation Report (CAPER) 2008/2009 Final Report:**

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):20

**Review:**

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

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(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.

**HUD Requirements:**

The City of Visalia must submit a Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development as part of the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program requirements. This report is due by October 1, 2009, to the U. S. Department of Housing and Urban Development (HUD).

The CAPER provides Council and the public with information about where CDBG and HOME funds were spent compared to the needs of the community. The report recognizes progress and accomplishments achieved this year in reaching the goals set in the 2005/10 Five-Year Consolidated Plan (ConPlan), and the ConPlan’s fourth year 08/09 Annual Action Plan for the period beginning July 1, 2008 through June 30, 2009, along with their associated amendments.

The September 08, 2009, Work Session, Council Transmittal Report has been incorporated into the CAPER report starting on page 35 for your review.

**Program Analysis.** During the 2008-2009 Program Year, some programs exceeded expectations while the housing rehabilitation programs were challenged to succeed. The housing rehabilitation programs were awarded to Self Help Enterprises to administer during the 07/08 program year. Since January, staff has been working with SHE to combine all three program guidelines. SHE has increased outreach efforts as well. City Staff and SHE believe with increased public awareness participation will increase.

**Table II Expenditures 2008-2009**

This table identifies the HOME and CDBG Funds for the program year as they relate to meeting the National Objectives. Additional detailed data is provided and attached as Appendix “B”; 2008-2009 CAPER Expenditures”.

Table I

HOME fund expenditures were as follows:

- Affordable Housing: \$1,456,943

CDBG fund expenditures were as follows:

- Neighborhood Preservation \$123,730
- Public Improvements: \$58,139
- Economic Development/Public Parking Facility: \$190,515
- Public Parks/Public Facility: \$124,277
- Special Needs Services: \$179,284

**Totals: \$2,132,888**

**Table III**

## HUD 08/09 Housing Program Goal Achievement

<b>Program Unit/Services Goal</b>	<b>Unit Goal</b>	<b>Unit Completed</b>	<b>% of Goal</b>
Code Enforcement (Provides code enforcement for the abatement of housing and building code violations in CDBG Target Areas.)	120	356	297
Fair Housing (Provides referral information and assistance to those complaining about possible housing discrimination.)	100	109	109
First Time Homebuyers (Provides 3% loans up to \$40,000 to low to moderate income individuals for home ownership.)	14	6	43
Senior Home Minor Repair Program (Provides minor home repairs to seniors)	600	623	104
**Senior Handicapped And Repair Program (Provides grants of up to \$5,000 to low and extremely low income individuals to repair mobile homes.)	14	21	150
**Emergency Repair and Basic Need's (Provides home repair loans up to \$10,000 to mitigate health and safety problems.)	10	1	10
**Housing Rehabilitation Program (Provides 2% loans up to \$60,000 to rehabilitate homes of low to moderate income individuals.)	3	1	33

Although most of the programs and services exceeded expectations, some programs fell short of the desired goal. Notwithstanding, the nationwide housing meltdown impacting all sectors of the economy, particularly the housing market, the City continues to strive and resolve these hurdles by making programs more attainable to families in need. City staff evaluated and made enhancements and revisions to the Housing Rehabilitation, Emergency Repair and Basic Needs and Senior Handicapped And Repair Programs over the course of the year.

### **2) Action Plan Amendments:**

Staff recommends that City Council approve redirecting CDBG funds from the Washington School Area Project in the amounts of \$13,000 from 07/08 and \$50,000 from 08/09 funding year, to address improvements to Jefferson Park, located within the Washington School Area.

### **Proposed Re-allocations**

Washington School Area (CDBG- \$13,000) 3rd Amendment to 07/08 Program Year: Thus far, 39 new street lights were added to existing poles, and 8 were rotated for better service, one of which was upgraded to larger lamp (total of 47), throughout the Washington School neighborhood totaling approximately \$12,000. Staff is recommending that the remaining funds re-directed and utilized to address improvements to Jefferson Park.

Washington School Area (CDBG- \$50,000) 4<sup>th</sup> Amendment to 08/09 Program Year: Thus far, City Staff has focused on addressing: lighting, traffic, and graffiti removal. Traffic safety has also improved the area through installation of a 4-way stop sign and re-stripped crosswalks near Washington School. The allocation of \$50,000 remains unexpended and staff recommends redirecting and utilizing these funds for improvements to Jefferson Park, located within the Washington School Area.

## Proposed Increases

Jefferson Park Improvements (CDBG-\$63,000): Staff is recommending that \$63,000 be re-directed to assist with improvements needed at Jefferson Park. The park is located at 700 S. Watson bounded by Watson/Myrtle/Encina and Cypress within the CDBG targeted area.

**Jefferson Park Reconstruction:** This infrastructure project achieves long term public benefit, improves the quality of life and improves 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 the foul line fencing in addition to lighting at the Jefferson Park basketball courts.

**Prior Council/Board Actions:** Adoption of the 2005/10 Consolidated Plan and adoption of the 2007-2008 Action Plan (May 07, 2008) and 1<sup>st</sup> & 2<sup>nd</sup> amendments (July 14, 2008 and September 15, 2008) and Action Plan 2008/2009 (April 21, 2008) and 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Amendments (November 3, 2008- NSP funding, April 20, 2009 and June 1, 2009- CDBG-R funding)

**Committee/Commission Review and Actions:** City Council reviewed the Draft CAPER report on September 08, 2009. Mayor Gamboa requested staff to increase its outreach to the community, including the Visalia Rescue Mission. Staff has increased its outreach efforts and shall continue to encourage participation from other non-profit agency's and other members of the public.

**Alternatives:** None recommended.

### Attachments:

Appendix "A" Resolution No. 2009- 42

Appendix "B", 2008-2009 CAPER expenditures

Appendix "C" 2008-2009 Program Year Consolidated Annual Performance and Evaluation Report (CAPER). (Begins on page 20)

Attachment "D", Distribution of Project Expenditures for CDBG, HOME and Redevelopment Low/Moderate Funds

**Recommended Motion (and Alternative Motions if expected):** Move to adopt Resolution 2009-42- the Final 2008-2009 Program Year CAPER (Consolidated Annual Performance Evaluation Report) as recommended; and Move to approve the 4th Amendment to the 08/09 Action Plan and 3<sup>rd</sup> Amendment to the 2007-2008 Action Plan, re-direct \$50,000 from the 08/09 and \$13,000 from 07/08 Action Plan due to a significant lower budget than previously anticipated for installation of new lamps in the Washington School neighborhood, staff is requesting to re-direct the remaining funds to support improvements to Jefferson Park which is in the same neighborhood.



***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:

**RESOLUTION NO. 2009-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
APPROVING THE 2008-2009 PROGRAM YEAR  
CONSOLIDATED ANNUAL PERFORMANCE AND EVALUTION REPORT**

**WHEREAS**, the City of Visalia operated the Community Development Block Grant Program (CDBG), and the Home Investment Partnerships Grant Program (HOME) for the 2008-2009 Program Year; and

**WHEREAS**, the City is required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) for the activities and expenditures for the 2008-2009 Program Year; and

**WHEREAS**, the City must also certify that it is complying with HUD requirements for the use of CDBG and HOME funds; and

**WHEREAS**, the City has spent \$2.4 million dollars of CDBG and HOME funds during the 2008-2009 Program Year, and more than 77% of its funds were used to assist households with incomes at or below 80% of median income; and

**WHEREAS**, the City Manager is the certifying official for all HUD reports and transactions.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Visalia that it approves the attached 2008-2009 Program Year Consolidated Annual Performance and Evaluation Report, and authorizes the City Manager to submit the same to HUD on behalf of the City of Visalia.

Appendix "B"- 2008-2009 CAPER Expenditures

Appendix "B", 2008-2009 CAPER Expenditures

Consolidated Annual Performance and Evaluation Report Expenditures					
		CDBG	HOME	TOTAL	UNITS
	<b>SOURCES OF REVENUE:</b>				
1	Beginning Balance	883,798	1,668,423	2,552,221	
2	Annual Grant Amount	1,185,800	491,716	1,677,516	
3	HOME matching funds - RDA Low/Mod			-	
4	Program Income	123,649	533,157	656,806	
5	<b>TOTAL REVENUE</b>	2,193,247	2,693,296	4,886,543	
6					
7	<b>EXPENDITURES:</b>				
8	Administration	200,445	49,172	249,617	
9					
10	<b>Subtotal Admin and Operating</b>	200,445	49,172	249,617	
11					
12	Net for Programs and Projects	1,992,802	2,644,124	4,636,926	
13					
14	<b>AFFORDABLE HOUSING:</b>				
15	<b><u>Homeownership</u></b>				
16	Homebuyers Assistance Program (Contract w/CSET)		136,448	136,448	6
17	Property Acquisition - Paradise & Court(CHDO)		375,427	375,427	
18	Housing Rehabilitation (contract w/SHE)		97,806	97,806	1
19	<b><u>Neighborhood Preservation/Services</u></b>				
20	Emergency Repairs and Basic Needs (contract w/SHE)	25,905		25,905	1
21	Code Enforcement- Target Areas	63,325		63,325	356
22	Fairhousing Hotline (contract w/TCHA)	34,500		34,500	109
23	Loan Recapture Program (CHDO)		-	-	
24	<b>HOMELESSNESS</b>				
25	<b><u>Special Needs Facilities</u></b>				
26	<b>COMMUNITY DEVELOPMENT</b>				
27	<b><u>Public Improvements</u></b>				
28	ADA Compliance Projects	46,781		46,781	18
29	Washington Residential Area Public Improvements	11,358		11,358	1
30	<b><u>Economic Development/Public Parking Facilities</u></b>				
31	West Parking Structure Loan Payment (Section 108 Loan)	190,515		190,515	1
32	<b><u>Public Park /Public Facilities</u></b>				
33	Oval Park improvements			-	1
34	Village Park	124,277			1
35	<b>NON HOMELESS SPECIAL NEEDS HOUSING</b>				
36	<b><u>Special Needs Services</u></b>				
37	Senior Home Minor Repairs (contract w/CSET)	79,836		79,836	623
38	Mobile Home Senior Repair and Handicapped Access (SHE)	99,448		99,448	21
39	Sierra Meadows Senior Housing		847,262		1
40					
41	<b>Subtotal Programs &amp; Projects</b>	675,944	1,456,943	2,132,887	
42					
43	<b>TOTAL EXPENDITURES</b>	876,389	1,506,115	2,382,504	
44					
45	<b>REVENUE LESS EXPENDITURES</b>				
46	Remaining to Carry Forward	1,316,858	1,187,181	2,504,039	

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** 9/21/2009

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

**Agenda Item Wording:**

- Update regarding City staff's progress toward the implementation of the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps (FIRMs).
- Requests that Council direct City staff to work with the City's lobbyist (Akerman Senterfitt) toward the extension of FEMA's Preferred Risk Program
- Request that the Council authorize the Mayor to sign a letter asking FEMA to approve the City of Visalia's participation in the Community Rating System.

**Deadline for Action:** N/A

**Submitting Department:** Community Development/  
Engineering Division

**Contact Name and Phone Number:**

Chris Young, Assistant Community Dev. Director – 713-4392  
Michael Olmos, Assistant City Manager – 713-4332

**Department Recommendation:** Staff requests that the City Council do the following:

- Accepts this update and provides any comments or direction it deems appropriate
- Direct City staff to work with the City's lobbyist (Akerman Senterfitt) toward the extension of FEMA's Preferred Risk Program
- Authorize the Mayor to sign a letter asking FEMA to approve the City of Visalia's participation in the Community Rating System

**FEMA Update:** Council asked City staff to implement the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps (FIRMs). Staff has had numerous conversations with FEMA representatives and engineers. Staff has also had discussions with local engineers, surveyors, developers, residents, and others as part of an ongoing process aimed at providing the most effective and appropriate recommendations to Council regarding the implementation of the FEMA FIRMs. **The purpose of this staff report is to provide Council with an update regarding progress of this implementation.**

**Efforts to Extend the Preferred Risk Program (PRP):** Currently, the PRP provides for a substantial discount on the flood insurance rate during the initial one-year period following the implementation of the new FIRMs. Following this initial period, the insurance rate will increase substantially. The Mayor, Council and City staff continue their efforts to have FEMA grant an

**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.

extension of the PRP for at least an additional year. Working toward this goal, members of Council and City staff have met several times with representatives from Senator Boxer's, Feinstein's and Congressman Nunes' offices. Congressman Nunes' has written to FEMA's Acting Director requesting the extension of the PRP. Even though FEMA has extended the PRP for an additional year (or longer) for a number of cities throughout the country, to date, FEMA's Acting Director has declined to extend the PRP for Tulare County. City staff has become aware that because FEMA has received complaints from numerous cities regarding its Preferred Risk Program extension criteria, FEMA may be amending its current criteria for granting PRP extensions. These amendments may mean that the City of Visalia could potentially qualify for an extension of the PRP.

Staff would like to work with the City's lobbyist (Akerman Senterfitt) to "monitor" these potential PRP policy changes. Akermann will be able to closely follow this process and engage FEMA if the PRP amendments are not beneficial to the City or if the City would not initially be included under draft criteria. Staff will report back to Council on the progress of potential FEMA PRP amendments.

**FEMA's Community Rating System Update: *Staff recommends that Council authorize the Mayor to sign a letter (see Exhibit "A") expressing the City's interest in initiating an application for the Community Rating System (CRS) Program.***

City staff has made contact with FEMA and their consultant that manages the Community Rating System (CRS) program. The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum National Floodplain Insurance Program (NFIP) requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS:

- Reduce flood losses
- Facilitate accurate insurance ratings
- Promote the awareness of/need for flood insurance

For CRS participating communities, flood insurance premium rates are discounted in increments of 5 percent (i.e., a Class 1 community would receive a 45 percent premium discount, while a Class 9 community would receive a 5 percent discount). The CRS classes for local communities are based on 18 creditable activities, organized under four categories:

- Public Information
- Mapping and regulations
- Flood damage reduction
- Flood preparedness

A preliminary review of the City's current practices for these 18 creditable activities indicates that we clearly qualify as a Class 9 community and may possibly qualify as a Class 8 community. A written request from the mayor is required to begin the process with FEMA of applying to the CRS program.

**Local Working Group:** Council approved a staff recommendation to establish a local working group of engineers, and other interested residents that have related knowledge or expertise in this field of study to act as an informal steering committee regarding floodplain related issues. The committee membership includes Councilmember Link, several engineers/land surveyors, an insurance professional, a developer, a representative of the Kaweah Delta Water Conservation District, a representative of the Tulare County RMA, several Visalia residents, and members of City staff. The first meeting of the group was held on June 4<sup>th</sup> and the second on July 16<sup>th</sup>.

In late June, the City obtained the available flood study (and related background information) from FEMA. This information was used by FEMA's consultant to formulate the "new" FIRMs.

This background information consists of survey data, hundreds of pictures, flow data, Kaweah Dam's operational information, flood modeling information, correspondence between the flood study's consultant and FEMA, etc. This information was sent to the City on a hard drive containing 90 gigabytes of flood study related data.

At its July meeting, the local working group formed a technical subcommittee (which is meeting on 9/17/09) with the following responsibilities:

- Perform a cursory review of the flood study background data obtained from FEMA
- On October 1, 2009, report back to the whole committee (the local working group) meeting with recommendations of how to proceed
- Recommend other flood control options that might reasonably "improve" local floodplain conditions

The technical subcommittee has been reviewing the flood study data since July. The time period between July and September has been utilized by staff and some technical subcommittee members to review the flood study information and form their recommendations. Recommendations from the local working group, along with any updates will be brought to Council on November 2, 2009.

Status of City's Request for Qualifications (RFQs): As a result of the City's RFQ, a referral list of seven qualified firms has been posted on the City's FEMA webpage (**Exhibit "B"**). These firms are all qualified to perform survey work related to the FEMA FIRMs including preliminary survey research and related analysis. These firms are all qualified to assist residents or groups of residents with FEMA LOMRs, LOMAs, elevation certificates, etc.

As part of the City's RFQ, a consultant(s) may be retained to assist the City with the evaluation of various FEMA breach scenarios, and to identify all potential cost effective options to prevent or reduce the impact of potential flooding. City staff will consider the recommendations of the "local working group" as it evaluates consultants for this task.

Level of City staff's effort: The City has a six member "team" handling phone calls, emails, and counter calls concerning the flood insurance rate map (FIRM) changes. A specific phone line and email address has been established and distributed to the community in order to answer questions, make flood zone determinations, as well as advise property owners and insurance agents in the best possible course to take for a given property.

In addition to standard flood zone determinations, City staff is often requested to provide letters indicating that a home is classified as "Post-FIRM" and therefore eligible under FEMA's grandfathering rules. These letters, containing building construction dates and historic FIRM information, have been effective in obtaining insurance policies for homeowners at substantial discounts.

Over the past five months, the City team has made over 4,000 flood zone determinations, prepared over 1,700 letters for individual properties, and created 650 exhibit maps in order to help property owners either cancel flood insurance or get them the best possible policy. Presently, we are experiencing approximately 20 phone calls per day and 75 emails per month, with the majority of the requests being from insurance agents seeking Post-FIRM information for properties. Currently, there is one staff member that works "full-time" (the six-member FEMA team is rotated daily) on these FEMA flood zone determination issues.

Preliminary Elevation Analysis of New Development Projects: FEMA, through their consultant Northwest Hydraulic Consultants, collected topographical data of Visalia and the surrounding County areas in June of 2005. At that time, the City was in the midst of a residential housing

boom resulting in a large number of new residential subdivisions throughout the City (with a larger proportion in the northwest quadrant of the City). Between 2005 and 2008, the City recorded 88 subdivision maps which 5402 residential lots. Engineered grading plans were submitted with each of these subdivisions. For many of these subdivisions, the grading activities occurred after FEMA's collection of this topographical data. The June 2005 topographical data was incorporated into the computer model that determined the flood water elevations throughout the city. The resulting flood maps show areas of flooding that met FEMA requirements to be considered Special Flood Hazard Areas (designated an AE Zone).

A standard practice with residential subdivision development is to cut the streets below the original ground elevations and to place the cut material as fill on top of the original ground elevations in the lot areas. This is done to meet City standards for requiring individual lots to drain from the back of lot to the street. Many of the 88 subdivisions constructed between 2005 and 2008 had lot grades and pad grades that were raised above the original ground elevations. Staff did an analysis of these 88 subdivisions and determined that 17 of them had portions of the subdivision area changed from the "X Zone" (out of the floodplain) to the "AE Zone" (in the floodplain). The subdivision grading plans for each of these subdivisions was analyzed and compared to the flood water elevations. Only 7 subdivisions analyzed had individual lots that were above the flood water elevations (total of 48 lots). Of these 48 lots, 25 are presently being removed by the developers who own them through the filing of Letter of Map Amendments (LOMA) with FEMA. The 23 remaining lots remain candidates for LOMA's.

There are many subdivisions throughout Visalia that existed prior to FEMA's collection of the topographical data. After the June 16, 2009 effective date of the new flood maps, there have been 55 existing residential homes changed from the AE zone to the X zone through the successful filings of LOMA's with FEMA. These LOMA's were filed by the individual property owners or by the professional land surveyors or engineers that they hired.

Notification Given to those Moving Out of the Floodplain: The Alert TC system was used to notify approximately 4,400 residents/property owners whose property was coming out of the floodplain. Approximately 5,600 postcards were utilized to notify residents/property owners of lots that came out of the floodplain. These property owners should not be required to pay flood insurance.

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 recommendations 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
- June 6, 2009: Council received an update from staff regarding FEMA's revised Flood Insurance Rate Maps (FIRMs)

**Committee/Commission Review and Actions:**

**Alternatives:** N/A

**Attachments:** Exhibit "A" – Letter requesting CRS participation  
Exhibit "B" - Referral list

**Recommended Motion (and Alternative Motions if expected):** Motion that Council accepts this update from staff, and directs City staff to work with the City's lobbyist (Akerman Senterfitt) toward the extension of FEMA's Preferred Risk Program. Motion that Council authorize the Mayor to sign a letter asking FEMA to approve the City of Visalia's participation in the Community Rating System.



Cynthia McKenzie  
FEMA Regional CAP-SSSE Coordinator  
FEMA Region IX  
1111 Broadway, Suite 1200

Dear Ms. McKenzie,

I am writing on behalf of the City of Visalia to express our interest in initiating an application for the Community Rating System (CRS) Program. It is our understanding that our last Community Assistance Visit (CAV) on October 27, 2009 would be sufficient to satisfy the CAV requirement to make application to the CRS.

Our staff has made contact with Dave Arkens, CFM who indicated to staff that, with your approval, he would be able to schedule an application meeting with City staff in December 2009 to begin the application process.

We look forward to working with you to bring our community into this program.

Sincerely,

Jesus Gamboa  
Mayor

**EXHIBIT "A"**

City of Visalia Disclaimer

The following firms have requested, and have obtained, recognition by the City of Visalia as qualified to perform survey work related to the FEMA flood insurance rate maps, including but not limited to preliminary survey research and elevation certificates. It is further recognized that each has experience in this field and employs a surveyor or engineer licensed by the State of California to perform this work.

It should be noted that additional companies with similar qualifications and expertise are available to the community. Citizens may consult additional directories for a comprehensive listing of professional services available.

Estimated prices for this work will vary. It is recommended that potential clients consult with a number of companies before making a selection.

The list of qualified firms per RFQ 08-09-63 is as follows (in alphabetical order):

4 Creeks, Inc.  
1150 N Chinowth St. Suite B  
Visalia, CA 93291  
(559) 802-3052 (559) 802-3215 fax

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DeWalt Corporation - [www.dewaltcorp.com](http://www.dewaltcorp.com)  
1930 22<sup>nd</sup> Street  
Bakersfield, CA 93301  
(661) 323-4600

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Forester, Weber, & Associates, LLC  
1620 W. Mineral King Ave  
Visalia, CA 93291  
(559) 732-0102 (559)732-8479 fax

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Neil Zerlang – Land Surveyor, Inc  
209 E. Noble Ave  
Visalia, CA 93291  
(559) 739-1616 (559) 739-1610 fax

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Provost & Pritchard - [www.ppeng.com](http://www.ppeng.com)  
130 N Garden Street  
Visalia, CA 93291  
(559) 636-1166 (559) 636-1177 fax

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Quad Knopf - [www.quadknopf.com](http://www.quadknopf.com)  
5110 W Cypress Ave  
P.O. Box 3699  
Visalia, CA 93278  
(559) 733-0440

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WRECO - [www.wreco.com](http://www.wreco.com)  
1243 Alpine Road, Suite 108  
Walnut Creek, CA 94596  
(925) 941-0017 (925) 941-0018 fax