

Regular Meeting Agenda Visalia City Council



Mayor: Bob Link
Vice Mayor: Amy Shuklian
Council Member: Warren Gubler
Council Member: Mike Lane
Council Member: Steve Nelsen

Monday, February 1, 2010

City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291
Work Session 4:00 p.m.; Closed Session immediately following
Regular Session 7:00 p.m.



4:00 p.m.

WORK SESSION AND ACTION ITEMS (as described)

1. Provide direction to the Citizens Advisory Committee (CAC) regarding the annual Public Opinion Survey and changes to the nonprofit grant funding application process. **Receive public comment.**
- 4:30 p.m. 2. Update regarding Visalia's groundwater conditions and the City's water conservation program. **Receive public comment.**
- 5:00 p.m. 3. Receive update from the California League of Cities regarding the ballot measure "Local Taxpayer, Public Safety, and Transportation Protection Act of 2010" and consider adopting a resolution pledging support. **Resolution 2010-04 required. Receive public comment.**

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

ITEMS OF INTEREST

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

4. Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 potential cases
5. Conference with Labor Negotiators (G.C. Section 54957.6)
Agency designated representatives: Steve Salomon, Eric Frost
Employee Organization: All employee groups

6. Conference with Real Property Negotiators (G.C.§54956.8)
Property: Lots E & F of Ashley Grove, Unit #12 per Parcel Map recorded 3-16-07 in Volume 42, Page 58 of Tulare Co. Maps (Portion of APN: 089-420-052)
Under Negotiation: Approval of purchase terms and conditions and reimbursement regarding landscaping costs
Negotiating Parties for City: Steve Salomon, Vince Elizondo, Paul Shepard
Negotiating Parties for Seller: Gary M. Smee of Porterville SM, LLC and Daryl C. Nicholson of VIC-NIC IV, LLC.

7:00 p.m.

CALL TO ORDER REGULAR SESSION

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Karl Schafer, Visalia First Presbyterian Church

SPECIAL PRESENTATIONS/RECOGNITION

PUBLIC COMMENTS - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council.*

This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Regular or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at the time the Public Hearing is opened for comment.

In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your street name and city.

7. INFORMATION ITEMS – (No action required)

- a) Receive Planning Commission Action Agenda for the meeting of January 25, 2010.

8. CONSENT CALENDAR - *Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

- a) Authorization to read ordinances by title only.
- b) Reappointment of Juan Guerrero to the North Visalia Neighborhood Advisory Committee.
- c) Appoint Steven Cullen and Matthew Owdom as regular members of the Historic Preservation Advisory Committee and Retta Niday and Steve Pastis as alternates.
- d) Award the contract for the construction of Traffic Signal Improvements for the intersection of Caldwell Avenue and County Center to Loop Electric Inc. in the amount of \$146,100. Project No: 1241-00000-720000-0-8112.

- e) Update on Ben Maddox Way/198 Over crossing project update and authorization for the City Manager to enter into professional service agreements with Quad Knopf for construction engineering support and survey/construction services and Kleinfelder West, Inc. for materials testing. Project Number 3011-00000-720000-0-9242.
- f) Authorization to award bid for nine Solid Waste truck cab & chassis to E. M. Tharp Inc. for \$1,119,602 and sole source the purchase of nine Solid Waste truck bodies to Ruckstell Inc. for \$1,443,907.
- g) Review and accept the 2008/09 Measure T Audit Report, as recommended by the Citizens Advisory Committee (CAC).
- h) Authorize the City Manager to receive \$50,000 sub-grant from the California Department of Toxic Substances Control (DTSC), appropriate the money for cleanup activities, and amend contract with Brown and Caldwell Constructors for \$50,000 for completion of Brownfield Cleanup project.

REGULAR ITEMS AND PUBLIC HEARINGS - *Comments related to Regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Mayor.*

- 9. Police Department update on current gang suppression activities to include recent multi-agency gang task force details; update on additional anti-gang strategies; update on efforts to obtain federal funding for gang intervention/prevention resources; acknowledgement of steps taken to fill five officer vacancies; authorization for a loan from the General Fund in the amount of \$242,000 to the Measure T Fund for the purpose of accelerating the hiring of two sworn officer positions; and request to release monies frozen in the FY 09/10 budget for the lease of an office building for the Department's Special Enforcement Bureau personnel (Gangs & Narcotics Units).
- 10. Provide an update regarding the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps (FIRMs) and request authorizations for the City Manager to enter into a professional services agreement with Northwest Hydraulic Consultants in an amount not to exceed \$70,000; enter into a professional services agreement with URS Corporation in an amount not to exceed \$10,000; and to pursue up to \$7 million in "Section 205" funding toward "long-term" flood mitigation measures.

CLOSED SESSION REPORT (if any)

Upcoming Council Meetings

- Tues, February 2, 2010, Joint Meeting with VUSD Board of Trustees, 6:00 p.m. 5000 W. Cypress
- Fri/Sat, February 5-6, 2010, Council Workshop, Fri. Noon-8 pm; Sat 8-5 pm; Convention Center 303 E. Acequia
- Tues, February 16, 2010, 4:00 p.m. Work Session; Regular Session 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.

The City's newsletter, Inside City Hall, is published after all regular City Council meetings. To self-subscribe, go to http://www.ci.visalia.ca.us/about/inside_city_hall_newsletter.asp. For more information, contact Community Relations Manager Nancy Loliva at nloliva@ci.visalia.ca.us.

*A quote from
Visalia's past:*

Officer DeVall wishes it stated that the young boys who for some time past have been carrying twenty-two rifles and shooting people's chickens, living in the outskirts of the city, will be tolerated no longer. 'This mischief has got to be stopped,' said officer DeVall, 'and any young boys caught carrying a rifle from this [time] on will be dealt with as the marshal sees fit.'" Daily Visalia Delta, January 7, 1906.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 1, 2010

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Citizen Advisory Committee work program items: review of public opinion survey and changes to the non-profit grant funding application process.

Deadline for Action: None

Submitting Department: Citizens Advisory Committee

Contact Name and Phone Number:

Chris Gomez- Subcommittee Co- Chair for Non-profits, 625-9600

Nyla Hallum, Subcommittee Chair for Public Opinion Survey, 622-8606

Eric Frost – Staff Liaison to CAC, 713-4474

Recommendation: That Council:

A) Review and provide direction on the Citizen's Public Opinion Survey as appropriate; and,

B) Authorizes the following changes in the non-profit grant funding application process:

(1) To postpone the application process until after council has approved the grant amount and qualifications for the grant;

(2) To consider funding to remain at a level comparable to the past 3 years; and,

(3) If funding is approved, to consider further CAC recommendations on additional changes to the grant qualification and application process prior to the commencement of the application process.

Summary: The Citizen's Advisory Committee (CAC) is tasked with a number of tasks including the administration of the annual Public Opinion Survey and the Non-profit Grant Awards. This report includes last year's public opinion survey report for Council's review. In particular, the CAC would ask that the City Council consider the questions on the survey in case there was a desire to revise any of these questions. Although the survey's value is that it is consistent year to year, one or two new questions could be added or changed. Last year's survey can be found on page 36 of that 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.):_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.

This last year, the survey was revised and the CAC changed the survey taking process from a phone survey to an in-person survey at various grocery stores in Visalia. The demographics improved, better matching Visalia's demographics. In addition, the survey efficiency greatly improved, yielding 8 surveys per hours worked compared to 2 or 3 per hours worked when conducting the survey by phone. The committee proposes to conduct the survey in the same manner this year.

The committee also believes that one of the benefits of the survey is to provide consistent feedback year to year. With that said, the committee also believes that it may be helpful to add or subtract a question or two each year. After considering the survey, the Council may want to add a question this year. If not, the subcommittee would suggest adding a question such as did you vote in the last municipal elections? If not, why?

Finally, the subcommittee would like to work with staff to develop an online survey process to supplement the annual survey. The feedback would be helpful because it provides Council with information about what residents think. However, the major benefit of the in-person survey is that it tends to be more representative of the average opinion of residents. Online surveys have individuals who decide to give their opinion. This group may be different than those who simply go to a grocery store.

As for the Non-profit grants, Council previously directed the Citizens Advisory Committee (CAC) to administer the \$167,330 nonprofit grant process and make agency funding recommendations to the Council. The CAC has completed three cycles of reviewing applications and recommending grant awards.

Due to the current economic circumstances, the CAC is making recommendations to improve the process and clarify expectations. The recommendations by the CAC are:

1. To postpone the application process from the usual early spring timeframe until after the Council has approved a set amount for the grant and qualifications for organizations to receive funding for the 2010-2011 fiscal year;
2. For the Council to consider keeping the grant amount at a level comparable to the past 3 years funding; and,
3. To allow the CAC time to make recommendations for further changes to the grant qualification and application process prior to the commencement of the application process.

The proposed recommendations have the following rationale:

1. Given the economic circumstances in 2009, the Council needed substantially more time to make a decision on the level at which the non-profit grant would be funded. This decision was traditionally made in February or March each year for the following fiscal year. The funding level for the 2009-2010 fiscal year was not approved until June 15, 2009. Despite substantial delay on the part of the CAC, the application process was initiated in late April 2009 in anticipation of a proposed funding level. Additionally, the grant qualifications were further modified by the Council at the June 15, 2009 meeting, systematically excluding nearly half of the applicants. For this reason the CAC recommends that a definitive decision by Council be made prior to the start of the application process to avoid any confusion and allow time for all applications to be considered once received.
2. The City of Visalia initiated this grant several years ago for a specific purpose of funding non-profit organizations and programs benefitting the youth of Visalia. In particular, it was the goal of this grant to encourage the funding of programs that take an active role in the

prevention and intervention of gang related activities that Visalia youth may otherwise engage in. Many organizations with programs that meet these goals have received funding for at least the past six years. All of the organizations that have been funded in the past have worthwhile programs that offer services and activities important to Visalia. For these reasons, as well as many more, the CAC recommends that the City Council seriously consider funding this grant and keep the level of funding consistent with that of the past three years.

3. There were issues raised during the funding process for 2009-2010 that require some attention. The non-profit subcommittee of the CAC has considered some of these issues but needs time to finalize the recommendations for full CAC consideration before presenting them to Council for approval. These recommendations expect to be addressed no later than the March 2010 CAC meeting. It is requested that the Council allow for these further recommendations regarding changes to the grant qualification and application process be made by the CAC prior to the commencement of the application process for 2010-2011.

Background:

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

- Who to Fund

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

- Activities to Fund

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

- Length of Funding

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

- Amount of Funding

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

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

- Amount of Funding

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

- Length of Funding

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

At the December 15, 2008 Council meeting, the CAC recommended the following further changes to the guidelines which were approved by Council:

- To reduce the minimum grant amount from \$5,000 to \$3,000;
- To require attendance at a CAC grant-writing workshop as a condition for applying for a grant; and,
- To require that the board resolution accompanying the application include a declaration that:

(a) the funds received from the City of Visalia will not be used for religious purposes and,

(b) the program will be available to any person regardless of religion, race, ethnicity, or sexual orientation.

At the City Council's June 12, 2009 meeting, two additional conditions were added, namely:

- Funding would only be given to organizations that had received funding in the past; and,
- Funding was only open to programs that worked with at-risk youth.

Because of the lateness of these new conditions, some non-profits had tried to comply with the funding requirements and found that they did not qualify after making some effort to qualify.

Prior Council/Board Actions: Approved policies for administering the funding of nonprofits, May 1, 2006. Approved changes to policies for administering the funding of nonprofits November 19, 2007. Approved further changes to policies for administering the funding of nonprofits December 15, 2008.

Committee/Commission Review and Actions:

Alternatives:

Attachments: 2009 Public Opinion Survey

Recommended Motion (and Alternative Motions if expected):
1) Move to approve the CAC's recommended changes to the nonprofit funding applications process timeline. 2) Provide direction as appropriate about the nature of the questions for the 2010 public opinion survey.

<i>Environmental Assessment Status</i>
CEQA Review:

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:

Public Opinion Survey



2008/2009

Conducted By:

The Citizens Advisory Committee

Spring 2009

Acknowledgements

The Citizens Advisory Committee, appointed by the City Council, is a group of individuals of various ages and interests bound together by their concern for Visalia. The committee's mission is to be an advocate and informed voice for the community and an active resource for City Council and staff. The committee prioritizes local issues and concerns and develops recommendations that will affect the future of Visalia. This Public Opinion Survey is produced annually by the committee.

The City of Visalia appreciates the Citizens Advisory Committee members, City staff, and other volunteers for their generous help in completing this survey and analyzing the results.

CITIZENS ADVISORY COMMITTEE

Dirk Holkeboer, Chairman-Citizens Advisory Committee

Matthew Ainley

Sylvia Baggs

Diane, Biehle

Lois Bollinger

Chris Gomez

Nyla Hallum

Nathan Hernandez

Betty McNutt

Phil Mirwald

Donna Orozco

George Ouzounian

George Shelton Jr.

David Wheeler

PUBLIC OPINION SURVEY SUBCOMMITTEE

Nyla Hallum, Chair

Betty McNutt

Phil Mirwald

Matthew Ainley

George Ouzounian

Dave Wheeler

George Shelton Jr.

SURVEY VOLUNTEERS

Kari Blofsky

Tim Fosberg

Dale Frost

Eric Frost

Renee Nagel

CITY OF VISALIA STAFF

Eric Frost, Finance Director
Stephen Puerner, Finance Intern

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Introduction

Background

The City of Visalia strives to improve the quality of services that it provides to its citizens and identifies key areas to focus on to make Visalia a great place to live. In response to the necessary changes Visalia is undergoing, feedback from the community is needed. The Public Opinion Survey is intended as a basic guide to measure the public concerns such as public works, public safety, and recreational activities, to name a few.

This year the Citizens Advisory Committee (CAC) changed the method on how public opinion survey was conducted. In past years, the CAC used telephone banks exclusively to conduct the survey. Last year's survey utilized current residential telephone lists, which included telephone listings for rental units. Previous surveys included high concentrations of elderly residents, which didn't coincide with census data. Times have changed and a substantial number of residents either don't have a residential land line or use their cell phone as a primary means of communication.

To compensate for this societal shift, the CAC piloted a new "in person" approach to conduct the public opinion survey. This year, the CAC selected four different supermarket chains to conduct their "in-person" surveys. To help in diversifying the sample and promote geographic balance, supermarkets were selected from each quadrant of the city.

Strong improvements were made in capturing more diverse sample, more closely matching 2005-2007 Census data demographics:

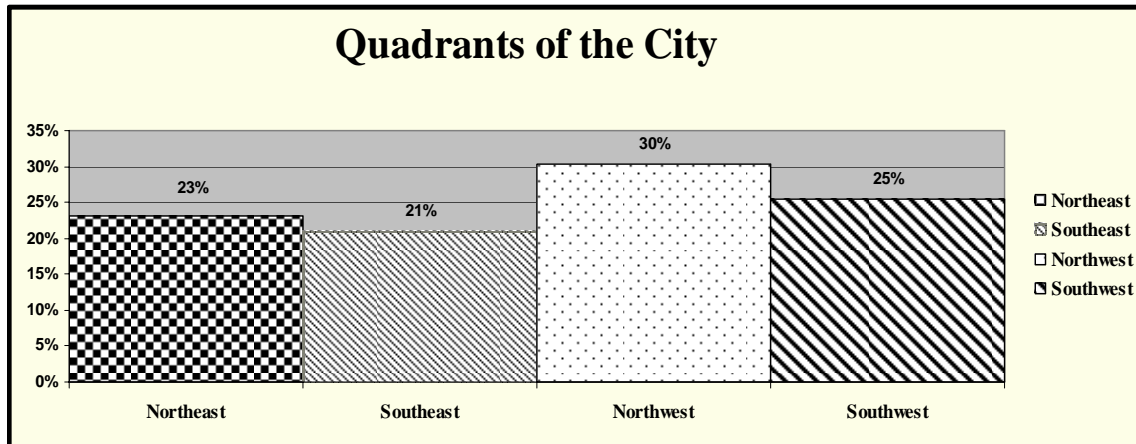
Ethnicity:

2009 Public Opinion Survey		2008 Public Opinion Survey		Difference
Hispanic or Latino	26%	Hispanic or Latino	16%	10%

Age:

*US Census for 2005-2007		2009 POS		Difference
55 and Over	28%	55 and Over	31%	-3%
35 to 54	35%	35 to 54	40%	-5%
20 to 34	36%	20 to 34	29%	7%

Quadrants:



Along with other improvements in conducting surveys on site was the valuable face-to-face interaction with citizens who took their time to take the survey. In the past, phone calls placed an inconvenience to citizens not looking to respond to a survey. Face-to-face contact provided respondents a comfort level that they could trust.

Efficiency of the survey was improved due to the new on-site face-to-face process involved. Getting respondents consent to participate was less time consuming than in years past. This year, the average survey taker gathered 8 surveys per hour. In the past, the average was 2 surveys per hour.

This year's survey was conducted in spring 2009, POS content reflected citizen's opinions about the City of Visalia year in areas of quality of life, safety, and services. Questions of concern for Civic center, traffic flow, and downtown improvements were included, along with open ended questions that will help aid in how the City of Visalia can better focus services and improve the overall quality of life. Surveys were collected from each of the four quadrants of the city. All hard copies surveys were transferred into an excel spreadsheet. Response information to questions on the survey were tallied and used to prepare different charts/graphs. An excel file was sent to Qualtrics, a process survey company, whose software tools allowed us further cross analysis of survey data.

Some bias may exist due to selection of specific grocery stores and dates selected to hold the surveys. This year's POS had reduced sample size of 271 from 400 respondents. Thus, the error rate increased from +/- 5% to +/- 6%. Nonetheless, the survey methodology proved to be successful in capturing respondents that better reflected census data. Improvements in gathering a more diverse survey sample were also visible as exemplified by increases in quadrants represented and increased participation by minorities.

Summary Highlights

A majority of respondents felt that the City of Visalia provides a great place safe to live and offers a high quality of services based on the follow summary highlights. And this year significant improvements were made in balance of survey demographics. Despite changes in demographics, many results were similar to previous year's data.

Quality of Life:

(Possible answers: Very High, High, Average, Low, & Very Low)

97% of respondents felt the overall quality of life in Visalia is Average to Very High.
58% of those respondents answered High to Very High.

Fire Services:

(Possible answers: Excellent, Good, Average, Poor, Very Poor, & No opinion)

89% of the 55 respondents who had contact with Fire Department, felt the quality of services were Good to Excellent.
95% of respondents from the Northeast rated the Fire Department as having Good to Excellent services.

Road Maintenance:

49% of respondents selected maintenance over park maintenance, traffic signs and signals, recreation activities, and other as most essential services besides Police and Fire Department. Overall importance of road maintenance increased by 11% from last year's survey.

Enhancing Downtown:

94% of respondents felt that the importance of enhancing downtown is Average to Very High. Overall each quadrant felt enhancing downtown had importance, but respondents from the Northeast felt slightly stronger with 79% of respondents rating it High to Very High.

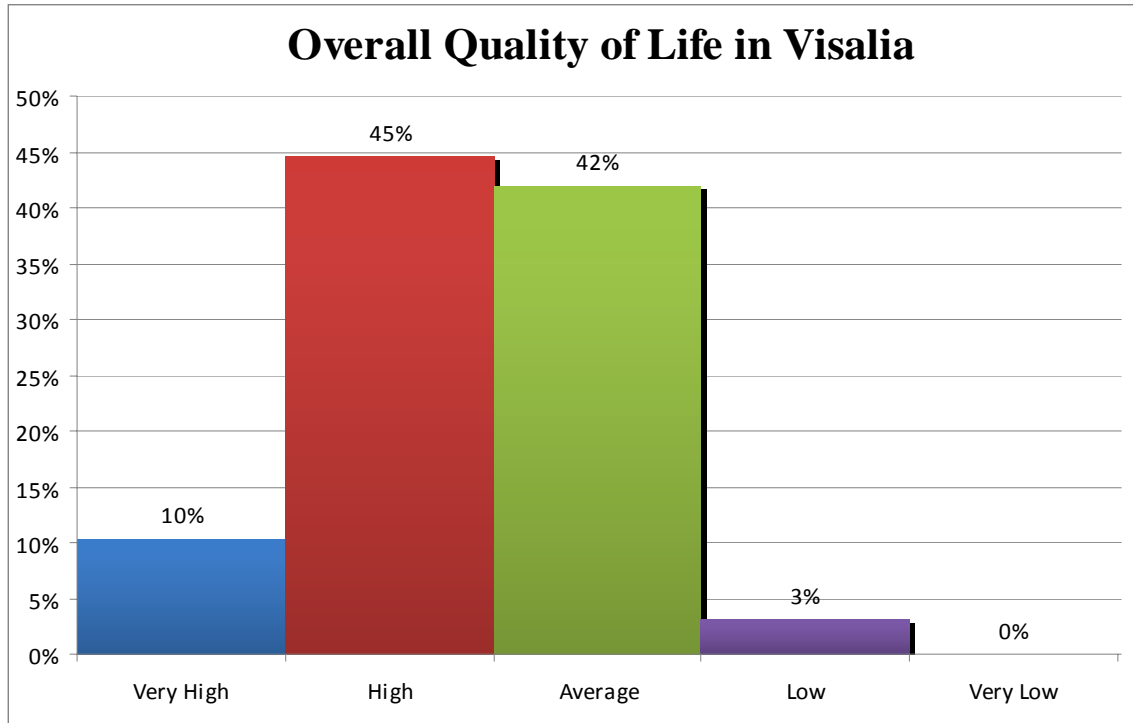
Moving Downtown:

42% of respondents would consider moving above an existing Main Street business, if community improvements continued downtown.

The remainder of the report provides information on each survey question. The open ended answers are found on page 24. An example of the survey is found on page 36.

Quality of Life

#19 Taking all things into consideration, how would you rate the overall quality of life in Visalia?



Year-To-Year					
	2004	2005	2006	2007	2008
Very High	21%	18%	20%	28%	10%
High	56%	51%	49%	48%	45%
Average	19%	27%	26%	22%	42%
Low	3%	2%	3%	2%	3%
Very Low	1%	1%	2%	0%	0%

Overall the majority of respondents 45% felt their quality of life is high and this year we saw a shift in respondents from Average to the Very High level. This shift could be a result of last year's economical crisis that has carried onto this year. Despite the economical hardships placed on many respondents overall 97% felt that quality of life was at least Average to Very High.

2008 Significant Demographics

Quadrants					
	Northeast	Southeast	Northwest	Southwest	
Very High	17%	6%	9%	10%	
High	36%	62%	34%	53%	
Average	42%	25%	56%	37%	
Low	5%	8%	1%	0%	
Very Low	0%	0%	0%	0%	

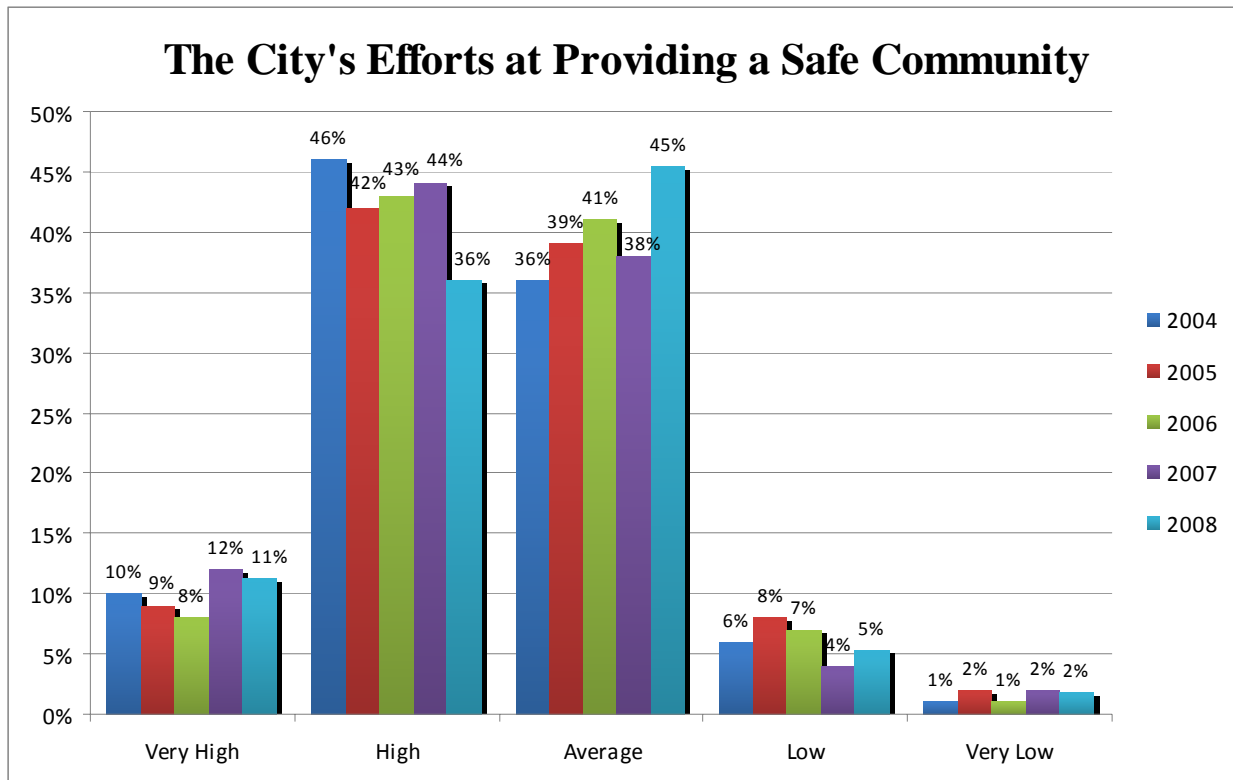
Income					
	Less than \$15k	\$15k - \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over
Very High	5%	8%	13%	7%	16%
High	29%	46%	52%	43%	43%
Average	57%	44%	32%	47%	41%
Low	10%	2%	3%	4%	0%
Very Low	0%	0%	0%	0%	0%

Age				
	18 -34	35-54	55 and over	
Very High	9%	11%	10%	
High	42%	46%	45%	
Average	46%	40%	41%	
Low	3%	3%	4%	
Very Low	0%	0%	0%	

Further analysis reveals that the Southeast and Southwest had the highest concentration of Very High/High at 68% and 63% respectively than other quadrants of the city. Income groups in 40-70k and 100k+ had the highest concentration of Very High/High with 65% and 59% respectively. Overall age groups are evenly distributed in how they view quality of life in Visalia.

Safety Rating

2 How do you rate the City's efforts in providing a safe community?



Overall the 47% of respondents felt that the city efforts in providing a safe community are High to Very High. This year matched up with respondents from years past other than a shift of about 7% from the High to Average level.

2008 Significant Demographics

Income						
	Less than \$15k	\$15k- \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over	Decline to State
Very High	10%	11%	10%	11%	16%	8%
High	24%	31%	50%	34%	31%	46%
Average	52%	49%	36%	53%	48%	23%
Low	14%	6%	2%	2%	3%	15%
Very Low	0%	4%	2%	0%	2%	8%

Respondents with income level of \$40-70k rated the city efforts in providing a safe community at 60%. The lowest cumulative rating at 34% for Very High and High was the less than 15k income level. This group also had the lowest cumulative below average rating of 14%.

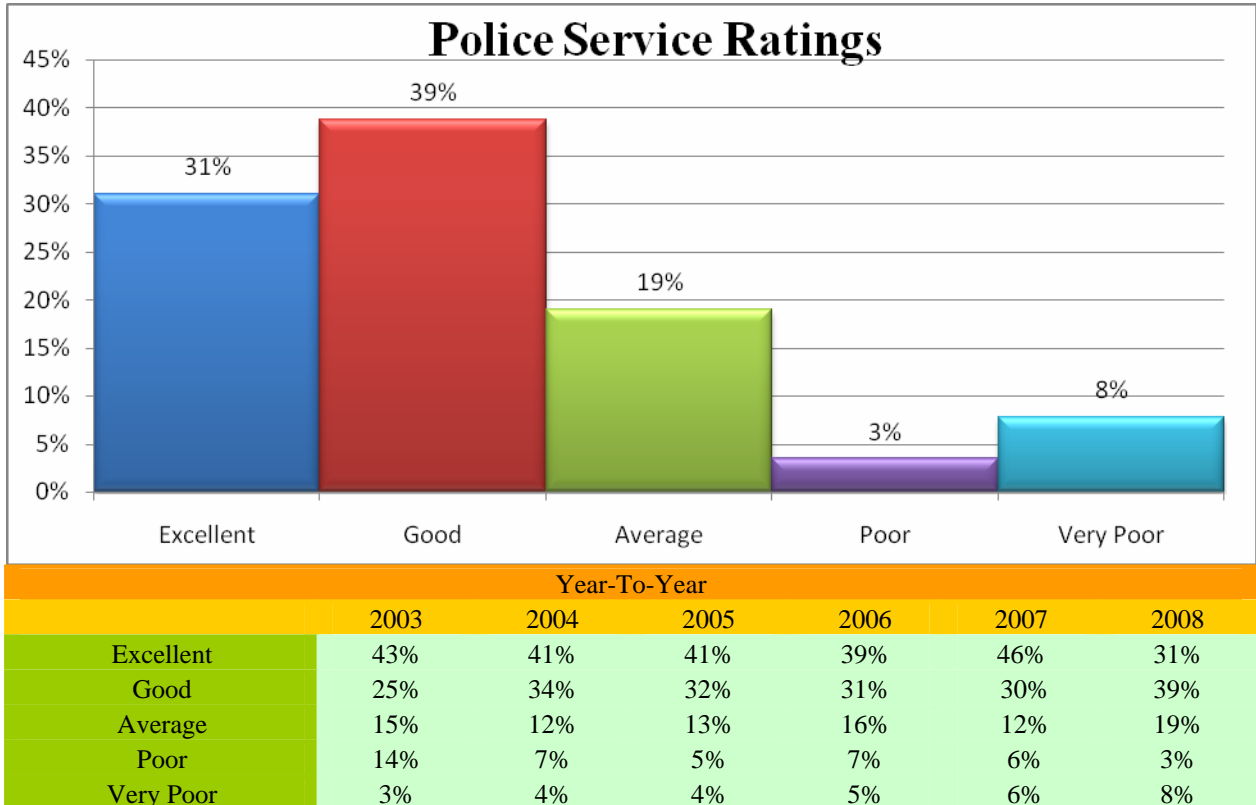
Quadrant				
	Northeast	Southeast	Northwest	Southwest
Very High	16%	7%	8%	15%
High	34%	38%	42%	31%
Average	40%	51%	43%	46%
Low	8%	0%	6%	6%
Very Low	2%	4%	1%	2%

All quadrants of the city ranked in between 45% and 50% that the city efforts were High to Very High in providing a safe community. The quadrant with the highest below Average rating at 10% was in the Northeast quadrant.

Public Safety Services

3a *How would you rate the service you received?*

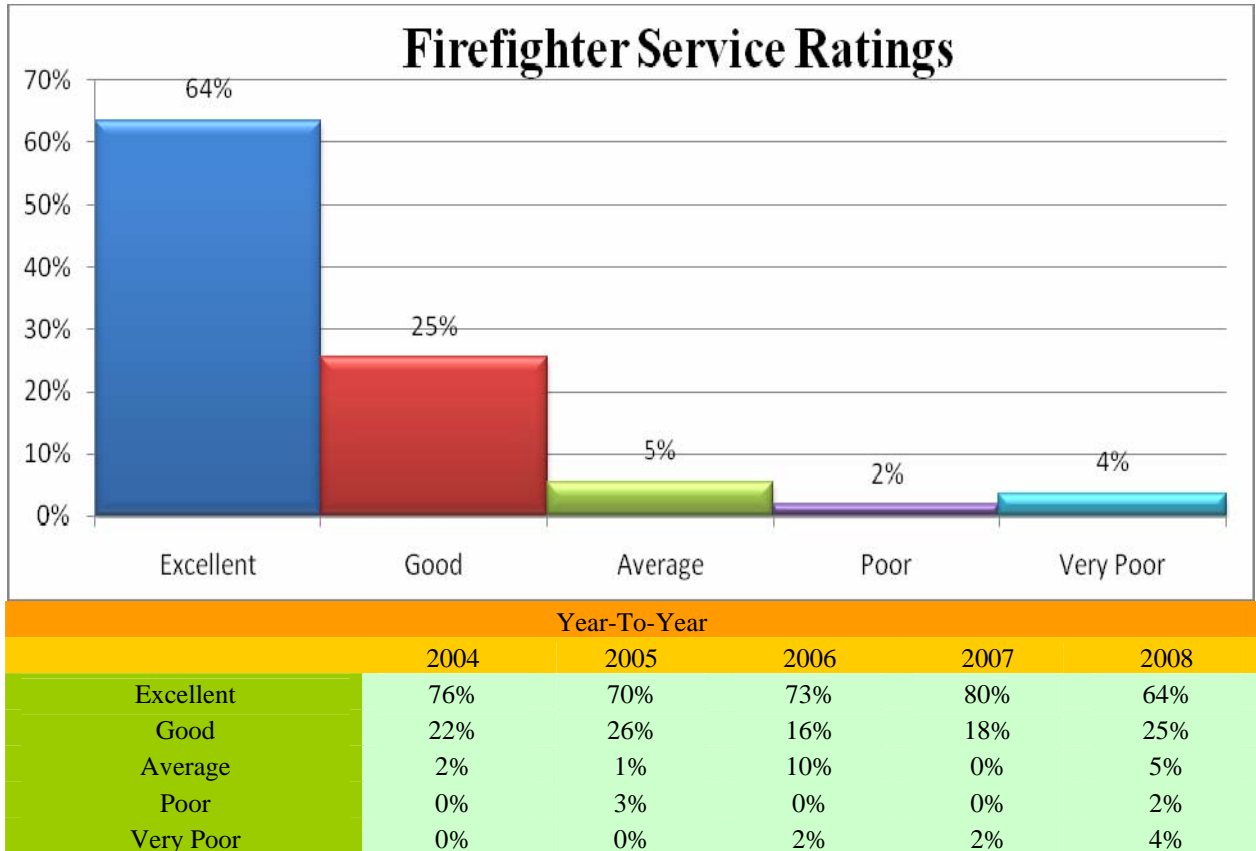
(For those who had contact with Visalia police department in the past year was asked to answer the above question.)



Of the 43% of respondents who had contact with the Police, 89% of them rated the police services as Average to Excellent. 58% respondents in the survey rated police services as Good to Excellent.

#4a *How would you rate the service you received?*

(For those who had contact with Visalia fire department in the past year was asked to answer the above question.)



Of the 55 respondents who had contact with the fire department they rated their services at 89% Good to Excellent. This is a slight decrease from last year by 9%, but may be due to the fact that only 20% respondents had contact with firefighter services.

2008 Significant Demographics FireFighter Services

Quadrant				
	Northeast	Southeast	Northwest	Southwest
Excellent	53%	64%	62%	88%
Good	33%	18%	33%	0%
Average	7%	9%	5%	0%
Poor	0%	0%	0%	12%
Very Poor	7%	9%	0%	0%

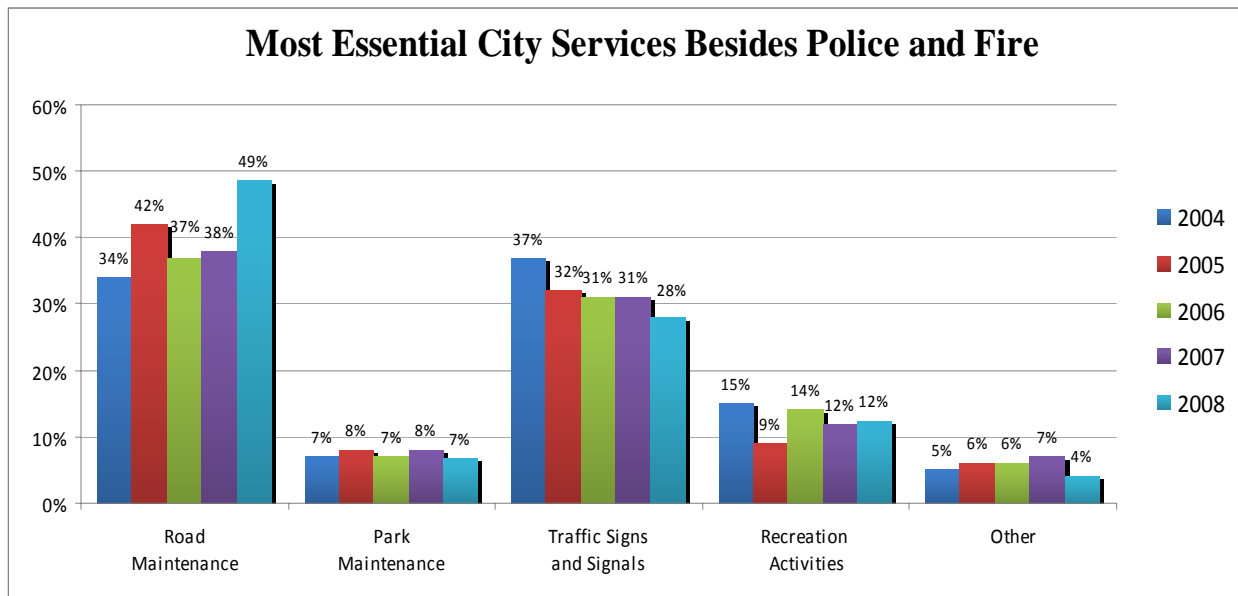
Overall the Northwest had the highest cumulative of Good to Excellent rating with 95% and the Southwest had the highest Excellent rating of 88% for firefighter services.

Homeownership			
	Own	Rent	Other
Excellent	68%	60%	75%
Good	18%	40%	25%
Average	5%	0%	0%
Poor	3%	0%	0%
Very Poor	4%	0%	0%

Home owners were most concerned with the service provided with cumulative 7% rating below Average than those who rent or who marked other.

Quality of Services

#5 What do you consider the most essential City services besides Police and Fire departments?

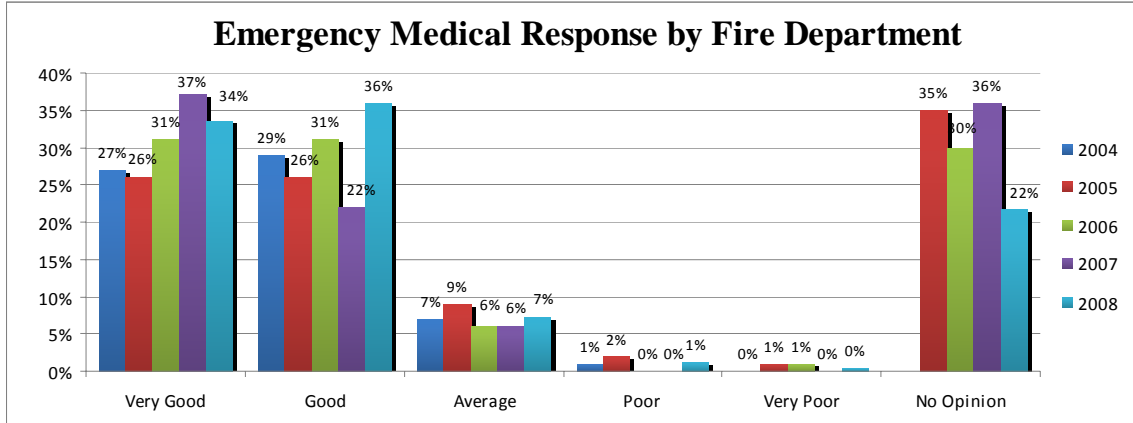


	Road Maintenance	Park Maintenance	Traffic Signs and Signals	Recreation Activities	Other
2004	34%	7%	37%	15%	5%
2005	42%	8%	32%	9%	6%
2006	37%	7%	31%	14%	6%
2007	38%	8%	31%	12%	7%
2008	49%	7%	28%	12%	4%

Respondents in the survey showed more concern for Road Maintenance making it the most essential service besides Police and Fire at 49%. This is up 11% from last year's survey.

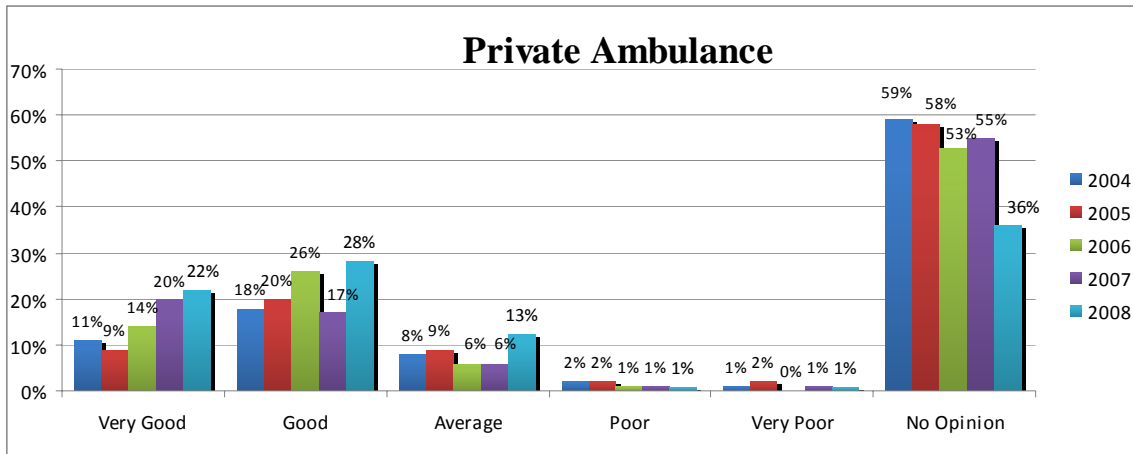
#6 How do you rate the quality of the following services in Visalia?

(1)



Emergency medical response by fire department had an increase of 11% in Very Good to Good from 2007. Overall all emergency services by fire department improved last year.

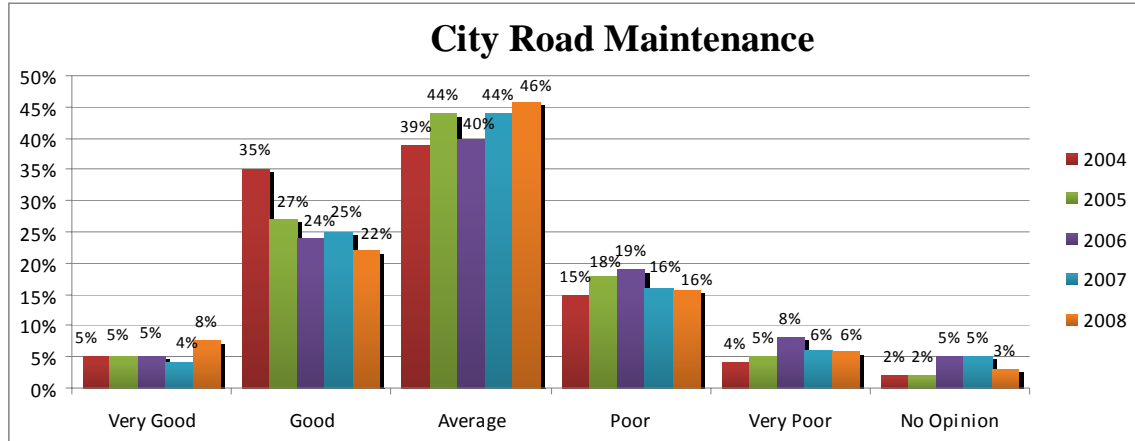
(2)



	Year-To-Year				
	2004	2005	2006	2007	2008
Very Good	11%	9%	14%	20%	22%
Good	18%	20%	26%	17%	28%
Average	8%	9%	6%	6%	13%
Poor	2%	2%	1%	1%	1%
Very Poor	1%	2%	0%	1%	1%
No Opinion	59%	58%	53%	55%	36%

Private ambulances improved their quality of services by 18% in the Average to Good rating.

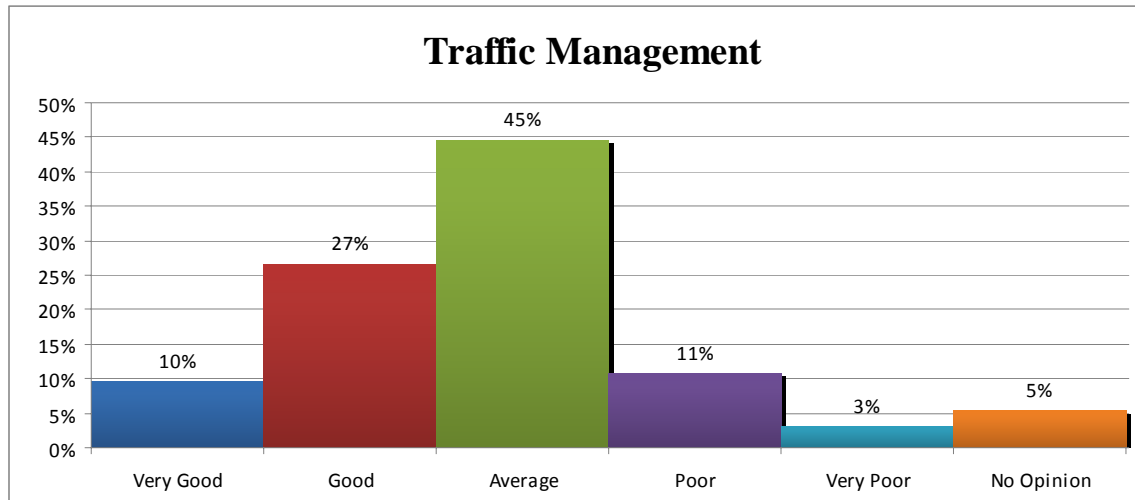
(3)



Year-To-Year						
	2003	2004	2005	2006	2007	2008
Very Good	7%	5%	5%	5%	4%	8%
Good	41%	35%	27%	24%	25%	22%
Average	35%	39%	44%	40%	44%	46%
Poor	13%	15%	18%	19%	16%	16%
Very Poor	3%	4%	5%	8%	6%	6%
No Opinion		2%	2%	5%	5%	3%

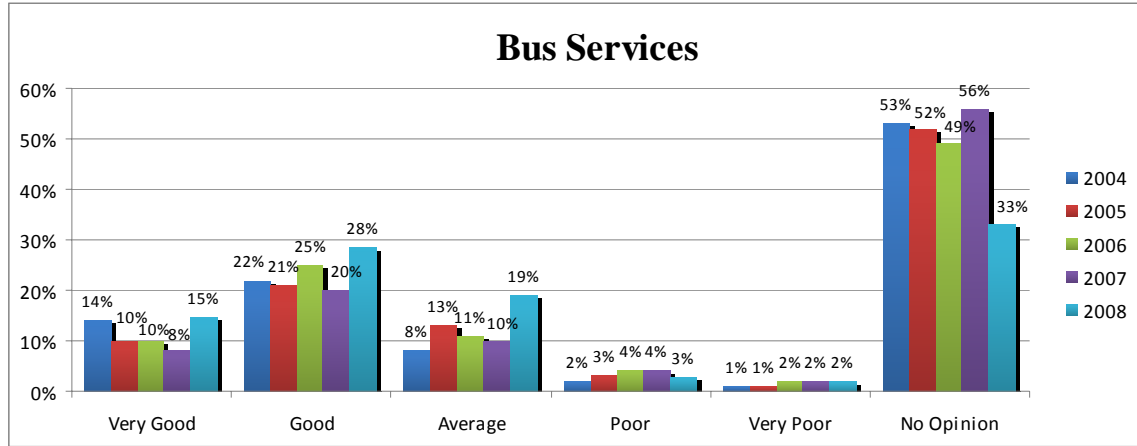
City road maintenance has stayed consistent with its quality of services in the past few years. This year respondents rated the quality of services 4% higher in the Very good range.

(4)



Respondents survey rated traffic management quality of services was 37% in the Good to Very Good range and 45% in the Average range.

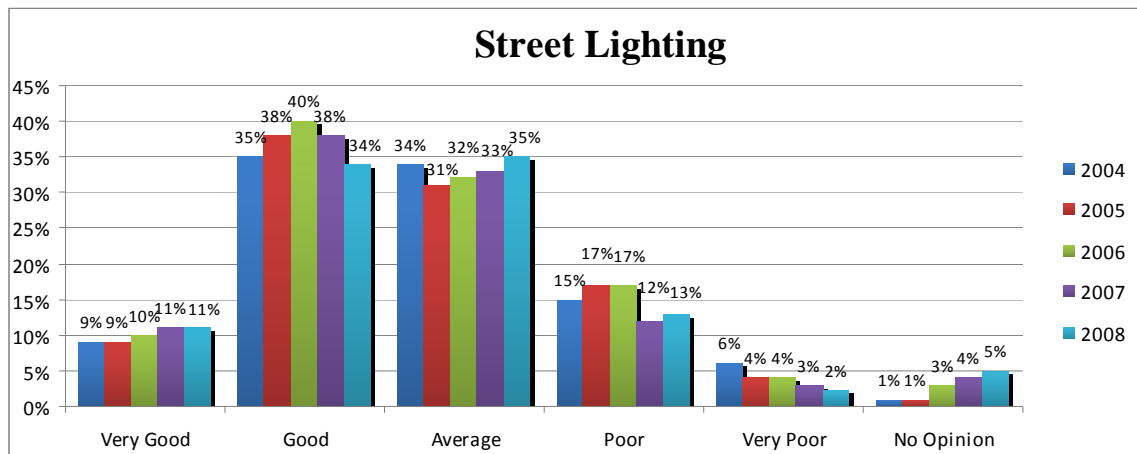
(5)



Year-To-Year					
	2004	2005	2006	2007	2008
Very Good	14%	10%	10%	8%	15%
Good	22%	21%	25%	20%	28%
Average	8%	13%	11%	10%	19%
Poor	2%	3%	4%	4%	3%
Very Poor	1%	1%	2%	2%	2%
No Opinion	53%	52%	49%	56%	33%

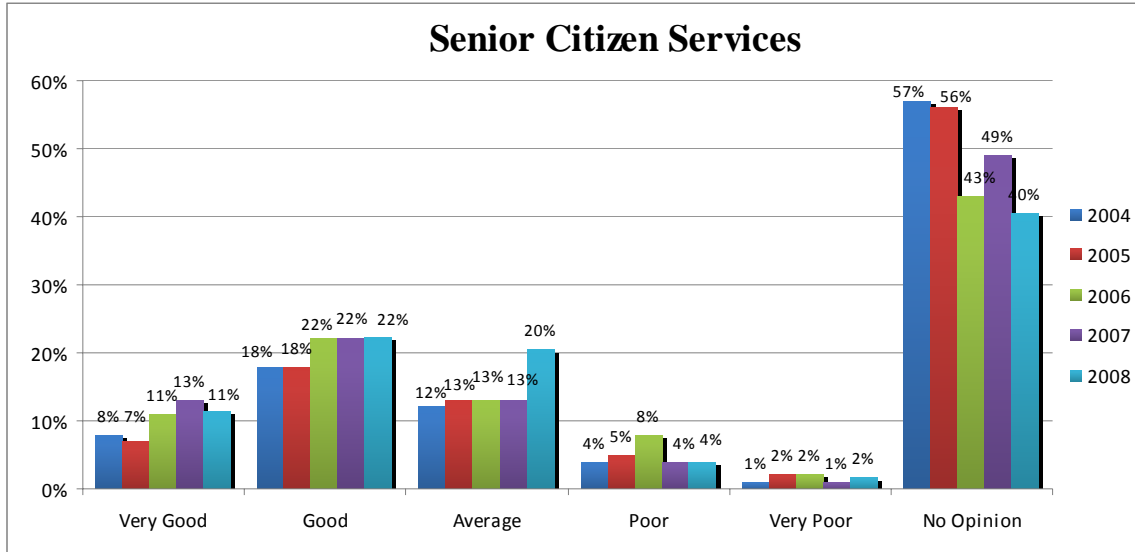
Quality of bus services in Visalia increased 15% from last year's survey and also by 9% increase in Average rating. No opinion was decreased by 23% probably due to this years sample including more respondents who used bus services.

(6)



The quality of services for street lighting didn't experience any significant changes, but a slight decrease in Good by 4%.

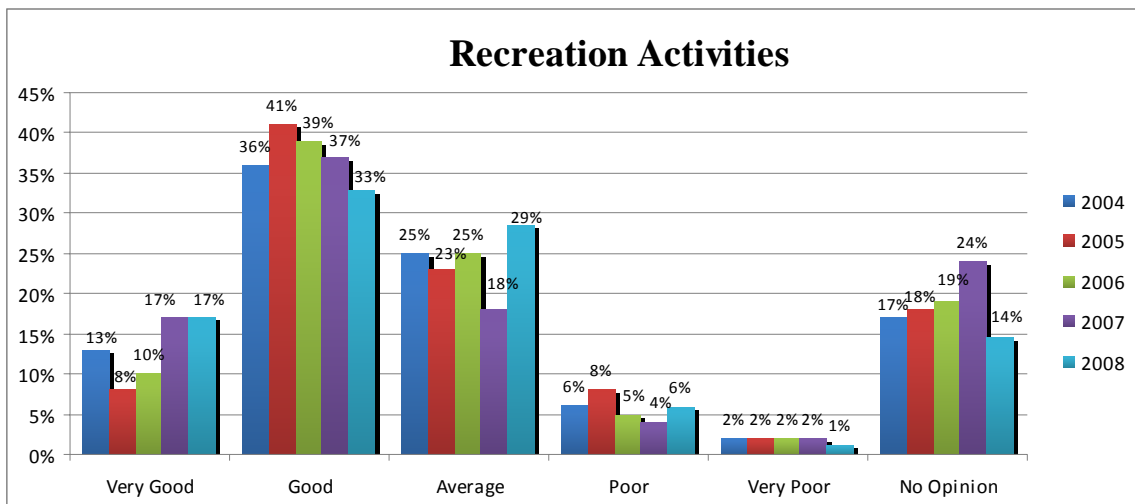
(7)



Year-To-Year						
	2003	2004	2005	2006	2007	2008
Very Good	20%	8%	7%	11%	13%	11%
Good	42%	18%	18%	22%	22%	22%
Average	32%	12%	13%	13%	13%	20%
Poor	5%	4%	5%	8%	4%	4%
Very Poor	1%	1%	2%	2%	1%	2%
No Opinion		57%	56%	43%	49%	40%

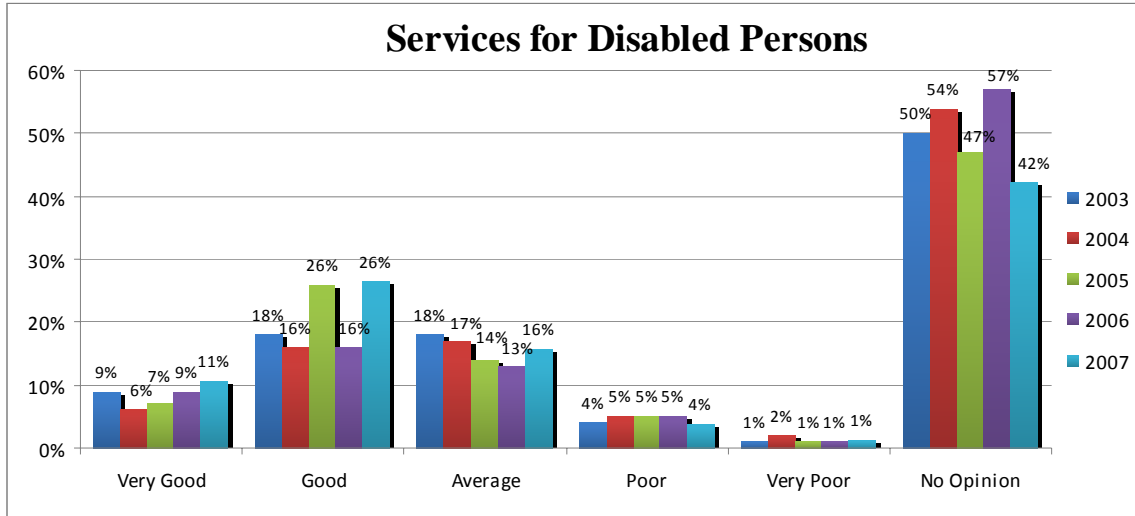
7% of respondents rated the quality senior citizens services higher in the Average rating.

(8)



Quality of services in recreational activities increased 11% in the Average rating. Overall 79% percent of respondent felt the quality of services were at least Average to Very Good.

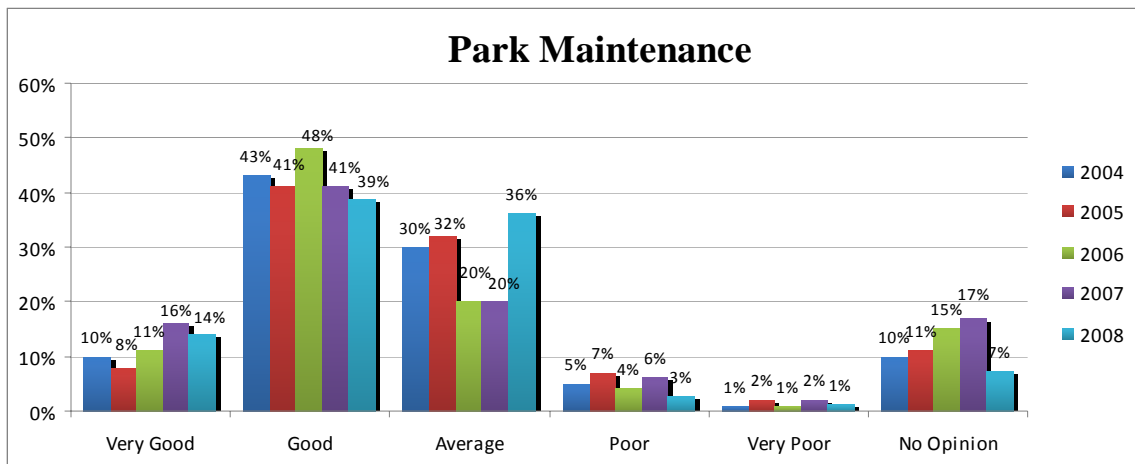
(9)



Year-To-Year						
	2003	2004	2005	2006	2007	2008
Very Good	10%	9%	6%	7%	9%	11%
Good	44%	18%	16%	26%	16%	26%
Average	36%	18%	17%	14%	13%	16%
Poor	8%	4%	5%	5%	5%	4%
Very Poor	2%	1%	2%	1%	1%	1%
No Opinion		50%	54%	47%	57%	42%

Quality of services for disabled persons increased a total of 15% from Average to Very Good. This year's survey sample decreased no opinions by 15%.

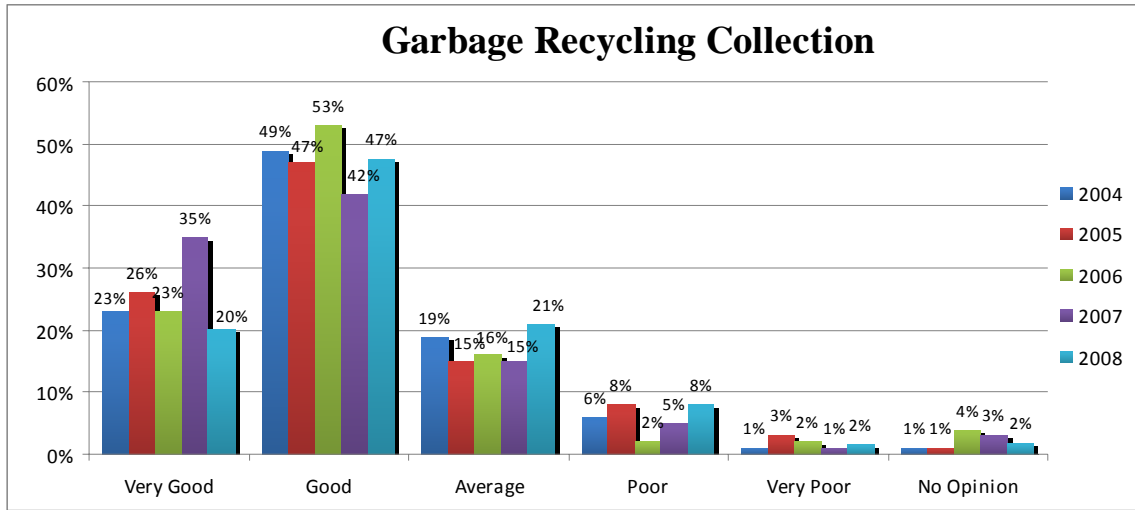
(10)



Year-To-Year						
	2003	2004	2005	2006	2007	2008
Very Good	19%	10%	8%	11%	16%	14%
Good	51%	43%	41%	48%	41%	39%
Average	24%	30%	32%	20%	20%	36%
Poor	6%	5%	7%	4%	6%	3%
Very Poor	1%	1%	2%	1%	2%	1%
No Opinion	0%	10%	11%	15%	17%	7%

Ratings for park maintenance services increased Average ratings by 16%. Overall 89% of respondents rated quality of parks maintenance at Average to Very Good.

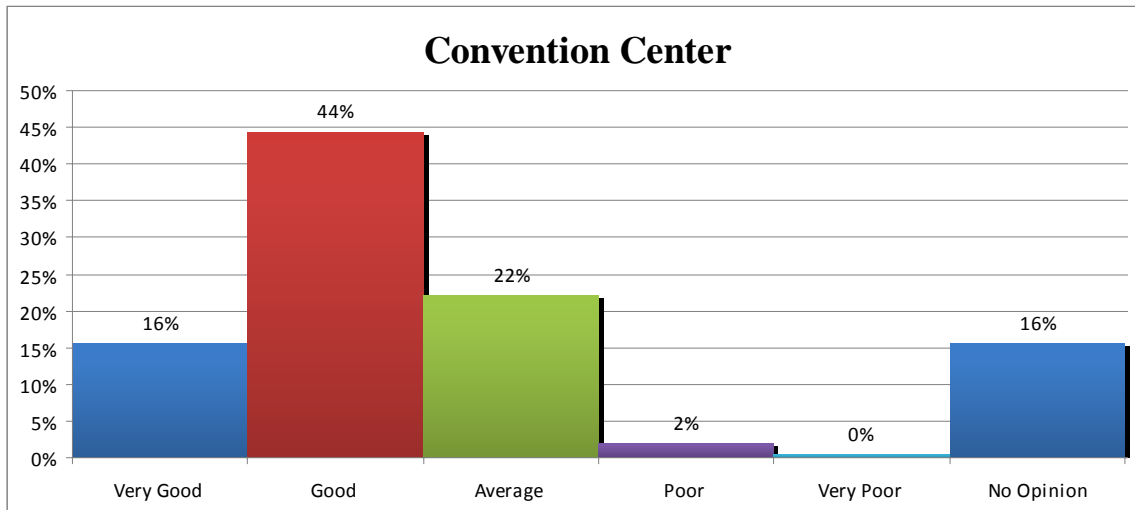
(11)



	Year-To-Year					
	2003	2004	2005	2006	2007	2008
Very Good	26%	23%	26%	23%	35%	20%
Good	53%	49%	47%	53%	42%	47%
Average	14%	19%	15%	16%	15%	21%
Poor	5%	6%	8%	2%	5%	8%
Very Poor	2%	1%	3%	2%	1%	2%
No Opinion		1%	1%	4%	3%	2%

Quality of services increased by 11% in Average to Good rating, but declined in Very Good by 15%. Overall 88% of respondents rate services at Average to Very Good.

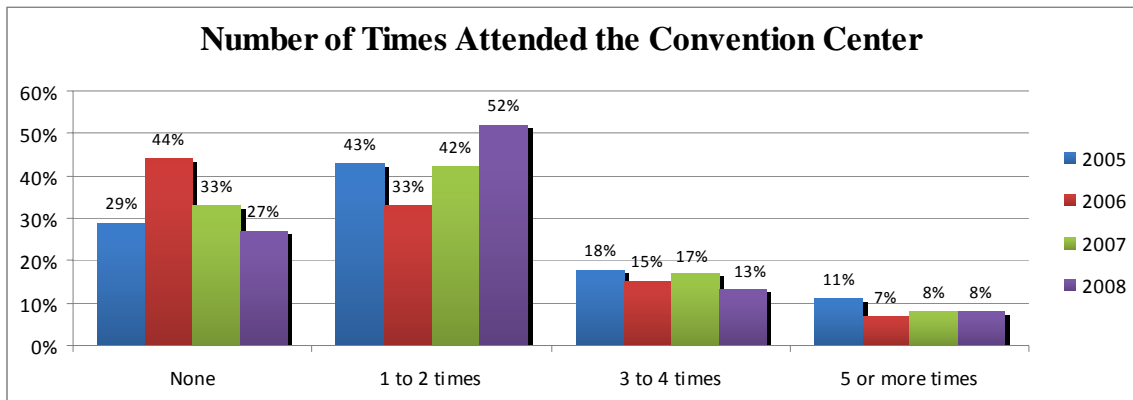
(12)



Quality of services at the convention center rated 82% Average to Very Good.

Questions of Concern

#7 How many times have you attended activities at the Convention Center in the last year?



Year-To-Year					
	2004	2005	2006	2007	2008
None	30%	29%	44%	33%	27%
1 to 2 times	43%	43%	33%	42%	52%
3 to 4 times	17%	18%	15%	17%	13%
5 or more times	10%	11%	7%	8%	8%

The number of respondents that attended activities increased for 1-2 times increased 10%. Overall decreases balanced with increases showing respondents this year attended an equivalent number of times in the previous year's survey.

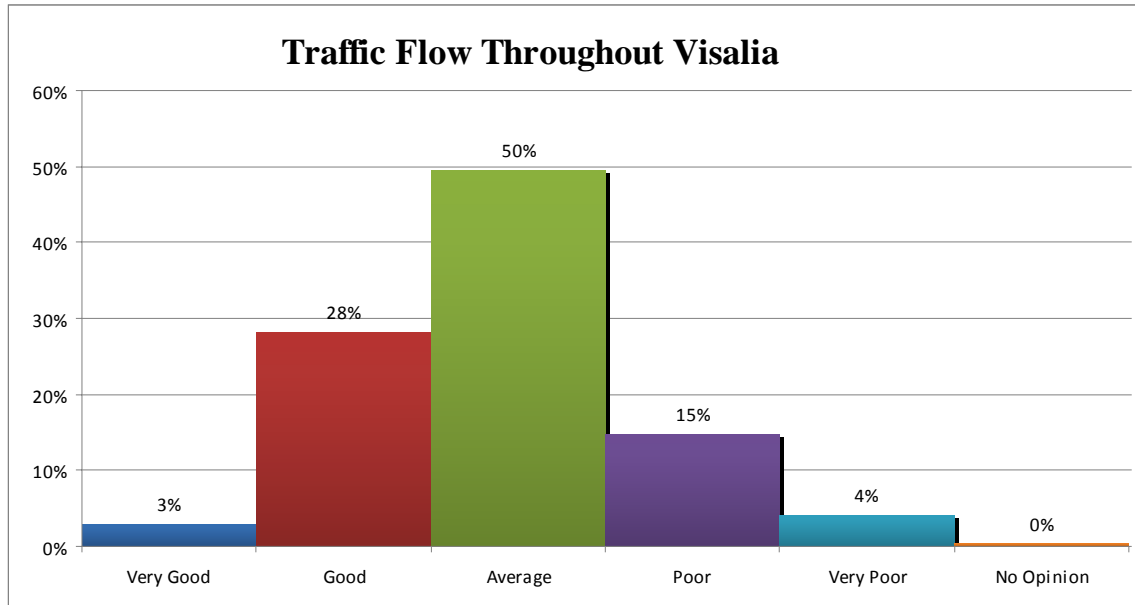
2008 Significant Demographics					
Income					
	Less than \$15k	\$15k - \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over
None	48%	27%	25%	29%	15%
1 to 2 times	38%	53%	58%	48%	54%
3 to 4 times	5%	12%	5%	20%	24%
5 or more times	10%	8%	12%	4%	7%

As income levels shifted we can see that the frequency increased on the number of times a respondent attend convention center activities.

Age			
	18 -34	35-54	55 and over
None	29%	21%	31%
1 to 2 times	53%	55%	48%
3 to 4 times	12%	18%	10%
5 or more times	6%	6%	11%

The 35-54 age group frequented the convention center the most with 79% of respondents at least attend 1 or more times.

#8 *In your opinion, how do you view traffic flow throughout Visalia?*

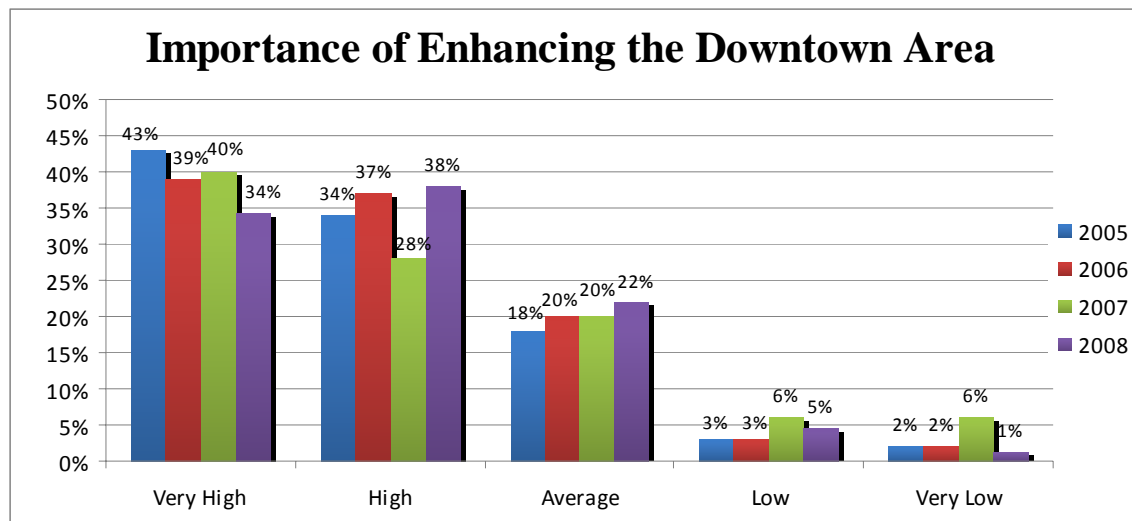


Overall respondents viewed traffic flow throughout Visalia at 81% Average to Very Good.

2008 Significant Demographics				
Quadrant				
	Northeast	Southeast	Northwest	Southwest
Very Good	6%	4%	1%	1%
Good	29%	23%	33%	25%
Average	50%	48%	52%	50%
Poor	11%	20%	11%	16%
Very Poor	3%	4%	2%	7%

Both the Southeast and Southwest quadrants viewed traffic flow as Poor to Very Poor at 24% and 23% respectively. This figure is about 10% greater than the Northeast and Northwest quadrants.

#9 The city continues to enhance the downtown area. How important is to you?



Year-To-Year				
	2005	2006	2007	2008
Very High	43%	39%	40%	34%
High	34%	37%	28%	38%
Average	18%	20%	20%	22%
Low	3%	3%	6%	5%
Very Low	2%	2%	6%	1%

Overall 2008 increased a cumulative of 6% for Average to High importance in comparison to 2007.

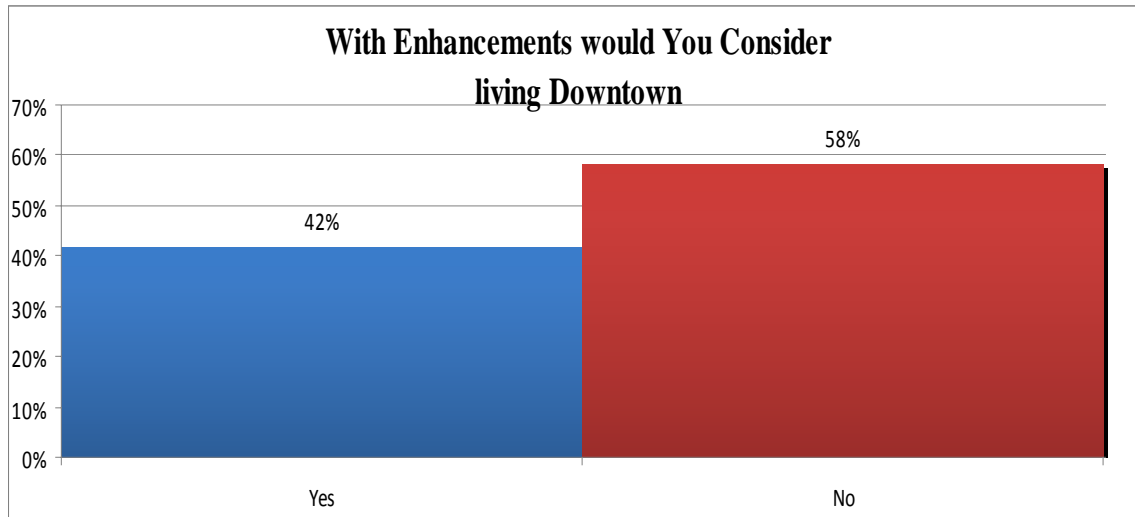
2008 Significant Demographics					
Income					
	Less than \$15k	\$15k - \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over
Very High	24%	30%	31%	41%	42%
High	38%	34%	44%	40%	33%
Average	29%	30%	22%	13%	18%
Low	10%	4%	3%	4%	5%
Very Low	0%	2%	0%	2%	2%

Overall all as income went up higher concentrations of respondents felt that importance of enhancing downtown increased, but altogether respondents in each income bracket hold similarities of importance in the enhancements of downtown.

Quadrant				
	Northeast	Southeast	Northwest	Southwest
Very High	34%	32%	38%	32%
High	45%	41%	33%	37%
Average	18%	23%	23%	22%
Low	2%	4%	6%	6%
Very Low	2%	0%	0%	3%

Of all the quadrants the Northeast had a higher concentration of respondent in the Very High to High at 79%. Overall we can see that all quadrants of the city agree that enhancing downtown holds significant importance.

#9a If you were planning to move and the downtown continued to have more community improvements would you consider living above an existing Main Street business?



Overall 42% of 230 respondents felt that they would consider moving above an existing Main street business.

Open Ended Responses

#17 *In your opinion, what do you think the focus of City services should be?*

(Respondents filled in the following open-ended questions. Data was analyzed and placed into each departments it might impact)

Police Department			
cleaning up gangs	Gangs	Roads & Safety	safety, crime, gang prevention
Code enforcement	Help Police and Fire to provide great service	roads and safety	Safety, traffic flow, maintenance
Code enforcement-being more consistent with violations	Keep safety and streets as priority	safe from crime	Safety/Traffic
Control young punks	Keeping gangs & drugs out	Safety	Safety-get rid of gangs
Crime prevention	Law Enforcement	Safety	Services for kids, gangs
drug & code enforcement	Make people safer	Safety	Speeders on little streets
Drug addicts	More police on street (gangs & drugs)	safety	Street crime
Drugs, gangs	Police need to focus more on gangs & not petty things	Safety	Street crime
fix the Hispanic gangs	Police Protection	Safety	Improve traffic flow and prevent gang activities
for police to pay attention to speeders instead of hiding on streets	Police shouldn't discriminate Latinos	safety	Violence/gang suppression
Gang Enforcement	Police, fire and continued downtown enhancement	safety	Dealing with homeless people
gang eradication	Police, fire and traffic	Safety	
gang programs	Police/roads	safety & roads	
Gangs, education, downtown 1-3	Public Safety	Safety & Services	
Gangs	Public Safety	Safety (reduce gang activities)	
Gangs	put out fires and catch crooks	Safety and quality of life	
Gangs	quality of life-parks, safety, community relations	Safety first	
Gangs	Reduce gang activity & graffiti	Safety for kids	
Gangs	Reduce violence	safety from gangs	
Gangs	Road pavements & Gangs off the streets	safety is first/quality next	

Community Development	
Building Community	more open minded in zoning
community clean up & involvement	North side fast food
Direction of growth	Not allowing shopping centers to stay empty when businesses close.
Don't allow businesses to build new buildings -rent & remodel existing ones.	Public transportation, consolidate growth. Solar on all new homes
Fill in vacant buildings. Build up not out	quality of life-parks, safety, community relations
Less apartments near residential and no group homes in neighborhoods	stop growth, stop wasting existing buildings
More apartments, schools and jobs	Too many empty buildings
more convenience for handicapped	Too many empty buildings. Opening const. past Packwood was a mistake.

Housing & Economic Development	
Attract new businesses and jobs	Improving downtown area-more parking
Better department stores; trader Joe's	in-fill of dead economic zones
essential services first then improving the economy hen enhancement/recreation	job development & gang prevention
growth	lower cost of living
Growth	Main Infrastructure
Healthy living; jobs for young people	Managing growth-revitalize centers
help us in this hard economy	more convenience for handicapped
helping people who need jobs	Police, fire and continued downtown enhancement
Housing for disabled.	Pro growth, pro property values
housing for low income & elderly	restoration of old city areas currently run down

Engineering	
Traffic lights	road improvement & turning signals @ County Center & Caldwell
Better flow of traffic	Safety, traffic flow, maintenance
better traffic flow (stoplights)	Safety/Traffic
Crosswalks easier for people to cross and catch those who cross where there's no signs	traffic
fixing the roads and putting up stop signs on the north side of town	Traffic
improve lighting	Traffic flow, especially at bottlenecks
Improve traffic flow and prevent gang activities	Traffic on Mooney
Police, fire and traffic	Traffic, parks

Fire Department
Fire Protection
Help Police and Fire to provide great service
Police, fire and continued downtown enhancement
Police, fire and traffic
put out fires and catch crooks

Natural Resources
No new building permits for new housing and then complain/tell us there is a water shortage.
Clean environment, everything great

Public Works		
Better roads	Keep safety and streets as priority	Road pavements & Gangs off the streets
Better roads	more through streets	Road work and completing in a timely manner
Better streets	more through streets	Roads
Clean it up. Dirty	On roads	Roads & Safety
clean roads and parks	Police/roads	roads and safety
clean up other parts of Visalia besides downtown	Protection, roadways	roads, trash, cleaning up the city
Completing road repairs and removal of graffiti	Really improve the road pavements ASAP especially around Houston St.	safety & roads
Finish work on Mooney & work on ancillary streets. Commercial garbage collection.	repair roads	Safety, traffic flow, maintenance
Fix roads/Graffiti	road improvement & turning signals @ County Center & Caldwell	Streets/asphalt
fixing the roads and putting up stop signs on the north side of town	road maint./graffiti/landscaping/overall cleanliness	to be able to see line on roads
Improve street surface	Road maintenance	

Parks & Recreation
clean roads and parks
Improving recreation
keep up parks & landscape
parks
quality of life-parks, safety, community relations
Transit
get rid of buses with few people riding
Public transportation, consolidate growth. Solar on all new homes

General Misc. Services		
Moving above an existing Main Street building is a good idea	More North side services	
Dealing with homeless people	more programs for children	
easier access to programs for youth, community involvement	Need more health services at our community	
education	Our youth	
Family oriented activities	Pets	
focus on people not things	Providing cheap/free activities for teen	
Help people that need most	public awareness	
Human services-senior center, summer rec activities	Response to family & children services	
More activities for our youth	Safe environment for children and after school programs	
more family oriented activities	Seniors, children, homeless	
more focus on activities for kids on the Southside.	Teens in this town need more programs	
more for senior citizens	The focus should be the people	

#18 If you could add one thing to Visalia to improve our quality of life, what would that be?

a designated place for the homeless to reside and improve their situations.

a park similar to Woodward park in Fresno

add more police

air

Air Quality

air quality

amusement parks

better stores

Better city lighting & cleaner restrooms at parks

Better communication between agencies

better communication with city government

better parks & rec., no one returns calls

Better representation-district elections

Better roads

better roads

Better roads, get rid of 15% population

better shopping malls

Better thought out plans on traffic flow

Better traffic flow

better traffic flow, smarter intersection lights

better/higher capacity yard waste removal

Bigger trash bins. Separate for recycling

clean air-better downtown farmers market

college

Communication & Safety

department stores

Dinner Theatre

Elimination of gangs

encourage businesses to use existing buildings (i.e. old Costco, Vons) before building new ones.

everything is fine

everything is fine

Everything is good

faster police response

fill up all the empty buildings before building new

Fix pot holes

Fix stop light @ Lovers Lane and Noble

fix the Hispanic gangs

Focus on youth

gangs

parks

parks & cooling areas in high heat

police

Help the homeless

helping the needy

Homeless

hospital care

I enjoy living in Visalia

Ikea, Pottery barn

Improve traffic flow

Improve air quality through mass transit

Improvements on parking areas

increase business opportunities

increase police and fire

inmates cleaning up our hwy 198 and off and on ramps

It frustrates parents that when children run away police wouldn't arrest them.

Jogging trails, bike trails that connect through the city

jogging trails, downtown shops, neighborhood maintenance

Keep streets safe-violence

Keep the downtown area vibrant

Keep the intimacy & small town feel

large department store like Macy's

large item refuse day at our resident street

Late night eating establishments

Less apartments-consider home owners

Less congestion and protect our borders

Less gangs

Less traffic

lessen congestion

Let people cut oak trees down

local laws try to remove private property rights

Love Visalia; fill empty buildings

Lovers lane by frwy entrance needs enhancement

lower sales tax

Make golf course larger (another 9 holes)

make it safer, more effort dealing with gangs

McDermont building (like the one in Lindsay)

More activities for the youth to keep them out of trouble

more activities

Get rid of gangs
Get rid of gangs
great
have speed bumps put in our busy streets
more ducks at the park
more economic opportunities/jobs
More employment opportunities
More employment opportunities
More gang control
More homeless shelters, gang control
more jobs

More jobs
more jobs
more jobs
more jobs

more parks
more parks
More parks & recreational activities
More Police
More Police
More Police
more police and opportunities for kids
More police presence.
more recreation areas like sports complex
More recreation for family

more recreation programs
more security
more security
more shopping
more stop signs on busy street corners
more things for young people
more through streets
more trees
more trees

more trees

more walking trails/bike areas
More work for people
More work for people
Move out COS farms because of smell
need to improve roads in Goshen
No com.
no crime
No more gangs
No traffic
North-side crime

More activities
more activities for adults/families
More activities for all ages
more activities for teenagers
more activities for young & teens
More activities for youth & teenagers
More amusement activities
More bike paths, new park
More bike routes
more commercial business
More culture centers
prevent leapfrog development. Many islands undeveloped
recreation for teens, stop housing
Reduce smog laws
more recreational events in our parks
road maintenance should be done by private contractors
safety
school
Shopping (high end)
smaller classes in the schools
Something similar to McDermont field in Lindsay
Something to help homeless
Spend tax money efficiently
stop gangs and more police
stop the gangs
the flood plane taken care of to avoid high premium for people who own their homes
there's not just one
traffic
Traffic flow
traffic lights in some areas
trim back graffiti on walls & fences
Viable airport
Water park for kids
waterway downtown feature
On and off ramp traffic flow @ Ben Maddox & Lovers Lane
opportunities to spend time w/ community members/fellowship sense of belonging
park maintenance
Oak trees

Methodology and Statistical Procedures

This year's survey has been successful all around based on its statistical variance of sample size, similarities to census data, positive response from respondents, and improved efficiency in conducting the survey.

Sample size this year totaled 271 respondents which were concluded to be sufficient representation of the target population. Our survey sample of 271 respondents provided a 95% level of confidence with only 6% (+/-) confidence interval. This means we are 95% certain that within 6 percent (plus or minus) those percentages from data collected in our survey will represent our target population of 123,607. Sample size is smaller than previous years; however, confidence interval only increased by 1%. One can determine, comparing results of the survey demographics with census data, that overall it has improved in better representing the target population than in years past.

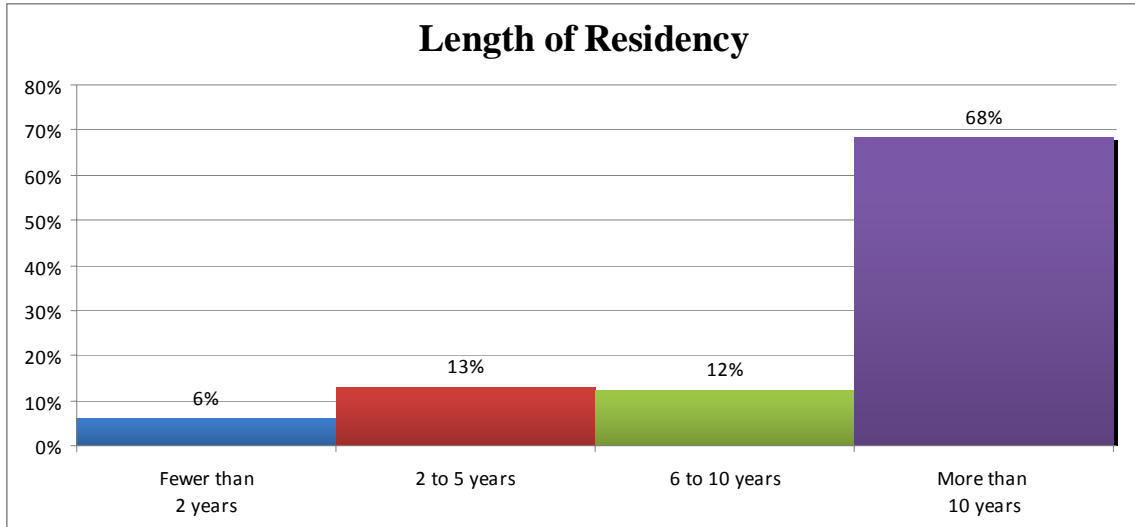
In previous year's census data, certain demographics were skewed based on the way the survey was conducted. This year's survey improved in many areas of its demographic which came closer to census data than in years passed. Having the survey's placed in different quadrants of the city helped diversify the sample of respondents.

However, this survey is strictly an approximation of the general public's opinion about its community. In regards to all findings in this survey a purely speculative and under no circumstances is this survey liable for misinterpretation.

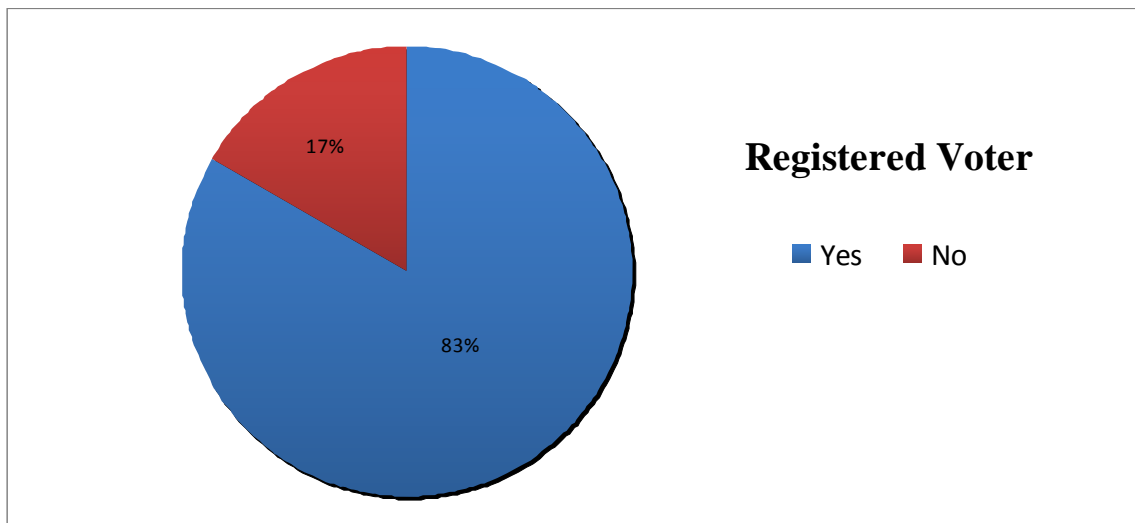
Consequentially, overall the CAC is moving in the right direction in its efforts to produce a survey that represents its community's target population. The face-to-face approach will aid in making the POS a stronger sounding board in representing the needs and concerns of fellow citizens in the community.

Demographic Summary

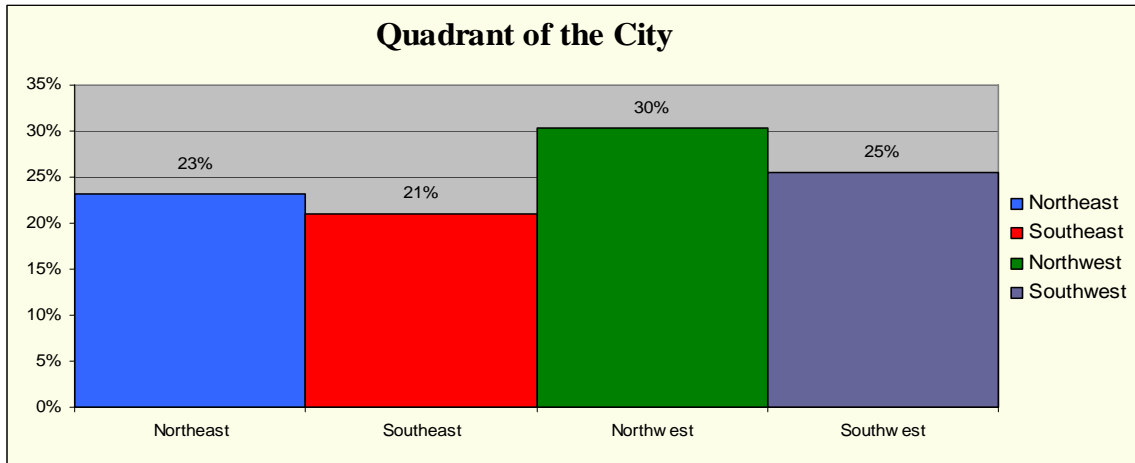
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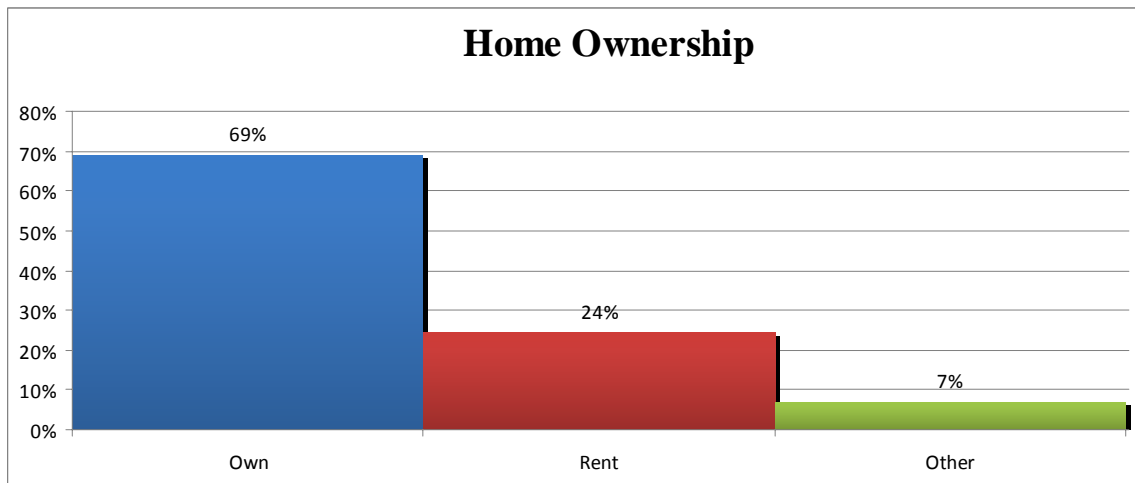
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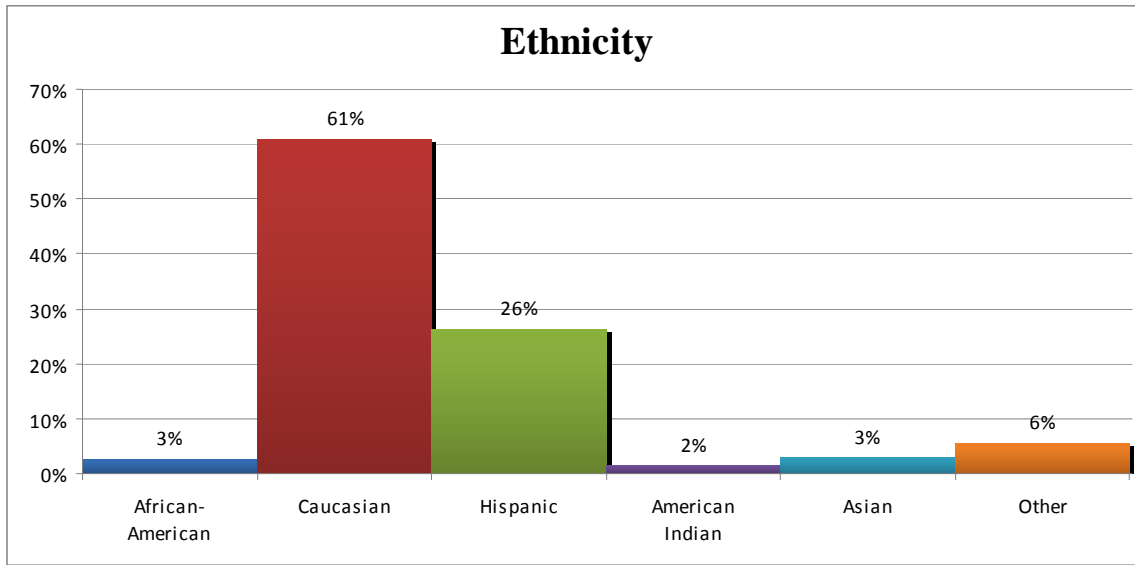
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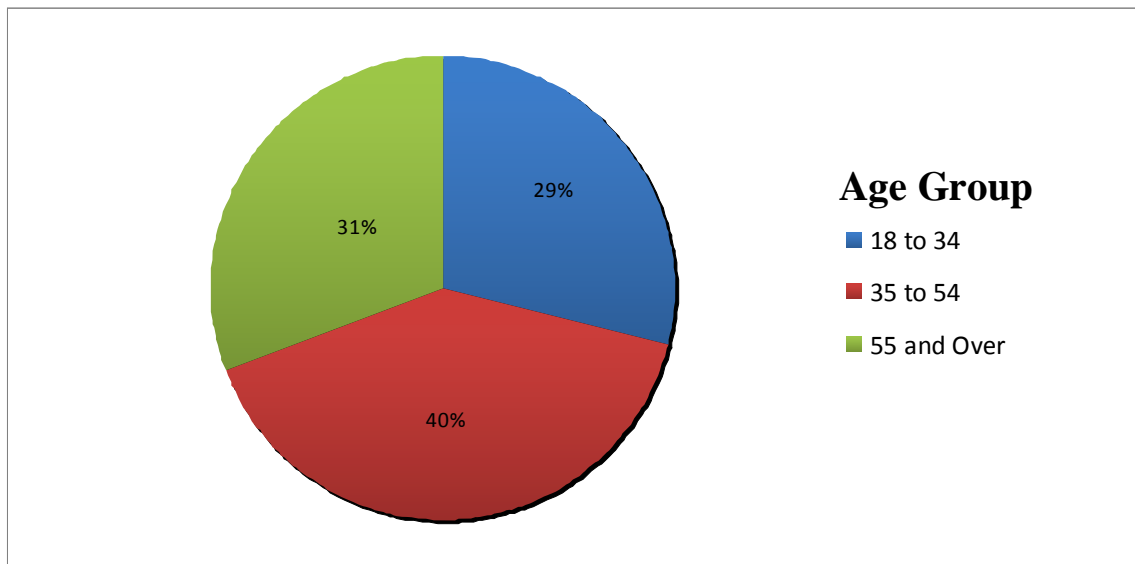
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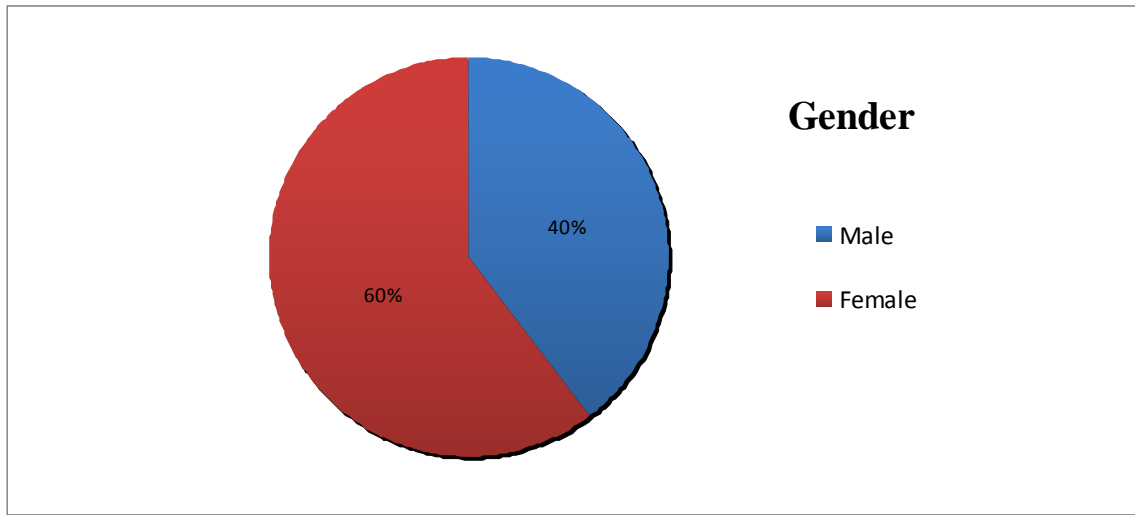
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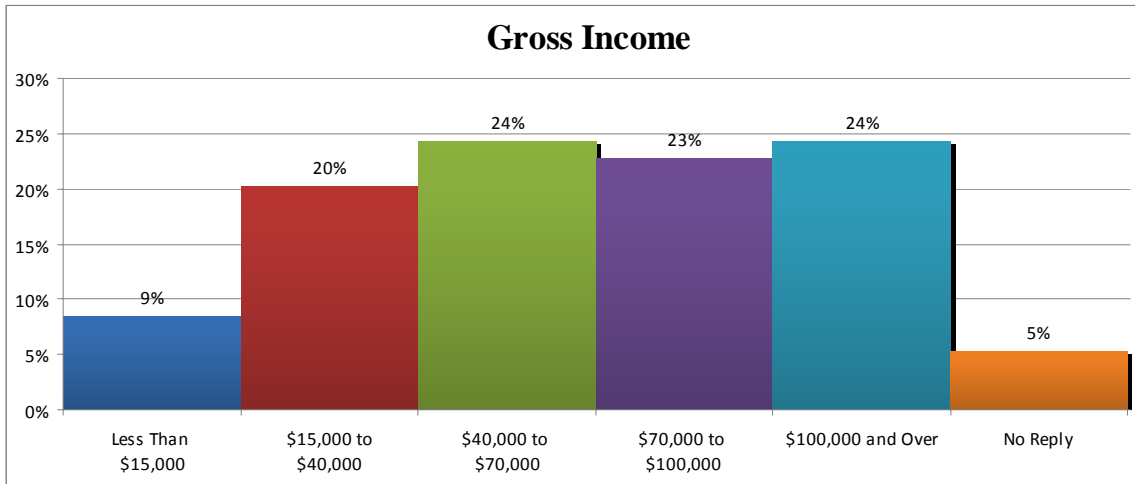
#15



#14



#16



Sample Survey

Public Opinion Survey 2009 - Proposed

1) Which part of the City do you live in if Mooney and Hwy. 198 are considered the cross sections of town?

1	2	3	4
Northeast	Southeast	Northwest	Southwest

2) How do you rate the City's efforts at providing a safe community?

1	2	3	4	5
Very High	High	Average	Low	Very Low

3) Have you had contact with the Visalia Police Department in the past year? (if "No", go to question 4)

1	2
Yes	No

3A) How would you rate the service you received?

1	2	3	4	5
Excellent	Good	Average	Poor	Very Poor

4) Have you had contact with a Visalia firefighter in the last year? (if "No", go to question 5)

1	2
Yes	No

4A) How would you rate the service you received?

1	2	3	4	5
Excellent	Good	Average	Poor	Very Poor

5) What do you consider the most essential City services besides Police and Fire departments?

1	2	3	4	5
Road Maintenance	Park Maintenance	Traffic Signs and Signals	Recreation Activities	Other

6) How do you rate the quality of the following services in Visalia?

	Very Good	Good	Average	Poor
Fire Emergency Response	1	2	3	4
Private Ambulance	1	2	3	4
City Road Maintenance	1	2	3	4
Traffic Management	1	2	3	4
Bus Services	1	2	3	4
Street Lighting	1	2	3	4
Senior Citizen Services	1	2	3	4
Recreation Activities	1	2	3	4
Services for Disabled Persons	1	2	3	4
Park Maintenance	1	2	3	4
Garbage+Recycling Collection	1	2	3	4
Convention Center	1	2	3	4

7) How many times have you attended activities at the Convention Center in the last year?

1	2	3	4
None	1 to 2 times	3 to 4 times	5 or more times

8) In your opinion, how do you view traffic flow throughout Visalia?

1	2	3	4	5
Very Good	Good	Average	Poor	Very Poor

Public Opinion Survey 2009 (continued)

9)	The city continues to enhance the downtown area. How important is it to you?				
	1	2	3	4	5
	Very High	High	Average	Low	Very Low
9A)	If you were planning to move and the downtown continued to have more community improvements, would you consider living above an existing Main Street business?				
	Yes	No			
10)	How long have you lived in Visalia?				
	1	2	3	4	
	Fewer than 2 years	2 to 5 years	6 to 10 years	More than 10 years	
11)	Are you a registered voter?				
	1	2			
	Yes	No			
12)	Do you own or rent your home?				
	1	2	3		
	Own	Rent	Other		
13)	What is your ethnicity? (Multiple races may apply - more than one OK)				
	1	2	3	4	5
	African-American	Caucasian	Hispanic	American Indian	Asian
14)	What is your gender?				
	1	2			
	Male	Female			
15)	What is your age group?				
	1	2	3		
	18 to 34	35 to 54	55 and over		
16)	What was your household's total gross income before taxes last year?				
	1	2	3	4	5
	Less than \$15,000	\$15,000 to \$40,000	\$40,000 to \$70,000	\$70,000 to \$100,000	\$100,000 and over
17)	In your opinion, what do you think the focus of City services should be? (Comment area. Mark respondent's answer in space below)				
18)	If you could add one thing to Visalia to improve our quality of life, what would that be?				
19)	Taking all things into consideration, how would you rate the overall quality of life in Visalia?				
	1	2	3	4	5
	Very High	High	Average	Low	Very Low

The City produces an email newsletter about twice a month. Would you like to receive the newsletter?

email address:

City of Visalia Agenda Item Transmittal

Meeting Date: February 1, 2010

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Update regarding Visalia's groundwater conditions and the City's water conservation program.

Deadline for Action: N/A

Submitting Department: Administration Department/
Natural Resource Conservation Division

Contact Name and Phone Number:

Kim Loeb, Natural Resource Conservation Manager, 713-4530
Leslie Caviglia, Deputy City Manager, 713-4317

Department Recommendation:

Staff requests that Council receive this update on Visalia's groundwater conditions and the City's water conservation program.

Summary:

All of the City's municipal water supply is obtained from groundwater. The aquifer has been in a state of overdraft for decades – water is being used faster than it can be replenished. Average water levels beneath the City have declined from less than 20 feet below the ground surface in the 1950s to 114 feet in December 2009. Decreasing water supplies, increasing population demand, and regional agricultural use are responsible for the deficit.

Demand in the City was estimated at 235 gallons per capita per day (GPCD) in 2008. The state average is about 192 GPCD. More than 50% of the City's water is used for landscape irrigation, much of it for irrigation of cool-season lawns (e.g., fescue). Evaporation from swimming pools also uses a significant amount of water. Toilets are the biggest water users indoors.

The City has long been concerned with water conservation and an ordinance was adopted in 1989. The City has been at the Stage 3 mandatory conservation level for some 10 years which restricts the days and times of landscape irrigation and other outdoor water use. The City's water education conservation coordinators educate the public regarding water conservation and enforce the City's ordinance. The ordinance is currently under review for revision.

The City's water is supplied by the private California Water Service Company. At the City's urging, Cal Water has accelerated its water meter conversion program which it expects to complete by the end of 2012. Installation of water meters and implementation of tiered billing is

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 20

Review:

Dept. Head LBC 12710
(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.

critically important to successful demand reduction. As the water utility, Cal Water collects money from Visalia's citizens as part of the water bill for water conservation rebates and incentives. Staff has been providing comments and suggestions to Cal Water for implementation of a meaningful water conservation program particularly focused on reducing water used for landscape irrigation.

The City works cooperatively with water agencies and irrigation districts to increase the groundwater supply by purchasing water and running it through creeks and ditches in the City and placing it in recharge basins for percolation. The proposed Water Conservation Plant upgrades will provide valuable recycled water which can be traded for water upstream of the City for groundwater recharge. Staff is working to develop a comprehensive groundwater recharge plan including identification of potential additional recharge basins and other facilities.

Overview of Visalia's Groundwater Conditions:

All of the City's municipal water supply is obtained from groundwater. Water service is provided by the private California Water Service Company (Cal Water) which owns and operates approximately 75 water supply wells in the City. Visalia is the only city in Tulare County with a private water utility.

Groundwater beneath Visalia occurs under unconfined to semi-confined conditions in a single aquifer system. The aquifer is recharged from surface and subsurface flows derived primarily from Sierra snowmelt delivered via the Kaweah River and its distributaries across the Kaweah Delta, principally east of Highway 198. Groundwater flow is generally west-southwest. Within the Kaweah Delta, agricultural pumping accounts for the majority of groundwater use.

Groundwater extraction has exceeded recharge for decades in the Kaweah Delta, a condition known as overdraft. The average depth to water beneath the City of Visalia was less than 20 feet in the 1950s; approximately 39 feet in 1980; and approximately 114 feet in December 2009. While there have been drought-cycle variations, groundwater levels have exhibited a consistent decreasing trend with time, especially since the 1980s. Estimates indicate that Visalia used an average of approximately 3,000 acre feet more water than was replenished each year over the 25-year period between 1981 and 2005, contributing to about 10% of the regional overdraft. Estimates of overdraft vary significantly depending upon the assumptions and methods used.

Factors Affecting Water Supply:

Overdraft conditions are compounded by decreases in supply. California's three years of drought has diminished water supplies throughout the state, including here in the Kaweah Delta. While the recent storms certainly will help, it will take several years of above normal Sierra snowpack to mitigate the current drought. The California Department of Water Resources (DWR) currently rates the drought conditions as "Severe."

Other complicating factors are the San Joaquin River Settlement and climate change. The San Joaquin River Settlement will result in decreased surface water deliveries to eastside farmers. This will have the dual impact of decreasing the amount of water recharged to the aquifer and increasing the amount of irrigation pumping.

Changing weather patterns attributed to climate change are predicted to significantly decrease snowfall in the Sierras and cause highly variable cycles of heavy and light precipitation with prolonged periods of drought. According to DWR, scientists project a loss of at least 25% of the Sierra snowpack by 2050.

On February 28, 2008, Governor Schwarzenegger directed state agencies to prepare and implement a program to achieve a 20% reduction in statewide average per capita use by 2020. The 20x2020 Water Conservation Plan mandates that water utilities including Cal Water implement conservation programs to achieve a 20% per capita reduction by 2020.

Overview of Visalia's Water Usage:

While regional water supply and agricultural irrigation significantly affect groundwater beneath the City, declining water levels beneath the City can be directly correlated with increasing demand as the population grows. In 1980, Cal Water was pumping 14,600 acre feet annually; pumping increased to 34,800 acre feet in 2008. Cal Water projects this may increase to between 41,100 and 50,200 acre feet by 2020 and between 50,600 and 61,900 acre feet by 2030 at current usage rates.

Demand in the City was estimated at 235 gallons per capita per day (GPCD) in 2008. The state average was 192 GPCD in 2005, the latest data available. The statewide 20x2020 Plan target is 154 GPCD. Single- and multi-family residential water use accounts for over 70% of the water supplied in the City.

More than 50% of the City's water is used for landscape irrigation (by some estimates up to 70% of single-family residential water use is for irrigation). Much of this is for cool season turf (e.g., fescue) irrigation which uses 25% or more water than warm season turf (e.g., Bermuda). Evaporation from swimming pools accounts for significant water usage as well. For example, an 18x36 pool can evaporate more than 30,000 gallons per year.

Toilets generally consume the most indoor water; typically about 30% of residential indoor water use is for toilets and can be significantly more in older homes and buildings. Toilets manufactured prior to 1978 use 6 gallons per flush; those manufactured between 1978 and 1994 use 3.5 gallons per flush; and those manufactured since 1994 use 1.6 gallons per flush. The best available toilets use 1 gallon or less per flush.

There are two ways to address an increasing population and decreasing water supplies: decrease demand through water conservation and/or increase water supplies.

Water Conservation:

Water use demand can be reduced through efficiency improvements (high-efficiency toilets, low-flow shower heads, etc.), and through conservation (reducing water loss, waste, or use through changes in practice). The term "water conservation" typically refers to both conservation and water-use efficiency.

The City of Visalia has long been concerned with water conservation. The City adopted a Water Conservation Ordinance in 1989. The ordinance includes four conservation stages. The community has been at Stage 3 for approximately 10 years. Stage 3 requires mandatory compliance and includes provisions which limit landscape irrigation to three days per week and bans irrigation between 10:00 am and 8:00 pm to limit evaporative losses. Additionally, draining and refilling of swimming pools is by permit only (permits are free), car washing is allowed only on watering days with a shut-off nozzle, hosing down driveways and sidewalks is prohibited (exception for public health and safety), and restaurants are required to serve water only by request.

The Natural Resource Conservation Division has two part-time Water Conservation Education Coordinators who conduct community outreach to educate citizens regarding water conservation and the City's Water Conservation Ordinance. The ordinance is enforced by

issuing warning notices to violators. More than two notices within a 12-month period result in issuance of a citation. There is a \$100 fine for the first citation, \$200 for the second, and \$500 thereafter. Cal Water service personnel can also issue notices of violation; however, they cannot issue citations.

The Visalia Environmental Committee is presently reviewing the ordinance and providing guidance to the Natural Resource Conservation Division which expects to bring a revised ordinance to Council in the second quarter of this year. The ordinance is being reviewed for additional conservation opportunities, appropriate triggers for the conservation stages, and practical compliance and enforcement. Other conservation measures that should be considered include requiring retrofits of water-conserving plumbing fixtures upon the sale or transfer of structures, and requiring approved covers for new pools.

Coordination with California Water Service

To maximize water conservation savings, the City's conservation efforts and planning need to be coordinated with Cal Water's. As the water utility, Cal Water has a rate-payer derived budget and state mandates to provide water conservation incentives and rebates to users. Cal Water is also required to prepare conservation plans. Cal Water has requested a significant increase to its conservation budget in its 2011-2013 rate case to about \$500,000 per year, nearly quadruple the current budget. While staff endorses Cal Water's proposed increased conservation budget, the City's citizens pay for this conservation program through their water bill and the program should have demonstrated savings.

At the City's urging, Cal Water has accelerated its water meter conversion program and plans to have water meters installed at all connections within its Visalia District by the end of 2012. Installation of water meters and implementation of tiered billing is critically important for successful demand reduction, especially if significant excess usage penalties are enacted.

Cal Water is preparing an Urban Water Management Plan (UWMP) which it expects to finalize in December 2010. Preparation of an UWMP is required by DWR. Cal Water also prepared a Visalia Conservation Plan which it submitted to the California Public Utilities Commission (CPUC) as part of its recent rate case. Staff has met with Cal Water planning and conservation staff on three occasions in 2009 and has provided questions, comments, and recommendations regarding Cal Water's planned conservation efforts.

While Cal Water has identified conservation targets to meet the 20x2020 requirement, it has not yet identified the Visalia-specific conservation measures which will be implemented to achieve them. Staff has pointed out that an aggressive conservation target is appropriate given Visalia's ongoing overdraft conditions. Cal Water's consultant is working on an estimate of the amount of water that can be sustainably pumped without causing overdraft, known as the safe yield. Staff endorses this effort. The conservation target should be the reduction in total demand needed to reduce groundwater pumping to the safe yield.

At a December 2009 meeting, Cal Water's Conservation Manager told staff that the conservation measures identified in Cal Water's Visalia Conservation Plan were purely for budgeting purposes in its rate case filed with the CPUC, and that Cal Water's Visalia-specific conservation measures would be identified in a Water Conservation Master Plan which is expected to be completed in November 2010. While Cal Water has indicated that the City will be invited to participate in a stakeholders meeting, it is not clear how much additional input the City will have in helping identify appropriate water conservation measures.

Past and current Cal Water incentives have focused on indoor water use including rebates for high-efficiency toilets, clothes washers, etc. While these incentives are helpful, staff continues to strongly encourage Cal Water to implement meaningful conservation programs that will target landscape irrigation and outdoor use. Programs that have been successful elsewhere include incentives for installing weather-based automatic irrigation controllers; incentives for rotating irrigation nozzles with pressure regulating heads; installing dedicated irrigation meters for large landscaped areas; conducting landscape irrigation audits; "cash-for-grass" incentives to replace water-thirsty turf with less water-intensive plants; and incentives for pool covers.

State Model Water Efficient Landscape Ordinance

The State required all cities and counties to adopt a water efficient landscape ordinance by January 1, 2010, or the state Model Water Efficient Landscape Ordinance (MWELo) would become effective by default. At its December 21, 2009 meeting, Council directed staff to implement the state MWELo and to develop a local version of the ordinance. The MWELo requires submittal of a landscape and irrigation design package which limits landscape irrigation use for all commercially installed landscapes greater than or equal to 2,500 square feet.

Staff will work with the Environmental Committee and community stakeholders to develop a local version of the MWELo. Measures that should be considered include limiting the amount of turf that can be installed in new and rehabilitated landscapes, restricting installation of cool-season turf and other water-wasting plants, requiring installation of water-conserving sprinkler nozzles, requiring dedicated water meters for large landscaped areas, and the option for submitting simplified documentation for permitting of water-conserving landscapes that meet pre-defined criteria. Staff anticipates that the local version of the MWELo will be developed later this year.

Increasing Groundwater Supply:

Natural Resource Conservation Division staff work with Public Works Department staff, Kaweah Delta Water Conservation District, Tulare Irrigation District, and other irrigation districts to purchase water for groundwater recharge. The purchased water is run through creeks and ditches in the City and placed in recharge basins for percolation into the groundwater.

Council approved proceeding with engineering design for full tertiary treatment of effluent from the Water Conservation Plant at its December 21, 2009, meeting. Tertiary treatment of wastewater changes effluent from a waste to a valuable recycled water commodity. Based on the concept by the City's consultant Provost & Prichard, staff has been working with Tulare Irrigation District to develop an agreement to trade recycled water from the Water Conservation Plant for water upstream of the City which can be used for recharge. Natural Resource Conservation and Public Works staff are working to develop a comprehensive recharge plan including identification of potential additional recharge basins and other facilities.

Prior Council/Board Actions:

July 14, 2008 – Increased enforcement of water conservation ordinance

March 16, 2009 – Report on current Statewide and local drought conditions, local water conservation measures currently underway and being developed and researched, and groundwater recharge activities

December 21, 2009 – State Model Water Efficient Landscape Ordinance Implementation

December 21, 2009 – Authorization to proceed with Water Conservation Plant project

Committee/Commission Review and Actions:

Alternatives: N/A

Attachments:

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

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: February 1, 2010

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Receive update from the California League of Cities regarding the ballot measure "Local Taxpayer, Public Safety, and Transportation Protection Act of 2010" and consider adopting a resolution pledging support.

Submitting Department: Administration

Contact Name and Phone Number:
Steve Salomon, City Manager, 713-4312
Hilary Baird, League of California Cities

Department Recommendation: Adopt Resolution 2010-04 supporting and endorsing the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

Summary/background: California voters have repeatedly approved ballot measures to dedicate local funding sources to essential local services and to prevent the legislature and governor from shifting or raiding local government, transit and transportation funds. Despite this, the legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years.

The League of California Cities has joined with local government, transit and transportation advocates to craft a constitutional amendment that could be placed on the November 2010 ballot. This ballot measure, a copy of which is enclosed, is known as the "Local Taxpayer, Public Safety, and Transportation Protection Act of 2010".

Approval of this ballot initiative by the populace will close loopholes and change the California Constitution to further prevent State politicians from seizing, diverting, shifting, borrowing, transferring, suspending, or otherwise taking or interfering with tax revenues dedicated to funding local government services including redevelopment, or dedicated to transportation improvement projects and mass transit.

The League of California Cities is asking city councils and special districts throughout California to adopt the attached resolution endorsing the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 and to authorize the listing of the City and District in support of this measure. There is no direct financial impact to the City by adopting this resolution.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Prior Council/Board Actions: n/a

Committee/Commission Review and Actions:

Alternatives: The City Council could chose not to endorse this ballot measure. However, without changes to the state constitution the legislature and the governor can continue to jeopardize local government services by taking, diverting and borrowing from local funding sources.

Attachments: Proposed Resolution 2010-04; League of California Cities Q&A about the Act, Ballot Measure

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution 2010-04 in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

RESOLUTION 2010-04
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA IN SUPPORT
OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION
PROTECTION ACT OF 2010

WHEREAS, California voters have repeatedly and overwhelmingly passed separate ballot measures to stop State raids of local government funds, and to dedicate the taxes on gasoline to fund local and state transportation improvement projects; and

WHEREAS, these local government funds are critical to provide the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit; and

WHEREAS, despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years; and

WHEREAS, this year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds have lead to severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services; and

WHEREAS, State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these locally-dedicated funds; and

WHEREAS, a coalition of local government, transportation and transit advocates recently filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, for potential placement on California's November 2010 statewide ballot; and

WHEREAS, approval of this ballot initiative would close loopholes and change the constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia formally endorses the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, a proposed constitutional amendment.

BE IT FURTHER RESOLVED that we hereby authorize the listing of the City of Visalia in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 and instruct staff to fax a copy of this resolution to campaign offices at 916.442.3510.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution _____ passed and adopted by the Council of the City of Visalia at a regular meeting held on _____.

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

Questions & Answers About the *Local Taxpayer, Public Safety and Transportation Protection Act* for Use by Public Agencies

WHAT IS *THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT* AND WHAT DOES IT PROPOSE TO DO?

The *Local Taxpayer, Public Safety and Transportation Protection Act* (AG Initiative #: 09-0063) is a constitutional amendment that was filed with the California Attorney General in October of 2009. The measure, which proponents are working to qualify for the November 2010 statewide ballot, would prevent the State from borrowing or redirecting funds that are currently dedicated to cities, counties and special districts in California. The measure would also prevent the state from borrowing or redirecting various gas tax revenues that currently fund state and local transportation and mass transit programs, improvements and services. According to proponents, the measure contains the following principal provisions:

- Revokes the State's ability to borrow local government property tax funds (currently authorized under Prop 1A, approved in 2004).
- Prohibits the State from borrowing Prop. 42 funds (gas tax) which voters have dedicated to state and local government transportation improvements, and mass transit programs, services and improvements.
- Prohibits the State from taking or borrowing the Highway User Tax on gasoline (HUTA), which currently funds city, county and state road, highway, transit and other transportation improvements and services.
- Prevents the State from redirecting or diverting locally levied taxes, including parcel taxes, sales taxes, utility user taxes, TOT's and other locally imposed taxes that are currently passed by local governments and/or their voters and dedicated to cities, counties and special districts.
- Prohibits the State from taking, borrowing or redirecting funding for public transit, including existing taxes on gas and "spillover" funds dedicated to the Public Transportation Account.
- Adds additional constitutional protections to prevent the State from taking redevelopment funds or shifting redevelopment funds to other state purposes.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

PROHIBITS THE STATE FROM TAKING FUNDS USED FOR TRANSPORTATION OR LOCAL GOVERNMENT PROJECTS AND SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT.

Prohibits the State from shifting, taking, borrowing, or restricting the use of tax revenues dedicated by law to fund local government services, community redevelopment projects, or transportation projects and services. Prohibits the State from delaying the distribution of tax revenues for these purposes even when the Governor deems it necessary due to a severe state fiscal hardship. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Significant constraints on state authority over city, county, special district, and redevelopment agency funds. As a result, higher and more stable local resources, potentially affecting billions of dollars in some years. Commensurate reductions in state resources, resulting in major decreases in state spending and/or increases in state revenues.

WHO ARE THE OFFICIAL PROPONENTS?

The Executive Directors of the League of California Cities, the California Alliance for Jobs, and the California Transit Association are listed by the CA Attorney General's office as official proponents of the ballot measure. According to the website of the coalition supporting the measure (www.savelocalservices.com), other local government, redevelopment, labor, business, public safety, transportation and public transit organizations are also supportive.

HOW MANY SIGNATURES NEED TO BE COLLECTED TO QUALIFY FOR THE NOVEMBER BALLOT?

The Secretary of State's office says that proponents must collect 694,354 valid signatures from registered California voters to qualify for the ballot. The coalition supporting the measure claims they will collect 1.1 million signatures by mid-April to ensure qualification.

ISN'T FUNDING FOR LOCAL GOVERNMENT AND TRANSPORTATION ALREADY PROTECTED FROM STATE RAIDS?

California voters have passed several measures to prevent the State from redirecting local government and transportation funds. For example, in November 2004, 84% of California voters passed Proposition 1A, which put restrictions on the State's ability to shift or take local government revenues, including property taxes and sales taxes. That provision allowed the State to borrow a portion of local government property taxes under certain conditions. In November 2006, 77% of California voters passed a different Proposition 1A, which placed more restrictions on the state when it borrows the state sales tax on gasoline for non-transportation purposes.

Despite these and other measures, the recently-enacted State budget does continue to shift funding dedicated to local governments and transportation and transit programs and services. For instance, in this year's budget, the State:

- Borrowed approximately \$2 billion in property taxes from local governments.
- Shifted \$2.05 billion in redevelopment agency funding to schools.
- Shifted \$910 million in transit funding away from local transit agencies.
- Voted to take more than \$1 billion of the local government share of the Highway User Tax (HUTA) to repay state bond debt (the measure did not ultimately pass in the Assembly).
- Took action to eliminate the state sales tax on gasoline (Prop 42 funds) and HUTA and replace with a gasoline "fee" that would have no constitutional protection from future shifts by the legislature (the Governor ultimately vetoed this measure).
- Threatened to borrow Prop 42 transportation funds to address the State's deficit.

The Courts have ruled on separate occasions that the State's previous raids of redevelopment funds and public transit funding were illegal, yet the Legislature and Governor continue to propose similar raids of transit and redevelopment revenues.

DOES THIS MEASURE INCREASE OR DECREASE REVENUES FOR LOCAL GOVERNMENTS OR FOR TRANSPORTATION AND TRANSIT?

According to proponents, the measure only protects existing revenues that are currently dedicated to local governments and transportation and transit improvements and services. It does not dedicate any new revenues to local governments or transportation/transit.

CAN PUBLIC EMPLOYEES OR PUBLIC OFFICIALS GET INVOLVED IN THE CAMPAIGN TO PASS THIS MEASURE?

Public employees and officials (those employed by government agencies) may get involved only on their personal time, and not using any government (taxpayer funded) resources. You may campaign after work hours, on weekends, or during lunch breaks, provided no government resources (meeting room, money, computers, etc.) are used. Public employees and officials are advised to check whether their agency has adopted local rules governing campaigning.

ACTION

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Lawrence Segrue



VICE CHAIRPERSON:
Adam Peck

COMMISSIONERS PRESENT: Adam Peck, Vincent Salinas, Terese Lane

MONDAY JANUARY 25, 2010; 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 7:01

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

7:01 TO 7:01

3. CITY PLANNER AGENDA COMMENTS –

No comments

7:01 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 (Salinas, Lane) 3-0 Segrue, Soltesz absent

- a. Administrative Adjustment Summary Report to the Planning Commission
- b. Time Extension for Conditional Use Permit No. 2007-37 & Variance 2007-13

7:02 TO 7:25

6. PUBLIC HEARING– Paul Bernal

Conditional Use Permit No. 2009-46: a request by Benjamin Pacheco to establish a beauty/hair salon in a 2,483 sq. ft. existing building in the P-A (Professional/Administrative Office) Zone. The site is located at 300 West Caldwell Avenue. (APN: 093-225-003)

Approved as recommended (Salinas, Lane) 3-0 Segrue, Soltesz absent

Open: 7:08
Close: 7:18

Spoke:

- 1. Stan Canby
- 2. Karl Kildow
- 3. Ben Pacheco

7:25 TO 7:40

Approved as recommended (Lane, Salinas) 3-0 Segrue, Soltesz absent

Open: 7:32
Close: 7:33

Spoke:
1. Dr. Jihyun Kim

7. PUBLIC HEARING – Paul Bernal

Conditional Use Permit No. 2009-47: is a request by Jihyun Kim, to allow a general dentistry practice within an existing 2,048 sq. ft. tenant space located at 1404 North Ben Maddox Way. The site is zoned C-N (Neighborhood Commercial). (APN: 098-200-066)

7:40 TO 8:17

Approved as recommended (Salinas, Lane) 3-0 Segrue, Soltesz absent

Open: 7:53
Close: 7:58

Spoke:
1. Steve Kiki

8. PUBLIC HEARING – Paul Bernal

Conditional Use Permit No. 2009-42: a request by M.S. Walker & Associates, Inc., to construct a new 87,670 square foot four-story Residence Inn by Marriott Hotel with 125 rooms on 3.6-acres located in the P-C-SO (Planned Shopping Office / Commercial) zone. The site is located on the south side of West Cypress Avenue just west of Akers Street. (APN: 087-450-022).

8:17 TO 8:23

Motion to adopt Resolution 2010-04 was approved as recommended (Salinas, Lane) 3-0 Segrue, Soltesz absent

Open: 8:19
Close: 8:20

Spoke:
1. Fred Machado

9. PUBLIC HEARING –Doug Damko

Development Agreement for Tentative Parcel Map No. 2006-09: A request by DiMello Toscana Inc. to enter into a Development Agreement with the City of Visalia related to the required infrastructure improvements for Tentative Parcel Map No. 2006-09, which divides 9.76 acres into nine parcels. The site is located on the north side of Goshen Avenue, approximately 850 ft. east of Shirk St. APNs: 077-720-001 thru 007, 077-730-001 and 077-730-002

8:23 TO 8:28

Motion to continue to February 22, 2010 was approved (Salinas, Lane) 3-0 Segrue, Soltesz absent

10. PUBLIC HEARING –Paul Scheibel

General Plan Amendment No. 2009-03: A request by the City of Visalia to update the General Housing Element, Citywide.

8:28 TO 9:11

11. DIRECTOR’S REPORT/PLANNING COMMISSION DISCUSSION:

- a. Agenda from City Council, Reappointment of Segrue & Salinas to the Planning Commission
- b. City Implementation of the State Model Water Efficient Landscape Ordinance
- c. Staffing update
- d. GP Update Consultant/Staff Kick-off Tour January 29, 2010, 10am-4pm

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

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

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, FEBRUARY 22, 2010
CITY HALL COUNCIL CHAMBERS, 707 WEST ACEQUIA**

9:11 TO 9:11

Motion to Adjourn (Peck, Salinas) 3-0 Segrue, Soltesz absent

Agenda Item Transmittal

Meeting Date: February 1, 2010

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

Agenda Item Wording: Reappoint Juan Guerrero to the North Visalia Neighborhood Advisory Committee.

Deadline for Action: N/A

Submitting Department: Police

Contact Name and Phone Number:
Lieutenant Perry Phipps, 713-4103

Department Recommendation:

It is recommended that Juan Guerrero be reappointed to the North Visalia Neighborhood Advisory Committee for the 2010-2012 term.

Background:

Juan Guerrero has served on the North Visalia Neighborhood Advisory Committee (NVNAC) as a board member for the past 2 years and 6 months, ending December 31, 2009. During his service, Mr. Guerrero has remained participative and instrumental in the activities and discussions of the Committee.

Mr. Guerrero has been a resident of Visalia for 30 years and has a history of working towards the improvement of our community. He is currently the Director of the Wittman Village Community Center and was instrumental in the development and application of the Neighborhood Youth Counselor efforts in our community. His continued focus on gang issues is commendable. In this area, Mr. Guerrero has devoted a tremendous amount of time and energy to help the youth of our community, specifically the youth residing in north Visalia.

Additionally, Mr. Guerrero served on the Visalia Unified School District as a Board Member for the past 8 years, ending in December 2009.

Prior Council/Board Actions:

June 2007 – City Council appointed Juan Guerrero to fill a vacant NVNAC term ending on December, 2009.

Committee/Commission Review and Actions:

April 2007 – The NVNAC recommended Juan Guerrero to the CAC for approval.
May 2007 – The CAC reviewed the recommendation and agreed with the NVNAC.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Alternatives: Position becomes vacant.

Attachments: None

Recommended Motion (and Alternative Motions if expected):

I move to reappoint Juan Guerrero to the North Visalia Neighborhood Advisory Committee for the recommended term.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: February 1, 2010

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

Agenda Item Wording: Appoint Steven Cullen and Matthew Owdom as members of the Historic Preservation Advisory Committee and Retta Niday and Steve Pastis as alternates.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number:

Paul Scheibel at 713-4369 and Nancy Loliva at 713-4535.

Department Recommendation: It is recommended that Steven Cullen and Matthew Owdom be appointed as members and Retta Niday and Steve Pastis as alternates to the Historic Preservation Advisory Committee for the 2010-2012 term.

Background:

At its retreat on Jan. 25, the members of the Citizens Advisory Committee approved the appointments of Steven Cullen and Matthew Owdom as members and Retta Niday and Steve Pastis as alternates to the Historic Preservation Committee for the 2010-2012 term.

Steve Cullen and Matthew Odom have served as alternates for the Committee. Steve Cullen was appointed to the committee as an alternate by the City Council in October 2008 and Matthew Odom was appointed as an alternate in July 2009. Both have demonstrated a genuine interest in the work of the committee in preserving the City's historic area.

Steve Cullen has lived in Visalia for 54 years and has 15 years of landscape gardening experience, specializing in local plants. He majored in history at the University of San Diego. Matthew Owdom has focused on property and land-use law in both his practice and while attending law school. He is a current resident in Visalia's historic district and is interested in the revitalization of downtown and inner-city areas.

Retta Niday worked in Visalia for over 20 years and is the business manager for the Sequoia Natural History Association. Steve Pastis has worked for 30 years in the newspaper publishing business, as a writer, editor and publisher. He is currently a reporter and copy editor at the

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(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.

Valley Voice Newspaper, and is a member of Rotary International and the Conference of California Historical Societies and the Wild West History Association.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Janaury 2010 – Historic Preservation Advisory Committee recommended Steven Cullen and Matthew Owdom to be appointed as members and Retta Niday and Steve Pastis as alternates for the 2010-2012 term to the Citizens Advisory Committee.

Alternatives:

Position becomes vacant.

Attachments:

Recommended Motion (and Alternative Motions if expected):
I move to appoint Steven Cullen and Matthew Owdom as members and Retta Niday and Steve Pastis as alternates to the Historic Preservation Advisory Committee to serve the recommended term.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: February 1, 2010

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

Agenda Item Wording: Award the contract for the construction of Traffic Signal Improvements for the intersection of Caldwell Avenue and County Center Drive to Loop Electric Inc. in the amount of \$146,100. Project No.: 1241-00000-720000-0-8112.

Deadline for Action: February 15, 2010

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

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

Department Recommendation: Staff recommends that the City Council award the contract for the construction of traffic signal improvements for the intersection of Caldwell Avenue and County Center Drive to Loop Electric Inc. in the amount of \$146,100. Project No.: 1241-00000-720000-0-8112.

Summary: The construction of the traffic signal improvements for the intersection of Caldwell Avenue and County Center Drive will improve the level of service of the intersection by installing left-turn indicators for northbound and southbound traffic. This project will also replace any existing incandescent traffic signal lights with energy efficient LED indicators and add a battery backup system. Emergency vehicle preemption equipment will be installed in all four directions. These improvements will help to provide and maintain an acceptable “level of service” for these transportation corridors.

Background: This traffic signal was last modified in 2002 to add left-turn indicators for eastbound and westbound traffic. Since then, the construction of Cameron Avenue, County Center Drive across Packwood Creek, the development of the Packwood Shopping Center, and “area growth in general” have greatly increased traffic volumes at this intersection (including volumes for the north and southbound lanes).

On January 15, 2010, the City opened five (5) bids submitted for the traffic signal improvements at the intersection of Caldwell Avenue and County Center Drive. The results of the bid opening are as follows:

- | | |
|--|---------------|
| 1. Loop Electric Inc., Bakersfield, CA | \$ 146,100.00 |
| 2. Tennyson Electric Inc., Livermore, CA | \$ 148,860.00 |

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 3

Review:

Dept. Head CY 1/25/10
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

- | | | |
|----|---|---------------|
| 3. | AC Electric Company, Visalia, CA | \$ 152,725.00 |
| 4. | Richard A Heaps Electrical Contractor, Sacramento, CA | \$ 159,600.00 |
| 5. | Madco Electric Inc., Selma CA | \$ 160,710.00 |

The Engineer's Estimate for the construction contract is \$151,000. The traffic signal poles and mast arms were "pre-purchased" by the City for \$13,507.28 to avoid delaying the start of construction (these are "long lead items"). The funding sources for this project are the Transportation Impact Fund (1241 - \$50,000) and the Gas Tax Fund (1111 - \$165,000). The costs of design, construction, pre-purchase of poles/mast arms, and construction management are included in the total funding amount of \$215,000.

This traffic signal improvement project is scheduled for August of 2010.

The installation of the left-turn indicators for the northbound and southbound directions of travel will improve the overall operation of the traffic flow, reduce traffic delays, and provide additional safety for the motoring public.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: Do not award the contract.

Attachments: Exhibit #1, Vicinity Map
Summary of bid results

Recommended Motion (and Alternative Motions if expected): Staff recommends that the City Council award the contract for the construction of traffic signal improvements for the intersection of Caldwell Avenue and County Center to Loop Electric Inc. in the amount of \$146,100.00.
Project No.: 1241-00000-720000-0-8112.

Environmental Assessment Status

CEQA Review:

Required?	Yes	X	No	
Review and Action:	Prior:			
	Required: Cat-Exempt - This project is considered routine maintenance of an existing facility.			

NEPA Review:

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

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

Copies of this report have been provided to:

Financial Impact

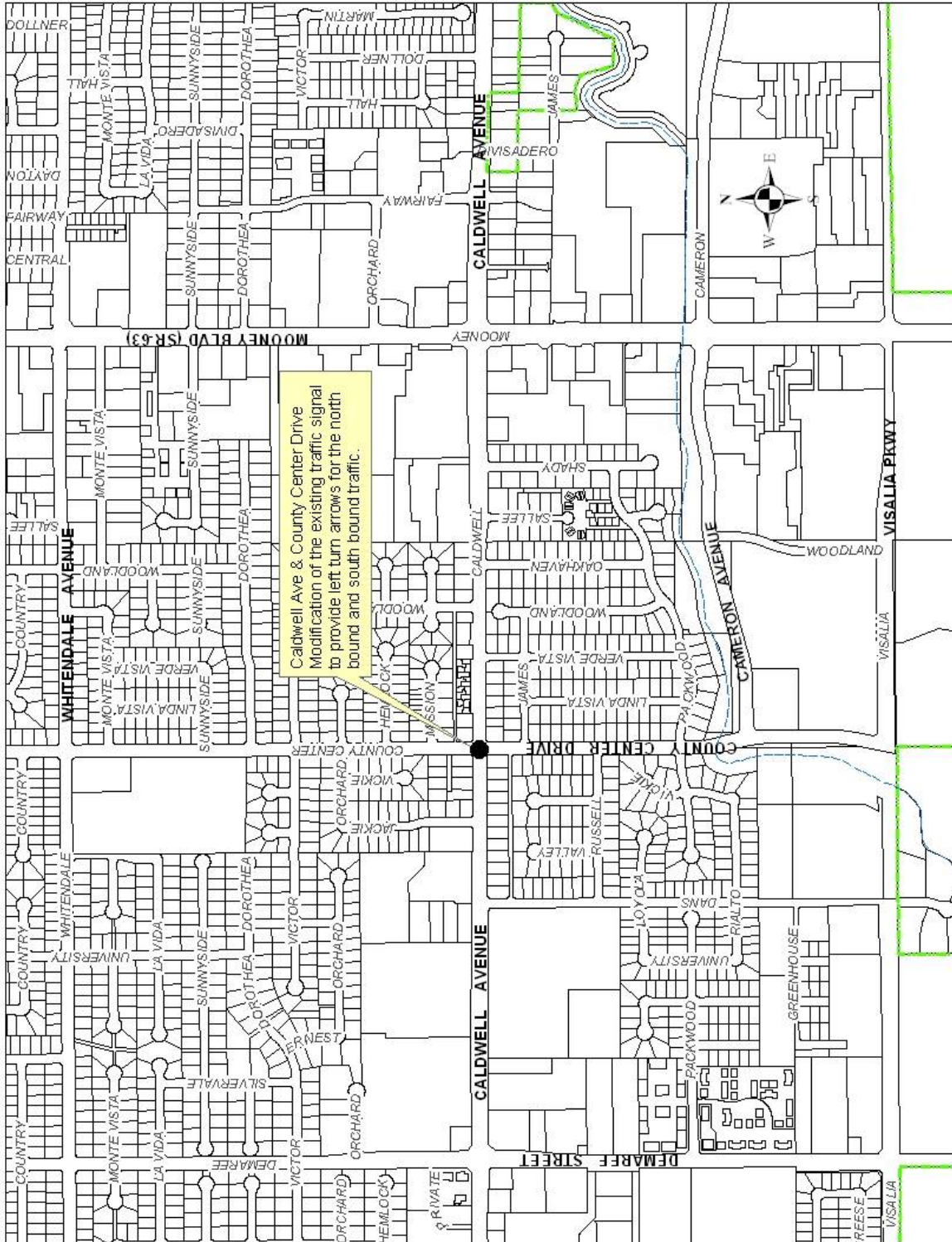
Funding Source:

Account Number: 1241-00000-720000-0-8112 (\$50,000)
Gas Tax Fund (1111) \$165,000

Budget Recap:

Total Estimated cost:	\$215,000	New Revenue:	\$
Amount Budgeted:	\$50,000	Lost Revenue:	\$
New funding required:	\$165,000	New Personnel:	\$
Council Policy Change:	Yes___	No___	X

Vicinity Map



SUMMARY OF BID RESULTS

BID RESULTS RPF 09-10-31
 Bid Opening: January 15, 2010 at 3:00 PM
TRAFFIC SIGNAL MODIFICATIONS
 For
CALDWELL AVENUE AT COUNTY CENTER DRIVE

BID SUMMARY																			
Item	Description	Quantity	Units	Loop Electric			Tennyson Electric			AC Electric			Richard Heaps			Madco Electric			
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Clearing and Grubbing	1	Lump Sum	\$4,009.00	\$4,009.00	\$4,850.00	\$4,850.00	\$4,275.00	\$4,275.00	\$4,676.00	\$4,676.00	\$4,676.00	\$4,676.00	\$10,500.00	\$10,500.00				
2	Mobilization and Demobilization	1	Lump Sum	\$400.00	\$400.00	\$12,500.00	\$12,500.00	\$1,325.00	\$1,325.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00				
3	Traffic Control	1	Lump Sum	\$880.00	\$880.00	\$4,750.00	\$4,750.00	\$10,600.00	\$10,600.00	\$4,800.00	\$4,800.00	\$4,800.00	\$4,800.00	\$3,000.00	\$3,000.00				
4	Signing, Striping and Markings	1	Lump Sum	\$825.00	\$825.00	\$2,250.00	\$2,250.00	\$550.00	\$550.00	\$1,850.00	\$1,850.00	\$1,850.00	\$1,850.00	\$1,000.00	\$1,000.00				
5	Signal Modification	1	Lump Sum	\$131,000.00	\$131,000.00	\$115,910.00	\$115,910.00	\$117,500.00	\$117,500.00	\$133,524.00	\$133,524.00	\$133,524.00	\$133,524.00	\$136,000.00	\$136,000.00				
6	Curb and Gutter	90	Linear foot	\$47.30	\$4,257.00	\$40.00	\$3,600.00	\$115.00	\$10,350.00	\$65.00	\$5,850.00	\$65.00	\$5,850.00	\$19.00	\$1,710.00				
7	Handicap Ramps and Sidewalk	500	Square Feet	\$9.46	\$4,730.00	\$10.00	\$5,000.00	\$16.25	\$8,125.00	\$13.80	\$6,900.00	\$13.80	\$6,900.00	\$11.00	\$5,500.00				
				Total:	\$146,101.00	Total:	\$148,860.00	Total:	\$152,725.00	Total:	\$159,600.00	Total:	\$160,710.00						

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 1, 2010

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

Agenda Item Wording: Ben Maddox Way/ Highway 198 Overcrossing project update and authorization for the City Manager to enter into professional service agreements with Quad Knopf for construction engineering support and survey/construction services and Kleinfelder West, Inc. for materials testing. Project Number 3011-00000-720000-0-9242.

Deadline for Action: None

Submitting Department: Community Development/
Engineering Division

Contact Name and Phone Number:

Manuel Molina, Civil Engineer - 713-4270
Chris Young, Assistant Community Dev. Director - 713-4392

Department Recommendation: Staff recommends that the Visalia City Council authorize the City Manager to enter into professional services agreements with Quad Knopf (for construction engineering support and survey/construction services) and with Kleinfelder West, Inc. (for materials testing) for the Ben Maddox Way/ Highway 198 Overcrossing.

Summary: The Highway 198 Overcrossing at Ben Maddox Way is a project identified in the Circulation Element of the City of Visalia General Plan. The overcrossing will enhance traffic circulation and improving bus, bicycle, and pedestrian access to the residences and businesses north and south of Highway 198. The Ben Maddox Way Overcrossing is the second state highway structure undertaken by the City of Visalia. The construction phase will begin in March and will follow the strict, detailed rules and procedures required by Caltrans.

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

City staff and Mendoza & Associates (acting as Construction Manager and Resident Engineer) have carefully reviewed the Quad Knopf and Kleinfelder's proposals. Project tasks, man-hour spreadsheets, and scopes of work have been scrutinized and defined through several rounds of revisions to insure no overlapping or unnecessary tasks are performed. The agreements are time and material based (not-to-exceed) contracts. Mendoza & Associates will assist the City in

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

managing the contracts and costs. Only the services absolutely needed to complete the project will be implemented.

Quad Knopf's fee for construction staking is \$144,500.00 and for construction engineering/design support is \$139,768.00. Kleinfelder West, Inc. fee for materials testing is \$121,810.00. Construction will begin in March after all agreements are approved and executed. The fees for these services are within industry standards. They are comparable on a percentage basis to past City projects such as the Santa Fe Bridge Project, Recreation Park Stadium Improvements and the West Acequia Parking Structure. All invoices will be reviewed by the City and construction manager and final fees may be less than the not-to-exceed amount.

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

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

Mendoza & Associates was hired in October, 2009 to assist the City of Visalia in managing this project. In addition to bid coordination, which has been completed, Mendoza & Associates will assume the roles of Construction Manager (CM), Resident Engineer (RE), Structure Representative, and a portion of the Resident Engineer Support Team. They will be on site or in the field office at all times during construction doing quality control, scheduling, construction management, and inspections. They are responsible for representing the City's interests and that of Caltrans while delivering the project according to plans and specifications. Their role is critical in keeping the project on time and within budget. These tasks are defined by Caltrans and must be provided by the City according to the cooperative agreement. Caltrans guidelines specifically require that the RE shall not be an employee of the design firm and shall not be associated with the construction contractor. For a more complete list of duties see "Attachment B".

Mendoza & Associates Responsibilities

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

Tasks: CM-RE

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

SR

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

Assistant Resident Engineer

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

Office Engineer

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

Inspector

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

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

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

Quad Knopf Design Support Services Responsibilities

Firm: Quad Knopf Team
Quad Knopf, TRC

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

Tasks: Engineer of Record (Team)
Attend meetings as required
Respond to RFIs

Assure compliance with specs.
Review change orders

Civil
 Structural
 Architectural
 Approve submittals
 Civil
 Structural
 Architectural
 Correct errors or omissions
 Assure compliance with plans

Civil
 Structural
 Architectural
 Redesign work as directed
 Civil
 Structural
 Architectural
 Prepare as-built drawings

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

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

Quad Knopf Survey Responsibilities

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

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

Materials Testing Services (Kleinfelder West, Inc.): Kleinfelder has been chosen to perform the material testing services required for construction of the Highway 198 Overcrossing at Ben Maddox Way. The choice was made through the Request For Proposal (RFP) process conducted by the Purchasing and Community Development Department, Engineering Design Division.

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

each test they would perform. A list of tests was compiled that would most likely be needed to complete the project.

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

The project was advertised and a panel was assembled to rate the submittals according to the criteria above. The panel consisted of two design engineers from the City of Visalia, the RE and Assistant RE from Mendoza & Associates. Six firms submitted their qualifications, Kleinfelder West, Inc., Technicon Engineering Services, Krazan & Associates, BSK Associates, Construction Testing Services and Moore Twining Associates.

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

District Agreement 06-1413, Section 1, Item 41 states *“PROJECT material testing and Quality Control/Assurance shall conform to STATE’s Construction Manual, Construction Manual Supplement for Local Agency Resident Engineer, Local Agency Structure Representative Guideline and State California Test Methods, and shall be performed by a material-tester certified by STATE, at CITY’s expense”*.

Kleinfelder West, Inc. Materials Testing

Title: Material Testing Firm

Tasks: Material tests as required by the RE

Grading and Compaction Tests

Test trench backfills

Test abutment and footing backfill

Concrete aggregate tests

Concrete mix tests

Concrete cylinder tests

Batch plant inspection

AC paving tests

Aggregate base tests

Nuclear gauge compaction testing

Report writing

Field sampling

Lab testing

Prior Council/Board Actions:

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

July 21, 2003 Council adopted a Mitigated Negative Declaration (Resolution #2003-84)

July 14, 2008 Council authorized City Manager to approve Cooperative Agreement (06-1361)

January 29, 2008 Council approved appraisals of 10 properties.

December 15, 2008 Council approved appraisals Resolution of Necessity (Resolution 2008-60)

October 19, 2009 Council approved an agreement with Mendoza and Associates for construction management services.

December 07, 2009 Council awarded the construction contract to Emmett's Excavation, Inc.

Committee/Commission Review and Actions:

Alternatives:

Hire other consultants for the same tasks

Attachments: Project location map.

Attachment A – Project Budget

Attachment B – Mendoza Contract

Attachment C – Construction Engineering/Design Support

Attachment D – Survey/Construction Staking Services

Attachment E - Project Location Map

Attachment F - Project Lane Configuration Exhibit

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to enter into professional services agreements with Quad Knopf for Construction Engineering/Design and Survey/Construction Staking Services and with Kleinfelder West, Inc., for Material Testing Services for the Ben Maddox Way / Highway 198 Overcrossing.

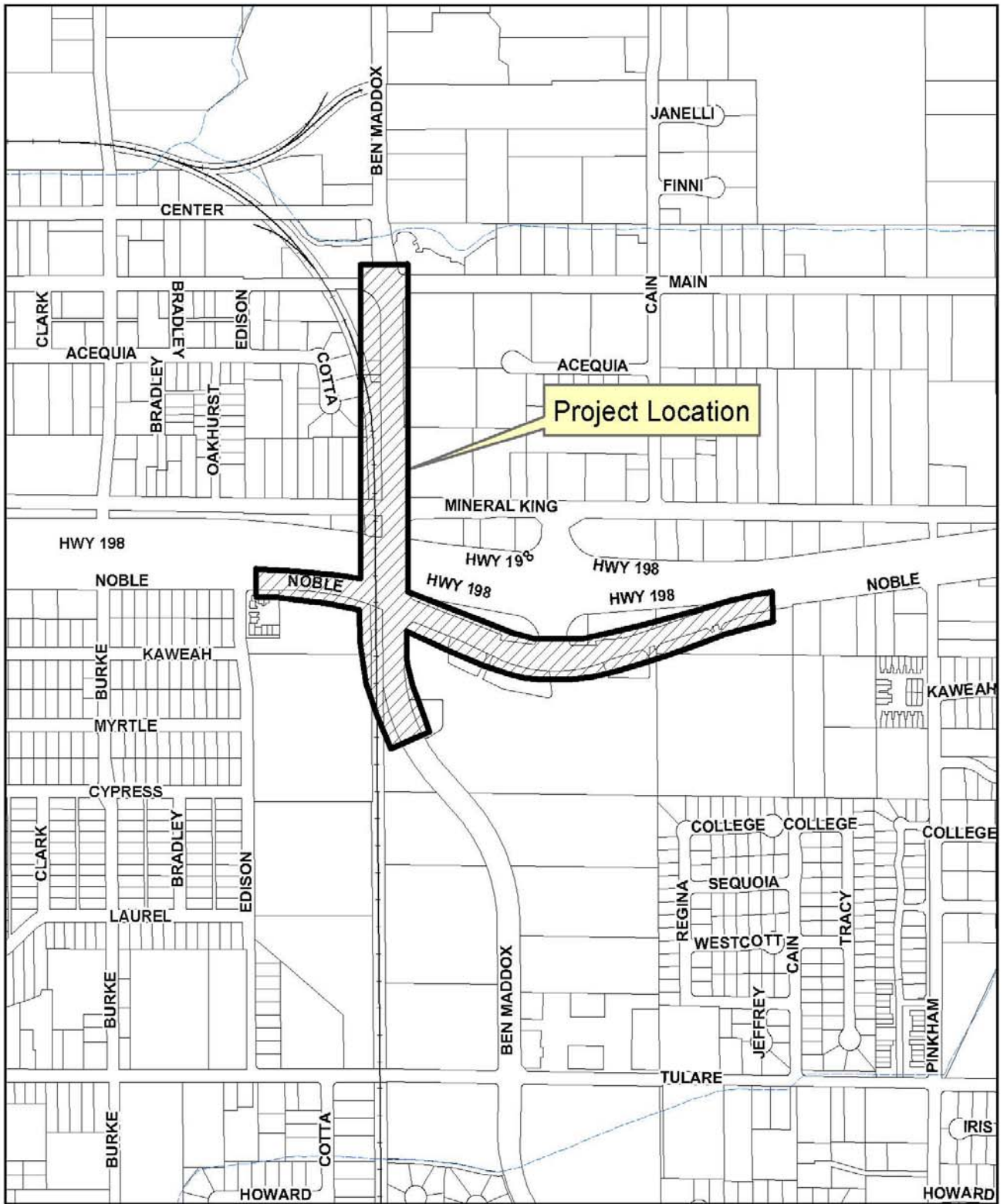
Environmental Assessment Status

CEQA Review: : Mitigated Negative Declaration, adopted by City Council on July 21, 2003 by Resolution 2003-84.

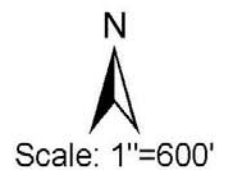
NEPA Review: Categorical Exemption /6004, Categorical Exclusion Determination Form 9/17/07.

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:



Ben Maddox Way Overcrossing Project



Attachment A

Ben Maddox Way / Highway 198 Overcrossing
Project Budget
01/22/2010

Item	Cost	% of Const. Contract
Preliminary Design/Environmental Doc., Initial Study, PSR, PR, CEQA *	\$150,000.00	3.12%
Design Contract (Quad Knopf) *	\$917,333.78	19.10%
ROW Acquisition and Support (Estimated)*	\$971,942.00	20.24%
Railroad Crossing Upgrade	\$442,227.45	9.21%
Construction Management / Res. Engineer	\$819,300.00	17.06%
Construction Contract (Emmett's Excavation.)	\$4,801,446.98	100.00%
Construction Staking Contract (Quad Knopf)	\$144,500.00	3.00%
Construction Support Contract (Quad Knopf)	\$139,768.50	3.10%
Material Testing (Kleinfelder West, Inc.)	\$121,810.00	3.45%
Highway Closure Contract with CHP (Est.)	\$60,000.00	1.25%
State Furnished Materials	\$25,200.00	0.52%
City Personnel and Overhead (Estimated)	\$240,000.00	5.0%
Construction Contingency	\$710,090.00	10.00%
TOTAL:	\$9,543,618.21	195.05%

* = Not Funded ARRA

Attachment B

Current Mendoza & Associates Contract: The cooperative agreement for the Overcrossing at Ben Maddox Way is District Agreement No. 06-1413. Section 1, Item 42, of the agreement states, "To furnish, at CITY's expense and subject to approval of STATE, a field site representative who is a licensed Civil Engineer in the State of California, to perform the functions of a Resident Engineer. If PROJECT PS&E were prepared by a private engineering company, the Resident Engineer shall not be an employee of that company. The Resident Engineer shall also be independent of the construction contractor."

District Agreement 06-1413, Section 1, Item 45 states "At CITY'S expense, to furnish qualified support staff, subject to the approval of STATE, to assist the Resident Engineer in, but not limited to, construction surveys, soils and foundation tests, measurement and computation of quantities, testing of construction materials, checking shop drawings, preparation of estimates and reports, preparation of "As-Built" drawings, and other inspection and staff services necessary to assure that the construction is being performed in accordance with the PS&E. Said qualified support staff shall be independent of the design engineering company and construction contractor, except that the designer of PROJECT may check the shop drawings, do soils foundation tests, test construction materials, and do construction surveys."

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

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

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

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

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

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

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

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

Attachment C

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

District Agreement 06-1413, Section 1, Item 45 states "At CITY'S expense, to furnish qualified support staff, subject to the approval of STATE, to assist the Resident Engineer in, but not limited to, construction surveys, soils and foundation tests, measurement and computation of quantities, testing of construction materials, checking shop drawings, preparation of estimates and reports, preparation of "As-Built" drawings, and other inspection and staff services necessary to assure that the construction is being performed in accordance with the PS&E. Said qualified support staff shall be independent of the design engineering company and construction contractor, except that the designer of PROJECT may check the shop drawings, do soils foundation tests, test construction materials, and do construction surveys."

The design engineering company or engineer of record for the Ben Maddox Way Overcrossing is actually a design team put together by Quad Knopf. The team includes Quad Knopf who is responsible for all of the civil engineering, traffic design, and coordination of the design team. TRC is the structural engineer / bridge designer.

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

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

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

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

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

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

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

Attachment D

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

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

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

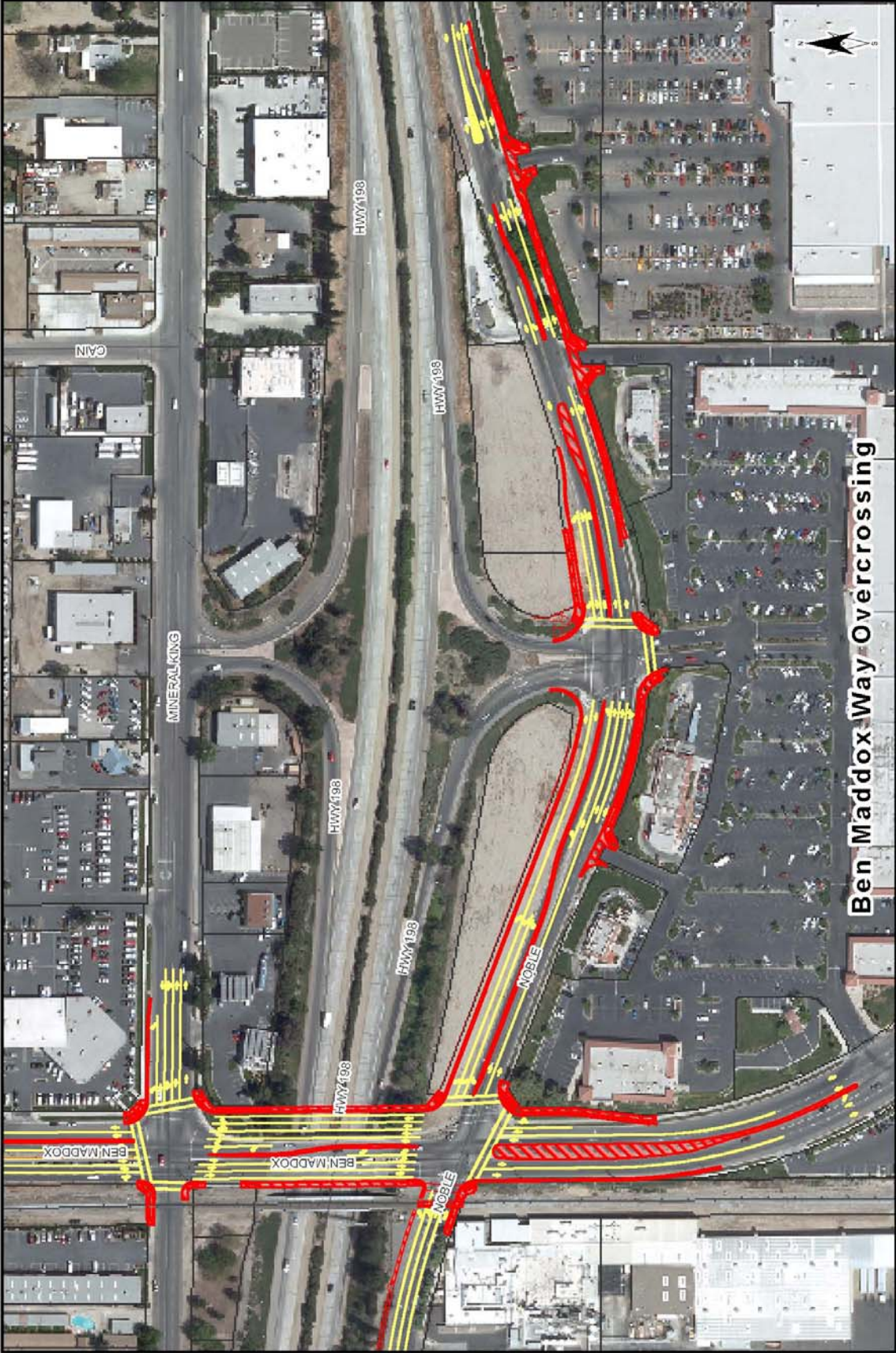
The Ben Maddox Widening Project is one of the last Caltrans structures designed using metric measurements. The use of the metric system of measurements for the structure will require additional time in checking and rechecking construction staking measurements.

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

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

The construction staking fee is 3.0% of the construction contract bid and is within an acceptable range of industry standards.

Attachment F



City of Visalia Agenda Item Transmittal

Meeting Date: February 1, 2010

Agenda Item Number: 8f

Agenda Item Wording: Authorization to award bid for nine Solid Waste truck cab & chassis to E. M. Tharp Inc. for \$1,119,602 and sole source the purchase of nine Solid Waste truck bodies to Ruckstell for \$1,443,907.

Deadline for Action: February 1, 2010

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli, Public Works Director, 713-4340;
Earl Nielsen, Public Works Manager, 713-4533

Department Recommendation:

It is recommended that Council award the bid for nine cab & chassis trucks to E. M. Tharp Inc. for \$1,119,602 and approve a sole source purchase for \$1,443,907 for four split bodies (split containers), two front load bodies (for commercial bins), two automated (yard waste) truck bodies and one roll-off body (large boxes) for the new cab & chassis being ordered at this time. The total purchase for the nine complete trucks is \$2,563,509. The City has applied and is approved for a state CMAQ grant that will reimburse the City approximately \$2,268,705 for the purchase of the nine vehicles. With the grant, the net cost to the City will be approximately \$294,804 for the nine solid waste trucks.

Summary/background:

Grant Award:

All nine of these trucks are included in a 2009-10 State Congestion Mitigation and Air Quality (CMAQ) grant. The maximum allowable grant award for the nine trucks is \$2,390,000.00 (88.5% of an estimated total cost of \$2,700,000.00). The total cost for all nine trucks is \$2,563,509, so the grant award will be 88.5% of that amount, or \$2,268,705. The final cost to the City for the nine trucks is \$294,804. The City will initially pay for the trucks and then the grant money will be awarded in the form of a reimbursement after the trucks have been received and are operational.

Bid Award:

Staff received three bids for the nine Cab & Chassis through the RFB process. Pape Material Handling out of Fresno submitted a bid for \$1,353,455, Central Valley Truck out of Fresno submitted a bid for \$1,236,332, and E. M. Tharp Inc. out of Porterville submitted a bid for \$1,119,602. Staff recommends awarding the bid to E. M. Tharp Inc. for \$1,119,602.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_1__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

General Solid Waste Truck Purchase background:

Solid Waste trucks have to be ordered about thirteen (13) to fifteen (15) months in advance because it takes that long to build and deliver the trucks. The Cab & Chassis will be built and delivered to the body installer to have the bodies installed, and then the completed and fully operational trucks will be delivered to the City. The trucks are Compressed Natural Gas (CNG) fueled. Staff is now ordering trucks that will be delivered and paid for in the 2010-11 budget year.

Nine new trucks are being ordered at this time; four split body trucks, two side-loader yard waste trucks, two front loaders and one roll-off truck. All nine trucks are approved to purchase in the 2009-10 budget year, using Solid Waste enterprise fund money. Six of the trucks are replacing older trucks that have passed their life expectancy. The useful life for solid waste trucks is currently 10 years, and by the time these trucks are replaced they will be 12 years old or older. The trucks being replaced are listed below, with their operating hours to date. Operating hours are tracked instead of mileage and is more useful than mileage for these trucks because they spend a significant amount of time idling. There is no set amount of operating hours to reach for a truck to be identified to be replaced; once a vehicle reaches its useful life it is evaluated on a case by case basis to determine if it should be replaced or not. The six vehicles listed below have been evaluated and are eligible for replacement because they have exceeded their useful life in years and are recommended for replacement.

Truck ID	Type	Year	Operating Hours
253547	Residential split side loader truck	1996	13,256
253548	Residential split side loader truck	1996	13,231
253549	Residential split side loader truck	1996	12,152
253550	Residential yard waste side loader truck	1998	8,783
255548	Commercial front loader truck	1997	9,551
254508	Commercial roll-off truck	1998	10,705

Three of the trucks (one residential split truck, one residential yard waste truck and one front load truck) are being purchased to accommodate the expected increase in residential and commercial accounts and service levels by next year. Because it takes so long to build and receive refuse trucks, it is necessary to anticipate both the need to replace trucks and the need to add trucks to the fleet for growth at least a year in advance. In order to take advantage of the opportunity to include these growth trucks in the grant process, staff felt it prudent to go ahead and purchase the growth trucks now. When the trucks are received staff will evaluate at that time whether or not to expand the service. If it is not warranted to expand service, the trucks will be held in the fleet until such time as the service needs to be expanded.

The cab and chassis for the trucks are ordered separately from the bodies in an effort to save money. Staff had previously sole sourced the cab and chassis purchases to Crane Carrier because they were the only vendor that offered a CNG motor, but now there are several truck manufacturers that offer CNG motors and staff believes the City will save money and get a better truck with competitive bids. Ruckstell Inc. is still the only vendor in the area that provides the truck bodies however, so staff recommends continuing to sole source the truck bodies to Ruckstell Inc.

Sole Source Justification for Truck Bodies:

Ruckstell Inc. has submitted quotes for the nine truck bodies in the amount of \$1,443,907. The primary reasons for sole sourcing the nine bodies to Ruckstell Inc. are:

- Dedicated repair facility within a 75 mile radius – Ruckstell Inc. is located in Fresno and is the only vendor that has a dedicated repair facility within a 75 mile radius of Visalia. This is very important so warranty work and out of warranty repairs can be made on the trucks in a timely manner without excessive down-time or having to drive or tow the truck far away to facilitate repairs.
- Standardization – All the Solid Waste fleet now has bodies provided through Ruckstell Inc. The fleet mechanics are familiar with the maintenance of the bodies and the drivers are used to the operation of the bodies.

Ruckstell Inc. has been an excellent vendor to work with in past dealings and provides ongoing training and advice on body related matters.

Prior Council/Board Actions: none

Committee/Commission Review and Actions: none

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

“Move to award bid for nine cab & chassis trucks to E. M. Tharp and approve sole sourcing nine truck bodies to Ruckstell Inc.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 1, 2010

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

Agenda Item Wording: Council review and acceptance of the fiscal year 2008-09 Measure T Audit Report, as recommended by the Citizens Advisory Committee (CAC).

Deadline for Action: February 1, 2010

Submitting Department: Finance

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

Department Recommendation: That the Council accept the 2008-09 Measure T Audit Report as recommended by the Citizens Advisory Committee.

Summary/background: With the passage of Measure T in 2004, the City is required to conduct annually an agreed-upon procedures audit by an independent audit firm. M. Green and Company LLP, Certified Public Accountants, has completed its fifth audit of the Measure T funds for the fiscal year ended 2008-09. The final report is presented for Council review and acceptance. At its annual planning meeting on January 23, 2010, the CAC reviewed and accepted the final audit report. The CAC recommends that Council accept the report as written.

The audit report contains a corrective "finding" that City management staff has responded to and resolved. It concerns the salary of one Police Officer mistakenly coded to the General Fund when it should have been coded to the Police Measure T fund. The amount of the expense was \$8,030. The root cause of the problem was the manner in which City employees are paid. Typically, each division is unique to a fund. However, until last year, division codes in the department could be coded to either the General Fund or Measure T. When one officer was hired last year, the salary expense was coded to the General Fund as opposed the Police Measure T fund. To correct this problem, Measure T division codes are unique to the Measure T fund and General Fund divisions are unique to the General Fund.

Discussion

At its March 29, 2004 meeting, Council approved the accountability policies for Measure T. One of these policies includes an annual audit of Measure T funds by an independent auditor. The

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.):_15__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

City contracts M. Green and Company LLP, Certified Public Accountants, to conduct the annual audit. The 2008-09 annual audit report is presented for Council consideration and acceptance.

Included in the ballot's accountability guidelines is a requirement to have the CAC review and accept the final audit report. At its January 23, 2010 meeting, the CAC heard a presentation discussing the audit report. The CAC made a motion to accept the report as written and recommends that Council do the same.

First 5 Year Plan Accomplishments

Measure T was designed to increase public safety efforts in Visalia. The measure runs by a detailed 20 year plan. Included are hiring of personnel and construction of capital projects. The operational portion of the plan has been completed according to plan each year. Last year, four Police Officers were hired and Police vehicles purchased. No new programs were to be implemented for Fire last year, according to the plan. However, since the plan's inception, four Firefighters have been hired, a new apparatus has been purchased and the Northwest Fire Station and Training Facility have been constructed and is fully functional.

Financial Status

During the first year of Measure T implementation, fiscal year 2004-05, revenues came in below plan by (\$361,066). In fiscal year 2005-06, revenues came in \$489,963 higher than the plan, and likewise in 2006-07, revenues exceeded plan by \$535,730. In fiscal year 2007-08, revenues came in over budget by \$173,666. In fiscal year 2008-09, the revenues came in under budget by (\$560,255). Since inception, Measure T revenues have exceeded the plan by \$278,038. Chart I – Measure T Revenue, displays budget to actual details by fiscal year.

Chart I - Measure T Revenue

Fiscal Year	Budget	Actual	Variance
2004-05	\$ 4,578,250	\$ 4,217,184	\$ (361,066)
2005-06	4,792,400	5,282,363	489,963
2006-07	4,916,000	5,451,730	535,730
2007-08	5,206,800	5,380,466	173,666
2008-09	5,289,000	4,728,745	(560,255)
Total	\$ 24,782,450	\$ 25,060,488	\$ 278,038

Chart II – Measure T Operating Expenditures, displays operational expenses during the first five years of implementation of the Measure T plan. Overall, expenses have come in under budget by \$801,570.

Chart II - Measure T Operating Expenditures

Fiscal Year	Budget	Actual	Variance
2004-05	566,600	517,841	(48,759)
2005-06	1,317,170	1,040,068	(277,102)
2006-07	2,060,847	1,965,264	(95,583)
2007-08	2,726,513	2,660,393	(66,120)
2008-09	3,562,827	3,248,821	(314,006)
Total	10,233,957	9,432,387	(801,570)

The ongoing concern will be if revenues remain below budget, the City will need to adjust the program to maintain a fiscally sound plan.

Plan Implementation

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

- **Implement the current year plan.** Although there are excess revenues since inception of the plan, staff recommends not accelerating any elements of the plan, as the excess revenues will be spent on capital projects that will cost more than the original budget. For example, the NW fire project was budgeted at \$4.9 million in the Measure T plan. However, due to construction costs increases, it actually cost \$6.4 million, requiring an additional \$1.5 million to fully fund.
- **Fund the economic uncertainty fund** The economic uncertainty funds are a savings account to maintain Measure T roll-out in the event of a financial crisis. The Measure requires that the economic uncertainty funds be funded each year. At the end of fiscal year 2008-09, the uncertainty funds had a balance of \$1,448,297, which exceeds the required 25% of budgeted revenues by \$171,472. These revenues represent interest earned by the uncertainty fund and will be released the fund's fund balance this year.
- **Accelerate the Plan**, if excess funding is available. Because capital projects costs are higher than the original plan anticipated, excess funding will not be available and the plan will not be accelerated.
- **Add new plan elements** if all three of the above criteria are met. This is not applicable, as all three criteria have not been met.

Audit Process and Results

The audit performed by M. Green is an "agreed upon procedures" audit. As opposed to a financial audit, where an auditor will attest to the financial statements, an agreed upon procedures audit is one in which the auditor performs test and tasks outlined in the ballot measure provisions specified in the audit engagement. Their goal is to test if the Measure is being implemented as approved by voters.

After conducting the audit, M. Green found that the City complied with the ballot measure as outlined in the audit procedures. The auditor made one finding as cited below:

Finding:

Our review indicated that twenty-four police officers and four firemen were hired as of June 30, 2009 in accordance with plan objectives. However, our review of personnel and payroll records determined that there was not a proper allocation of labor charges for one Measure 'T' officer at the time of hire for a period of two months. The police department's records indicated this police officer was to be expended from a different fund than what was indicated on the employee's CV9 form at the time of hire. As a result, this officer was mistakenly charged to the City's General Fund instead of the Measure 'T' Police Fund when hired during the 2008-09 fiscal year. A CV9 form was later completed to allocate the officer's salary to the correct Measure 'T' Police Fund. However, no correction was made for the salary mistakenly charged to the City's General Fund, which amounted to \$8,030.

Recommendation:

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

We also recommend that the Measure 'T' Police Fund reimburse the City's General Fund for those expenditures related to the officer mistakenly charged to the General Fund during the 2008-09 fiscal year.

Management Response:

Management agrees with the finding. The root cause of the error was the internal accounting codes the City used for all Police Officers. The City used the same object code regardless of which fund Officers were paid from. The City has now created unique codes to identify Measure T and General Fund Officers. This will ensure Officer's salary expenses are coded properly. Management will prepare a journal entry to increase the salary expenses in the Measure T Police fund by \$8,030 and decrease the salary expenses in the General Fund by \$8,030.

Fiscal Year 2009-10

Looking into the current year of the Measure T plan, there is much to accomplish. The plan calls for the hiring of 2 new Police Officers and the purchase of 2 new police vehicles. The planned public safety building and the future civic center in East Downtown are also in the planning phase

If sales tax revenues were at the plan level, Measure T would not have a problem implementing year 6 of the plan. But sales tax revenues have fallen the last several years. Fortunately, from inception through fiscal year 2008-09, the Measure T revenues have exceeded plan by \$278,038. Additionally, expenses have come in under budget by \$801,570. Over the last five years, Measure T has not spent its budgeted amount for operations. As a result, some accumulated monies are available this year to fully fund the operational portions of the plan.

Finance analyzed the General sales tax revenues for fiscal year 2009-10. In fiscal year 2008-09, the taxes came in less than the three previous fiscal years. There is a probability that the City will experience less sales tax revenue this year than in 2008-09. This concern was recognized when the City recertified and adopted its Measure T plan this year, as shown in Table III, Measure T Budget – 2009/10.

Since the budget was adopted, Sales Tax receipts have declined from projections, reducing expected receipts by \$150,000 in the Police Fund and \$100,000 in the Fire Fund. The net result does not affect operations but will reduce the funds' ability to purchase desired capital. Fire is accumulating resources for a new station and company as of FY 2012/13. Police needs to accumulate resources to help fund a new Headquarter/Dispatch center, according to the Measure T plan.

Table III				
Measure T Budget - 2009/10				
All Amounts in Millions				
		<u>Police</u>	<u>Fire</u>	<u>Total</u>
Revenues				
Sales Tax		2.91	1.94	4.85
Reduced Sales Tax		(0.15)	(0.10)	(0.25)
Interest Earnings		0.03	0.21	0.24
	Revenues	2.79	2.05	4.84
Expenditures				
Personnel		2.99	0.55	3.54
Operations		0.15	0.06	0.21
	Op. Expenditures	3.14	0.61	3.75
Cur. Year Resources				
Available for Capital		(0.35)	1.44	1.09
Available Fund Balance				
as of 6/30/09		2.31	6.22	8.53
Less: Uncertainty Fund		(0.73)	(0.49)	(1.21)
Net Available for Capital				
as of 6/30/10		1.23	7.18	8.41

Conclusion

The purpose of this report is to present the Measure T audit for FY 2008/09. Measure T is being implemented according to plan. The results of the recent fiscal year 2008/09 audit by M. Green and Company LLP, Certified Public Accountants support the fact that the plan is moving forward as approved by voters.

Prior Council/Board Actions:

- January 11, 2006 – Approval and acceptance of the 2004-05 Measure T audit report
- January 16, 2007 – Approval and acceptance of the 2005-06 Measure T audit report
- January 7, 2008 – Approval and acceptance of the 2006-07 Measure T audit report
- December 18, 2008 – Approval and acceptance of the 2007-08 Measure T audit report

Committee/Commission Review and Actions: Citizens Advisory Committee reviewed and approved audit report on January 23, 2010.

Alternatives: Do not accept the 2008-09 Measure T final audit report

Attachments: M. Green Agreed Upon Audit Report

Recommended Motion (and Alternative Motions if expected): I move that Council accept the 2008-09 Measure T Audit Report as recommended by the Citizens Advisory Committee.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

CITY OF VISALIA
INDEPENDENT ACCOUNTANT'S REPORT ON
APPLYING AGREED-UPON PROCEDURES
MEASURE 'T'
FOR THE FISCAL YEAR ENDED JUNE 30, 2009

M. GREEN AND COMPANY LLP
CERTIFIED PUBLIC ACCOUNTANTS

**CITY OF VISALIA
JUNE 30, 2009
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M. Green and Company LLP

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Consultant

JOSEPH L. GRAY, C.P.A.
Independent Consultant

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Tulare
Visalia*

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

City Council
City of Visalia
707 W. Acequia
Visalia, CA 93291-6100

We have performed the procedures enumerated below, which were agreed to by the City of Visalia (City), solely to assist the City and the independent Citizens' Advisory Committee (CAC), with respect to the administration, financial management and accounting of the City's Measure 'T' funds for the fiscal year ended June 30, 2009. The City's management is responsible for the City's administration, financial management and accounting for Measure 'T'. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures applied and findings, as pertinent, are as follows:

- (1) We obtained and reviewed the City's Measure 'T' commitments as expressed in the Measure 'T' ballot measure from the March 2, 2004 election, the Enabling Ordinance adopted by the City Council, Board of Equalization Agreements for implementation and administration of additional sales tax, City Council approved Program Guidelines and expenditure plans for the current fiscal year and the City Council approved City Manager Plan Recertification for June 30, 2009.

Finding:

Measure 'T' calls for the General Fund support for police and fire services during the fiscal year 2008-09, without regard to Measure 'T', to be greater than the General Fund police and fire services support during the fiscal year 2007-08, unless the council declares an economic emergency by a 4/5^{ths} vote.

General Fund support for police and fire services during the fiscal year 2008-09, without regard to Measure 'T,' was greater than the General Fund police and fire services support during the fiscal year 2007-08; therefore, the City has met the maintenance of effort calculations.

Finding:

The Measure calls for the establishment and funding of an "Economic Uncertainty" Fund in the amount of 25% of the annually budgeted revenues. The "Economic Uncertainty" Fund Balance as of June 30, 2009, was \$1,448,297. This amount exceeded the required 25% by \$171,472.

- (2) We updated our documentation of the following Measure 'T' compliance provisions, as interpreted by the City Council adopted enabling ordinance and program guidelines, into an interim progress report and reported to City staff:
- a. Administrative procedures
 - b. Accounting control (including budgetary) procedures

Findings: None

- (3) We updated our understanding of the City's implementation of the material administrative compliance procedures.

Findings: None

- (4) We updated our understanding of the City's implementation of the material accounting control procedures and determined if the following were implemented or maintained:

- a. Establishment of a separate Measure 'T' fund or fund group;
- b. Establishment within the Measure 'T' fund(s) of an accountability structure that allows for accountability of the Measure 'T' sales tax proceeds mandated allocations - police (60%) and fire (40%);
- c. That reasonable interest allocation methodologies were applied to Measure 'T' fund(s) regarding interest revenue for unexpended net proceeds and interest charged for other City fund advances;
- d. That General Fund support for police and fire services during the fiscal year 2008-09, without regard to Measure 'T' funds based upon expenditure levels, was not less than General Fund police and fire services support during the fiscal year 2007-08, unless the Council declared an economic emergency by 4/5^{ths} vote;
- e. Establishment of a separate "Economic Uncertainty" fund within the Measure 'T' fund(s) of 25% of the budgeted Measure 'T' tax revenues.

Findings: None

- (5) We traced all Measure 'T' monies remitted by the State Board of Equalization to determine whether they were properly deposited into the appropriate Measure 'T' fund.

Findings: None

- (6) We performed procedures to verify the summaries of Measure 'T' receipts, disbursements and unexpended funds pertaining to the fiscal year 2008-09 prepared by the City.

Finding:

Our review indicated that twenty-four police officers and four firemen were hired as of June 30, 2009 in accordance with plan objectives. However, our review of personnel and payroll records determined that there was not a proper allocation of labor charges for one Measure 'T' officer at the time of hire for a period of two months. The police department's records indicated this police officer was to be expended from a different fund than what was indicated on the employee's CV9 form at the time of hire. As a result, this officer was mistakenly charged to the City's General Fund instead of the Measure 'T' Police Fund when hired during the 2008-09 fiscal year. A CV9 form was later completed to allocate the officer's salary to the correct Measure 'T' Police Fund. However, no correction was made for the salary mistakenly charged to the City's General Fund, which amounted to \$8,030.

Recommendation:

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

We also recommend that the Measure 'T' Police Fund reimburse the City's General Fund for those expenditures related to the officer mistakenly charged to the General Fund during the 2008-09 fiscal year.

Management Response:

Management agrees with the finding. The root cause of the error was the internal accounting codes the City used for all Police Officers. The City used the same object code regardless of which fund Officers were paid from. The City has now created unique codes to identify Measure T and General Fund Officers. This will ensure Officer's salary expenses are coded properly. Management will prepare a journal entry to increase the salary expenses in the Measure T Police fund by \$8,030 and decrease the salary expenses in the General Fund by \$8,030.

Finding:

The Capital Improvement Program expenditures were proceeding in accordance with Measure 'T'.

- (7) We determined if the Measure 'T' allocations were made in accordance with the following required funding priorities:
- a. Funding of the current year's budgeted expenditures;
 - b. Funding of the "Economic Uncertainty" Fund including annual revision;
 - c. Funding expenditures budgeted for subsequent plan years.

Findings: None

- (8) We conducted an exit interview with City staff representatives.

Findings: None

We were not engaged to, and did not, conduct an audit, the objective of which would be the expression of an opinion on administration, financial management and accounting. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the City Council, City management and the CAC and is not intended to be and should not be used by anyone other than those specified parties.

Very truly yours,

M. Green and Company LLP
M. GREEN AND COMPANY LLP
Certified Public Accountants

November 12, 2009
Visalia, California

City of Visalia Agenda Item Transmittal

Meeting Date: February 1, 2010

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

Agenda Item Wording: Authorize City Manager to receive \$50,000 sub-grant from the California Department of Toxic Substances Control (DTSC), appropriate the money for cleanup activities, and amend contract with Brown and Caldwell Constructors for \$50,000 for completion of Brownfield Cleanup project.

Deadline for Action:

Submitting Department: Administration / Natural Resource Conservation

Contact Name and Phone Number:

Kim Loeb, Natural Resource Conservation Manager, 713-4530
Leslie Caviglia, Deputy City Manager, 713-4317

Department Recommendation:

Authorize City Manager to receive \$50,000 sub-grant from DTSC, appropriate the money for cleanup activities, and amend contract with Brown and Caldwell Constructors for \$50,000 for completion of Brownfield Cleanup project.

Summary:

The City of Visalia entered into a Brownfields Cleanup Cooperative Agreement with the U.S. EPA in March 2007. The Agreement provided a grant up to \$236,000 for cleanup of contaminated soil at the proposed civic center site. Brown and Caldwell was selected as the City's prime contractor. Excavation of contaminated soil exceeded estimates and an additional \$50,000 is needed to transport and dispose of the soil. A \$50,000 sub-grant is available from the DTSC. This item would authorize the City Manager to receive the sub-grant and amend the contract with Brown and Caldwell.

Background:

The City of Visalia entered into a Brownfields Cleanup Cooperative Agreement with the U.S. EPA in March 2007. The Agreement provided a grant up to \$236,000 for cleanup of contaminated soil at two currently undeveloped sites owned by the City which form the proposed future civic center in the East Redevelopment Project Area.

The City awarded the work through a competitive process to Brown and Caldwell. Purchase Order Number 3627 was issued to Brown and Caldwell on May 30, 2008, for the amount of \$230,000.

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 12810
(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.

Brown & Caldwell prepared necessary documents including a Removal Action Workplan which were subsequently approved by the California Department of Toxic Substances Control (DTSC) which is providing project oversight for the EPA. Brown and Caldwell also conducted EPA required community outreach. Brown & Caldwell prepare an RFP and selected a subcontractor to conduct the on-site work.

Approximately 450 cubic yards of contaminated soil were excavated and stockpiled on site in 4Q-2009. The soil is principally contaminated with lead and other heavy metals, likely from prior operations at the sites including an auto-wrecking yard and railroad. Approximately 200 cubic yards have been profiled as non-RCRA (state not federal) hazardous waste.

The project presently has a remaining budget of \$27,415.43. Brown and Caldwell estimates that removal, transportation, and disposal of the contaminated soil and backfill and compaction of the excavations will require an additional \$50,000. A sub-grant is available from DTSC for the full \$50,000. This item would authorize the City Manager to accept the \$50,000 sub-grant from DTSC and to amend the contract with Brown and Caldwell for an additional \$50,000.

Prior Council/Board Actions:

December 17, 2007 – Authorized City Manager to execute contract with Brown and Caldwell Consultants using approved EPA Grant funds for Brownfield Cleanup project.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Contract Amendment No. 1 – City of Visalia Brownfields Cleanup

Recommended Motion (and Alternative Motions if expected):

I move to authorize City Manager to receive a \$50,000 sub-grant from DTSC, appropriate the money for cleanup activities, and amend contract with Brown and Caldwell Constructors for \$50,000 for completion of Brownfield Cleanup project.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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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:



January 25, 2010

Mr. Kim Loeb
City of Visalia
P.O. Box 5078
Visalia, CA 93278

138180

Subject: Contract Amendment No. 1 —City of Visalia Brownfields Cleanup

Dear Mr. Loeb:

This document is a proposed contract amendment by Brown and Caldwell Constructors' (BCC's) for the City of Visalia Brownfields Cleanup. This amendment would be added to the May 30, 2008 authorized Purchase Order Number 3627 in the amount of \$230,000 between Brown and Caldwell and the City of Visalia, which was subsequently assigned to BCC.

BCC assisted the City of Visalia with preparing a revised budget to reflect the tasks completed to date, and reallocated projected costs for tasks still in progress. Since costs were expected to exceed the \$230,000 awarded, BCC assisted the City of Visalia with preparing a Revolving Loan Fund – sub grant application offered through the Department of Toxic Substances Control (DTSC) in the amount of \$50,000 to cover the additional costs expected to complete the cleanup. This proposed contract amendment was prepared in anticipation the DTSC will authorize the additional funds.

Scope of Work

The Brownfields Cleanup project will require the following additional actions to be completed:

- Transport and disposal of approximately 450 cubic yards of contaminated soil. The soil is currently stockpiled onsite and waiting to be loaded into roll-off bins for transportation to Waste Management's facility, located in Kettleman City. Approximately 200 cubic yards has been profiled as non-RCRA hazardous waste.
- Perform compaction testing of the backfill material to meet City of Visalia compaction requirements.
- Backfill approximately 450 cubic yards of imported clean soil currently onsite and provided by the City of Visalia.
- Prepare a draft and final closeout report that meets the requirements of the DTSC. Comments from the City and DTSC will be incorporated into the final report.

- Provide oversight of field activities including supervising all Subcontractors.

A cost breakdown of the five tasks reflecting expenditures to date, funds remaining, and the proposed amendment is provided in Attachment 1.

Schedule

BCC is prepared to commence work within one week of receipt of written authorization of this amendment.

Compensation

BCC proposes a contract amendment not to exceed \$50,000 for the costs associated with conducting the additional scope of services described above. These items are also reflected in Appendix C of DTSC sub grant fund application. A breakdown of the estimated costs as itemized in the DTSC sub grant fund application are provided below.

Backfill and compaction test	\$5,000.00
Transportation and disposal fees for contaminated soil	\$35,000.00
BCC's oversight of excavation and disposal activities, regulatory coordination and implementation, and closure report	\$10,000.00

TOTAL ESTIMATED COST **\$50,000.00**

A total of \$230,000 has been previously authorized bringing the total project fee to \$280,000. BCC proposes to conduct the work described in this Amendment on a time and materials basis in accordance with the Fee Schedule provided as Exhibits B and C of the Prime Agreement attached to Purchase Order Number 3627. Actual costs will be based on the effort required to complete the Scope of Work described herein.

Terms and Conditions

For your convenience, this amendment is presented in a form that can be accepted and signed as an agreement between the City of Visalia and Brown and Caldwell Constructors. The Scope of Work described in this Amendment will be performed in accordance with the Terms and Conditions included in the Professional Services Agreement dated May 30, 2008 between Brown and Caldwell (BCC) and the City of Visalia. If the Scope of Work, Compensation, and Terms and Conditions meet with your approval, please sign both copies and return one fully executed copy, including all pages, to BCC.

Mr. Kim Loeb
City of Visalia
January 25, 2010
Page 3

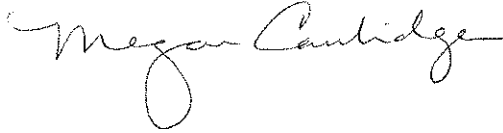
We appreciate the opportunity to provide our services and look forward to assisting you on this matter. If you have any questions, please call me at (916) 853-5395.

Very truly yours,

BROWN AND CALDWELL
CONSTRUCTORS



Philip J. Lagas
Vice President



Megan Cambridge
Project Manager

CITY OF VISALIA

Signature _____

Printed Name _____

Title _____

Date _____

ATTACHMENT 1

Attachment 1

Budget Break Down by Task

Tasks	Budget	Budget Spent	Budget Remaining	Amendment Amount
Task 1 - Project Management and Planning	\$26,795.00	\$26,795.00	\$0.00	-
Task 2 - Community Outreach	\$14,788.82	\$14,788.82	\$0.00	-
Task 3 - Site Cleanup Plan & Related Documents	\$47,870.95	\$47,870.95	\$0.00	-
Task 4 - Implementation	\$124,545.23	\$100,062.31	\$24,482.92	\$50,000.00
Task 5 - Reporting	\$16,000.00	\$13,067.49	\$2,932.51	-
Totals	\$230,000.00	\$202,584.57	\$27,415.43	

City of Visalia Agenda Item Transmittal

Meeting Date: February 1, 2010

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Police Department update on current gang suppression activities to include recent multi-agency gang task force details and future task force details; Department update on additional anti-gang strategies both current and in development; Update on Department efforts to obtain Federal funding for gang intervention/ prevention resources; Acknowledgement of steps taken to fill (5) officer vacancies in the Department; Council authorization for a loan from the General Fund in the amount of \$242,000.00 to the Measure T Fund for the purpose of accelerating the hiring of two additional sworn officer positions; and Request for Council to release monies frozen in the FY09/10 budget for the lease of an office building for the Department's Special Enforcement Bureau personnel (Gangs & Narcotics Units).

Deadline for Action: February 1, 2010

Submitting Department: Police

Contact Name and Phone Number:
Chief Colleen Mestas: 713-4215

Department Recommendation: The Department recommends that Council: 1) Accept the Department's report on current gang suppression activities to include recent multi-agency gang task force details and future task force details; 2) Accept the Department's report on additional anti-gang strategies both current and in development; 3) Accept the Department's report on efforts to obtain Federal funding for gang intervention/ prevention resources; 4) Acknowledge Department steps taken to fill (5) officer vacancies in the Department; 5) Approve Department recommendation for a loan from the General Fund in the amount of \$242,000.00 to the Measure T Fund for the purpose of accelerating the hiring of two additional sworn officer positions; and 6) Approve Department request for the release of monies frozen in the FY09/10 budget for the lease of an office building for the Department's Special Enforcement Bureau personnel (Gangs & Narcotics Units).

Summary/background: The following section will provide an overview of gang strategies currently in operation and an update on strategies that are being pursued by the Department at this time to enhance gang suppression, intervention, and prevention activities.

Department Gang Strategies:

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Evidence suggests that the strategy of gang suppression, intervention & prevention employed by the Department over the course of the past three years to address the issue of gangs has been effective in reducing gang-related violence within the City of Visalia to the tune of a 59% decrease in gang-related violence when compared to 2007. However, the recent upward trend in gang-related violence and an increase in the number of validated gang members is also evidence that much work remains to be accomplished, new strategies developed, and affirmative steps on the part of the Department and City to continue making progress in our fight against gangs.

Gang Suppression: The Department's Special Enforcement Bureau is responsible for activities related to gang suppression. The Gang Suppression and Narcotic Units engage in directed enforcement measures targeting active gang members and conduct investigations in order to impact gang activities and operations.

The Department also works with the Tulare County Sheriff's Department through MAGNET (Multi-Agency GaNg Enforcement Team) to provide gang suppression resources to the greater Visalia area utilizing multi-agency resources. Due to current staffing levels, the Department does not have officers assigned full-time to MAGNET but the Visalia PD and Tulare County Sheriff's gang units work and communicate with each other on a weekly basis.

The Department is also an active member in the Tulare County Gang Suppression Task Force. This very resource was deployed in the City of Visalia during the weekend of January 22-24, 2010 when the Visalia Police Department hosted a Tulare County Gang Suppression Task Force detail in the City of Visalia to address recent gang activity. This detail involved officers from the following agencies: Visalia PD, Tulare County Sheriff's, Tulare Co District Attorney's Office, Tulare County Probation, State Parole, California Highway Patrol, Tulare PD and the Dinuba PD. The task force provided additional manpower and resources that targeted known gang offenders and through proactive means, prevented any incidents of gang violence during that weekend. The detail netted 16 arrests, 26 gang field interviews and gang injunction services on two gang members. The Visalia Police Department hosts several such details with the Gang Task Force in Visalia throughout the year and also participates in Gang Task Force details throughout the county during the year at the request of the Gang Task Force. Additional details will be hosted by the Visalia PD throughout 2010 in a strategic manner to address gang activity within the City.

The Department is also exploring the possibility of a local task force in partnership with county and state law enforcement agencies to conduct operations aimed at impacting gangs at their organizational level. The current operations of the SEB personnel are largely focused on suppression of gang activity at the street level. This is largely due to limitations with staffing and resources. Unit expansion and a state task force partnership would present the opportunity for the unit to explore such a task force option.

Gang Intervention/ Prevention:

The Department is actively engaged in two gang prevention/ intervention task forces. The Multi-Agency Gang Intervention Task Force, which is a city focused task force co-chaired by the Visalia PD and the Visalia Unified School District and meets monthly to coordinate gang prevention/ intervention resources within the City. This task force is represented by representatives from the City's Law Enforcement community, Faith-Based Community, Business Community, Education Community and Community Based Organizations (Proteus, CSET, B&G Clubs, etc.) Some of the projects that have come from this task force are gang summits, the LOOP Bus, and the CalGRIP NYC Grant Project. The Department also

participates in the Tulare County Gang Prevention Task Force, which is a county focused task force chaired by the Tulare County Board of Supervisors.

The Department is in the process of completing a strategic plan for the Multi-Agency Gang Intervention Task Force. This strategic plan will allow the Task Force to identify a number of key strategies that will aid in it's anti-gang efforts into the future.

The Department is in the process of seeking Federal funding assistance to hire a City Gang Prevention/ Intervention Coordinator that would manage the City's Multi-Agency Gang Intervention Task Force for the purposes of coordinating task force efforts, developing a referral system, and maximizing the efficiency and effectiveness of task force operations. Additionally, the Department would use some of these funds to establish a local level prevention/ intervention grant program through the task force. These grants would be used to aid task force stakeholders in implementing strategies identified by the task force such as youth mentoring/ intervention, parent education and job training.

The Department is currently engaged in a partnership with the Tulare County Probation Department that provides for the assignment of a Deputy Probation Officer to the Gang Suppression Unit. This officer assists the GSU personnel in their suppression efforts through Probation follow-ups and information gathering, but his primary role is intense supervision of at-risk gang-involved youth on Probation. This is a partnership that has been highly beneficial to both agencies from both a suppression and intervention standpoint. The Probation Officer assigned to the GSU is funded through grant monies obtained by the Police Department over the course of the last two years and will need to be re-evaluated for this next fiscal year

In 2008, the Department secured a CalGRIP (California Gang Reduction Intervention Prevention) grant award through CalEMA (California Emergency Management Agency) Office of Gang & Youth Violence Policy. This grant was obtained in conjunction with partners of the city's gang task force, specifically Proteus, Inc. The grant allowed the City to sub-contract with Proteus to hire (6) Neighborhood Youth Counselors (gang intervention specialists) to work with at-risk youth in Visalia community centers and schools. This grant concluded on December 31, 2009 and during its 21 months of operation reached 300 Visalia youth, improved academic performance in 178 youth, provided job training to 131 youth, and 102 youth chose to terminate their gang involvement. This project proved to be one of the most effective intervention programs employed along with a similar CalGRIP project operated through CSET. Although this grant has expired, the Department has partnered with the Visalia Unified School District and Proteus, Inc., utilizing Federal Stimulus Funds to continue the Neighborhood Youth Counselor project by hiring (5) NYC's for an additional 18 months.

Department Proposal/ Recommendations:

1) The Department intends to maintain currently employed anti-gang strategies while simultaneously developing new strategies and mechanisms to fund these strategies. Federal Funds are currently being used and additional funds sought to build upon the Department's gang intervention/ prevention strategies. A key element in improving the effectiveness of current strategies and implementing new strategies to maintain progress with gang suppression is the addition of SEB personnel. However, such expansion is prohibited by the current office location of the SEB personnel.

2) SEB personnel, consisting of (15) officers, are currently housed at Fire Station 54 in an office space consisting of approximately 1100 sq/ft. This office space was previously used as the Department's north Visalia community policing facility until the opening of the District 1 substation in 2007. The SEB personnel have outgrown this facility leading to cramped

conditions for current personnel and preventing any expansion of the units due to lack of space. Additionally, the Lieutenant of the Special Enforcement Bureau is not housed with SEB personnel due to the lack of space. This creates challenges in efficiency and communication from the Management to Line Level personnel in a critical operation for the Department.

The cramped situation in Station 54 also prevents these units from having a briefing area for daily meetings, detail briefings, and establishing a focal point for shared gang intelligence. This also prevents these units from hosting meetings/ briefings with other allied agencies at their office, requiring them to use alternative locations. This must also be considered should the Department be successful in the implementation of a state task force in Visalia. These are factors that are critical to sharing information and providing an overall picture of the gang situation in Visalia to aid in the development of strategies for directed enforcement measures and to direct appropriate resources for intervention/ prevention efforts. Mapping of gang-related residences, gang-related crimes, link analysis to identify gang and/or narcotics organizations requires the time for officers to gather relative information and share it among team members in order to provide these types of resources. A suitable work space for these officers is important to facilitate the aforementioned administrative responsibilities assigned to them.

During budget preparation for FY08/09 & FY09/10 the Department recognized a need for a more suitable SEB facility for all of the reasons cited in this report. The Department evaluated several suitable properties within the City to meet the needs of the SEB and included a line item budget request for an office lease to accomplish this goal. This line-item budget request was in the amount of \$5,000/mo for a total of \$60,000/year. The Department arrived at that amount based on the going rate for the properties identified at that time and utility costs are factored into that amount. In addition to the cost of the lease for the building, the Department would also incur a one-time cost of \$10,000 that would be needed for the purchase of network equipment that would link the SEB office to the City Intranet/ e-mail system, phones, records, and DOJ databases. While the need for the SEB facility was identified, the line-item budget request was frozen and the SEB personnel have remained in the same facility despite ongoing efforts to improve the situation.

During this property search in 2008, the Department was contacted by Pershing Properties in regards to 1.5 buildings located at 6627 & 6631 W. Pershing in Visalia. This property consists of a 4,000 sq/ft office space and 2,000 sq/ft warehouse storage space. The property was initially offered to the Department at \$0.85/sqft in 2008, however the budget for the property was frozen. The Department has been recently approached by Pershing Properties with a proposal for the same 6,000 sq/ft of space at \$0.45/sqft.

The property in question would meet both current and future needs of the SEB personnel. The 4,000 sq/ft is significantly larger in size than the current location and consists of several individual offices, a men's & women's restroom, and a 2,000 sq/ft bullpen area. The 2,000 sq/ft warehouse storage area is unfinished but would satisfy the needs for a storage space for asset seizures and allow the Department to vacate the location currently on loan to the Narcotics Unit as a temporary fix.

Purchase of networking equipment would still be a requirement in order to provide network access and DOJ database access to the SEB personnel at this facility, which would be necessary to perform their related duties.

The budget listed below identifies monies requested to be “unfrozen” from the line-item request identified for the remainder of FY09/10, network equipment needs (1-time cost), and funds to equip a briefing room and format the bullpen area of the site.

Budget:

	FY09/10 (Feb-June)	
	Monthly Rate	Total
Lease of 6627/ 6631A W. Pershing @ \$0.45/sqft (6,000 sf)	\$2,700.00	\$13,500.00
Utilities (estimated)	\$500.00	\$2,500.00
Networking Equipment	N/A	\$10,000.00
Office Furniture	N/A	\$4,000.00
Total:	\$3,200.00	\$30,000.00

3) As a result of a budget shortfall in the 09/10 budget the Department was asked to cut 1.5 million dollars. In order to meet that goal there were (9) sworn positions frozen. Currently the Department has an additional (5) sworn vacancies. The Department is currently in the process of hiring in order to fill those (5) vacant police officer positions. In order to meet operational needs the Department is requesting an advance of monies from the General Fund to Measure T Funds in the amount of \$242,000.00 to fund two sworn officer positions. This would allow the Department to take affirmative steps in advancing its anti-gang strategies while minimizing impacts on general patrol operations affecting service levels.

Visalia Gang-Related Violence:

A recent review of Department gang Field Interview cards revealed that the number of validated gang members in Visalia has increased from 972 in 2007 to 1,184 in 2010. While this is largely due to increased intelligence gathering as a result of increased enforcement efforts by the GSU, it remains an area of concern. Enforcement efforts that attributed to this increased intelligence information is a 20% increase in arrests by the SEB Units in 2008 (compared to 2007) and a 73% increase in Field Interview Cards in 2009 (compared to 2008). This increase in the number of validated gang members identifies and strengthens the ongoing and pressing need for suppression and intervention/ prevention activities.

In 2007, the City of Visalia experienced a spike in gang related violent crimes with 6 gang-related homicides, 75 gang-related assaults w/ deadly weapons and 90 drive-by shootings. This resulted in a total of 171 gang-related violent crimes in 2007, an average of 14.25 per month.

In 2008, there were 8 gang-related homicides, 63 gang-related assaults w/ deadly weapons, and 63 drive-by shootings. This resulted in a total of 134 gang-related violent crimes in 2008, an average of 11.2 per month.

In 2009, there were 3 gang-related homicides (a 50% reduction from 2007), 40 gang-related assaults w/ deadly weapon (a 47% reduction from 2007) and 27 drive-by shootings (a 70% reduction from 2007). This resulted in a total of 70 gang-related violent crimes in 2008, an overall decrease of 59% from 2007, and a monthly average of 5.8 incidents. Additionally, there was a 25% decrease in juvenile arrests from 2008 to 2009.

To date in 2010, there have been 2 gang-related homicides, 2 gang-related assaults w/ deadly weapons, and 2 drive-by shootings. This would set the pace for 2010 at 6 incidents of gang-related violent crime per month, already an increase over 2009 averages. Additionally, the last quarter of 2009 showed a slight increase in gang-related violent crime (7.3 incidents per month) when compared to the first three quarters of 2009 (5.8 incidents per month). The collaboration

between the Gang Suppression Unit and Violent Crimes Units have led to valuable investigative leads in those cases and one arrest related to those incidents of gang violence in early 2010. This has been accomplished through aggressive investigative work and aggressive gang suppression efforts by the Gang Suppression Unit resulting in a total of 61 arrests and 11 firearm seizures by the SEB in January 2010.

This upward trend in gang-related violent crime, and the number of validated gang members within the City of Visalia, gives rise to concern as to what may be in store for the coming year despite ongoing efforts to curb gang activity.

Visalia Police Department Special Enforcement Bureau:

The Department's Special Enforcement Bureau (SEB) consists of two full-time police specialty units; the Gang Suppression Unit (1 Sergeant, 1 Agent, 7 Officers, 1 Probation Officer) and the Narcotics Unit (1 Sergeant, 4 Officers). The Special Enforcement Bureau is the Department's dedicated anti-gang force with its primary focus being that of gang suppression, intervention, and prevention. These units fall under the command of the SEB Lieutenant who also oversees collateral assignments consisting of; S.W.A.T., Terrorism Liaison Officers/ Homeland Security, Honor Guard and the Department's gang intervention/ prevention efforts through the Multi-Agency Gang Intervention Task Force.

The Special Enforcement Bureau is also involved in the following gang task forces:

- M.A.G.N.E.T. (Multi-Agency GaNg Enforcement Team) w/ Tulare County Sheriff's.
- Tulare County Gang Suppression Task Force (Chaired by the Tulare County District Attorney's Office). This task force meets on a quarterly basis and serves as a rapid response resource of all Tulare County law enforcement agencies to provide gang suppression countywide.
- Tulare County Gang Prevention Task Force (Chaired by the Tulare County Board of Supervisors).
- City of Visalia Multi-Agency Gang Intervention Task Force (Co-Chaired by the Visalia Police Dept. and Visalia Unified School District).
- City of Visalia S.M.A.R.T. Team (Specific, Measurable, Attainable, Relevant & Time-bound). This is a multi-disciplined collaboration of City Departments to address neighborhood problems.

SEB Personnel & Responsibilities:

The Gang Suppression Unit began operating in the early 1990's and consisted of (1) Sergeant, (1) Agent and (4) Officers. The unit added an additional officer in 2003 in order to meet the increasing administrative demands upon the unit, bringing the total number of officers in the unit to seven. In 2006, the Gang Suppression Unit expanded through the addition of two officers who were immediately assigned to the newly formed Multi-Agency GaNg Enforcement Team (MAGNET) task force in cooperation with the Tulare County Sheriff. This brought the unit to a total of nine officers, although two were assigned to MAGNET. The Narcotics Unit consists of (1) Sergeant and (4) Officers and has not expanded since the 1980's.

The officers in the SEB are not only responsible for proactive enforcement patrols to address gang activity but are also responsible for a variety of administrative duties related to gang enforcement. These duties include, but are not limited to the following:

- Use of informants to develop intelligence and enhance investigations.
- Gang Expert Court Testimony
- Gang Expert Reports prepared to enhance gang prosecutions.
- Court mandated gang registrations.

- Evaluation of Field Interview Cards for gang validation.
- Maintenance and data input of Field Interview Files (intelligence & purging requirements).
- Search warrant preparation, service & completion.
- Community presentations on gangs.
- Assisting other Departmental Units in investigations.
- Surveillance
- Participation in Tulare County Gang Task Force details.
- Management of the City's two civil gang injunctions.
- Narcotics Investigations
- SMART Team Participation

In order for the Department's Special Enforcement Bureau Units to keep pace with ever-increasing administrative responsibilities, enforcement responsibilities, and gang/ narcotic activity in Visalia, the units will need to expand their personnel. Along with a slight upward trend in gang-related violence over the last four months and the increased number of validated gang members, the Department is also faced with the reality of the State's plan to release thousands of state prison inmates and local county jail inmates that will surely impact the gang climate in Visalia. For all these reasons the SEB has a real need to expand in the near future in order to maintain progress that has been gained over the last two years and to continue to make headway with Visalia gangs in the future. This expansion should consist not only of police officers to enhance the Department's gang suppression activities, but should also consist of a non-sworn position that would assist the unit in completing administrative tasks allowing the sworn officers to focus more on sworn officer activities.

Conclusion:

The Department remains committed to its three-pronged strategy of gang suppression, gang prevention, and gang intervention as described throughout this report. Significant progress has been made over the course of the last 3 years but a great deal of work remains in order to sustain this progress and drive forward. While the Department recognizes that these measures will increase the City deficit, it also knows that the strategies in this report, current and proposed, are necessary for combating gangs for the safety and youth of this community and should be vehemently pursued.

Prior Council/Board Actions: 1) Council approval of Departmental anti-gang strategies and progress in previous reports to Council; 2) The line-item budget request for the lease of an SEB office building in FY08/09 & FY09/10 received initial approval during that budget process in the amount of \$60,000 per FY.

Committee/Commission Review and Actions: N/A

Alternatives: 1) Provide additional direction/ comment on current and future strategies of the Department to address gangs in Visalia; 2) Deny the Department request to release frozen budget monies from FY08/09 & FY09/10 for the purpose of an office lease for the Department's Special Enforcement Bureau Personnel and remain located at Fire Station 54 site; 3) Deny the Department request to loan monies in the amount of \$242,000.00 from the General Fund to the Measure T Fund for the purpose of hiring (2) sworn officer positions.

Attachments: Power Point Presentation

Recommended Motion (and Alternative Motions if expected): I move that Council: 1) Accept the Department's report on current gang suppression activities to include recent multi-agency gang task force details and future task force details; 2) Accept the Department's report on additional anti-gang strategies both current and in development; 3) Accept the Department's report on efforts to obtain Federal funding for gang intervention/ prevention resources; 4) Acknowledge Department steps taken to fill (5) officer vacancies in the Department; 5) Approve Department recommendation for a loan from the General Fund in the amount of \$242,000.00 to the Measure T Fund for the purpose of accelerating the hiring of two additional sworn officer positions; and 6) Approve Department request for the release of monies frozen in the FY09/10 budget for the lease of an office building for the Department's Special Enforcement Bureau personnel (Gangs & Narcotics Units).

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 1, 2010

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Update regarding the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps (FIRMs). To request authorizations for the City Manager to do the following:

- Enter into a professional services agreement with Northwest Hydraulic Consultants in an amount not to exceed \$70,000 for technical engineering analysis and recommendations on the FEMA flood maps.
- Enter into a professional services agreement with URS Corporation in an amount not to exceed \$10,000 for liaison services with FEMA in identifying flood projects to reduce flood insurance impacts to Visalia property owners.
- Authorize the City Manager to pursue up to \$7 million in US Army Corps of Engineers – Continuing Authorities Program “Section 205” funding toward “long-term” flood mitigation measures.

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Assistant Community Dev. Director – 713-4392

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

Finance _____ 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.

Department Recommendation: Staff requests that the City Council accepts this update and authorizes the City Manager to do the following:

- 1) Enter into a professional services agreement with Northwest Hydraulic Consultants (NHC) in an amount not to exceed \$70,000
- 2) Enter into a professional services agreement with URS Corporation in an amount not to exceed \$10,000
- 3) Authorize the City Manager to pursue up to \$7 million in US Army Corps “Section 205” funding toward “long-term” flood mitigation measures and make it the City’s top appropriations priority this year

Introduction: There are an estimated 41,700 parcels within the City of Visalia. The new FEMA Flood Insurance Rate Maps indicated that approximately 12,600 of these parcels were in a Special Flood Hazard Area (SFHA) thereby being subject to payment of annual flood insurance. An estimated 8,900 of these parcels were not in the SFHAs prior to the FEMA remapping. Most owners of homes (on these 12,600 parcels in the SFHAs) were required to carry flood insurance

unless their homes were “mortgage free”. City staff made recommendations to the Council aimed at removing as many parcels as possible from the Special Flood Hazard Areas. Council “approved” these recommendations on May 4, 2009. Staff continues to work toward achieving these goals. To date, 312 homes have been removed by revalidation and 243 homes have been removed by the LOMA/LOMR process making a total of 555 homes being removed from the Flood Plain.

Recommendation #1: Hiring of a Flood Study Consultant (NHC) at a Total Cost Not to Exceed \$70,000:

As staff reported in its January 19, 2010 update, it is the recommendation of both the technical subcommittee and City staff that Northwest Hydraulic Consultants be hired to assist the City with issues related to Flood Insurance Rate Maps.

City staff has had a number of very productive phone conferences with NHC. Staff has reviewed the **scope of work and cost proposal (Exhibit “A”)** for both the initial presentation, and potentially, the additional services listed below. Tentatively, the initial presentation to the Local Work Group (“FEMA Committee”) will occur during the third or fourth week in February.

As FEMA’s flood study consultant (for the Visalia/Tulare County area), NHC gathered, modeled and produced the technical information used in the flood mapping process. The mapping process took over four years to complete at a cost of several million dollars. Contracting with NHC, and utilizing their existing data, will result in a substantial cost savings to the City (potentially hundreds of thousands of dollars) in having to reproduce the technical information.

Initially, NHC will have an extended meeting with the Local Working Group, participating in an interactive session and making an initial presentation regarding flood study methodology, discussing both sources of flooding and potential flood mitigation measures/projects (Task #1 - \$13,383.12). After this initial presentation, a decision will be made by staff and the Local Working Group on whether or not to further utilize NHC’s services. Potentially, these further services would include the following (Task #2 - \$53,826.40):

- Assisting the City with an “overall” Cost/Benefit Analysis
- Assisting with the further identification of flood mitigation measures/projects
- Preparing preliminary layouts and hydraulic calculations to assess mitigation measures
- Preparing concept level cost estimates for flood mitigation measures
- Summarizing results in a technical report

Recommendation #2: Hiring of URS as “FEMA” Consultant at a Total Cost Not to Exceed \$10,000:

In July of 2009, staff (at the direction of Council) advertised for “Requests for Qualifications” (RFQs) to provide engineering consulting services related to FEMA’s revised Flood Insurance Rate Maps. During the proposal review process, staff identified a consultant that could act as a strong advocate/liason with FEMA and the United States Army Corps of Engineers (USACE). While NHC will provide “analysis, technical and modeling services”, URS would provide assistance and facilitation related to interactions, meetings, presentations, etc. to FEMA and the USACE.

The “FEMA liaison” from URS has more than 18 years of experience working with the National Flood Insurance Program providing services ranging from the preparation of Flood Insurance Rate Maps to assisting local governments with the implementation of floodplain ordinances. Other engineers with the firm have extensive experience working for the U.S. Army Corps of Engineers. Staff believes that URS has the necessary established relationships with FEMA and the USACE to move potential projects forward.

Recommendation #3: Pursue Potential “Section 205” Funding (Option One Below) and Make it the City’s Top Appropriations priority this year.

The City’s lobbyist, Van Scoyoc Associates (VSA), continues to assist the City in its pursuit of “short-term”, as well as long-term “solutions” to issues related to FEMA’s Flood Insurance Rate Maps. They have worked with City staff to identify several potential funding sources for flood mitigation projects. Several funding options have been identified to help fund potential long-term flood mitigation projects.

Option One – Corps Continuing Authorities Program (Recommended Option)

This option would be to pursue Federal funding through the Corps’ Continuing Authorities Programs. Congress has delegated certain project authorities to the Corps so that smaller flood control projects would not have to go through the long and difficult traditional path discussed above. For the City of Visalia, this means that if the Corps receives initial Federal funding from Congress, they can use the “Section 205” authority to work with the City on a flood control project with a maximum Federal investment of \$7 million. This includes three distinct phases: an Initial Appraisal Report completed by the Corps (the first \$100,000 of which is fully paid by the Federal government), a Feasibility study completed by the Corps (which is cost shared 50% Federal and 50% local), and construction of the recommended project (which is cost shared 65% Federal and 35% local).

A hypothetical chart is included below to illustrate how a \$7 million Federal investment could provide for a constructed flood control project of a little less than \$10 million total cost. It is possible that the construction of a project could be completed in roughly five years after initial funding is provided by Congress for the Initial Appraisal Report via.

Phase of Project	Total Costs	Federal	Non-Federal	Comments
Initial Appraisal Report	\$ 100,000.00	\$ 100,000.00	\$ -	Costs above \$100K cost shared 50/50
Detailed Project Report	\$ 1,200,000.00	\$ 600,000.00	\$ 600,000.00	Cost shared 50/50
Construction	\$ 9,692,307.00	\$ 6,299,999.55	\$ 3,392,307.45	Cost shared 65/35
Total Project Investment	\$10,992,307.00	\$ 6,999,999.55	\$ 3,992,307.45	Max Federal Investment = \$7 million

If the City were to seek Section 205 project funding, we would begin that effort now in the Fiscal Year 2011 Appropriations process.

VSA has spoken with the Corps of Engineers Sacramento District office and alerted them to the City’s potential interest in seeking funding for a Section 205 project. They are eager to work with us and would like to meet with the City, either in Visalia or Sacramento, to discuss their processes if we move in this direction.

While this scenario does not solve the City’s short-term concerns with rising flood insurance premiums, it is important to consider what can be done to remove as many people as possible from the floodplain on a long term basis. City staff believes that this is the best long-term solution for seeking Federal support for this initiative and we recommend this be the City’s top appropriations priority this year.

Option Two – Traditional Corps Process (Not Recommended at this Time)

Option Two would be to pursue the traditional process to get the Corps involved in a flood control project. This process would begin by working to obtain a Federal authorization for a Reconnaissance Study. Once the City received Federal authorization, we could make an appropriations request (earmark) for funding for a Reconnaissance Study. Once the Corps has completed the Reconnaissance Study, the City would need to seek Federal funding from Congress to begin a Feasibility Study. The completion of the two study phases likely would take

several years and cost between \$3 and \$5 million. After the successful completion of a Feasibility study, Congress must provide another authorization for the project in a Water Resources Development Act bill (WRDA). Once the City receives WRDA authorization for the project, another appropriations request would need to be made for Construction money. Securing the complete amount of the Federal share of the process could also take several years. One other important note is that the traditional process would require overcoming the “new start” hurdle twice (discussed later in the memo) which could add several more years to the process.

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

Funding: The Storm Sewer Deficiency Fund (1222) is recommended to be used to fund these professional services. Currently the fund has a balance of over \$300,000 that covers costs for these services.

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)
- September 21, 2009: Council received an update from staff, directed staff to work with our lobbyist on the PRP extension and to submit CRS application.
- January 19, 2009: Council received an update from staff.

*FEMA Memorandum 34 – “Interim Guidance for Studies Including Levees” was issued on August 22, 2005. This memo outlined FEMA’s new levee policy.

Committee/Commission Review and Actions:

Attachments: Exhibit “A” – NHC Proposal

Alternatives: N/A

Recommended Motion (and Alternative Motions if expected): Motion that Council accepts this update from staff, appropriates \$80,000 from the Storm Sewer Deficiency Fund and authorizes the City Manager to do the following:

- 1) Enter into a professional services agreement with NHC in an amount not to exceed \$70,000
- 2) Enter into a professional service agreement with URS Corporation in an amount not to exceed \$10,000
- 3) Authorize the City Manager to pursue \$7 million in “Section 205” funding toward “long-term” flood mitigation measures and make it the City’s top appropriations priority this year.

Scope of Work for City of Visalia Flood Management Assistance Services

Northwest Hydraulic Consultants
26 January 2010

BACKGROUND AND OBJECTIVES

On June 16th, 2009 FEMA issued updated Flood Insurance Rate Maps for the City of Visalia. The updated Special Flood Hazard Areas (SFHA) on these maps includes structures and parcels not previously identified within a SFHA. Currently over 1 in 4 parcels are in a SFHA or High-Risk Flood Zone. The City of Visalia (City) is interested in updating its floodplain ordinance and identifying cost effective methods to improve flood protection for its residents.

The following scope of work briefly describes tasks that Northwest Hydraulic Consultants (NHC) can perform to assist the City in achieving its flood protection objectives.

DESCRIPTION OF TASKS

Table 1 summarizes the tasks that we propose to assist the City with developing a floodplain ordinance and identifying flood protection measures.

Table 1: Proposed Tasks

Task	Description
1	City of Visalia Staff Meeting and Technical Committee Presentation
2	Flood Management Concept Assistance

Task 1: City of Visalia Staff Meeting and Technical Committee Presentation

NHC will review the modeling from the FIS and identify significant flooding sources. NHC will present the information to City staff. On the same day of the meeting with City staff, NHC will present the flood scenarios developed as part of the FIS and flooding sources impacting parcels within the City limits to the technical committee.

Deliverables for this task include:

- PowerPoint presentation, meeting handouts with 2 to 5 pages of showing flooding sources and inundation areas.
- Meeting summary report that includes meeting minutes, agenda, handouts, and Powerpoint presentation.

Task 2: Flood Management Concept Assistance

NHC will assist the City with identifying flood mitigation measures. This assistance will include sketching preliminary layouts, conducting simplified hydraulic calculations (e.g. hand calculations and spreadsheet calculations) to assess feasibility, and assisting with

developing cost as input to the cost benefit analyses. NHC will summarize the information they develop in a technical report.

Deliverables for this task include a 5 to 15 page technical report that briefly states the purpose, describes development of the flood control concepts, describes the approximate methods to assess the flood control concepts, and provides comparison-level costs for construction. Costs will be limited to order of magnitude construction costs for the various scenarios and will not include right of way, land acquisition costs, permit, or other non-construction related costs.

SCHEDULE

We would be pleased to provide a schedule to complete individual tasks once the proposed Scope of Work is agreed upon.

KEY STAFF

Key staff for the study will be Joey Howard and Rob Odell. Mr. Howard and Dr. Odell are river engineers with extensive experience in analyzing and mapping flood hazards and designing flood control systems. Mr. Howard has over 18 years experience assessing flood hazards and developing flood protection measures. Dr. Odell has over 10 years experience assessing flood impacts.

ESTIMATED COSTS

We have estimated the cost of the services proposed above to be \$66,594. Following the City's review of the scope of work we will submit a final cost estimate reflecting any changes desired in the scope of work.

NHC COST PROPOSAL

PROJECT: City of Visalia Flood Management Assistance
 DATE: January 26, 2010
 BY: ljh, reo

Task No	Task Description	nhc Hours by Classification								nhc Labor Cost	Direct Cost by Task 1	Task Cost
		pe	spe	se	e	je	set	gis	wp			
Task 1: City of Visalia Staff Meeting and Technical Committee Presentation												
1a	Flood Model Interrogation	8		8		4				\$3,557.32	\$0.00	\$3,557.32
1b	Meeting Preparation	8		4		4		16		\$4,288.56	\$100.00	\$4,388.56
1c	Meeting	12		12						\$4,707.24	\$315.00	\$5,022.24
1d	Meeting Presentation Summary Report	3		1					1	\$922.44	\$20.00	\$942.44
											Subtotal	\$13,383.12
Task 2: Flood Management Concept Assistance												
2a	Develop Flood Concepts	16		16	16			24		\$10,361.36	\$0.00	\$10,361.36
2b	Initial Hydraulic Analysis of Concepts	24		16	80			24		\$20,210.96	\$0.00	\$20,210.96
2c	Assist with Cost Estimate	8		4	24					\$5,491.16	\$0.00	\$5,491.16
2d	Reporting	24		36	32			16	8	\$17,362.92	\$200.00	\$17,562.92
											Subtotal	\$53,826.40
Totals		103	0	97	152	8	0	80	9	\$66,901.96	\$635.00	\$66,594.52

1. Direct costs include travel and accommodation, mileage charges, printing, miscellaneous and other charges

Legend: nhc

pe - principal engineer or geomorphologist
 spe - senior project engineer
 se - senior engineer
 e - engineer
 je - junior engineer
 set - senior engineering technician
 gis - GIS Analyst
 wp - word processor

Hourly Rates July 1, 2008 Cost Based Rates

northwest hydraulic consultants	Hourly Rate
pe - Joey Howard, Ed Wallace	\$228.48
spe -	\$202.47
se - Rob Odell	\$163.79
e - Brian Wardman, Brady McDaniel	\$125.34
je - Bryce Cruet, Jimmy Pan	\$104.79
set - Travis Shinkle	\$121.48
t - Dawn Lasprugato	\$86.65
wp -	\$73.21