

# 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, August 2, 2010


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

Work Session 4:00 p.m.; Closed Session 6:00 p.m. (or immediately following Work Session)

Regular Session 7:00 p.m.

**4:00 p.m. SWEARING IN CEREMONY** – Police Officers Sean Schiebelhut, Christopher Balderas, James Cummings, and Jared Garcia

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

1. *Item removed at the request of staff.* 
- 4:05 p.m. 2. Update on the Visalia Hazardous Materials Program. **Receive public comment.**
- 4:35 p.m. 3. Update on Rule 20A Utility Undergrounding Districts. **Receive public comment.**
- 5:00 p.m. 4. Discuss and provide recommendations regarding support of Federal Congressional Bill H.R. 5114, the "Flood Insurance Reform Priorities Act of 2010". **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**

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

5. Conference with Labor Negotiators (G.C. §54957.6)  
Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett  
Employee Organization: All employee groups
6. Conference with Real Property Negotiators (GC 54956.8)  
Property: Portion of APN 081-110-050 located near the intersection of Plaza Dr. and Goshen Ave.  
Negotiating Parties for City: Steve Salomon, Chris Young, Adam Ennis, Fred Lampe, James Koontz  
Negotiating Parties for Seller: Michael Burson, Andrea Oliver, Scott Richards for W.M. Lyles Co.  
Under negotiation: Review of price and terms

7:00 p.m. **CALL TO ORDER REGULAR SESSION**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Rajan Zed, President, Universal Society of Hinduism

**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. **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) Authorize Mayor Bob Link as the voting delegate and Vice Mayor Amy Shuklian as the alternate voting member for the 2010 League of California Cities Annual Conference.

c) Second Reading of Ordinance No. 2010-05, approving Pre-Zoning 2010-02, a pre-zone of the land bounded by Mill Creek, Road 152, Mineral King and the existing City Limits to the "A"-Agricultural Zone. (APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007, 008, 009) **Ordinance No. 2010-05 required.**

d) Resolution in Support of Congressional Action Regarding Property Assessed Clean Energy (PACE) Programs. **Resolution 2010-47 required.**

e) Authorize the City Manager to enter into a professional services agreement, in the amount of \$99,082.00 with Omni-Means, Ltd. to prepare plans, specifications and estimates for street improvements to State Route 63 and city streets adjacent to the Lincoln Oval Park.

f) Authorization for the City Manager to sign a contract with the Convention and Visitors Bureau (CVB) for 2010-11 for \$254,000 and to provide office and tourism information space to the CVB.

g) *Item removed at the request of staff.*

h) Adopt Resolution supporting a High Speed Train rail alignment and station for the Kings/Tulare Region located on the east side of Hanford, near the juncture of State Highway 198 and State Highway 43. **Resolution 2010-45 required.**

- i) Replacement of a representative from the Historic Preservation Advisory Committee to the General Plan Update Review Committee.

**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.*

**8. PUBLIC HEARING**

- a) Certification of Negative Declaration No. 2010-41. **Resolution 2010-48 required.**
- b) Initiation of Proceedings for Annexation No. 2009-02 (West Goshen Avenue): A request by Jim M. and Lana D. Cooper and Richard F. and Julia R. Guerrero to annex nine parcels totaling 71 acres of land into the City limits of Visalia. **Resolution 2010-49 required.**
- c) Detachment of property from County Service Area No. 1.  
The property is located on the south side of Goshen Avenue between Kelsey Street and 600 feet west of Road 88. (APN: 081-030-003, 006, 022, 038, 039, 048, 064, 071, 072).

**9. PUBLIC HEARING**

**Zoning Text Amendment No. 2010-06:** A request by City of Visalia to amend portions of Title 17 of the Visalia Municipal Code pertaining to the processing of projects in the BRP zone amending VMC 17.30, and VMC 17.24, to clarify and streamline the Business Research Park Zone (BRP) standards, project review and approval process. **1<sup>st</sup> reading of Ordinance 2010-06 required.**

**CLOSED SESSION REPORT (if any)**

**Upcoming Council Meetings**

- Monday, August 16, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers 707 W. Acequia
- Tuesday, September 7, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall Council Chambers 707 W. Acequia
- Monday, September 20, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; City Hall 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](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](mailto:nloliva@ci.visalia.ca.us).

# City of Visalia Agenda Item Transmittal

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:** Update on Rule 20A Utility  
Undergrounding Districts

**Deadline for Action:** None

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

**Contact Name and Phone Number:**

Adam Ennis– Engineering Services Manager, 713-4323  
Chris Young- Community Development Director, 713-4392

**Department Recommendation**

Accept the update on Rule 20A Utility Underground Districts and provide direction to staff regarding the top five priority undergrounding projects.

**Summary**

The formation of Underground Utility Districts (UUDs) allows for the removal of existing overhead electrical, telephone and cablevision lines and the prevention of future overhead utilities within the formed district. The California Public Utility Commission requires that the utility companies set aside funds to cover the cost to convert certain overhead facilities to underground facilities. These funds are proportioned between the types of UUDs and allocations to each City/County. There are three types of Utility Underground Districts (UUD) which can be formed, Rule 20A, Rule 20B and Rule 20C. The primary difference between the UUDs is the method of funding. Rule 20A UUDs are paid for totally out of the funds set aside for undergrounding by the utility company. The Rule 20B UUDs are paid partially by funds set aside by the utility company with the remainder funded by the entity requesting the undergrounding (either local agency or developer). The Rule 20C UUDs are paid for totally by the party requesting the undergrounding. The funds set aside for the Rule 20A UUDs are separate from any other funding and are only used on UUDs requested by the local agency they are allocated to.

The general process to form a district is the city proposes a project to Southern California Edison (S.C.E.) to see if they concur and if the proposed UUD meets at least one of the four requirements for use of Rule 20A funds. The four requirements are listed at the top of Exhibit #1. Once S.C.E. and the City reach agreement, a project is defined with specific limits and the City provides an estimated cost to convert users from overhead to underground services (S.C.E.

**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** 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.

pays for the first 100 ft. onto a site not including panel box conversion). S.C.E. then prepares an estimated time frame and cost for the project to be designed and completed and city staff takes a resolution forming the district to council for approval. Individual property owners are notified of the estimated cost to convert to underground and the City assists with the conversion of individual services (costs can be rolled to taxes). Typically, S.C.E. estimates a minimum of 1 year to design and construct a district for their part. It can take longer depending on how quickly a district is formally created by the City and the amount of work to be done.

The City of Visalia has participated in forming fifteen separate UUDs since 1969. Most recently, a UUD has been formed along Dinuba Boulevard from Houston Avenue to Riverway Avenue. A portion of the UUD from Riggan Avenue to Shannon Parkway was completed through a developer Rule 20B district. The other portions of this planned UUD are currently being pursued to completion under a Rule 20A district. The City of Visalia, based on information provided by S.C.E., currently accumulates yearly funds of about \$208,000/year in the Rule 20A fund. As of this year (2010) the City has a current Rule 20A account balance of about \$2 Million. Additionally, S.C.E. will allow the City to "mortgage out" five years of anticipated Rule 20A funds (5 x \$208,000 = \$1.04 Million). These mortgaged funds would be in addition to the current account balance giving the City a total of about \$3 Million available for Rule 20A UUD's. These fund balances are in addition to the current \$1.6 Million budgeted for the remaining Dinuba Boulevard UUD.

A county-wide underground committee was in place in the early 1990's that oversaw projects within the county including those of individual cities. In the past, the County has used some of its available funds to help cover specific City of Visalia projects. Therefore, depending on the scope and location of a particular project, additional county funding may be available.

Exhibit #1 shows a list of potential future underground districts, the SCE criteria satisfied and the estimated order of magnitude costs. The staff recommended top 5 projects are shown prioritized in the top portion of the table. These top 5 projects were selected since they are either; 1) adjacent to future City CIP projects, or 2) are in areas already developed where undergrounding will not be performed by future private development. The total planning estimate cost of the top five projects listed would be about \$9.5 Million. The City can currently fund about \$3 Million in 20A projects, which could complete the top two projects. The remaining three projects could be completed in future years beyond the five year mortgage. Potential future projects are listed in the bottom portion of the table in no particular order. The order of magnitude cost estimates are intended to provide a relative basis for determining whether or not the City has sufficient funds in the SCE Rule 20A program to do particular projects or to create a priority list based on available funds. The order of magnitude cost estimates are not detailed cost estimates for the projects and are intended for preliminary planning only.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:** None

**Attachments:** Exhibit # 1 – Priority List of Undergrounding Districts, Exhibit #2 – Map of Top Five Projects

**Recommended Motion (and Alternative Motions if expected):** I move to accept the update on Rule 20A Utility Underground Districts and provide direction to staff regarding the top 5 priority undergrounding projects.

***Financial Impact***

**Funding Source:**  
Account Number:

**Budget Recap:**

Total Estimated cost:	New Revenue:	\$
Amount Budgeted:	Lost Revenue:	\$
New funding required:	New Personnel:	\$
Council Policy Change:	Yes _____ No <u>X</u>	

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

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

**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)

## Agenda Item Transmittal

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:** Discuss and provide recommendations regarding Federal Congressional Bill H.R. 5114, the "Flood Insurance Reform Priorities Act of 2010"

**Deadline for Action:**

**Submitting Department:** Administration

**Contact Name and Phone Number:**

Mike Olmos, Assistant City Manager 713-4332

Chris Young, Community Development Director 713-4392

**Department Recommendation:** Staff recommends that the City Council authorize the Mayor to submit letters to Senator Dianne Feinstein and Senator Barbara Boxer urging their support for Senate passage of H.R. 5114, with the following modifications to the bill:

1. That Section 6 (5-Year Delay In Effective Date of Mandatory Purchase Requirement for New Flood Hazard Areas), Subsection (a)(i)(2) Notice Requirements (beginning at Page 14, line 11) be revised to replace the words "...before the effective date of issued, revised, updated, or changed maps..." (Page 14, lines 15 & 16) with the words "...before the Director may authorize a 5-Year delay in the effective date of the mandatory purchase requirement for new flood hazard areas", or similar language.
2. That Section 8 (Increase in Annual Limitation on Premium Increases) be deleted to enable the annual increase limit remain at 10%.

Regarding recommendation 1 above, Section 6 of H.R. 5114 authorizes a new program that would delay for a 5-year period the implementation of flood insurance requirements for properties newly designated as within a Special Flood Hazard Area in new or revised flood maps adopted on or before September 30, 2007. However, to qualify for the delay, the affected local government must have satisfied two requirements before the effective date of the new or revised map, as follows:

- (A) developed an evacuation plan to be implemented in the event of flooding in such portion of the geographic area; and
- (B) developed and implemented an outreach and communication plan to advise occupants in such portion of the geographic area of potential flood risks, appropriate evacuation routes under the evacuation plan referred to in subparagraph (A), the opportunity to purchase flood insurance, and the consequences of failure to purchase fold insurance.

**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.

These requirements would not have been applicable or known to communities with flood maps adopted between September 30, 2007 and the present (Visalia's updated map was adopted on June 16, 2009). These communities, including Visalia, will not be able to participate in the 5-year delay program with the stipulations currently proposed. Therefore, the language in H.R. 5114 must be modified to enable communities with flood maps adopted after September 30, 2009 to the present to participate in the 5-year delay program. The modification being recommended (or similar language) would enable our community to participate in the 5-year delay program.

While the 5-year delay program would not prevent a mortgage company from requiring borrowers to obtain flood insurance, H.R. 5114 further authorizes the **preferred risk rate method premium** be available for flood insurance coverage for properties located in areas eligible for the delay for the 5-year period.

Regarding recommendation #2 above, currently a 10% annual limit exists on increases to flood insurance premiums. H.R. 5114 proposes to increase the annual premium increase limit to 20%. Given the high cost of flood insurance premiums, the current poor condition of the national economy, and the current significant problems associated with the national flood insurance program, it is imprudent to consider raising the current limit on premium increases at this time.

**Summary/background:** The House of Representatives passed H.R. 5114, the Flood Insurance Reform Priorities Act of 2010 by a 329-90 vote on July 15<sup>th</sup>. Congressman Devin Nunes voted no. The legislation has been submitted to the U.S. Senate. At this time, a timetable for consideration of the bill by the Senate is not yet known. The positions of our Senators on this legislation are also not known.

The bill is comprehensive and has several provisions that are favorable to the City of Visalia and some provisions that would be beneficial if changes are made to the legislation. One provision would increase costs for flood insurance in future years (proposed increase in annual limit on premium increases from 10% to 20%). Therefore, it is recommended that Council take a position in support of the bill with the recommended modifications described above to address unfavorable provisions in the legislation.

#### Summary of Major Highlights of H.R. 5114

1. Would extend the National Flood Insurance Program to September 30, 2015.
2. Would establish a 5-year delay program for qualifying areas, as described above. The preferred risk rate premium would be available for properties qualifying for the 5-year delay.
3. Would establish a 5-year graduated premium rate for flood insurance for qualifying properties newly entering the special flood hazard area under a new or revised flood map. The rate schedule would start at 20% of the chargeable risk premium rate in the 1st year and rising 20% each year thereafter until the full 100% rate is reached in year 5.
4. Would increase the annual limit on premium increases for flood insurance from the current 10% to 20%. (This provision is recommended by staff for deletion)
5. Would authorize discounted flood insurance rates for areas with flood protection systems that do not provide protection from a 100 year flood. Premium rates would be discounted for the actual protection provided by the available flood protection system.
6. Would require FEMA, in consultation with affected communities, to provide annual notification to owners of property inside special flood hazard areas regarding flood



insurance requirements including an estimate of what similar homeowners in similar areas typically pay for flood insurance.

7. Would authorize flood insurance premiums for residential properties to be paid in installments.
8. Would require landlords to provide written notice to tenants that the property is located inside a special flood hazard area and that flood insurance coverage is available through the national flood insurance program for contents of the unit or structure leased by the tenant.
9. Would create an Office of Flood Insurance Advocate. The Advocate would assist homeowners under the national flood insurance program in resolving problems with FEMA related to the national flood insurance program; identify potential legislative, administrative or regulatory changes to mitigate problems affecting homeowners; assist communities and homeowners in interpreting, implementing and appealing flood plain maps and floodplain determinations; at the request of communities, perform an economic impact of floodplain maps on affected communities within 1 year after receiving a request; establish a national arbitration panel of technical experts regarding flood map modernization to allow individuals or communities impacted by a flood map revision to challenge such a revision, including authority to temporarily suspend implementation of a floodplain map pending review of evidence submitted as part of the challenge; establish a process under which scientific and engineering data regarding flood map revisions shall be made available to the public; establish a process under which each community to be impacted by a flood map revision will be provided an open community forum to consult with FEMA representatives; and other duties.
10. Would require FEMA to notify the Senators and appropriations Members of the House of Representatives if any action is taken to revise or update any floodplain area or Flood-zone risk that would affect their constituents.
11. Would require FEMA, when issuing a letter of map revision to correct an error in a recently issued flood insurance rate map, to re-examine abutting or bordering areas, and inform the community and residents regarding the results of the re-examination within 1 year after the date of initial letter of map revision.
12. Would stipulate that where improvements are made to a levee system that protects any area in an area having special flood hazards, and FEMA determines that such improvements mitigates flood risk in a manner that eliminates the risk of flooding in the area, that FEMA will revise and update the flood plain areas and flood insurance maps for the areas protected by such levee systems so that mandatory purchase of flood insurance does not apply to affected area..
13. Would require the Comptroller General to conduct a study regarding mandatory flood insurance purchase requirement for non-federally related loans issued for properties inside special flood hazard areas. The Comptroller General would provide a report on this study within 6 months following enactment of the bill.
14. Would require the Comptroller General, within 12 months following enactment of the bill, to submit to Congress a study to identify “potential methods, practices and incentives” to increase the extent that low income families and other impacted groups that own residential properties located within special flood hazard areas purchase flood insurance coverage under the national flood insurance program.
15. Would authorize preparation of a report regarding inclusion of nationally recognized building codes as part of floodplain management criteria. FEMA would be required to complete the study within 6 months following enactment of the bill.
16. Would require FEMA to submit a report to Congress (within 6 months following enactment of the bill) setting forth a plan for repaying within 10 years all debt (currently estimated at \$18 billion) incurred in implementing the National Flood Insurance Act of 1968.

17. Would establish a program to reimburse costs to qualifying homeowners in obtaining a letter of map amendment during an authorized 5-year delay program as described in item 1 above.
18. Would require the Comptroller General to study and submit a report to Congress (within 1 year of enactment of the bill) regarding:
  - ways that the private insurance market can contribute to insuring against flood damage;
  - the impact on the National Flood Insurance Program if communities decide not to participate in the program; and
  - the feasibility of regionalizing the National Flood Insurance Program and ensuring that there is no cross-subsidization between regions under such program.

As the summary indicates, H.R. 5114 would make several needed major changes to the national flood insurance program, and would authorize several studies that may lead to further changes. With the changes recommended by staff, Council is advised to support the bill and to urge Senators Feinstein and Boxer to support the bill as amended and to help expedite the bill's passage.

### **City's Overall Work Plan**

The City continues to work toward its goal of assisting residents with issues related to FEMA's Flood Insurance Rate Maps. Most recently, the City and our lobbyist (working together with a number of other cities nationwide) succeeded in getting a two-year extension to the Preferred Risk Program. A summary of the other items in the City's "Work Plan" is listed below.

#### **"Short Term Plan"**

- Continue to assist residents with flood zone determinations, letters and exhibit maps enabling them to obtain the lowest flood insurance rate possible or even be removed from the Special Flood Hazard Areas.
- Continue the outreach effort to residents by providing "FEMA Floodplain Updates", insurance information, etc.

#### **"Long Term Plan"**

- Staff is working with our consultant, Northwest Hydraulic Consultants (NHC), to identify potential flood mitigation projects that can be built utilizing a variety of different funding sources. Their report (to be given to the "FEMA Committee in late August) will discuss such options as detention basins, levee improvements, channel improvements, improvements to existing flood control structures, etc. Their report will include a cost/benefit analysis and make specific recommendations.
- Continue to work with the United States Army Corps of Engineers (USACE). Senator Feinstein has requested an item be included in the Federal Budget for the initiation of a study that could lead to potential funding of up to \$7 million toward a "Section 205" USACE floodplain mitigation project.
- Continue to work with FEMA toward obtaining insurance discounts thru the Community Rating System. Part of the process is the revision of our storm water ordinance to meet FEMA "guidelines". Our consultant (URS) is assisting with this effort.

*City staff will continue to provide regular updates regarding the City's "Short Term Plan" and "Long Term Plan" to meet the directions given by the City Council.*

**Prior Council/Board Actions:**

- December 15, 2003: Authorized the Mayor to send a letter to FEMA requesting that the City's flood maps be updated
- April 19, 2004: Authorized \$100,000 to be submitted to FEMA for the update of the City's flood maps and authorized the City Manager to sign a Cooperating Technical Partners Memorandum of Agreement with FEMA\*
- May 4, 2009: Council directed staff to implement the seven recommendations made to the Council regarding FEMA's revise Flood Insurance Study and Flood Insurance Rate Maps
- May 28, 2009: Council voted to support Congressman's Nunes' request to FEMA to extend the period of the Preferred Risk Policies, and to solicit support from Senators Boxer and Feinstein on several issues related to FEMA flood mapping
- June 6, 2009: Council received an update from staff regarding FEMA's revised Flood Insurance Rate Maps (FIRMs)
- 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, 2010: Council received an update from staff on the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps
- February 1, 2010: Council received an update from staff, authorized staff to hire two consultants (NHC and URS), and authorized the City Manager to pursue up to \$7 million in US army Corps of Engineers – Continuing Authorities Program.
- May 17, 2010: Council received an update from staff regarding the City's work plan for removing as many parcels as possible from the Special Flood Hazard Areas.

**Committee/Commission Review and Actions:**

**Alternatives:** Take no action.

**Attachments:** H.R. 5114

**Recommended Motion (and Alternative Motions if expected):** Move to support H.R. 5114 with the amendments as recommended in this report; and to authorize the Mayor to send letters to Senator Feinstein and Senator Boxer urging their support for the bill with the amendments recommended by the City of Visalia, and requesting their assistance in expediting the bill's passage.

***Environmental Assessment Status***

**CEQA Review: NA**

**NEPA Review: NA**

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

Copies of this report have been provided to: NA

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:** Authorize Mayor Bob Link as the voting delegate and Vice Mayor Amy Shuklian as the alternate voting member for the 2010 League of California Cities Annual Conference.

**Deadline for Action:** 8/20/10

**Submitting Department:** City Clerk/Administration

**Contact Name and Phone Number:** Donjia Huffmon, Chief Deputy City Clerk 713-4512

**Department Recommendation:** That the City Council designate Mayor Bob Link as the voting delegate and Vice Mayor Amy Shuklian as the voting alternate for the 2010 League of California Cities Annual Conference.

**Summary/background:** The League of California Cities Annual Conference is scheduled for September 15-17, 2010 in San Diego. An important part the Annual Conference is the Annual Business Meeting, scheduled for Friday afternoon, September 17. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

League bylaws require that a city's voting delegate and alternate must be designated by the city council affirming the names of the voting delegate and voting alternate. This procedure is to ensure the integrity of the voting process at the Annual Business Meeting.

Both Mayor Link and Vice Mayor Shuklian have confirmed that they anticipate being present and available on the final day of the conference for the business meeting, and have agreed to serve in this capacity.

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

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

**Alternatives:**

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

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

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

**Attachments:** 2010 Annual Conference Voting Delegate/Alternate Form

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

Designate Mayor Bob Link as the voting delegate and Vice Mayor Amy Shuklian as the voting alternate for the 2010 League of California Cities Annual Conference.

***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:** August 2, 2010

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

**Agenda Item Wording:** Second Reading of Ordinance No. 2010-05, approving Pre-Zoning 2010-02, a pre-zone of the land bounded by Mill Creek, Road 152, Mineral King and the existing City Limits to the "A"-Agricultural Zone. (APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007, 008, 009) **Ordinance No. 2010-05 required.**

**Deadline for Action:**

**Submitting Department:** Community Development – Planning Division

**Contact Name and Phone Number:**

Paul Scheibel, Planning Services Manager – 713-4369  
Phyllis Coring, Project Planner – 713-4348

**Department Recommendation:** Staff recommends that City Council approve the second reading of Ordinance No. 2010-05, approving Pre-Zone 2010-02.

**Summary/background:** City Council introduced Ordinance 2010-05, on July 12, 2010. The ordinance approves the pre-zoning of land within Annexation 2010-06 (Avenue 296-Road 152) to the "A"-Agricultural Zone.

**Prior Council/Board Actions:** Council introduced Ordinance No. 2010-05 on July 12, 2010.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** Ordinance No. 2010-05

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

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

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

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

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

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

I move to approve the second reading of Ordinance No. 2010-05.

***Environmental Assessment Status***

**CEQA Review:** Negative Declaration No. 2010-16 was certified by City Council on July 12, 2010.

**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:



ORDINANCE NO. 2010 - 05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
VISALIA APPROVING PRE-ZONE NO. 2010-02, INITIATED THE CITY OF VISALIA TO PRE-  
ZONE 12 PARCELS TOTALING APPROXIMATELY 162 ACRES TO THE "A"  
(AGRICULTURAL) ZONE DISTRICT

APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007,  
008, 009

**WHEREAS**, Pre-Zone No. 2010-02 is a City initiated action to pre-zone 12 parcels totaling approximately 162 acres under County jurisdiction to the A (Agricultural) zone district, in preparation for submission of Annexation No. 2010-06 (Avenue 296-Road152) to the Local Agency Formation Commission. The subject territory is generally located between the eastern boundary of the City limits and Road 152, from East Mineral King Avenue (Avenue 296) north to Mill Creek, and specifically includes the following parcels: APN: 103-500-001, 002, 003, 103-501-001, 002, 003, 004, 005, 006, 007, 008, 009, 10, 011, 012); and

**WHEREAS**, the City Council of the City of Visalia finds as follows:

1. No significant environmental impacts would result from this project, that no mitigation measures would be required and certified Negative Declaration No. 2010-16 by Resolution No. 2010 – 43.
2. The City of Visalia considered the Pre-Zoning in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Pre-Zoning is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the proposed Pre-Zoning is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
5. That the proposed Pre-Zoning will provide for orderly and efficient land use planning to assist the City of Visalia in positioning land to accommodate future circulation improvements to Highway 198 and regional park uses.
6. That the proposed A (Agricultural) zone district would preserve, in agricultural use, land suited to eventual development.

**WHEREAS**, the City Council City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Council on July 12, 2010; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA**

**SECTION 1:** The Planning Commission recommended that the City Council of the City of Visalia approve Pre-Zone No. 2010-02 on June 14, 2010.

**SECTION 2:** The official Zone Map of the City of Visalia shall be amended to show properties bounded by Mill Creek, Road 152, Mineral King (Avenue 296) and the existing City Limits to be zoned "A - Agriculture" upon the effective date of annexation of the parcels to the City. (APN: 103-500-001, 002, 003, 103-510-001, 002, 003, 004, 005, 006, 007, 008, 009)

**SECTION 3:** This ordinance shall become effective 30 days after passage hereof.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:** Adoption of Resolution in support of congressional action regarding Property Assessed Clean Energy (PACE) programs. (**Resolution 2010-47 required**)

**Deadline for Action:** August 2, 2010

**Submitting Department:** Natural Resource Conservation / Administration

**Contact Name and Phone Number:**

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

**Department Recommendation:**

Adopt a resolution in support of immediate congressional action to authorize legislation allowing Property Assessed Clean Energy (PACE) programs.

**Summary:**

The City Council has several times expressed its interest in joining the CaliforniaFIRST AB 811 financing program. AB 811 is the California implementation of Property Assessed Clean Energy (PACE). PACE enables local governments to create property tax finance districts to issue low-cost long-term loans to eligible property owners to install solar and energy efficiency projects. Property owners repay the loan as a line item on their property tax bill.

The Federal Housing Finance Agency (FHFA) recently issued a statement that has effectively frozen PACE programs across the country. In response, a national coalition of PACE advocates and stakeholders (including the CaliforniaFIRST administrator) has launched a campaign to engage local government partners across the country, calling for immediate congressional action to approve legislation allowing PACE to continue.

**Background:**

On May 5, 2010, federal residential mortgage lenders Fannie Mae and Freddie Mac issued letters that stated "PACE loans generally have automatic first lien priority over previously recorded mortgages. The terms of the Fannie Mae/Freddie Mac Uniform Security Instruments prohibit loans that have senior lien status to a mortgage." Fannie Mae and Freddie Mac are

**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.

regulated by the Federal Housing Finance Agency (FHFA). Subsequent to the housing crisis, both agencies were placed in federal conservatorship under FHFA and the U.S. Treasury.

While the letters did not direct lenders or servicers to take action, this statement indicated that PACE participants could be in violation of their existing mortgage contracts. These statements attracted significant attention including that of Senators, Members of Congress, Governors, and others.

On July 6, 2010, the FHFA posted a statement reaffirming that a senior PACE lien is in violation of any Fannie Mae or Freddie Mac mortgage contract. As a result, residential PACE financing cannot move forward at this time. A nationwide PACE coalition is working to take legislative action that will correct this issue. The coalition has asked all jurisdictions to sign letters to their congressional representatives and pass resolutions in support of PACE. Letters were signed by the Mayor and sent to Senators Feinstein and Boxer and Congressman Nunes.

On July 14, 2010, Attorney General Jerry Brown filed suit against FHFA, Fannie Mae and Freddie Mac. The main points of the filing are:

1. PACE financing is an assessment, not a loan.
2. Assessments have lien priority under California law.
3. Lien priority does not violate Fannie and Freddie's Uniform Security Instruments.
4. FHFA, Fannie Mae and Freddie Mac have mischaracterized PACE financing as loans and have engaged in unfair business practices to stop PACE.
5. FHFA, as a federal agency, is bound to complete an environmental review under the National Environmental Policy Act (NEPA). They failed to do so.
6. The requested actions of the Court are:
  - a. Declare PACE an assessment.
  - b. Prevent adverse action from Fannie Mae and Freddie Mac against participating property owners.
  - c. Prevent Fannie Mae and Freddie Mac from engaging in any other unfair business practices.
  - d. Find FHFA at fault for failing to complete an environmental review.

On July 15, 2010, H.R. 5766 (Thompson) "The PACE Assessment Protection Act of 2010" was introduced in the House to ensure that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements. It is anticipated that a companion bill will soon be introduced in the Senate. The main points of the bill are:

1. Mandates Fannie Mae and Freddie Mac adopt the underwriting standards outlined in the U.S. Department of Energy Guidelines issued on May 7, 2010.
2. PACE liens and assessments comply with Fannie Mae and Freddie Mac's Uniform Security Instruments and does not cause default on the existing mortgage or other remedies.
3. Property owners shall not be required to repay the PACE assessment prior to financing, refinancing or selling the property.
4. In cases of delinquency, there is no acceleration of the assessment.
5. FHFA, Fannie Mae and Freddie Mac shall not take adverse action against communities with PACE programs.

The attached resolution declares the City of Visalia's support of immediate Congressional action to authorize legislation that clearly guarantees local governments the right to implement Property Assessed Clean Energy programs.

Additional information regarding the benefits of PACE financing is included in the attached "PACE Finance Summary Sheet."

**Prior Council/Board Actions:**

June 7, 2010 – Update on CaliforniaFIRST AB 811 Property Assessed Clean Energy financing program for energy efficiency and solar energy.

April 19, 2010 – Discussion of possible stimulus actions the City of Visalia might take.

October 19, 2009 – Authorization to declare interest in participating in the CaliforniaFIRST solar and energy efficiency financing program.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

Resolution 2010-47

PACE Finance Summary Sheet

H.R. 5766

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

I move to adopt the resolution in support of congressional action regarding Property Assessed Clean Energy (PACE) programs.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

## RESOLUTION 2010-47

### RESOLUTION OF THE CITY OF VISALIA IN SUPPORT OF IMMEDIATE CONGRESSIONAL ACTION TO AUTHORIZE LEGISLATION ALLOWING PROPERTY ASSESSED CLEAN ENERGY PROGRAMS

**Whereas**, utility bills represent a major cost of operating costs for home and business owners;

**Whereas**, persistent unemployment, particularly in the construction industry, continues to burden our families and communities;

**Whereas**, energy security and reliance on fossil fuels continue to threaten public health and the environment;

**Whereas**, residential and commercial buildings consume nearly 40% of all electricity and are responsible for 40% of U.S. annual carbon dioxide emissions;

**Whereas**, investing in cost-effective energy efficiency and renewable energy improvements to homes and businesses can save energy, cut utility bills, create thousands of local jobs, reduce reliance on fossil fuels, and dramatically reduce greenhouse gas emissions;

**Whereas**, the upfront cost and potentially long payback periods prevent property owners from making otherwise cost-effective clean energy improvements;

**Whereas**, Property Assessed Clean Energy (PACE) financing programs are an innovative local government solution to help property owners finance energy efficiency and renewable energy improvements – such as energy efficient boilers, upgraded insulation, new windows, solar installations, etc. – to their homes and businesses;

**Whereas**, twenty-two states have passed laws enabling local governments to develop PACE programs.

**Whereas**, White House and the U.S. Department of Energy strongly support PACE, have dedicated \$150 million to develop local PACE programs and issued guidelines to ensure that PACE programs meet safety and soundness requirements and adequately protect both bond buyers and property owners; and,

**Whereas**, despite PACE's great promise, the Federal Housing Finance Agency (FHFA) and the Office of the Comptroller of the Currency (OCC) on July 6th issued statements that immediately forced existing PACE programs to halt operations and froze the development of dozens of PACE programs nationwide.

**Now, therefore, be it resolved the City of Visalia** urges the California congressional delegation to support legislation that clearly guarantees local governments the right to assess special taxes for clean energy programs and restore the promise of PACE.

# PACE Finance Summary Sheet

## *Energy Efficiency & Renewable Energy Financing for Property Owners*

### **What is PACE?**

Property Assessed Clean Energy (PACE) is a local government program that allows property owners to finance energy efficiency and renewable energy improvements using low - interest bonds that generally have no recourse to the municipality. Interested residential and commercial property owners opt - in to receive long term financing (up to 20 years) for these improvements, which is repaid through an assessment on their property taxes. This arrangement spreads the cost of clean energy improvements – such as energy efficient boilers, upgraded insulation, new windows, solar installations, etc – over the expected life of the measure and allows for the repayment obligation to automatically transfer to the next property owner if the property is sold.

### **Why is PACE so innovative?**

High upfront cost is the single largest barrier to increased adoption of energy efficiency and small - scale renewable energy. The second barrier is the uncertainty as to whether property buyers will pay more for efficiency improved properties. PACE removes the upfront cost barrier and removes the uncertainty barrier as the new buyer inherits the annual tax surcharges.

### **Historical precedent**

PACE is a type of land - secured financing district, which has a 100+ year history in the U.S. to pay for improvements in the public interest. Over 37,000 land secured districts already exist and are a familiar tool of municipal finance. They are used to finance projects which serve a public purpose, including street paving, parks, open space, water and sewer systems, street lighting, and seismic strengthening, among others.

### **Benefits to Existing Lenders**

Lower Default Risk – Owner's cash flow position is improved as PACE programs are designed to have annual energy savings exceed the annual PACE assessment payments. Owner is now in a better position to make mortgage payments.

Better Loan - to - Value Ratio – Since PACE improvements have a positive net present value, they increase the lender's collateral which improves the loan - to - value ratio.

Best Practice Framework Adopted - The White House PACE Best Practice Framework and the Department of Energy Guidelines are now being incorporated into PACE programs nationwide to help ensure that PACE programs benefit existing lenders.

PACE Senior lien status is immaterial (less than \$200 per home) & more than offset by value enhancement – PACE assessments are treated as senior liens which is critical for the success of the programs but the seniority amount is immaterial due to the per property size limits of PACE finance and other best practice.

### **What are the benefits to participating property owners?**

No Upfront Cost – Removes the upfront cost barrier of energy efficiency and renewable energy improvements. Most programs only charge a small fee to property owners.

Improved Cash Flow – Owner's cash flow position is improved as PACE programs are designed to have annual energy savings exceed the annual PACE assessment payments.

Less Investment Risk - Removes the uncertainty of recovering the cost of improvements if the property is sold, because the financing runs with the property via the tax assessment.

### **Benefits to Municipalities**

Local Job Growth – PACE has the ability to stimulate local job creation through the installation of efficiency and energy improvements. It is estimated that for every \$1mm spent on clean energy improvements, 10 jobs are created. For every 100,000 homes that are retrofitted, with an average expenditure of \$10,000, more than 10,000 jobs would be created.

No Credit or General Obligation Risk – PACE bonds are typically not general obligation or appropriation bonds, so the municipality's credit is not placed on the line. The obligation resides exclusively with the property owner.

Opt - in Assessments – The assessments are only placed on those properties where the owner voluntarily "opts - in" to the financing program.

Meet Carbon Reduction Goals – Counties, Cities, Towns and Villages can use this tool to move quickly toward achieving their carbon reduction and energy independence goals.



## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:** Authorize the City Manager to enter into a professional services agreement, in the amount of \$99,082.00, with Omni-Means, Ltd. to prepare plans, specifications and estimates for street improvements to State Route 63 and city streets adjacent to the Lincoln Oval Park (Housing and Economic Development Project No. 61623).

**Deadline for Action:** None

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

**Contact Name and Phone Number:**

Fred Lampe, Project Manager, 713-7270;  
Chris Young, Community Development Director, 713-4392  
Ricardo Noguera, Housing and Economic Dev. Director, 713-4190

**Department Recommendation:** Staff recommends that City Council authorize the City Manager to enter into a professional services agreement, in the amount of \$99,082.00, with Omni-Means, Ltd. to prepare plans, specifications and estimates for street improvements to State Route 63 and city streets adjacent to the Lincoln Oval Park (Housing and Economic Development Project No. 61623).

**Summary/background:** In September 2007, the City of Visalia was awarded a Caltrans Environmental Justice-Context Sensitive Transportation Planning Grant for the Oval Park area. The City received formal approval to proceed in selecting a consultant in April 2008 to perform a Traffic Study and Needs Assessment. The purpose of the grant was to devise a plan which would improve traffic safety conditions in the immediate area surrounding the Oval Park. The total grant awarded from Caltrans was \$135,000 and the City provided a \$15,000 match.

On September 15, 2008, the City selected TPG Consulting, Inc. to complete the Traffic Study and Needs Assessment Report for the Oval Park Study Area. The completed report was accepted by City Council in a work session on November 16, 2009. Features of the report presented in the work session were as follows:

**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.): 2 Min.

**Review:**

**Dept. Head** CY 7/26/10  
**(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.

- ◆ Does not close any streets.
- ◆ Creates two lanes on the east side of the park.
- ◆ Creates a bicycle lane around the perimeter of the park and along North Court Street.
- ◆ Does not add public plazas.
- ◆ Creates several colored crosswalks with the possible addition of new signage and flashing lights to identify pedestrian paths.
- ◆ Widens sidewalks surrounding the park to encourage more pedestrian usage.
- ◆ Creates bulb outs which reduce distance for pedestrians crossing the roadway resulting in a safer environment for those persons traveling on foot.
- ◆ Minimizes traffic conflicts by adding “pork chops” or striped sections on roads connecting to North Court Street.
- ◆ Includes the addition of new street lights in the surrounding area.

City Council authorized the use of Community Development Block Grant (CDBG) funds to prepare plans, specifications and estimates for street improvements to State Route 63 and city streets adjacent to the Lincoln Oval Park. It is important to note that only traffic, pedestrian and bicycle safety related improvements will be addressed at this time. The initial project will not widen sidewalks or add street lights. The project that will be designed does not include the Oval Park itself. Discussion on future use of the Oval Park will be taken up at a later date.

On May 17, 2010 the City requested proposals to design the traffic related improvements indicated in the Lincoln Oval Traffic Study and Needs Assessment and as stated above. The proposals were opened on June 11, 2010. The proposals were then reviewed by a committee that was made up of representatives from the City of Visalia and Caltrans along with business and community leaders from the Lincoln Oval neighborhood.

The following firms submitted proposals: Omni-Means, Ltd., Peter's Engineering, TPG Consulting, Precision Engineering, MVE Civil Solutions, MNS Engineers, and Lars Anderson and Associates. From these seven firms Omni-Means Ltd. was chosen by the committee to design the traffic related improvements.

#### **Prior Council Actions**

- November 16, 2009: Council accepts Lincoln Oval Traffic Study & Needs Assessment and authorizes CDBG funds to complete environmental studies and engineering drawings
- May 18, 2009: Council Status Report on the Two Alternative Plans
- August 18, 2008: Council approval of contract with TPG to conduct a traffic study and needs assessment according to Caltrans Environmental Justice Planning Grant
- October 2, 2006: Council authorized application for Caltrans Environmental Justice Context Sensitive Planning Grant

**Committee/Commission Review and Actions:** The North Visalia Neighborhood Advisory Committee participated in choosing the preferred alternative plan created in the Lincoln Oval Traffic Study & Needs Assessment.

**Alternatives:** None

**Attachments:** Roadway Features Exhibit from the Lincoln Oval Traffic Study & Needs Assessment

**Recommended Motion (and Alternative Motions if expected):** I move to authorize the City Manager to execute an agreement with Omni-Means Ltd, to prepare plans, specifications, and estimate for traffic improvements at the Lincoln Oval Park. (Project No. R61623).

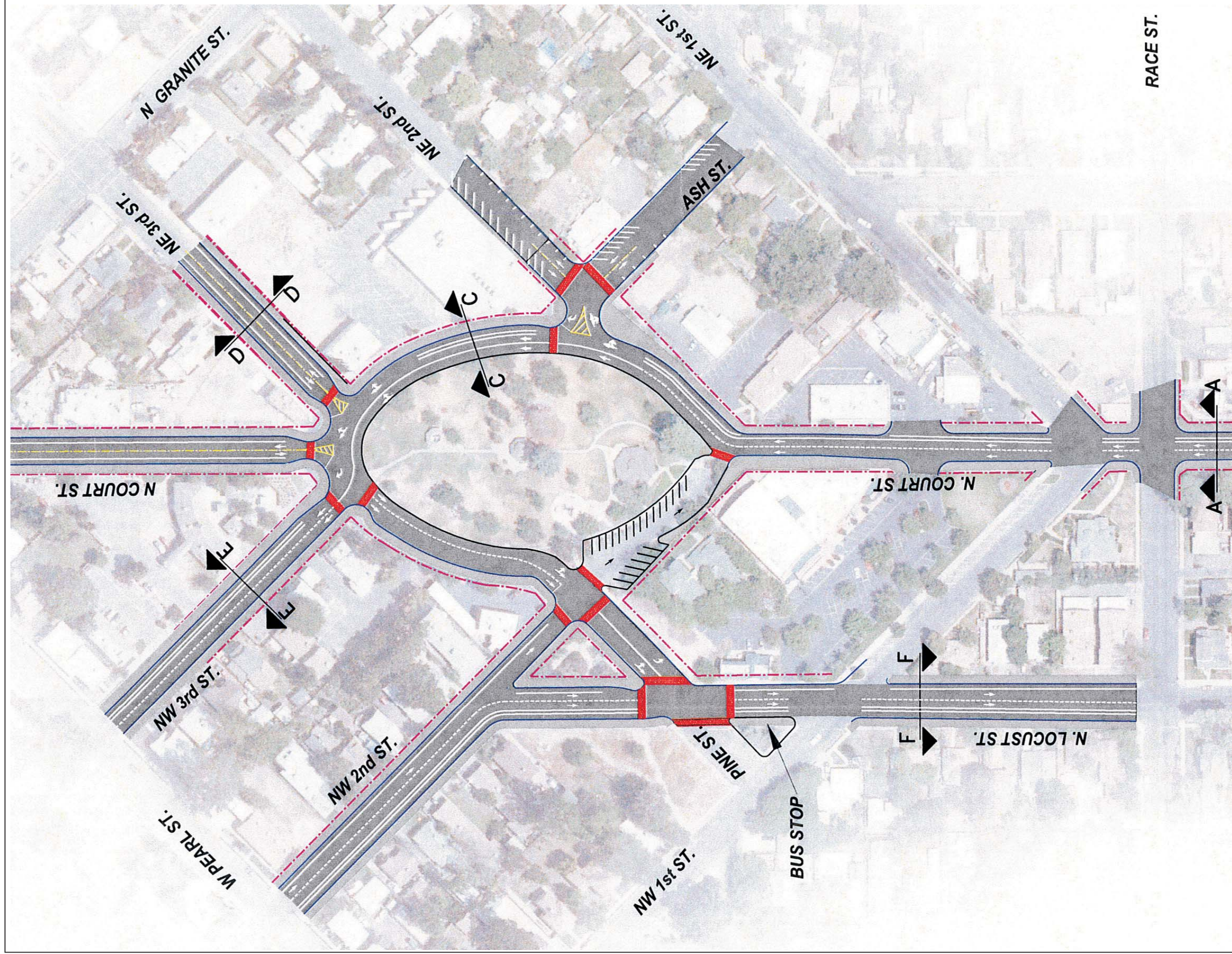
***Environmental Assessment Status***

**CEQA Review:** In progress

**NEPA Review:** In progress

**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:




  
 NOT TO SCALE  
 (ROADWAY ALIGNMENT CONCEPTUAL ONLY)

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:** Authorization for the City Manager to sign a contract with the Convention and Visitors Bureau (CVB) for 2010-2011 for \$254,000, and to provide office and tourism information space to the CVB.

**Deadline for Action:**

**Submitting Department:** Administration

**Contact Name and Phone Number:**  
Leslie Caviglia 713-4317, Wally Roeben, 713-4004

**Department Recommendation:**

It is recommended that the City Council authorize the City Manager to sign a contract with the Visalia Convention and Visitors Bureau for 2010-2011 to provide convention sales and tourism promotion and information service for \$254,000, and that the City continue to provide office and tourism information space free of charge in available City locations.

**Discussion:** In 2004, a community task force was formed to review the CVB operations and make recommendations. At that time, the Convention marketing operations were housed within the City, and the Visitors marketing portion was housed at the Chamber. The task force recommended that a separate and independent operation be formed and operated by a Board of Directors.

The Council concurred with the task force recommendation in 2005, and legal steps were taken to form an independent bureau. Two Council members have served on the Board since the Bureau's formation. Currently, Amy Shuklian and Mike Lane are the Council representatives on the Board. The Board is comprised of two Council members, four hoteliers, two representatives from the food service industry, the Convention Center Manager and five at large members, of which two may be appointed by the City Council. The other Board Members are voted on by the Board of Directions. In addition, Leslie Caviglia serves as an Ad Hoc member as the City's contract manager for this agreement. The other current Board Members include:

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head LBC 72610**  
**(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.

Anil Chagan	Comfort Suites	Kathleen Remillard	Creative Center
Monique Delemos	Visalia Mall		Foundation
Roger Hurick	Adventure Park	Wally Roeben	Convention Center
Greg Kirkpatrick	Lemoncove Ranch	Samantha Rummage	Holiday Inn
Joe Kuhn	Marriott	Mark Tilchen	Sequoia Natural
Robert Lee	Lampliter		History Asso.
Bob McKellar	Historic Seven	Sue Sa	Sue Sa's Creative
	Sycamore Ranch		Catering
Cathy Parker	Premier Color	Tom Seidler	Rawhide Baseball
	Graphics		

When the Bureau was formed, the City agreed to provide funding to the Bureau equal to the funding it was providing to run the CVB through the City and the Chamber. That figure was \$239,000. The City Council approved a total budget of \$254,000 for the CVB as part of the budget process and this is the amount included in the 2010-11 budget. This year's \$15,000 increase in budget is the first since 2005, and is based on the CVB's tangible success in generating business in Visalia. In addition, in order to qualify for this increase, the CVB has committed to generating a \$15,000 match in additional income, which they expect to do through industry cooperative ventures and membership. The total estimated budget for the CVB for 2010-2011 is approximately \$289,000.

Earlier this year, the CVB presented their annual report, which highlighted their success over the past year including:

- Booked 10 events that will result in 22,405 delegates who will have 11,882 room nights in Visalia that will result in an estimated \$1.5 million in specific revenue from hotel room revenues, catering, facility fees and other direct spending, and \$5.5 million in economic impact in the community. Many of these events will be held in Visalia over the next 3 years.
- Booked events in previous years that were held in 2009 that resulted in an estimated \$2.8 million in overnight delegate spending, generated an estimated \$2.4 million in day trip delegate spending, and \$157,000 event organizer spending.
- Developed a sales contact list with more than 3,000 potential lead contacts
- Redesigned and maintained the website which resulted in 500 requests for information from 37,183 visits with 85% of those visits coming from first-time visitors

Responded to a total of 2,264 requests for information from print advertising, the majority of those resulting from a co-op ad in the California Visitors Guide.

- Developed a welcome program for large events that includes welcome signs in business windows and discount coupons to local businesses.
- Serviced 8 events in Visalia. Services vary depending on the event but can include concierge services at the event, welcome information, registration assistance and other services.

- Attended 4 convention tradeshows that resulted in 36 leads and 3 tourism tradeshows that resulted in an estimated 10,000 visitor contacts.
- Responded to 61 media inquiries and hosted 3 media tours including representatives from Frommers, a freelance writer for Californiaweened.com and writer for Italian off road magazines and website.
- Contracted to host the Outdoor Writers Association Annual Conference in Visalia. An estimated 40 outdoor writers will attend the 3 day conference in Visalia.

Given the success of the organization, staff is recommending that the City Council authorize the City Manager to sign another one-year contract with the CVB.

**2010-2011 Contract:**

In the coming year, the provisions of the contract are expected be similar. The major addition will be an emphasis on promoting sports tourism in the community, with an expectation that sporting events can be attracted to the community to use the Visalia Riverway Sports Park, the Convention Center, Plaza Park and other local venues. In addition, efforts will be made to quantify the efforts of the Bureau's tourism promotion efforts. Other recommended provisions include, but are not limited to:

- \*Generate leads that result in at least 3,000 contracted convention room nights which is confirmed by signed contracts with the hotels.
- \*Process Requests for Proposals for all Citywide rebookings (conventions that were held in Visalia within the last three years that involved multiple Visalia hotels and are considering returning to Visalia for another convention within the next 3 years), and for any new citywide leads generated by the CVB or other properties.
- \*Stock Visitor Information Centers at the Convention Center, Chamber of Commerce, and the Transit Center, and restock participating hotel information racks on an at least monthly basis. In addition, respond to visitor requests on a walk-in basis at the Transit Center.
- \*Update the website on an at least weekly basis to ensure that information is accurate and current, and applicable website links for major features are added.
- \*Promote the Community Calendar feature on the webpage, and to conventions that are in town, so it is used by more organizations to promote/list events.
- \* Work with the Sequoia Valley Tourism Council to ensure that there is a comprehensive and coordinated effort to promote area tourism. This should include regular attendance at the SVTC meetings by a VCVB staff member and a Board member.
- \*Continue implementation of the membership program with a goal of generating \$7,500 in membership in 2010/2011. The City of Visalia/Convention Center will be included as a member by virtue of this contract.
- \*Develop a new brochure that promotes local tourism itineraries, the hotels, and other tourism attractions in the area.

\*Explore the implementation of a tourism fee that would increase the funding available for convention and tourism marketing and sales.

At the conclusion of the 2008-09 fiscal year, the VCVB was running a deficit. City staff is pleased to confirm that the Bureau has resolved their financial difficulties, is operating in the black, and has a solid plan for remaining fiscally solvent.

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

I move to approve sign a contract with the CVB for 2010-11 in the amount of \$254,000, with the understand that the Bureau will match this with \$15,000 in revenue and in-kind contributions, and approval to provide office space and tourism information space to the Bureau at City locations deemed appropriate by City staff.



PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE CITY OF VISALIA  
AND  
THE VISALIA CONVENTION AND VISITORS BUREAU

This PROFESSIONAL SERVICES AGREEMENT (hereinafter "AGREEMENT") is made and entered into in the City of Visalia, Tulare County, State of California, this \_\_\_\_\_ day of June, by and between VISALIA CONVENTION AND VISITORS BUREAU (hereinafter "BUREAU"), and the CITY OF VISALIA, a municipal corporation of the State of California (hereinafter "CITY").

**RECITALS**

WHEREAS, the parties enter into this AGREEMENT on the basis of the following facts, understandings and intentions:

WHEREAS, CITY is a public body, corporate and politic, organized and existing under the laws of the State of California; and

WHEREAS, CITY, pursuant to California Government Code Sections 37103 and 53060, is authorized and empowered to contract for professional services in the performance of its duties and functions; and

WHEREAS, BUREAU is a non-profit corporation, organized and existing under the laws of the State of California; and

WHEREAS, CITY desires to secure certain professional services of the BUREAU to provide convention and tourism sales and marketing services which would consist of, but not necessarily be limited to, the items of work described as "Scope of Work" in Exhibit "A" and hereinafter referred to as the "PROJECT"; and

WHEREAS, BUREAU represents it is qualified and willing to provide such professional services pursuant to the terms and conditions of this AGREEMENT.

NOW, THEREFORE, IT IS AGREED as follows:

**ARTICLE 1**

**Purpose/CITY Commitment**

1.1 Purpose: The purpose of this AGREEMENT is to secure professional services for the CITY'S Convention Center and Visitor's Bureau.

NOW, THEREFORE, IT IS AGREED as follows:

## **ARTICLE 2**

### **Services to Be Performed by BUREAU**

#### 2.1 Services:

- a. Authorized Scope of Work: BUREAU agrees to provide the sales and marketing services for the CITY'S Convention and Visitors Bureau in a manner consistent with the objectives and directives described in Exhibit "A", which is attached hereto and incorporated herein by reference.
- b. Additional Services: Incidental work and the rate therefore, related to the PROJECT not provided for in Exhibit "A" shall be agreed to in writing by CITY and BUREAU prior to commencement of such work.

## **ARTICLE 3**

### **Representations and Warranties by BUREAU**

#### 3.1 Representations and Warranties: BUREAU represents and warrants to CITY that:

- A. BUREAU is qualified to provide the professional services for the PROJECT and is licensed by all public entities having jurisdiction over the BUREAU and the PROJECT;
- B. BUREAU has become familiar with the PROJECT and the local conditions affecting same;
- C. BUREAU is an independent contractor and not a subcontractor, agent or employee of CITY.

## **ARTICLE 4**

### **Covenants by BUREAU**

#### 4.1 Covenants By BUREAU:

- A. BUREAU will maintain all necessary licenses, permits or other authorizations necessary for the PROJECT until the BUREAUS' services required hereunder end by expiration of the term and/or extension thereof, or are terminated as hereinafter provided;

- B. BUREAU assumes full responsibility to CITY for the improper acts and omissions of its consultants or others employed or retained by the BUREAU in connection with the PROJECT; and
- C. BUREAU presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of services required hereunder.
- D. BUREAU will not discriminate against any employee, or applicant for employment, because of race, color, religion, sex, marital status, or national origin. BUREAU will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, marital status, or national origin.
- E. BUREAU will provide to CITY'S staff quarterly updates on the PROJECT'S progress and to the City Council an annual progress report which will address the status and effectiveness of the services provided pursuant to this AGREEMENT, and offer recommendations as to how the purpose of this AGREEMENT can be more effectively achieved, if any.

## **ARTICLE 5**

### **Commencement of Services/Term of AGREEMENT**

- 5.1 Commencement: BUREAU shall continue work on PROJECT following approval of this AGREEMENT. CITY will give BUREAU notice of approval in writing pursuant to the NOTICE article contained in this AGREEMENT.
- 5.2 Term: The term of this AGREEMENT shall be effective upon signing and continue until June 30, 2011.

## **ARTICLE 6**

### **Compensation to BUREAU by CITY**

- 6.1 Compensation:
  - A. Total Compensation: For services performed pursuant to this AGREEMENT, CITY agrees to pay and BUREAU agrees to accept as full payment for PROJECT the sum of TWO HUNDRED AND THIRTY-NINE THOUSAND DOLLARS.
  - B. Payment of Compensation: Payment from CITY to BUREAU shall be made in two equal payments, one upon execution of this contract, and the second by December 31, 2010.

## ARTICLE 7

### Indemnification

- 7.1 Indemnification: BUREAU agrees to indemnify and hold CITY and its officers, agents, employees and assigns harmless from any liability imposed for injury (as defined by Government Code section 810.8<sup>1</sup>), whether arising before or after completion of work hereunder, or in any manner directly or indirectly caused, occasioned or contributed to, or claimed to be caused, occasioned or contributed to, in whole or in part, by reason of any act or omission, including strict liability or negligence of BUREAU, or of anyone acting under BUREAU'S direction or control or on its behalf, in connection with or incident to, or arising out of the performance of this AGREEMENT.

It is the intent of the parties that BUREAU will indemnify, defend, and hold harmless CITY and its officers, agents, employees, and assigns, from any and all claims, demands, costs, suits or actions as set forth above regardless of the existence of passive concurrent negligence, on the part of the CITY or anyone acting under its direction or control or on its behalf.

This indemnity and hold harmless provision, insofar as it may be adjudged to be against public policy, shall be void and unenforceable only to the minimum extent necessary so that the remaining terms of this indemnity and hold harmless provision may be within public policy and enforceable.

## ARTICLE 8

### Insurance

- 8.1 Insurance: With respect to performance of work under this AGREEMENT, BUREAU shall maintain insurance as described below:
- A. Worker's Compensation: Worker's compensation insurance with statutory limits, and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000) per accident.
  - B. Commercial General Liability Insurance: Commercial general liability insurance with a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence. Such insurance shall include products/completed operations liability, owner's and contractor's

---

<sup>1</sup> Gov't Code Section 810.8 states: "Injury' means death, injury to a person, damage to or loss of property, or any other injury that a person may suffer to his person, reputation, character, feelings or estate, of such nature that it would be actionable if inflicted by a private person."

protective, blanket contractual liability, personal injury liability, and broad form property damage coverage. Such insurance shall:

1. Name CITY, its appointed and elected officials, officers, employees and agents as additional insureds;
2. Be primary with respect to any insurance or self-insurance programs maintained by CITY;
3. Provide that such insurance shall not be materially changed, terminated or allowed to expire except on thirty (30) days prior written notice to CITY.

This insurance shall be maintained from the time work first commences until this AGREEMENT is terminated if an occurrence policy form is used. If a claims-made policy is used, coverage shall be maintained during the AGREEMENT term and for a period extending five (5) years beyond the AGREEMENT date. BUREAU shall replace such certificates for policies expiring prior to completion of work under this AGREEMENT and shall continue to furnish certificates five (5) years beyond the AGREEMENT term, when BUREAU utilizes claims-made form(s).

- C. Failure to Maintain Insurance: If BUREAU for any reason fails to maintain insurance coverage which is required pursuant to this AGREEMENT; the same shall be deemed a material breach of contract. CITY, at its sole discretion, may terminate this AGREEMENT and obtain damages from BUREAU resulting from said breach. Alternatively, CITY may purchase such required insurance coverage, and without further notice to BUREAU, may deduct from sums due BUREAU hereunder any premium costs advanced by CITY for such insurance.

## ARTICLE 9

### Authorized Representative of CITY

- 9.1 Representative: The CITY MANAGER of CITY shall represent CITY in all matters pertaining to the services to be rendered under this AGREEMENT, except where approval of the CITY COUNCIL of the CITY is specifically required.

## ARTICLE 10

### Termination of AGREEMENT

- 10.1 Termination:

- A. CITY may terminate this AGREEMENT, for good cause, by giving at least fifteen (15) days notice to BUREAU in writing pursuant to the NOTICE article contained in this AGREEMENT specifying the effective date of termination. If this AGREEMENT is terminated by CITY for good cause,

BUREAU shall reimburse CITY, within twenty (20) days of termination, on a pro rata basis, for the period from the date of termination to the year's end for which it was paid. Circumstances that warrant "good cause" include, but are not limited to:

1. If BUREAU fails to perform the services called for by this AGREEMENT within the manner specified herein; or
  2. If BUREAU fails to perform the services called for by this AGREEMENT or so fails to make progress as to endanger performance of this AGREEMENT in accordance with its terms, and in either of these two (2) circumstances does not correct such failure within a period of ten (10) days (or longer period as CITY may authorize in writing) after receipt of notice from CITY specifying such failure.
- B. In the event CITY terminates this AGREEMENT in whole or in part as provided in Paragraph "A" above, CITY may procure, upon such terms and such manner as it may determine appropriate, services similar to those terminated.

## **ARTICLE 11**

### **Interest of Officials and BUREAU**

#### 11.1 Interest of Officials and BUREAU:

- A. No officer, member, or employee of CITY or other public official of the governing body of CITY who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of the aforesaid work shall:
1. Participate in any decision relating to this AGREEMENT which effects his personal interest or the interest of any corporation, partnership, or association in which he has, directly or indirectly, any interest; or
  2. Have any interest, direct or indirect, in this AGREEMENT or the proceeds thereof during his tenure or for one year thereafter.
- B. BUREAU hereby covenants that it has, at the time of the execution of this AGREEMENT, no interest, and that it shall not acquire any interest in the future, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed pursuant to this AGREEMENT. BUREAU further covenants that in the performance of this work, no person having any such interest shall be employed by it.

- C. BUREAU warrants by execution of this AGREEMENT, that no personnel agency has been employed or retained to solicit or secure this AGREEMENT upon a contract or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide established commercial or selling agencies maintained by the BUREAU for the purpose of securing business. For breach of violation of this warranty, CITY shall have the right to annul this AGREEMENT without liability or, in its discretion, to deduct from this AGREEMENT without liability or, the price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

## **ARTICLE 12**

### **Documents Related to AGREEMENT**

- 12.1 Ownership of Documents: All original papers and documents produced as a result of this AGREEMENT, or acquired in furtherance of this AGREEMENT, shall become the property of CITY. In addition, CITY shall be provided with access and use of any other papers and documents consistent with the purpose and scope of services covered by this AGREEMENT.

## **ARTICLE 13**

### **Subcontracting**

- 13.1 Subcontracting: BUREAU shall not subcontract or otherwise assign any portion of work to be performed under this AGREEMENT without the prior written approval of CITY.

## **ARTICLE 14**

### **Successors and Assigns**

- 14.1 Successors and Assigns: This AGREEMENT shall be binding upon and shall inure to the benefit of any successors to or assigns of the parties. BUREAU shall not assign, delegate or transfer the rights and duties under this AGREEMENT or any part thereof, without the prior written consent of CITY.

## **ARTICLE 15**

### **Independent Contractor**

- 15.1 Independent Contractor: In the performance of the services provided for herein, BUREAU shall be, and is, an independent contractor and is not an agent or employee of CITY. BUREAU has and shall retain the right to exercise full control and supervision of all persons assisting BUREAU in the performance of said services hereunder. BUREAU shall be solely responsible for all matters relating to the payment of its employees, including compliance with social security and income tax withholding and all other regulations governing such matters.

## ARTICLE 16

### Notices

- 16.1 Notices. Any notice, demand, or communication required or permitted to be given by the terms of this AGREEMENT, or by any law or statute, may be given by either party by depositing said notice, demand, or communication in the U.S. Mail, postage prepaid, addressed to the other at the party's address or any new address provided by such party in writing to the other. Service of said notice, demand, or communication shall be complete five (5) calendar days after deposit of said notice, demand, or communication in the mail.

Notices and communication concerning this AGREEMENT shall be sent to the following addresses:

**CITY**

City of Visalia

Attn: City Clerk

425 E Oak  
Visalia, CA 93292

**BUREAU**

Visalia Convention and Visitors'  
Bureau

Attn: Chairperson

P.O. Box 2734  
Visalia, CA 93291

Either party may, by notice to the other party, change the address specified above.

Service of notice of change of address shall be complete when received at the designated address.

## ARTICLE 17

### Miscellaneous Provisions

- 17.1 Contract Enforcement and Amendment: The City Manager of CITY shall be responsible for the enforcement of this AGREEMENT on behalf of CITY and shall be assisted therein by those officers and employees of CITY having duties in connection with the administration thereof.
- 17.2 Amendment: This AGREEMENT may be modified only by further written agreement between the parties. Any such modification shall not be effective unless and until executed by BUREAU and, in the case of CITY (unless otherwise specifically authorized herein), until approved by the CITY COUNCIL and executed by the City Manager of CITY or such other official as the CITY COUNCIL may designate.



17.4 Legal Actions:

- a. Institution of Legal Actions: Legal actions concerning the terms, interpretation and enforcement of this AGREEMENT must be instituted and maintained in the Superior Court of the County of Tulare, State of California.
- b. Applicable Law: The laws of the State of California shall govern the interpretation and enforcement of this AGREEMENT.
- c. Acceptance of Service of Process: In the event that any legal action is commenced by CITY against BUREAU, service of process on BUREAU shall be sufficient if made either on BUREAU'S Executive Director/Chairperson or in such other manner as may be provided by law and shall be valid whether made within or without the State of California.

17.5 Attorneys' Fees: In the event either party commences legal proceedings for the enforcement of this AGREEMENT, the prevailing party shall be entitled to recovery of its attorney's fees, litigation expenses, and court costs incurred in the action brought thereon. Attorney's fees and litigation expenses shall include without limitation costs of preparation and discovery and retaining expert witnesses, and such fees and expenses shall be payable whether or not the litigation proceeds to final judgment. "Prevailing party" shall be defined as the party with a net monetary recovery, a defendant in whose favor a dismissal is entered, a defendant where neither plaintiff nor defendant obtains any relief, and a defendant as against those plaintiffs who do not recover any relief against that defendant. When any party recovers other than monetary relief and in situations other than as specified herein, the prevailing party shall be as determined by the court.

17.6 Cumulative Rights and Remedies: Except as otherwise expressly stated in this AGREEMENT, the rights and remedies of the parties are cumulative, and the exercise by any party of one or more of its rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies.

17.7 Entire AGREEMENT: This AGREEMENT constitutes the entire agreement and understanding between the parties hereto and integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations and/or proposals, oral or written, and all other communications between the parties with respect to the subject matter of this AGREEMENT. All waivers of the provisions of this AGREEMENT must be in writing and signed by the appropriate authorities of CITY or BUREAU.

17.8 Partial Invalidity: If any provision of this AGREEMENT shall be held invalid, such invalidity shall not affect the other provisions hereof, and to this extent, the provisions of this AGREEMENT are intended to be and shall be deemed severable. The parties shall agree, if reasonably practicable, upon provisions that are equivalent from an economic point of view to replace any provision, which is determined to be invalid.

- 17.9 Consent; Reasonableness: Except as otherwise specifically set forth herein, in the event that either CITY or BUREAU shall require the consent or approval of the other party in fulfilling any agreement, covenant, provisions, or condition contained in this AGREEMENT, such consent or approval shall not be unreasonably withheld, conditioned, or delayed by the party from whom such consent or approval is sought.
- 17.10 Authority: BUREAU and its signator represent that the signator holds the position set forth below his/her signature and that the signator is authorized to execute this AGREEMENT on behalf of BUREAU and to bind BUREAU hereto.
- 17.11 Assignment of Contract: This AGREEMENT, or any part thereof, shall not be assigned, hypothecated, sold, alienated or transferred by BUREAU or by operation of law or otherwise, and will not be recognized to create any liability upon CITY, with the sole exception, and unless the prior written approval of CITY has been obtained.
- 17.12 No Third Party Beneficiaries: Notwithstanding any other provision of this AGREEMENT to the contrary, nothing herein is intended to create any third party beneficiaries to this AGREEMENT, and no person or entity other than CITY, BUREAU, and the permitted successors and assigns of either of them, shall be authorized to enforce the provisions of this AGREEMENT.
- 17.13 Interpretation/Headings: The headings/captions are for convenience and reference only and are not intended to define or limit the scope of any provision and shall have no effect on the Agreement's interpretation. When required by the context of this AGREEMENT, the singular shall include the plural.

IN WITNESS WHEREOF, the parties hereto have entered into this AGREEMENT on the date first written above.

CITY OF VISALIA

VISALIA CONVENTION AND VISITOR'S  
BUREAU

By: \_\_\_\_\_  
Steven M. Salomon  
City Manager

By: \_\_\_\_\_  
Anil Chagen, Chairperson

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

## **EXHIBIT "A"**

The work contracted for under this AGREEMENT is intended to generate and enhance tourism and convention attraction in CITY. The work by the Visalia Convention and Visitor's Bureau, shall generally include, but not be limited to:

- **Organizational Matters**

Operated the Bureau as a separate entity known as the Visalia Convention and Visitor's Bureau (VCVB). Maintain a separate, non-profit organization. Hold regular monthly Board and Executive Board meetings. Maintain a separate fiscal accounting for the Bureau, and include regular financial reports to the Board and an annual report to the City that summarizes the activities undertaken to implement the contract points described herein.

- **Continue implementation of a membership program to offset any additional budget needs.**

Any membership program shall include a membership for the Visalia Convention Center based on the contribution included in this contract.

- **Convention Sales**

Sell Visalia as an optimum convention location for multiple day events. In the case of smaller conventions that would generally only involve one hotel property, the CVB will generate the lead and provide all pertinent information to all appropriate properties in a timely manner. When a convention has the potential to involve multiple properties, the CVB will generate the Request for Proposal and coordinate the proposal submission.

Generate leads that result in at least new 3,000 convention room nights within the City of Visalia. Rebooking of previous conventions that have been held within the last three years are not considered new events.

The CVB board will receive monthly updates showing prospective events that have been added to the proposal pipeline, their current status, and their projected room nights.

Process and track Requests for Proposals for all citywide rebookings, and for any citywide leads generated by other properties. Copies of all Visalia proposals for Citywide events, whether generated by the CVB or another source, will be provided to all proposing properties.

Aggressively identify and work with local leaders who are in positions of influence for professional, industry, and other statewide events. These contacts are to be

tracked, and included in regular reports to the Board, and in the annual report to the City.

### **Sports Marketing**

Develop a plan for marketing Visalia as a destination for a variety of sporting events including soccer, softball, basketball, wrestling, boxing and other applicable sports, with the goal of scheduling at least two sporting events from CVB leads for future years. In addition, the CVB should provide convention-support type services, housing bids, etc., for any sporting event that wants to come to the area.

- **Convention Servicing**

Bureau to continue servicing conventions including arranging, upon request, for tours, spousal activities, special events, housing, welcome packages, and fulfilling other special requests by the convention organizer. These conventions are to be tracked and number reported as part of the annual report.

- **Trade Show Attendance**

Attend important and effective trade and travel shows associated with the business of tourism and convention attraction and following an analysis of the benefits versus the cost effectiveness of doing so and the degree to which the City of Visalia's exposure will be enhanced. It is important that close connections be established with Visalia hotels and the convention center. Representatives from these entities should be invited and encouraged to participate with the Bureau at each trade show.

A report on each tradeshow should be included in each monthly report to the CVB Board. An overall analysis of tradeshow activity should be included in the annual report to the City. The analysis on the benefit of each show should examine the return on investment of each show including the number of leads generated, number of proposals requested and other industry standards. A goal would be to generate at least 10 new qualified leads from each show.

Any leads generated from a Trade Show shall be distributed to the Visalia Convention Center and the Visalia hotel properties within two weeks of the trade show.

- **Meeting Planner Contacts**

It is important that previous contacts with meeting planners be continued, especially those established with the meeting planners in the Sacramento area. The Bureau staff should make regular contacts with meeting planners in the Sacramento area, and should also develop a strategy for developing the southern California and other markets. Visalia hotel and convention center staffs should be invited to participate. A review of the success of these trips should be included in regular reports to the Board and in the annual report.

- **Collaborate with regional partners to develop a region-wide tourism marketing plan**

Visalia CVB will continue to play a leadership role in the Sequoia Valley Tourism organization (Tulare County EDC) in pushing for greater cooperation on tourism marketing and in securing additional funding from the County, other communities, and related industry and/or non-profits.

Work with the TCEDC and other partners to develop a comprehensive marketing plan for 2010-2011, and 2011-12. The plan should include the VCVB obtaining the leads from the marketing activities of the TCEDC, and following up on those leads within one week of receipt, and continue to follow up on a regular basis, depending upon the type of the lead.

Generally, a VCVB staff member and a Board member should be in attendance at all Sequoia Valley Tourism meetings.

- **Tracking System**

Further develop the system to track tourism, in coordination with local hotels, through walk-in traffic, through 1-800 calls, through responses to advertising, and other appropriate mechanisms. In particular, a system for quantifying the success of the CVB's tourism activities is to be developed. The product of Bureau's tracking efforts shall be included in regular reports to the Board and in the annual report to the City.

- **Brochures and Publications**

Bureau will maintain, enhance and distribute tourism brochures and publications. Copies of new publications should be included in the quarterly and annual report. Said publications should include:

- a. Visitors Guide
- b. General interest/information brochure promoting Visalia and its attractions with information on Sequoia and Kings Canyon National Parks, and continue to print/produce an adequate number of the brochures and publications to distribute to the public and to provide to City's Convention Center and City Manager's Office so that each location may distribute same to the public.

- **Advertisement**

Bureau to continue to advertise in publications that enhance Visalia tourism and convention attraction. An analysis of the benefits versus the cost effectiveness of each ad and the degree to which the City of Visalia's exposure will be enhanced, and copies of the ads, should be included in the annual report.

- **Walk-On/Bus Tours**

Bureau to continue to track bus tours attracted by the CVB, and a tracking of the tours services by the CVB, including the level of service. The Bureau will continue to conduct walk-on tours with bus companies to the extent feasible and to refer these walk-on tours to Visalia hotels and attractions. Bureau to focus on attracting large tour company bus tours through attendance at tradeshow, marketing, direct mail/advertising, telemarketing and in cooperation with local Visalia hotels. The goal should be for the CVB to attract at least 5 new/additional tours to the City in the coming year.

- **National Park Promotion**  
Bureau to maintain contacts with National Parks and feature parks to enhance tourism, and work directly with the City and the National Park to promote both the Gateway Shuttle and the internal shuttle in the Sequoia National Park.
- **Mini-Tours**  
Bureau to develop at least one new mini-tour, and redesign the current tours to be more user-friendly, including contact information for the attractions listed. All tours are to be prominently featured on the webpage.. How existing and new tours are promoted to and utilized by tourists, are to be included in the annual report.
- **Web Site**  
Update the website on a daily basis, check the on-line mail in on a daily basis, and update applicable website links for major features, including the Sequoia Shuttle, all hotels, and the See and Go options on a regular basis.

Continue to list and promote the events on [www.eventsvisalia.com](http://www.eventsvisalia.com).

Provide an analysis of website traffic and activity to the CVB Board on a regular basis, and in the annual report to the City.

- **Welcome Packet**  
Continue to provide a welcome packet, including discounts from local businesses, that can be distributed to local conventioners and visitors. A list of the discounts/offerings, and the number of welcome packets distributed should be part of the annual report.
- **California Presence**  
Develop a web-based marketing program, including exploring social networking opportunities, that will encourage people traveling north to south to visit Visalia. This should include an “all roads lead to Visalia” type-map, and development of web materials for marketing the Majestic Mountain Loop.
- **Visitor Site**  
Continue to stock and further develop the Visitor Information Center that is open and available during usual and normal business hours at the Convention Center with a goal of having visitor information readily available during VCVB’s non-business hours.
- **Organizational Memberships**  
Maintain memberships in important and effective organizations that are in the business of tourism and convention attraction following an analysis of the benefits versus the cost effectiveness of doing so. The benefit derived from such memberships is primarily the ability to generate tour and convention leads through attendance at industry trade shows. Additionally, in some instances, trade publications are made available exclusively to members. An analysis regarding the benefit of membership in each association shall be included in the

annual report including an assessment on whether continued membership is worthwhile, is to be presented to the CVB Board annually.

The benefit derived from the foregoing memberships consists primarily of the ability to generate tour and convention leads through attendance at industry trade shows. Additionally, in some instances, trade publications are made available exclusively to members. Membership also promotes interaction with people and organizations with similar interests in tourism.

An analysis regarding the benefit of membership in each association shall be included in the annual report including an assessment on whether continued membership is worthwhile.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:** Request adoption of resolution supporting a High Speed Train rail alignment and station for the Kings/Tulare Region located on the east side of the City of Hanford, near the juncture of State Highway 198 and State Highway 43.

Resolution No. 2010-45

**Deadline for Action:** August 2, 2010

**Submitting Department:** Administration

**Contact Name and Phone Number:** Mike Olmos 713-4332

**Department Recommendation:** Staff recommends that the City Council adopt the attached resolution supporting a High Speed Train alignment and station site on the east side of Hanford, near the juncture of State Highways 198 and 43, and urging the High Speed Rail Authority to work cooperatively with the City of Hanford, County of Kings, and Kings County farming interests to develop a mutually acceptable rail alignment in Kings County.

**Summary/background:** The High Speed Rail Authority (HSRA) is evaluating alternative rail alignments for the future high speed train (HST) system through the South Valley. To date, the HSRA has determined that the HST will generally follow the Burlington Northern – Santa Fe (BNSF) rail alignment through the Tulare/Kings County region. The BNSF alignment is located in Kings County. A future station site is planned for the Kings/Tulare Counties region along the HST system near Hanford.

The HSRA is currently evaluating alternative alignments for the HST through the Hanford area that will determine the location of the HST station. Two options are under review. The primary option is an easterly loop from the BNSF around the City of Hanford then reconnecting to the BNSF. This primary alternative would provide a future station location near the juncture of State Highway 198 and Highway 43.

Due to concerns raised by the farming community in Kings County about impacts to farmlands, the HSRA is now examining a second option that could place the HST alignment through the center of Hanford (similar to Amtrak).

**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.



If the HST alignment moves to a Central Hanford route, the future station will move to a location outside of Hanford, possibly several miles to the south. The revised location will be much less accessible and convenient for potential HSR passengers in outlying areas, especially for persons travelling from cities in Tulare County.

The location of the HST alignment through Kings County, and near or through Hanford, has generated significant controversy in Kings County. Recently, the County of Kings, City of Hanford, and Kings County farming interests have taken a position in opposition to the HST alignment in Kings County. These groups are urging the HSRA to move the alignment out of Kings County and place the alignment along either the I-5 or Highway 99 corridors. Concerns expressed in Kings County are directed primarily at the impact of the HST alignment to farmlands and agricultural operations.

While the concerns raised by Kings County interests are important and must be addressed during project design, the long term implications and potential benefits of High Speed Rail must be understood. High speed rail is intended to provide a time-efficient, affordable, and convenient transportation mode in California as a viable alternative to highway or airplane travel, both of which are becoming increasingly congested in our state. The proposed California high speed train project is modeled after examples that exist throughout the world (Japan, China, Europe) of high speed train systems successfully serving highly populated regions. Having a conveniently accessible HST station in our region will not only serve as a great convenience to our residents and business people who travel within the state, but would also have significant long term economic benefits to the region.

The voters in California have approved a \$10 billion bond to help finance construction of the project (buildout is currently estimated at \$43 billion) and approximately \$2.2 billion has been allocated from the Federal stimulus (ARRA) for the California project. Though the high speed train project remains controversial (due to its size, significance, cost and many components) it appears that the project is gradually moving through design to construction of the initial phases, including substantial segments in the San Joaquin Valley. Therefore, to not recognize that HST will likely become a reality would be shortsighted. For this reason, continued efforts to achieve a conveniently accessible station site in the Kings-Tulare region is advisable.

To date, the High Speed Rail Authority has concentrated its efforts on establishing an alignment along the BNSF through Kings County for our region. The HSRA's preferred alignment continues to be along Highway 43 east of Hanford. While Tulare County cities and other interests would likely embrace an HST alignment (and station) moving to the Highway 99 corridor, it is unlikely that this change will occur due to the significant time and money that the HSRA has invested in analyzing, conducting environmental studies, and preparing engineering studies for an alignment through Kings County. Also, undertaking efforts to move the alignment out of Kings County is impractical due to looming deadlines for expenditure of ARRA funds to construct the initial phases of the HST system, including the South Valley test tracks.

Staff believes that an HST alignment with a station location on the east side of Hanford is advantageous and would significantly benefit Visalia and the Kings-Tulare region for the following reasons:

- The East Hanford area is largely undeveloped at this time which will enable the City of Hanford to effectively plan for future land uses, development densities, traffic circulation and impact buffers to accommodate the HST system.

- The location of the planned future station site is readily accessible from State Highway 198 and State Highway 43. This location provides convenient accessibility from population centers throughout the two county region.
- The east Hanford site is optimally accessible from cities in Tulare County, including Visalia, via State Highway 198. State Highway 198 is currently undergoing widening from 2 to 4 lanes. The widening will improve travel and safety from Tulare County to Hanford and the future HST station.
- The East Hanford site will be in close proximity to the Cross Valley Rail system. This will enable planning for future light rail transit connections from East and West Valley cities, and Naval Air Station Lemoore.
- Establishing the HST alignment through Central Hanford will disrupt their community, and will result in a station location that will be significantly less accessible to cities through the region, especially for cities in Tulare County.

Staff is recommending that Council adopt the enclosed resolution to support an East Hanford HST alignment and station location. The resolution will be forwarded to the HSRA for consideration in conjunction with technical studies currently underway for the two alternatives.

**Prior Council/Board Actions:** NA

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

**Alternatives:** None recommended.

**Attachments:** Resolution

**Recommended Motion (and Alternative Motions if expected):** Move to adopt enclosed resolution in support of an East Hanford High Speed Train alignment and station location and urging the High Speed Rail Authority to continue efforts to establish an alignment design to resolve concerns of Kings County interests.

***Environmental Assessment Status***

**CEQA Review:** NA

**NEPA Review:** NA

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

Copies of this report have been provided to:

- City of Hanford
- TCAG
- Tulare County
- Kings County
- High Speed Rail Authority
- Tulare County cities
- Kings County Association of Governments

RESOLUTION NO. 2010-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA SUPPORTING A HIGH SPEED TRAIN RAIL ALIGNMENT AND FUTURE KINGS/TULARE REGION TRAIN STATION IN EAST HANFORD

WHEREAS, the California High Speed Rail Authority is considering alternative route locations for the High Speed Train in the Kings/Tulare Counties region; and

WHEREAS, the rail alignment will determine the location of a future High Speed Train (HST) station for the Kings/Tulare region; and

WHEREAS, the Kings/Tulare HST station will serve a large geographic region, with cities spread across two counties; and

WHEREAS, the Kings/Tulare region will have an estimated population of approximately 1 million residents by the year 2030; and

WHEREAS, to effectively serve this unique region, the future HST station must be placed in a location that is conveniently accessible to this geographically dispersed population; and

WHEREAS, the City of Hanford, County of Kings, and Kings County farming interests have expressed significant concerns about the impact of the High Speed Rail system upon farming operations in Kings County.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia hereby acknowledges the following benefits of an HST rail alignment and station on the East Side of the City of Hanford:

- The East Hanford area is largely undeveloped at this time which will enable the City of Hanford to effectively plan for future land uses, development densities, traffic circulation and impact buffers to accommodate the HST system.
- The location of the planned future station site is readily accessible from State Highway 198 and State Highway 43. This location provides convenient accessibility from population centers throughout the two county region.
- The east Hanford site is optimally accessible from cities in Tulare County, including Visalia, via State Highway 198. State Highway 198 is currently undergoing widening from 2 to 4 lanes. The widening will improve travel and safety from Tulare County cities to Hanford and the future HST station.
- The East Hanford site will be in close proximity to the Cross Valley Rail system. This will enable planning for future light rail transit connections from East and West Valley cities, and Naval Air Station Lemoore.
- Establishing the HST alignment through Central Hanford will disrupt their community, and will result in a station location that will be significantly less accessible to cities through the region, especially for cities in Tulare County.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby declares its support for a High Speed Train rail alignment and station location in East Hanford near the juncture of State Highway 198 and State Highway 43.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia urges the High Speed Rail authority to continue efforts to collaborate with the City of Hanford, County of Kings, and other affected organizations in the design and development of a high speed rail alignment that minimizes impacts to farmlands and agricultural operations in Kings County.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:** Replacement of a representative from the Historic Preservation Advisory Committee to the General Plan Update Review Committee.

**Deadline for Action:** None

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

**Contact Name and Phone Number:**

Brandon Smith, AICP, Senior Planner 713-4636  
Paul Scheibel, AICP, Planning Services Manager 713-4369

**Department Recommendation:** It is recommended that the Visalia City Council affirm Historic Preservation Advisory Committee (HPAC) members Jay Hohlbauch and Steven Cullen to serve on the General Plan Update Review Committee, wherein one will serve as a seated member and the other will serve as an alternate member.

**Summary:** The Historic Preservation Advisory Committee lost its representative to the General Plan Update Review Committee when Matthew Owdom submitted his resignation to HPAC effective July 14, 2010. The resignation no longer allows Mr. Owdom as an eligible HPAC representative for the General Plan Update Review Committee. During the HPAC meeting held on July 14, 2010, two persons were selected to fulfill the role of GPURC representative. A decision has not been made at this time who would serve as the regular representative and who would serve as the alternate representative. Mr. Hohlbauch was appointed to the HPAC in 2003 and is currently serving his 3<sup>rd</sup> term to expire in December 2010. Mr. Cullen was appointed as an alternate to the HPAC in November 2008 and became a seated member in January 2010 where he is currently serving his 1<sup>st</sup> term.

**GPURC Background:** On November 3, 2008, the City Council authorized the formation of a General Plan Update Review Committee (GPURC), and expanded the Committee's composition to include representation from several key stakeholders. There are currently 24 persons on the Committee representing 22 community-based groups (see attached Exhibit "A" for roster). The Historic Preservation Advisory Committee has one representative serving on the General Plan Update Review Committee. The Committee held its first meeting on March 25, 2009, and has met approximately once a month since then.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):   1  

**Review:**

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

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

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

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

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

**Alternatives:** None

**Attachments:** Exhibit "A" – General Plan Update Review Committee Roster

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

I move to authorize Jay Hohlbauch and Steven Cullen to serve on the General Plan Update Review Committee in regular and alternate positions, representing the Historic Preservation Advisory Committee.

***Environmental Assessment Status***

**CEQA Review:** NA

**NEPA Review:** NA

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

Exhibit "A"

General Plan Update Review Committee  
Committee Roster – July 2010

<u>AUTHORIZED GROUP</u>	<u>DESIGNATED REPRESENTATIVE</u>
Visalia City Council	Bob Link
Visalia City Council	Michael Lane
Citizens Advisory Committee	Dirk Holkeboer
College of the Sequoias	Eric Mittlestead
Downtown Visalians	Michael Kreps
Environmental Committee	Dean Mann
Hispanic Chamber of Commerce	Raymond Macareno
Historic Preservation Advisory Committee	Matthew Owdom
Kaweah Delta Hospital	Dena Cochran
Kaweah Delta Hospital Board of Directors	Carl Anderson
Mooney Boulevard Merchant's Organization	Don Wright
North Visalia Neighborhood Advisory Committee	Bill Huott
Parks & Recreation Commission	Carla Calhoun
Planning Commission	Larry Segrue
Planning Commission	Vincent Salinas
Tulare / Kings Home Builders Association	Mike Knopf
Tulare County Affordable Housing	Ken Kugler
Tulare County Association of Realtors	Brad Maaske
Tulare County Farm Bureau	Brian Blain
Visalia Chamber of Commerce	Josh McDonnell
Visalia Community Forum	Darlene Mata
Visalia Economic Development Council	Jim Robinson
Visalia Unified School District	Clarise Dilbeck
Waterways and Trails Committee	Bob Brown



## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:**

**a) Certification of Negative Declaration No. 2010-41.  
(Resolution 2010-48 required)**

**b) Initiation of Proceedings for Annexation No. 2009-02  
(West Goshen Avenue):** A request by Jim & Lana Cooper, Richard & Julia Guerrero, and the City of Visalia to annex nine parcels totaling approximately 71 acres of land into the City limits of Visalia.  
**(Resolution 2010-49 required)**

**c) Detachment of property from County Service Area No. 1.**

The property is located on the south side of Goshen Avenue between Kelsey Street and 600 feet west of Road 88. (APN: 081-030-003, 006, 022, 038, 039, 048, 064, 071, 072)

**Deadline for Action:** None

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

**Contact Name and Phone Number:**

Chris Young, Community Development Director 713-4392  
Brandon Smith, AICP, Senior Planner 713-4636

**Recommendation:** The Planning Commission and staff recommend that the City Council:

1. adopt Negative Declaration No. 2010-41.
2. initiate proceedings of Annexation No. 2009-02 with the Tulare County Local Agency Formation Commission (LAFCo).
3. authorize detachment of the annexing property from County Service Area No. 1, in accordance with State and County requirements.

If approved by Council, staff would then file an application for an annexation with LAFCo.

**Summary:** This action comes as a result of two County land use project referrals which came to the City because the properties are located inside Visalia's Urban Development Boundary and in the center of Visalia's Industrial Park. The annexation was then expanded 53 acres by the City to a total of 71 acres, capturing as much industrial-designated land that is feasible

**For action by:**

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

**For placement on  
which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 20

**Review:**

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

**Finance**  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.

within State annexation laws and in the City's best interests for proper land use and provision of services in accordance with the General Plan.

**Site Description:** The 71-acre site is located on the south side of Goshen Avenue between Kelsey Street and Road 88. It is also part of a larger County jurisdictional island that extends to Highway 198 and Shirk Street. It consists of nine privately-owned parcels (seven developed with industrial uses and two vacant) and right-of-way along Goshen Avenue and Kelsey Street. Existing City limits are located on the north and west sides of this site.

Within the annexation area there are several businesses which include a recycling processing facility, auto dismantling yard, landscape nursery and contractors' offices, four warehouse / shop buildings, and a cargo container distributor. The nursery site (Rainscape) includes an improved private paved road accessible from Goshen Avenue that provides access to the shop buildings. Also, in the area are four residences located along Kelsey Street and approximately 38 acres of vacant land. In addition to the on-site industrial uses, the area is surrounded on three sides by other industrial uses – warehouses, distribution centers, and shops. A mini-storage facility and a PVC pipe manufacturing plant that are under County jurisdiction are located to the east. To the south is vacant / agricultural land which constitutes the upper edge of the open space area divided by Highway 198.

**Background of Request:** This annexation began as two separate requests from adjoining property owners received within two months of each other. Jim and Lana Cooper represent two parcels totaling 7.54 acres which contain the Rainscape nursery and four shop buildings. The owners desire to obtain a Tentative Parcel Map approval for the purpose of subdividing the shop buildings, nursery, and private street. Richard and Julia Guerrero own a 10-acre parcel that contains Westside Self Service Auto Dismantlers. They desire to obtain a Special Use Permit to bring a recent expansion of the business into conformance with applicable codes.

After receiving and responding to referral notices for both projects, City staff had the opportunity meet separately with the property owners and their agents. Seeing the benefits and the level of service offered by the City, both proponents agreed to process their requests along with the required annexation into the City.

**Expansion:** The private requests opened a unique opportunity for the City to pursue inclusion of other sites in the annexation. It is advantageous in that it assists both the City and County in increasing the efficiency and reducing the cost of providing municipal services, and results in a more logical and streamlined City limit boundary.

Properties at this location are already within the City's service area, but do not enjoy the full range of services because they are not in City limits. Sewer and storm lines are located in adjacent City public right-of-way; however owners cannot tie into these systems without the approval of an agreement between the City and the property owner. Also, City police and fire services are located closer to the sites than respective County services. The City already shares emergency response services to this area based on an existing Mutual Aid Agreement.

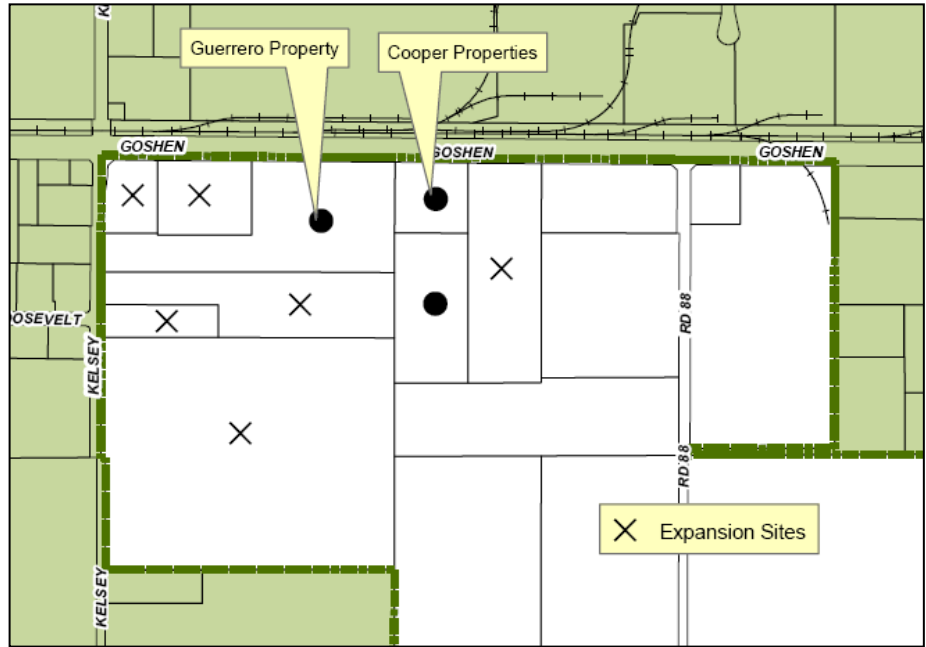
**Outreach & Resulting Area:** Substantial outreach was pursued with nearby property owners having a Light Industrial land use designation. City staff sent two rounds of letters to property owners in the vicinity, offering the opportunity to join into the annexation at no expense. An open house was also held on April 9, 2010, at Fire Station No. 55 near Shirk & Ferguson to introduce the City's position and purpose and to answer questions to the property owners. In all

This document last revised 7/29/10 2:34 PM

By author: Brandon Smith

File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\8-2-2010\Item 8 Annex 2009-02 West Goshen Ave.doc

staff made contact with five of the nine property owners. Four of the owners who had businesses on their property were assured that annexation would not affect their ability to continue operations. These owners did not protest to annexation, yet did not consent citing their objection to pay business license fees. One owner also stated her intent to continue farming operations on the site.



The final boundaries of the annexation resulted in six parcels totaling 53 acres added to the initial two requests. No property owner consent was received on the additional acreage, however there is no risk of a successful protest since the assessed valuation of parcels without consent is less than half of the assessed value of the entire area.

All property owners of the expansion sites received notice of the City's intent to annex via Planning Commission and City Council notices. The Planning Commission considered the annexation as a consent calendar item on July 26, 2010; no persons spoke regarding the item.

**Supplemental Cost:** The expanded area will require some supplemental costs estimated at \$3,000 to cover preparation of a map and legal description and the payment of State Board of Equalization Fees. It is staff's recommendation that this be a City-incurred cost since it would be unreasonable to place the obligation and cost of mapping the City-initiated expansion area on the proponents. In return, the City would benefit from sales tax generation from the business and more efficient services, helping to offset the cost in time. Some of this cost can be covered using leftover money budgeted for the four City property annexations.

**Discussion:**

Legal Non-Conforming Uses. Several land uses in the site area will be annexed as legal non-conforming uses. The following table describes the parcel included in the annexation and the legal non-conforming status of each:

ADDRESS	OWNER	USE	COUNTY STATUS	CITY STATUS
8671 AVE 304	COOPER, J & L	Nursery	Permitted	Permitted
8627 AVE 304	COOPER, J & L	Shop Buildings	Permitted	Permitted
8581 AVE 304	GUERERO, R & J	Auto Dismantling	Conditional Use	Not Allowed
8301 AVE 304	PATTEE, J & L	Machine Shop	Permitted	Permitted
8461 AVE 304	PRINS & SMITH INC	Recycling Yard	Permitted	Conditional Use
30284 RD 84	BURGHGRAEF, R & R	Residence	Permitted	Conditional Use
30312 RD 84	STAPLES, B & K	Residence, cargo	Permitted	Conditional Use

This document last revised 7/29/10 2:34 PM

By author: Brandon Smith

File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\8-2-2010\Item 8 Annex 2009-02 West Goshen Ave.doc

		container manuf.		
30154 RD 84	DUARTE, A & K	Two residences, vacant land	Permitted	Conditional Use
8627 AVE 304	GLASGOW, D	Vacant land	N/A	N/A

The auto dismantling yard at 8581 Avenue 304 is not permitted in the Light Industrial zone per the City Zoning Ordinance. It was approved in the County under Special Use Permit No. PSP 21 and later amended by PSP 190, PSP 234, and PSP 66-031. The recycling and demolition yard and the residences are all conditional uses in the Light Industrial zone. However, the continued use and operation of these legal non-conforming uses is provided for in the City's Zoning Ordinance Chapter 17.40 since the businesses were legally established in the County's M-1 zoning designation.

Infrastructure. There are both sanitary sewer and storm drain lines in Goshen Avenue and Kelsey Street. Currently only one of the developed sites is directly connected to city sewer. The other developed properties utilize septic tank-leach field systems and may continue to use these systems upon annexation. Property owners are not required to connect to city sewer at the time of annexation, but have the option of connecting at any time at their own cost. Owners are required to connect if the septic tank-leach field system fails.

Williamson Act. There are no Williamson Act contracts on any parcels in the annexation.

Pre-Annexation Agreement. While the City's current practice is to record a Pre-Annexation Agreement with the property owners requesting annexation, staff finds it is not needed in this instance. This is based on the fact that the consented site are almost fully developed, meaning that standard conditions of Agreements which include paying Groundwater Overdraft Mitigation and General Plan Maintenance are not applicable.

**Relation to General Plan and Zoning:** The property has a General Plan Land Use Designation of Light Industrial, and will therefore come into the City limits under the I-L (Light Industrial) Zoning upon annexation. The site has been in the Urban Development Boundary since the 1991 General Plan Land Use Element Update.

**Consistency with other Plans & Policies:**

Visalia Airport Master Plan. Light Industrial land uses at this site would be consistent with the land use compatibility map of the adopted Visalia Airport Master Plan. According to the map, the sites are located in Compatibility Zone D, which does not place development restrictions for industrial uses that attract people at congregate in a density exceeding 125 persons an acre. The proposed project will not require review by the City or County Airport Commissions.

County Zoning. All properties currently have a Tulare County zoning designation of M-1 (Light Manufacturing), with the exception of a 32-acre parcel on Kelsey Street where the south half falls into an AE-20 zone (Exclusive Agriculture). The M-1 zoning allows most uses permitted in the City's I-L zone, but also allows for several commercial and other non-industrial uses that are not permitted in the I-L zone.

The proper a General Plan Land Use Designation of Light Industrial (A resolution approved by the County in 1992 allowed the County's General Plan designations to be consistent with the City's General Plan designations for properties inside the UDB.)

**Consistency with Annexation Policies:** On October 20, 2008, the City Council accepted several annexation policies touching upon themes of master-planning, higher residential densities, and facilitation of orderly growth. The policies have not yet been formally adopted and integrated into the General Plan. The following points explain the draft policies' bearing on the proposed annexation:

- Draft Policy 2 states that “all annexations shall be contiguous to existing developed areas in the City, adjacent to services and infrastructure, and facilitate orderly growth.” The proposed annexation is bound by City limits and City services on two sides, and contributes to the reduction of a County island.
- Draft Policy 3 states that private party annexation requests excepting County islands and industrial lands be accompanied by a specific or master plan. The annexation being of industrial land is therefore not subject to this policy.

**Environmental Findings:** An Initial Study was prepared for the Annexation consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that environmental impacts are determined to be not significant. Therefore, Negative Declaration No. 2010-041 was prepared for adoption at the time that the project is acted upon by the City Council. The Negative Declaration was prepared to consider annexation of all of the un-consented properties in the vicinity having a Light Industrial land use designation, including four parcels that are not currently included in the annexation boundary.

**Prior Council/Board Actions:** None.

**Committee/Commission Review and Actions:** On July 26, 2010, the Planning Commission found Annexation No. 2009-02 to be consistent with the General Plan. No persons spoke regarding the item.

**Alternatives:** None.

**Attachments:**

- Ownership Disclosure Form
- Resolutions
- Negative Declaration No. 2010-041
- Location Map
- **Aerial Photo** (Colored map)
- **General Plan Land Use Map** (Colored map)

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

I move to

- a) adopt Resolution No. 2010-48 certifying Negative Declaration No. 2010-041,
- b) adopt Resolution No. 2010-49 initiating Annexation No. 2009-02 and authorizing the detachment of property from County Service Area No. 1.

This document last revised 7/29/10 2:34 PM

By author: Brandon Smith

File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\8-2-2010\Item 8 Annex 2009-02 West Goshen Ave.doc

### ***Environmental Assessment Status***

**CEQA Review:** An Initial Study and Negative Declaration have been prepared for use with this project, consistent with the California Environmental Quality Act (CEQA). It must be certified prior to the initiation of the annexation.

**NEPA Review:** None

**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)*

Certified copies of the resolutions must be prepared prior to the LAFCO project submittal deadline of August 16, 2010.

RESOLUTION NO. 2010-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,  
ADOPTING NEGATIVE DECLARATION NO. 2010-041, WHICH EVALUATES  
ENVIRONMENTAL IMPACTS FOR ANNEXATION NO. 2009-02 (WEST GOSHEN AVENUE)

**WHEREAS**, Annexation No. 2009-02 is a request by Jim & Lana Cooper, Richard & Julia Guerrero, and the City of Visalia to annex nine parcels totaling approximately 71 acres of land into the City limits of Visalia. The property is located on the south side of Goshen Avenue between Kelsey Street and 600 feet west of Road 88. (APN: 081-030-003, 006, 022, 038, 039, 048, 064, 071, 072); and

**WHEREAS**, the City Council of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Council on August 2, 2010 for the Project; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this Project, and that no mitigation measures would be required for the Project; and

**WHEREAS**, on the basis of this Initial Study, a Negative Declaration has been prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

**WHEREAS**, the Initial Study and Negative Declaration for the Project were prepared and noticed for review and comment; and

**WHEREAS**, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

**WHEREAS**, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and found that the Initial Study and Negative Declaration contain and reflect the independent judgment of the City of Visalia.

**NOW, THEREFORE, BE IT RESOLVED** that a Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2010-041 which evaluates environmental impacts for Annexation No. 2009-02 (West Goshen Avenue). The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2010-49

A RESOLUTION OF APPLICATION BY THE CITY OF  
VISALIA REQUESTING THE TULARE COUNTY LOCAL  
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS  
FOR ANNEXATION NO. 2009-02 (WEST GOSHEN AVENUE) AND DETACHMENT OF  
PROPERTY FROM COUNTY SERVICE AREA NO. 1

**WHEREAS**, the City Council of the City of Visalia desires to initiate proceedings for annexation to said city of territory illustrated on the location map attached herein as Exhibit "A"; and

**WHEREAS**, the City Council of the City of Visalia desires to annex said territory to the City of Visalia for the following reasons: The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

**WHEREAS**, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

**WHEREAS**, the territory proposed to be annexed is uninhabited; and

**WHEREAS**, the Visalia Planning Commission reviewed this proposal on July 26, 2010, and found it to be consistent with the General Plan; and

**WHEREAS**, the City Council hereby makes the following findings with regard to the project:

1. The annexation is consistent with the policies and intent of the General Plan.
2. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2010-041 was adopted by the Council pursuant to City Resolution No. 2010-\_\_\_\_.

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

1. The potential environmental effects of the proposed annexation have been reviewed and the Environmental Coordinator of the City of Visalia has determined that the proposal falls within the scope of issues and impacts addressed in Negative Declaration No. 2010-041, and that no mitigation measures are required.



2. Application is hereby made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, for an annexation of territory illustrated in the map attached as Exhibit "A".
3. Proceedings shall be taken for this annexation proposal pursuant to Title 5, Division 3, Part 3 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
4. In conjunction with the proceedings being taken for this annexation proposal, application is also hereby being made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, for a Sphere of Influence Amendment and detachment from County Service Area No. 1.
5. Upon annexation, the territory shall be zoned Light Industrial (I-L), consistent with the pre-zoning designated by the General Plan Land Use Map, although ongoing use of the property for agricultural, residential, and other uses established in County but not provided for in the Visalia Municipal, shall be permitted as a legal non-conforming use, in accordance with the Code.
6. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.

# City of Visalia Agenda Item Transmittal

**Meeting Date:** August 2, 2010

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

**Agenda Item Wording:** Zoning Ordinance Text Amendment No. 2010-06, a request by City of Visalia to amend portions of Title 17 of the Visalia Municipal Code pertaining to the processing of projects in the BRP zone amending VMC 17.30, and VMC 17.24, to clarify and streamline the Business Research Park Zone (BRP) standards, project review and approval process.

**Deadline for Action:** None

**Submitting Department:** Community Development Dept.  
Planning Division

**Contact Name and Phone Number:**

Andrew Chamberlain, Senior Planner, 713-4003  
Paul Scheibel, AICP, Planning Services Manager, 713-4369

**Recommendation:** The Planning Commission recommends that the City Council approve Zoning Ordinance Text Amendment No. 2010-06. The text amendment amends the Business Research Park (BRP) development standards, project review and approval process.

**Summary:**

At the February 6, 2010, City Council Workshop, the Council directed staff to provide a focused analysis of the development and review process for the Business Research Park Zone. On April 10, 2010, at a Joint City Council and Planning Commission Workshop, the Council and Commission voted unanimously to initiate a Zoning Ordinance Text Amendment to simplify and streamline the BRP project review process. The recommended changes in this report would result in uniform development standards such as building and landscaping setbacks along with changes to the processing of projects. A conditional use permit is still required to master plan the site, but required City Council review of architecture would be eliminated. The architectural standards are also being recommended for simplification as a part of this proposal.

**Discussion:**

The following sections highlight the proposed changes to the development standards and the review and approval process for projects in the BRP Zone.

**Development Standards:** The amendment to the development standards will make the Design District "G" standards and the BRP Zone standards the same. At this time, the standards are different and have caused confusion in the preparation and review of BRP

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 30

**Review:**

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

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

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

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

projects. The Planning Commission first heard this item on May 24, 2010, and continued the item to July 28, 2010 to have staff refine the standards with consideration of the standards established through the Plaza Business Park Master Plan. The standards recommended for approval are based upon the Plaza Business Park Plan with some minor variations as shown in Exhibit "A". The proposed standards result in building and landscape setbacks that are consistent along entire street frontages, for example the building setbacks along Plaza Drive are proposed to be 45 feet, and 25 feet along all the other street frontages in the BRP Zone area. This results in uniform street setbacks for the particular street frontage. A discussion of the individual setbacks is contained in the attached Planning Commission memo dated June 28, 2010.

There are some minor differences between the proposed standards and the Plaza Business Park Master Plan, since the Plan was used as the basic template for consideration of uniform standards for the BRP Zone, the Planning Commission is recommending that the revised standards be applied to the Plaza Business Park Master Plan. Staff has included Section 3 of City Council Ordinance No. 2010- XXXX, which allows subsequent Plaza Business Park Projects to utilize the revised standards.

Project Review and Approval Process: The proposed changes to the BRP project review and approval process would change City Council review of BRP project architecture from "required" to only upon appeal to the Council. The CUP requirement would be retained as a Design District requirement, not as part of a Planned Unit Development action. This also includes simplification of the architectural guidelines while retaining architectural review through the CUP process for the Planning Commission, and for the City Council upon appeal, as detailed in Exhibit "B". The result is a CUP process which is similar to other CUP processes for Neighborhood Commercial zoned shopping centers and other uses which are comprehensively planned through the CUP process.

### **Related Projects:**

**Conditional Use Permit 2007-39, Plaza Business Park Master Plan:** On May 19, 2008, the City Council approved Conditional Use Permit No. 2007-39, a request for City Council final approval of the Conditional Use Permit for the Plaza Business Park Master Plan after review and approval by the Planning Commission. On April 14, 2008, the Planning Commission held a public hearing and approved Negative Declaration No. 2007-96 and Conditional Use Permit (CUP) No. 2007-39 to adopt the Plaza Business Park Master Development Plan (Master Plan).

### **Land Use Consistency**

The proposed action does not change the land use designation, zoning or permitted and conditional uses for the BRP zone.

### **Previous City Council Actions**

On April 5, 2010, during a joint Worksession, the City Council and Planning Commission initiated a Zoning Ordinance text amendment to eliminate City Council review of BRP project architecture from "required" to only upon appeal to the Council; and to have the CUP requirement for BRP projects not be required through the Planned Unit Development process, but through Design District "G". The action includes simplification of the architectural guidelines while retaining architectural review through the CUP process by the Planning Commission, and for the City Council upon appeal. This would streamline

the process for the review of Business Research Park projects, and simplify the architectural review procedures and standards.

**Committee/Commission Review and Actions:**

On June 28, 2010, the Planning Commission adopted Resolution No. 2010-25 recommending that the City Council approve Zoning Ordinance Text Amendment No. 2010-06. This was a continued meeting from May 24, 2010, when the Planning Commission continued the item for clarification and revisions. The Commission took public testimony at the May 24<sup>th</sup> meeting from Stephen Peck, Mangan Company, who cited the need for closer coordination with the Plaza Business Park standards which were adopted in 2008. Mr Harvey May – Paloma Development, representing Mochizuki family property in the BRP zone, spoke in support of the changes. At the continued public hearing on June 28<sup>th</sup>, Mr. Peck and Mr. May spoke in support of the proposed changes.

**Alternatives: The City Council may:**

1. Approve the Zoning Ordinance Text Amendment as recommended;
2. Approve the Zoning Ordinance Text Amendment with changes;
3. Refer action back to Planning Commission
4. Take no action.

**Attachments:**

1. Ordinance No 2010-06
2. Exhibit “A” – Development Standards Table
3. Exhibit “B” – Proposed Changes to the Review and Approval Process
4. Planning Commission Memo and Staff Report from May 24, and June 28, 2010

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

I move to approve Zoning Text Amendment No. 2010-06, and introduce Ordinance No. 2010-06 for a first reading.

***Environmental Assessment Status***

**CEQA Review:** The project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2010-18)

**NEPA Review:** None Required

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

Second Reading of Ordinance No. 2010-06 is anticipated to be on the City Council Consent Calendar on August 16, 2010.

Copies of this report have been provided to:

Mangano Company, Stephen Peck  
Paloma Development, Harvey May

Public hearing notices have been sent to:

BRP Zone Property Owners  
Home Builders Association  
Chamber of Commerce  
Visalia Economic Development Corporation  
Tulare County Economic Development Corporation

## Exhibit "B"

### Project Review and Approval Process Proposed Changes

#### VMC 17.30.220-F – (Requires Architectural review by the City Council)

This section currently reads:

- F. Note. All structures within this district are subject to architectural review by the city council in keeping with the policies of the general plan. (Prior code § 7472)

Proposed Change:

Delete the section

Resulting Action:

This action eliminates the "requirement" for City Council review of architectural design for BRP projects, unless the project is appealed to the City Council.

#### VMC 17.24.050-A – (Requires BRP projects to be subject to the Planned Unit Development process for Mixed Use projects)

This section currently reads:

- A. All BRP's shall be subject to the planned unit development process in Chapter 17.26;

Proposed Change:

- A. All BRP's shall be subject to the conditional use permit process in Chapter 17.38;

Resulting Action:

This action clarifies the requirement for a CUP for BRP projects.

#### VMC 17.24.050-B – (Requires BRP projects to consider/follow architectural design standards which are confusing as presented in the current text)

This section currently reads:

- B. All BRP development requires a master plan or a specific plan as provided in the general plan land use element Policy No. 3.6.3(2). The master plan shall be designed to accommodate large scale business and research activities in campus-type developments. These developments shall coordinate exterior elevation design of all buildings with regard to color, materials, architectural form and detailing to achieve design harmony, continuity and horizontal and vertical relief and interest. Shared vehicular and pedestrian access,

parking, and common open space and related amenities shall be integrated into project design. Overall design of the BRP shall be compatible with existing and developing character of the neighboring area;

Proposed Change:

- B. All BRP development requires a master plan or a specific plan as provided in the general plan land use element Policy No. 3.6.3(2). The master plan shall be designed to accommodate large scale business and research activities in campus-type developments. These developments shall provide a cohesive architectural design to create a campus style setting within a project or center. Shared vehicular and pedestrian access, parking, and common open space and related amenities shall be integrated into project design. Overall design of the BRP shall be compatible with existing and developing character of the neighboring area;

Resulting Action:

This action simplifies the architectural design discussion related to building form while retaining the basic components for a BRP project.

VMC 17.24.030 – (This is the “Required Conditions” section for the BRP zone which would be updated to help clarify the intended use of a CUP for master or specific plans)

*This section currently reads:*

17.24.030 Required conditions.

In the P-BRP planned business research park zone:

- A. A planned development permit must be obtained for all development in the P-BRP zone subject to the requirements and procedures in Chapter 17.28.
- B. In a P-BRP zone all businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, outdoor dining areas, and play areas. (Prior code § 7749.2)

*Proposed Change: add the following:*

- C. *In a P-BRP zone all development shall subject to a conditional use permit.*

Resulting Action:

This action provides direction for conditional use permits in the BRP zone.

ORDINANCE NO. 2010- 06

AN ORDINANCE OF THE CITY OF VISALIA, APPROVING ZONING ORDINANCE TEXT AMENDMENT NO. 2010-06, TO AMEND PORTIONS OF TITLE 17 OF THE VISALIA MUNICIPAL CODE PERTAINING TO THE PROCESSING OF PROJECTS IN THE BRP ZONE AMENDING VMC 17.30, AND VMC 17.24, TO CLARIFY AND STREAMLINE THE BUSINESS RESEARCH PARK ZONE (BRP) STANDARDS, PROJECT REVIEW AND APPROVAL PROCESS

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA**

**Section 1:** The Planning Commission of the City of Visalia recommends that the City Council adopt Zone Text Amendment No. 2010-06, and find it to be in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia.

**Section 2:** This only affects the BRP zone which was instituted after the West Visalia Specific Plan (WVSP) along with several GP actions that came subsequent to the WVSP and were found to be consistent with the GP and WVSP; and, the changes to the BRP zone provisions are consistent with the intent of the WVSP because they account for independent physical changes to the affected area - specifically, the grade separation of HWY 198, that was not anticipated or accounted for in the WVSP, and that the landscape buffer and building setbacks reflect a reasonable and prudent solution to the WVSP plan's goal to preserve an attractive landscape corridor on the City's western entry.

**Section 3:** That the Plaza Business Park Master Plan (CUP No. 2007-39, Planning Commission Resolution No. 2008-26, City Council Resolution No. 2008-29) did serve as the basis for the revised setback standards recommended herein. Since some of the recommended changes to the standards are less than those in the Plaza Business Park Master Plan, Conditional Use Permit No. 2007-39 is hereby amended with the revised standards by incorporation herein.

**Section 4:** The Zoning Ordinance is hereby amended as presented in Exhibit "A" to streamline the existing BRP project review process and providing uniform development standards for the BRP zoning designation and Design District "G".

**Section 5:** This ordinance shall become effective 30 days after passage hereof.



**EXHIBIT – A**  
**Ordinance**

VMC 17.24.050-A

- A. All BRP's shall be subject to the ~~planned unit development~~ **conditional use permit** process in Chapter 17.26 ~~38~~;

VMC 17.24.050-B

- B. All BRP development requires a master plan or a specific plan as provided in the general plan land use element Policy No. 3.6.3(2). The master plan shall be designed to accommodate large scale business and research activities in campus-type developments. These developments shall ~~coordinate exterior elevation design of all buildings with regard to color, materials, architectural form and detailing to achieve design harmony, continuity and horizontal and vertical relief and interest~~ **provide a cohesive architectural design to create a campus style setting within a project or center.** Shared vehicular and pedestrian access, parking, and common open space and related amenities shall be integrated into project design. Overall design of the BRP shall be compatible with existing and developing character of the neighboring area;

VMC 17.24.030

17.24.030 Required conditions.

In the P-BRP planned business research park zone:

- A. A planned development permit must be obtained for all development in the P-BRP zone subject to the requirements and procedures in Chapter 17.28.
- B. In a P-BRP zone all businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, outdoor dining areas, and play areas. (Prior code § 7749.2)
- C. In a P-BRP zone all development shall be subject to a conditional use permit.**

VMC 17.30.220-F

- ~~F. Note. All structures within this district are subject to architectural review by the city council in keeping with the policies of the general plan. (Prior code § 7472)~~

**EXHIBIT – A**  
**Page 2**  
**Ordinance**

*BRP Development Criteria*

VMC 17.24.050-B

- E. Minimum lot area is ~~one~~ **five** acres;
- F. Building height is ~~thirty five (35)~~ **seventy-five (75)** feet maximum. ~~Additional building height up to a maximum of fifty (50) feet may be allowed. For each additional foot of height over thirty five (35) feet, additional setbacks of one foot per one foot of height will be required;~~
- G. Required Yards.
  - 1. Front – **forty-five (45) feet frontage on Plaza Drive – twenty-five (25) feet front on Hurley, Crowley, Neeley, Kelsey** (includes any portion of building which abuts a public street): ~~twenty five (25) feet. Setback averaging may be used where incorporated into an approved master plan,~~
  - 2. Side: **twenty (20) Feet** use ~~applicable design district standards,~~
  - 3. **Street Side: twenty-five (25) feet** Side ~~abutting a residential zone: twenty five (25) feet,~~
  - 4. Rear: **thirty 30 feet** use ~~applicable design district standards,~~
  - 5. ~~Rear abutting a residential zone: twenty five (25) feet;~~
- H. Landscaping.
  - 1. Front – **30 feet frontage on Plaza Drive – 25 Feet front on Hurley, Crowley, Neeley, Kelsey** (includes any portion of building which abuts a public street): ~~twenty-five (25) feet. Setback averaging may be used where incorporated into an approved master plan,~~
  - 2. Side: use ~~applicable design district standards,~~ **twenty (20) feet,**
  - 3. **Street Side: twenty (20) feet** Side ~~abutting a residential zone: twenty five (25) feet,~~
  - 4. Rear: use ~~applicable design district standards,~~ **twenty (20) feet,**
  - 5. ~~Rear abutting a residential zone: twenty five (25) feet. (Prior code § 7749.4)~~

**EXHIBIT – A**  
**Page 3**  
**Ordinance**

**17.30.220 Development Standards--Design District G.**

The following development standards shall apply to property located in district G. See Chapter 17.24 for additional BRP zone design standards:

- A. Building height: seventy-five (75) feet maximum.
- B. Required yards **Building:**
  - 1. Front: ~~fifty (50)~~ **forty-five (45) feet frontage on Plaza Drive – twenty-five (25) feet front on Hurley, Crowley, Neeley, Kelsey** ~~feet minimum;~~
  - 2. Front yard with frontage on Highway 198: ~~one hundred fifty (150)~~ **forty-five (45) feet;**
  - 3. Side: twenty (20) feet minimum;
  - 4. ~~Side yards abutting an R-A, R-1 or R-M district: twenty (20) feet minimum;~~
  - 5.4. Street side on a corner lot: **twenty (20) feet** ~~thirty-five (35) feet minimum;~~
  - 6.5. Rear: ~~thirty (30)~~ **thirty (30)** feet minimum.
- C. Parking as prescribed in Chapter 17.34.
- D. Site area: five acre minimum.
- E. Landscaping:
  - 1. Front: ~~fifty (50)~~ **30 feet frontage on Plaza Drive – 25 Feet front on Hurley, Crowley, Neeley, Kelsey** ~~feet minimum;~~
  - 2. Front with Highway 198 frontage: ~~one hundred fifty (150)~~ **forty-five (45)** feet minimum;
  - 3. Side: twenty (20) feet minimum;
  - 4. Street side on a corner lot: ~~thirty-five (35)~~ **twenty (20)** feet minimum;
  - 5. Rear: twenty (20) feet minimum.