

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 16, 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. WORK SESSION AND ACTION ITEMS (as described)

- 4:00 p.m. 1. Presentation regarding the role and functions of the Local Agency Formation Commission (LAFCo) by Ben Guliani, Executive Officer of the Tulare County LAFCo. **Receive public comment.**
- 4:15 p.m. 2. Presentation by Glenn Morris and Steven Peck, Chamber of Commerce, reviewing a recap on the recommendations the Chamber submitted to the Council in early 2010. **Receive public comment.**
- 4:30 p.m. 3. Update from the Police Department regarding gang-related violence and current gang suppression activities including recent multi-agency gang task force details. **Receive public comment.**
- 4:50 p.m. 4. Recommendation by the Parks and Recreation Commission to initiate a voluntary program to promote non-smoking in the City park system. **Receive public comment.**
- Convene Jointly as the Visalia City Council and the Redevelopment Agency Board*
- 5:10 p.m. 5. Review of Mooney Corridor Study and consideration to initiate amendments to the Visalia Zoning Ordinance to implement the recommendations contained in the study. **Receive public comment.**

Adjourn joint meeting of City Council and Redevelopment Agency Board and remain seated as Visalia City Council

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

ITEMS OF INTEREST

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

6. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 potential cases
7. Conference with Real Property Negotiators (GC 54956.8)
Property: 300 E. Oak Street (APN 094-283-001)
Negotiating Parties for City: Steve Salomon, Ricardo Noguera, Alex Peltzer
Negotiating Parties for Seller: P & B Pence, LLC, Scott Ellis Equity Group
Under negotiation: Authority to negotiate terms and conditions
8. Conference with Real Property Negotiators (GC 54956.8)
Property: 139 N. Cain St.; APNs 098-142-039 and 098-142-040
Negotiating Parties for City: Steve Salomon, Andrew Benelli, Alex Peltzer
Negotiating Parties for Seller: Brian Hyde, Hyde Commercial Real Estate
Under negotiation: Authority to negotiate terms and conditions of potential purchase
9. Conference with Labor Negotiators (G.C. §54957.6)
Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett
Employee Organization: All employee groups

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

PLEDGE OF ALLEGIANCE

INVOCATION – Lester Moon, Director, Hands in the Community

SPECIAL PRESENTATIONS/RECOGNITION – Recognition of Officer Richard Cressall for receiving a Life Saving Medal.

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.

10. **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) Establish existing prima facie speed zones within the City limits for Plaza Drive (Road 80) between Highway 198 and Kibler Avenue (Avenue 320). **Resolution No. 2010-50 required** to amend the Official Speed Zone List of the City of Visalia.

 - c) Authorization to award Bid No. 09-10-36, Boiler Maintenance at the Wastewater Treatment Plant, to ACCO Engineered Systems of Fresno, for a monthly service fee of \$1957.

 - d) Second reading of Ordinance 2010-06 for 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. **Ordinance 2010-06 required.**

 - e) Notification of a DUI enforcement grant award from the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

 - f) Notification and acceptance of the AVOID the 18 DUI grant award from the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

 - g) Authorization for the City Manager to enter into an agreement with Visalia Unified School District for after school enrichment program services.

 - h) Approval of Letter of Assignment for the Sequoia Shuttle Operations to Visalia Mountain Transit a subsidiary of MV Transportation Inc.

 - i) Update regarding efforts to develop a COS student bus pass in collaboration with the College of the Sequoias Administration.

 - j) Consider a request from the residents of the 300 block of South Citrus Court to close pedestrian access at Citrus Court and Mineral King Avenue.

 - k) Increase the scope of the contract to construct the Mooney Boulevard Storm Drain Pipeline and Lift Station Upgrade Project to include additional earthwork and repaving of the east half of Mooney Blvd. (between Ferguson Avenue and the Modoc Ditch). The original contract amount was \$320,428.76, the increase is \$207,232.00 for a total amount of \$527,660.76. The contractor is Mark Hoffman General Engineering, Inc.

- l) Acknowledge acceptance of two (2) FAA Grant Agreements, totaling \$189,050, for a Terminal Area Study and design of runway safety area improvements at the Visalia Municipal Airport.

Authorization to file Notice of Completions for the following projects:

- m) West Park Unit No. 3, a subdivision (containing 147 single family lots), located at the northeast corner of Linwood Street and Visalia Parkway.
- n) Phase One of Tentative Parcel Map 2008-10, Plaza Business Park, recorded as Parcel Map 4954 and located north of Crowley Avenue at Plaza Drive.
- o) Highway 198 Overcrossing at Santa Fe Street Project No. 1133-00000-720000-0-9236.

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.*

11. Authorization to implement changes to enhance Downtown Parking utilization: a) Increase two hour on-street parking to three hours; b) Provide temporary reduction of West Acequia Parking Permit fees to \$25 per month for the remainder of 2010 and January through April of 2011 (effective September 1, 2010). **Resolution 2010-54 required.**
12. Authorize participation in the San Joaquin Valley Partnership through the Smart Valley Places Compact. **Resolution 2010-55 required.**
13. **PUBLIC HEARING** – for amendments to the City’s Rates and Fees effective for Fiscal Year 2010/11, with new fees added to the following services: Two additional fire inspection fees and a police nonexclusive franchise fee for rotational tow operators. **Resolution 2010-56 required.**
14. Wastewater Treatment Plant
 - a) Request to adopt various Resolutions in conjunction with financing the proposed upgrades to the Wastewater Treatment Plant to meet clean water standards and to recharge the City’s aquifer authorizing: 1) Submission of a financing application to the Water Resources Control Board; 2) Declaration of the City’s intent to reimburse itself for costs; 3) Declaration of funding source to repay the proposed Waste Water Financing; and 4) authorize early payment of the 2002 Waste Water Treatment Plant bonds as of December 1, 2010, or thereafter, contingent upon the availability of funds after financing for the WCP modifications is secured. **Resolutions 2010-51, 2010-52, and 2010-53 required.**
 - b) Authorization to award various RFPs associated with equipment pre-selection for the Water Conservation Plant upgrade project.
15. Review of the Draft 2009/2010 Program Year Consolidated Annual Performance and Evaluation Report (CAPER); and review 2nd Amendment to the 2009/10 Action Plan and 1st Amendment to the 2010/11 Action Plan, reprogramming HOME funds.

16. *Request to table until further notice – item will be re-noticed. Motion required.*

PUBLIC HEARING

- a) Certification of Negative Declaration No. 2010-22. **(Resolution 2010-26 required)**
- b) Initiation of Proceedings for Annexation No. 2009-01 (Doe): a request by Russell Doe to annex and amend LAFCO Sphere of Influence for two parcels totaling approximately 156 acres into the City limits of Visalia for the purpose of facilitating future heavy industrial development on the property. **(Resolution 2010-27 and 2010-28 required)**
- c) Authorization for City Manager to sign and enter into a Pre-Annexation Agreement.
- d) Detachment of property from County Service Area No. 1.

The property is located at the northwest corner of Plaza Drive and Riggin Avenue, adjacent to the City of Visalia, and inside the County of Tulare. (APN: 077-120-012, 015)

CLOSED SESSION REPORT (if any)

Upcoming Council Meetings

- 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
- Monday, October 4, 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. For more information, contact Community Relations Manager Nancy Loliva at nloliva@ci.visalia.ca.us.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Presentation regarding the role and functions of Local Agency Formation Commissions (LAFCo) by Ben Guliani, Executive Officer of the Tulare County LAFCo.

Deadline for Action: None

Submitting Department: Administration

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Receive and discuss the presentation by Mr. Guliani regarding the role and functions of Local Agency Formation Commission and how the Tulare County LAFCo interacts with local cities.

Summary/background: On July 1, 2010, staffing responsibilities for the Tulare County LAFCo shifted from the County of Tulare to the Tulare County Association of Governments. Ben Guliani of TCAG staff is now serving as LAFCo Executive Officer and oversees all LAFCo activities and operations.

On August 16, Mr. Guliani will make an informational presentation to Council on the role and functions of LAFCos. Council is encouraged to ask questions and discuss LAFCo's practices and policies as they affect annexation activities of the cities in Tulare County.

A PowerPoint presentation will be included as part of Mr. Guiliani's remarks. A copy of the PowerPoint will be made available to Council and the public at the meeting.

Prior Council/Board Actions: na

Committee/Commission Review and Actions: na

Alternatives: na

Attachments: none

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): Move to accept the presentation by Mr. Guliani regarding LAFCo role and functions.

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 16, 2010

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Presentation by Glenn Morris and Steven Peck, Chamber of Commerce, reviewing a recap on the recommendations the Chamber submitted to the Council in early 2010.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Steve Salomon, 713-4312; Michael Olmos, 713-4332; Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that the Visalia City Council receive the comments from the Chamber of Commerce.

Department Discussion

Earlier this year, the Visalia Chamber of Commerce submitted a list of recommendation regarding actions the Chamber Board believed the Visalia City Council should focus on. Some were general in nature; other related to recommendations the Chamber felt would help businesses in the community.

The Chamber has developed a report regarding with their opinion regarding the progress that has been made on their recommendations. A copy of the Chamber report is attached.

Below is a summary of some of the actions the City Council have directed over the past several months. Staff has endeavored to break these action items into the same general categories that the Chamber has used; however, there are also many other activities and actions that the Council have undertaken, many of which may not correlate to the categories listed by the Chamber, but still have a direct impact of the community's business environment. For the purposes of this report, staff has limited most of the action items to the categories provided by the Chamber.

COMMUNITY PLANNING & DEVELOPMENT

Planning

- **Completed the technical background report and early public outreach program for the comprehensive General Plan update.**
 - The General Plan oversight committee was established, which includes 25 members representing the full spectrum of our community and meets monthly to manage the City staff and consultant's technical efforts on the Update.

For action by:

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

For placement on which agenda:

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Est. Time (Min.): _____

Review:

Dept. Head

Finance

City Atty

City Mgr

- The first of several community workshops was held on June 9 and a community survey published in local print media and on the General Plan's website yielded 634 responses.
 - The draft Existing Conditions report was completed on July 12th. The report provides a technical and statistical snapshot of Visalia today, and analyzes this data in the context of the community preferences and themes that emerged from the Community Outreach effort including, stakeholder interviews, the citizen's survey, and community workshop. An Executive Summary of the draft Existing Conditions Report is available as of August 10th.
 - The GPURC began reviewing the Existing Conditions Report, along with the results of the Community Outreach effort at its meeting on July 22nd. It is anticipated the GPURC will wrap up its review in late summer, along with any specific comments or recommendations, which will be presented at a future joint City Council/Planning Commission worksession..
 - The City Council's review and acceptance of the Existing Conditions Report will signal the start of the next task in the General Plan Update - the preparation and discussion of several growth scenarios (alternatives) to set a framework to guide the General Plan Update discussions.
- **Revision of the Southeast Area Specific Plan and completion of the Environmental Impact Report to be completed in July.**
 - The approach was revised to be an incentive-based master plan which is preferred by the affected property owners.
 - **Business Research Park zoning actions**
 - The City Council directed amendments to the City Codes to streamline the entitlement process in the BRP zone south of the Industrial Park. City Council approved an Ordinance Amendment on August 2nd.
 - The Business Research Park (BRP) zone is included as a specific study area in the upcoming General Plan update to examine economic development aspects of City's existing land use policies for this area.
 - **Mooney Boulevard Corridor Zoning Study**
 - Study will identify practical zoning changes that the City could implement quickly, and would encourage expansion of existing retail businesses and entry of new businesses along the Mooney Corridor.
 - The stakeholders outreach (Mooney Boulevard business and property owners and the shopping public) was completed. The recommendations for zoning amendments should be presented to the City Council on August 16th.
 - **Approval of the Waterways and Trails Master Plan on March 15, 2010.**
 - The Waterways and Trails Master Plan is a long range planning tool for the development of a multi-purpose trail system along three significant community waterways, Packwood Creek, Cameron Creek and Mill Creek.
 - The plan establishes a network of trails that link neighborhoods to parks, schools, and the downtown and recommends policies that encourage the development of creeks as amenities to residential and commercial areas, and the creation of natural green spaces and connections to enhance the communities' livability and expand recreational opportunities.
 - The master plan encourages certain development standards but does not require them.
 - The proposed network of waterway trails is designed to link with the existing St. John's River Parkway trail and the City's system of bike paths.

- **Adoption of the 2009 Housing Element Update on March 15, 2010.**
 - The 2009 Housing Element was certified by the State in March 2010 and will be effective through 2014, the only State mandated General Plan Element and the only one that must pass state regulatory requirements, including prescribed numbers of affordable and special needs housing units.
 - The City was able to show the ability to meet its requirements without the need for zone changes or extraordinary policy revisions. Visalia is already recognized as an “inclusive” housing city.
- **Prior Council/Board Actions: West Visalia/Highway 198 Scenic Corridor Planning**
 - Incorporate in the General Plan Update an approximately 200-foot open space setback concept from the Highway 198 frontages near the Shirk Avenue interchange.
 - Include the open space area on the northwest corner of Highway 198 and Shirk, extending toward and incorporating Mill Creek as an urban waterway/trail.
 - The Comprehensive General Plan Update process will provide planned urban land uses for properties located behind the open space corridor and incorporate policies for City acquisition of open space corridor lands in conjunction with development of adjacent lands to urban uses.
 - The Parks & Recreation Commission will meet on August 10 to begin discussions on the open space corridor design for the setback area.

JOBS, HOUSING & LOCAL ECONOMY

Economic development

- **Local economic stimulus package was developed and approved.**
 - Package include reductions in impact fees,, establishes a Special Downtown Transportation Impact Fee (TIF) Credit Zone, increases Infill Credit, waives the 2009 Engineering News Record Construction Cost Index fee increase for Fiscal Year 2010/11, and establishes a Transient Occupancy Tax rebate program for large events in Visalia. (Refer to flyer)
- **Council approved a local preference purchasing plan**
 - Authorized a purchasing policy of allowing all businesses in Tulare County to match prices with state or national contacts when placing orders.
 - Hold a seminar with the Chamber for County businesses on how to do business with the City.
 - City has begun the process of developing an ordinance with specific stipulations to provide a County preference for vendors.
- **Filling Vacancies on Mooney Boulevard, North Dinuba Boulevard and Industrial Park growth**
 - A major company is seriously considering a lease of the closed Mervyn’s Building in Sequoia Mall. If lease negotiations are successful, the company plans to open before Thanksgiving.
 - There is renewed interest in the former Mearle’s with expectations that it will be leased in coming months.
 - There is more interest to fill vacant big box spaces along Mooney Boulevard.
 - Orchard Walk recently celebrated the grand opening of the City’s second Famous Footware on Saturday, August 7th. Vallarta is expected to open at the former Sportsman’s Warehouse in September.

- The North Pointe Shopping Center on North Dinuba Boulevard is expected to add another 30,000 square feet of new retail (next to Food 4 Less Supermarket) by year's end.
- City continues to work with a major industrial user expected to build up to a 350,000 square foot warehouse distribution facility and there is keen interest from companies seeking to expand locally and establish new facilities here.
- **Approval of streets projects to improve downtown circulation through one-way conversions:**
 - Main Street One-Way Eastbound Conversion between Garden Street and Santa Fe Street;
 - Garden Street One-Way Southbound Conversion between Center Street and Main Street;
 - Center Street One-Way Westbound Conversion between Bridge Street and Santa Fe Street.
- **Ben Maddox Overcrossing**
 - Project broke ground in February, single largest ARRA-funded project in Tulare County.
 - Will improve traffic circulation, access to Wal-Mart and Mary's Vineyard, and improve arterial flow along Ben Maddox.
 - Project expected to take 18 months to complete.
- **Santa Fe Overcrossing and Extension to St. John's River**
 - The overcrossing will provide north-south arterial through the city to cross-town traffic, convenient access to downtown and improve traffic circulation.
 - The Overcrossing was completed, dedicated and opened on April 29.
 - The Houston to St. John's Parkway extension to begin construction in 2012-13.
- **Burke Street Extension (Roosevelt to Houston)**
 - Will provide a north/south collector from Paradise Street to St. John's Parkway, improve circulation. Construction is expected to begin in 2011.
- **Plaza Drive Interchange**
 - Interchange will provide improved access to Industrial Park with the expansion of the bridge, additional lanes and improved interchange
 - Auxiliary lanes on 198 will improve weaving and access to Plaza Drive ramps on 198.
 - Construction scheduled to begin in 2012.
- **McAuliffe Overcrossing of Mill Creek**
 - Project completed in Spring, 2010, and provides new north/south collector on the east side of the City north of Highway 198.
 - Traffic circulation is improved, especially to the Golden West High School complex.
- **Houston Avenue with Roundabout**
 - Project completed in Spring 2010, and improves traffic flow and vehicular/pedestrian safety at Houston/Santa Fe intersection.

CULTURE, ARTS & RECREATION

COMMUNITY SECURITY

- **Increased gang suppression activities, including:**

- The Department's participated in 9 countywide Gang Task Force Details in cooperation with allied law enforcement agencies in 2010. Three of those details were hosted by the Visalia PD and conducted within the City of Visalia.
- The addition of (2) officers to the Gang Suppression Unit will allow the Department to dedicate two officers as "Gang Investigators" who will focus more intently on long-term, in-depth gang investigations and allow the remainder of the unit to focus on more immediate gang suppression needs.
- The new Special Enforcement Bureau office location will provide for future growth and the potential of a long term task force in partnership with County and State agencies. This location also enhances current operations by providing space for more intelligence and investigative activities to occur between the two units.
- Partnering with other allied law enforcement agencies in gang suppression efforts increases the amount of information available to Visalia PD investigators, increases available resources (both equipment, logistics & personnel), enhances efficiency, and improves communication.
- **Improved efforts to eliminate pan handling, increase efforts to deal with specific aggressive behaviors associated with solicitation in public, eliminate homeless camps and provide other housing alternatives for homeless in Visalia.**
 - The Police Department continues to actively enforce the law as it relates to solicitation/nuisance type crimes.
 - Community involvement is important. Citizens are encouraged to contact the Police Department if they become victims of aggressive solicitation.
- **Awarded the contract for a county-wide Consolidated Dispatch Implementation Study.**
 - A draft of the Consolidated Dispatch Implementation Study was recently completed and indicates the need to construct a combined Communications facility within Tulare County. The Committee is scheduled to meet on July 21st to discuss the findings.

NATURAL RESOURCES, AGRICULTURE & ENVIRONMENT

Water Conservation

- **Approved upgrade of Water Conservation Plant project that will ensure it meets Federal standards and includes a water recycling component.**
 - In December, 2009, the Council authorized staff to proceed with design plans to the City's Water Conservation Plant and to pursue additional funding for the projected \$98.6 million in improvements.
 - The upgrades, which will allow wastewater to be reused, will be completed in 2012. The cost is expected to be covered by grants, incentives, anticipated financing through state loans, and an increase in monthly sewer fees approved by Council in June.
 - The new design is based on a "membrane bioreactor" that eliminates filters while effectively disinfecting wastewater. The treated water can then be reused for sprinkler and drip-irrigation systems, and can also help deal with the City's critical groundwater issues.

EDUCATION & HUMAN DEVELOPMENT

Met

BUDGET & FINANCE

Adopted balanced

Committee/Commission Review and Actions:

Alternatives:

Attachments: Chamber of Commerce report

Recommended Motion (and Alternative Motions if expected):

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)*

Building a Business-Friendly Community

Recommendations from the Visalia Chamber of Commerce

COMMUNITY PLANNING & DEVELOPMENT	
GENERAL RECOMMENDATIONS	STATUS
<ul style="list-style-type: none"> •Adopt a local vendor preference program that gives local service and product vendors preference over non-local firms. 	<ul style="list-style-type: none"> •Approved
<ul style="list-style-type: none"> •Update policies regarding grocery stores, retail/grocery, neighborhood commercial, community commercial, and grocery store spacing. Grocery stores proposed for neighborhood centers are well in excess of those originally contemplated, and there are numerous examples throughout town of groceries that will be located less than one mile from one another, seriously jeopardizing the viability of existing stores. 	<ul style="list-style-type: none"> •Referred to General Plan process
<ul style="list-style-type: none"> •Don't talk about plans or merely "accept" reports; either adopt or reject proposals. 	<ul style="list-style-type: none"> •Under way
<ul style="list-style-type: none"> •"Un-accept" all existing, un-adopted plans until they are vetted to the public through official Planning Commission hearings, staff presentations at public meetings, and are legally adopted by the Council. Direct that these plans not be enforced until formally adopted through the correct process. 	<ul style="list-style-type: none"> •Under way
<ul style="list-style-type: none"> •Put the Civic Center and Park on hold. Identify two-block tiers in the east Visalia area that are likely to develop over the next 10 years and rezone appropriately. Maintain remaining areas in the "East Downtown" planning area as service commercial, or designate per the staff/local consultant committee. Also, review again the financial and economic analysis for the East Visalia Plan that comments on the financial infeasibility of certain development concepts. 	<ul style="list-style-type: none"> •Not addressed
<ul style="list-style-type: none"> •Stop the Southeast Plan. Property owners should pay for their own plans. There is too much inventory on the books now, and this type of development has been demonstrated by the consultants to be infeasible at this location. 	<ul style="list-style-type: none"> •Plan revised with input from property owners
<ul style="list-style-type: none"> •Commit to consulting with the Chamber on a regular basis by having senior staff regularly participate in Government Affairs Committee meetings and having Council members participate in Chamber-sponsored breakfast/issue meetings on a regular basis. Chamber should also involve the City Economic Development Director, City Manager and Mayor in its monthly newsletter and other publications to communicate the state of the City. Ensure that new policy or procedure recommendations be vetted with the Chamber and/or other appropriate community groups prior to formal submission to the Council. 	<ul style="list-style-type: none"> •Ongoing
RECOMMENDATIONS – ZONING/PLANNING	
<ul style="list-style-type: none"> •Identify sufficient zoned and development-ready parcels to meet commercial development over the next 10 years. 	
<ul style="list-style-type: none"> •Adopt a zoning strategy for Mooney Blvd to allow a proper mix of uses. Develop implementation tools to make redevelopment of the Boulevard work. 	<ul style="list-style-type: none"> •Not addressed
<ul style="list-style-type: none"> •Identify multiple location options for next regional retail user that are properly zoned and development-ready. 	<ul style="list-style-type: none"> •Underway
<ul style="list-style-type: none"> •Ensure that sufficient land is identified to meet the development needs of the community for the next 20 years, with "ready to go" properties adequate for the next 10 years, including neighborhood, specialty, downtown, community, regional and specialty retail uses; office uses; and industrial uses. Eliminate parcels that are deemed likely to not develop from this inventory. City staff 	<ul style="list-style-type: none"> •Part of General Plan Update

Building a Business-Friendly Community

Recommendations from the Visalia Chamber of Commerce

<p>should certify this inventory to the Council once a year.</p> <ul style="list-style-type: none"> •Identify and zone parcels to add 100 acres of property for future or relocated Service Commercial uses. •For the East Visalia Plan, adopt the land use plan developed by the local task force as the initial draft for the General Plan. •Delete size requirements for new industrial land. Reduce dependence on a limited number of land owners for supply. <p>RECOMMENDATIONS – FEES</p> <ul style="list-style-type: none"> •Reduce transportation impact fees by 35 percent based on reduced materials and labor costs, growth projections, and provide a meaningful infill credit. Current fees for traffic are probably 35-50% too high based on assumed costs, assumed (over)sizing of streets, and allocation of 100% of the costs to 75% of the growth. These fees should not include roads and improvements that are not in the projected growth area. •Provide realistic fee reductions for Downtown projects. Current ones are not used and do not recognize differences in trip generation or facility demands. •Remove or reduce the parking in lieu fees levied on businesses in the downtown. This is seen as a deterrent to potential downtown businesses. •Evaluate and disclose the options for improvement of the treatment plant, treated water re-use, water trades, etc. and indicate which improvements are mandatory versus those that are optional. Detail the impact of those options on user rates and impact fees. <p>RECOMMENDATIONS – BUSINESS RELATIONS</p> <ul style="list-style-type: none"> •Be more efficient at plan checking and processing; numerous examples exist of plans that receive inadequate attention in early rounds, and require 3-5 submittals for approval. •Establish a checklist for completeness to eliminate poor plans; turn this checklist around within 5 working days. •Change site plan review process so that plans can be resubmitted in the same week they are heard (Ordinance 17.28.030B says, “Plans submitted by 4:00pm on Thursday shall be reviewed ... on the following Wednesday.”) Items on Site Plan agenda should be timed. •Simplify sign permit process with goal of approving or rejecting requests in no more than two business days. The current “check off” list, separate from application, is two pages long, and reviews are now taking anywhere from 30 - 45 days. 	<ul style="list-style-type: none"> •Part of General Plan Update •Part of General Plan Update •Not accepted •Completed •Completed •Completed •Completed •Completed •Completed •Included in Stimulus Plan; outcomes will be monitored. •Not addressed •Completed •Not adopted
<p><u>JOBS, HOUSING & LOCAL ECONOMY</u></p> <ul style="list-style-type: none"> •Reconsider Housing Element “Inventory” and density assumptions. Make realistic estimates of development capacity. Commit to 10-year supply of zoned 	<ul style="list-style-type: none"> •Not adopted

Building a Business-Friendly Community

Recommendations from the Visalia Chamber of Commerce

<p>land.</p> <ul style="list-style-type: none"> •Don't assume residential/commercial mixed use is feasible unless subsidized in some way, or that it will provide a substantial amount of housing in the foreseeable future. •Develop an inventory reporting system to monitor the usage and development of existing built or mapped lots. Pull the trigger on additional growth areas when a threshold is met. 	<ul style="list-style-type: none"> •Not adopted •Not addressed
<p><u>CULTURE, ARTS & RECREATION</u></p> <ul style="list-style-type: none"> •Clarify City's intent for a new "Visitors Center", and come up with a feasible option for operations as well as grant/stimulus funding for construction. •Clarify the mission and expected outcomes of the Public Arts Task Force. 	<ul style="list-style-type: none"> •Completed •Not competed
<p><u>COMMUNITY SECURITY</u></p> <ul style="list-style-type: none"> •Ensure that the Public Safety element of the General Plan is updated to reflect real issues and current/future needs of the community. •Update Measure T Plan; evaluate feasibility of initial project list and modify to focus on crime prevention programs. •Continue to support school campus security partnerships as a key prevention strategy. •Support the PBID renewal and extension. 	<ul style="list-style-type: none"> •Under way •Under way • •Completed
<p><u>COMMUNITY HEALTH</u></p> <ul style="list-style-type: none"> •Continue to partner with Chamber and VEDC to support health care provider recruiting efforts by Family HealthCare Network, Kaweah Delta HealthCare District, and Visalia Medical Clinic. •Continue to support efforts to create a medical residency program and other provider training programs that increase the likelihood of newly licensed providers staying in the community. •Continue to support efforts by Kaweah Delta HealthCare District to upgrade their trauma center designation. 	<ul style="list-style-type: none"> •Ongoing •Under way •Completed
<p><u>NATURAL RESOURCES, AGRICULTURE & ENVIRONMENT</u></p> <ul style="list-style-type: none"> •Drop the ag mitigation fee effort. Such programs are not judicially recognized as mitigating the loss of ag land. Continue to use urban boundaries, possibly lowering the flex factor to 20 percent, and encouraging the conversion of ag land inside the UDB. •Transit expansion should be recognized as an accessibility service not an air quality reduction strategy. Too few people actually ride the bus because of long headways, hours of service and reliability of service. Plans should be based on the assumption that no more than 3 percent of residents will use transit. 	<ul style="list-style-type: none"> •Completed •Not addressed

Building a Business-Friendly Community

Recommendations from the Visalia Chamber of Commerce

<ul style="list-style-type: none">•Actual designation of urban uses in that area should be dependent on a demonstration that land is not available elsewhere.•City should halt the practice of designing public facilities with higher cost to include token “green” improvements unless there is tangible evidence that there is less than a 10-year payback for the added cost, including the cost of facilities, added interest expense, design expense, etc. It is estimated that recent public safety building were built at 100 to 150% higher costs because of these elements.•Partner with the Chamber on a business awareness/recognition program targeting improved energy use, increased recycling, and reduced resource usage.	<ul style="list-style-type: none">•Not addressed•Not addressed•Ongoing
<p><u>EDUCATION & HUMAN DEVELOPMENT</u></p> <ul style="list-style-type: none">•Continue support for the Fresno State Center at College of the Sequoias. Seek additional private and public partners to expand funding for additional marketing to recruit enrollments needed to expand program.	<ul style="list-style-type: none">•Ongoing
<p><u>BUDGET & FINANCE</u></p> <ul style="list-style-type: none">•Establish a policy that one-time funds be used for one-time expenses.•Establish a task force to review alternative funding models that would create a more stable fiscal base for the city.•Establish protocols to ensure that changes to project costs are reported and approved in a public and transparent manner.	<ul style="list-style-type: none">•Completed•Not addressed•Not addressed

City of Visalia
Agenda Item Transmittal

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Police Department update on Visalia gang-related violence and current gang suppression activities to include recent multi-agency gang task force details.

Deadline for Action: August 16, 2010

Submitting Department: Police

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

Department Recommendation: The Department recommends that Council accept the Department's report on current gang suppression activities to include recent multi-agency gang task force details and gang violence report.

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

Department Gang Strategies:

The Department continues to subscribe to a strategy of gang suppression, intervention & prevention as a necessary comprehensive community approach to addressing the issue of gangs in Visalia. This multi-faceted approach is a nationally recognized model through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and has been employed by Visalia's Multi-Agency Gang Intervention Task Force since its inception.

The primary role of the Visalia Police Department, with regards to gangs, is to provide gang suppression services that disrupt gang activities and prevent gang violence. The Department also works with its community stakeholders via the Multi-Agency Gang Intervention Task Force to steer gang intervention/prevention efforts and to provide the necessary support for our partners to accomplish their objectives.

In February 2010, Council took several actions in order to enhance the Department's gang suppression strategies. These actions included the approval of two police officer positions that would provide for the expansion of the Gang Suppression Unit, as well as approval to lease a larger, more adequate office facility for the Special Enforcement Bureau personnel.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The addition of two Gang Suppression Unit officers became operationally feasible in June 2010. This will allow the Gang Suppression Unit to dedicate two expert gang officers towards more involved gang investigations in the future. The new office facility has provided for a more adequate location to handle the operations of the Special Enforcement Bureau and to pursue additional strategies. One of these strategies is the addition of a Duty Officer, transferred from the District 2 substation to the Special Enforcement Bureau. The addition of this position to the SEB will provide for the creation of gang specific outstanding arrest warrant lists, a Departmental gang information bulletin, and will aid in the various administrative duties of the SEB increasing officer time in the field.

Additionally, Council approved the Department to provide a grant funded narcotics detective position to INET, the Inter-Agency Narcotics Enforcement Team. This task force is coordinated by the Tulare County Sheriff's Office and staffed by officers from the Sheriff's Department, Visalia PD, Exeter PD, Farmersville PD, and Tulare County Probation. Participation in this task force expands the availability of resources to the Special Enforcement Bureau for purposes of drug enforcement, which is often linked to gang activity.

Visalia Gang-Related Violence:

California Penal Code Section 186.22, known as the California Street Terrorism Enforcement and Prevention Act, establishes a set of ten criteria to guide law enforcement officials in determining whether or not an individual can be deemed a gang member. The purpose of this statute was to create uniformity in regards to defining a criminal street gang and establishing a standardized set of criteria for identifying an individual as a gang member. Such identification enhances intelligence gathering capabilities of gang officers, enhances investigations, and provides for stiffer criminal penalties for individuals who commit gang crimes. In order to be validated as a gang member, per this statute, an individual must meet three of the ten established criteria. There are currently 1,184 validated gang members within the City of Visalia that have met these standards.

The Department has identified three crimes that are evaluated as a means of tracking gang-related violence in the City of Visalia. Those crimes are: 187 PC (Murder); 245 PC (Assault w/ a Deadly Weapon); and 246 PC (Shooting at an Inhabited Dwelling). Reports that are associated to these penal codes are then evaluated for gang motives by the Gang Suppression Unit and used to track gang related violence trends. The process of tracking gang crimes in this manner began in 2007, which is used as the baseline year for statistical purposes.

The following chart is a year-to-year comparison of gang-related violent crimes in the City of Visalia for the months of January to June:

	187 PC	245 PC	246 PC	Total # of GV Incidents:	% Change from 2007:
2007	2	39	55	96	N/A
2008	4	28	34	66	-31%
2009	1	19	9	29	-56%
2010	4	39	17	60	-38%

As noted in this chart, the strategies that have been employed over the course of the last four years have resulted in gang violence declines when compared to 2007 statistics, but perseverance and resolve are critical to continued progress in gang violence suppression efforts.

Gang Suppression:

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

members and conduct investigations in order to impact gang activities and operations. These activities include saturation patrols, probation & parole compliance checks, gang field contacts, narcotics investigations, search warrants, etc. Gang suppression activities are conducted in order to proactively disrupt criminal street gang activities and to take measures aimed at reducing gang violence. The Gang Suppression Unit also responds to gang violence in a reactive manner in order to minimize the opportunity for retaliation and to assist violent crimes detectives in their investigations.

In a year-to-year, January to June, comparison of gang suppression stats; the GSU has increased their number of arrests in 2010 by 7% from 2009 stats (300 to 322), and by 22% when compared to 2007 statistics (265 to 322). Comparing the same statistical timeframe, the number of firearms seized from gang members by the GSU has increased 48% from 2009 stats (33 to 49) and by 53% from 2007 stats (32 to 49).

The Gang Suppression Unit is actively involved in the ongoing gang suppression efforts of the Tulare County Gang Suppression Task Force (TCGSTF). The TCGSTF holds quarterly meetings that provide a forum for county gang officers to share information related to ongoing investigations and the activities of various gangs in Tulare County. Additionally, these meetings serve as a training opportunity on recent court cases, case law, etc by the District Attorney's Office for the gang expert officers of the involved law enforcement agencies.

In 2010, the TCGSTF has coordinated (11) multi-agency gang suppression details throughout Tulare County. Three of those details have been hosted by the Visalia Police Department to assist with gang suppression efforts within the City limits. The most recent Visalia gang task force detail took place on June 26, 2010. This detail consisted of probation/ parole searches and saturation patrol. Officers conducted 30 probation and/or parole searches on known gang offenders, made 16 arrests on fresh charges, 8 warrant arrests, and an additional 20 gang field interviews.

The permanent civil gang injunction, issued in May 2008 by the Tulare County Superior Court against the Norteno and Oriental Troop criminal street gangs, remains in effect in the identified safety zone in north Visalia. To date, 285 gang members have been served with the terms of the gang injunction and 30 gang members have been arrested for violating the injunction. Service and enforcement of the civil gang injunction is an ongoing process, with 22 services and 10 arrests having been made in 2010.

In 2008, the Department entered into a valuable partnership with the City's Code Enforcement Team which resulted in the addition of a Code Enforcement Officer that would supplement Code Enforcement and Special Enforcement Bureau Activities. This partnership was also a stepping stone to the implementation of the current SMART Team concept employed by the City. The Special Enforcement Bureau works closely on a regular basis with Code Enforcement to address nuisance residences and to provide assistance on gang/ narcotic investigations and search warrant services. Further information regarding SMART Team progress and activities will be presented to Council in September 2010.

Gang Intervention/ Prevention:

The Multi-Agency Gang Intervention Task Force (MAGITF), which is a city-focused task force co-chaired by the Visalia PD and the Visalia Unified School District, meets monthly to coordinate gang prevention/ intervention resources within the City. On April 27, 2010, this task force met at the administrative offices of the Visalia Unified School District for a facilitated strategic planning session.

This process identified (5) core strategic objectives and organizational goals to steer the task force into the future. These core strategic goals are as follows:

- 1) Clearly educate and develop a programmatic approach for services and activities.
- 2) Effectively coordinate activity between prevention, intervention and suppression prongs.
- 3) Communication of message.
- 4) Create an organization that inspires our community leadership to be involved.
- 5) Ensure the financial health of the Visalia Gang Task Force programs and services.

Based on these core strategic goals, the task force will work on establishing sub-committees, from existing task force participants, based upon their primary role of either suppression, intervention, and prevention in order to achieve a more efficient and effective organization.

The Department remains involved in Intervention & Prevention activities through its Youth Service Officers based at local high schools and through the Police Activities League (P.A.L.).

Although the primary role of the Gang Suppression Unit is that of suppression, GSU Officers provided training on gangs to Pro-Youth HEART volunteers during their two week training session in July 2010. These informational gang presentations were well received by Pro-Youth HEART staff who indicated that the information provided was valuable to understanding the scope of the gang problem to develop their approach to gang prevention/ intervention.

The Department also remains engaged in a partnership with the Tulare County Probation Department that provides for the assignment of a Deputy Probation Officer to the Gang Suppression Unit through FY10/11. This agreement has been in place since 2008 and is a valuable tool to the Special Enforcement Bureau efforts. This Probation Officer assists the GSU personnel in their suppression efforts through Probation follow-ups and information gathering, but his primary role is intense supervision of at-risk gang-involved youth on Probation. This is a partnership that has been highly beneficial to both agencies from both a suppression and intervention standpoint.

During the course of this agreement, the Probation Officer assigned to GSU has coordinated numerous probation searches and details for the Department. In addition, this officer has worked with a caseload of 27 probation gang offenders under the intense supervision concept.

This approach was employed with the belief that a Probation Officer with the ability to commit more time with the probationers on his/her caseload would have a more positive impact on those youth than a probationer on a typical caseload assigned to a probation officer, which could number in excess of 100.

The following table provides statistical data on the merits of this concept:

	<i>VPD Caseload</i>	<i>Comparison Caseload</i>
<i>Face-to-Face Contacts</i>	390	111
<i>Home Contacts</i>	320	62
<i>Attending/Completed School</i>	83%	50%
<i>Currently Employed</i>	30%	.08%
<i>New Law Violations</i>	17%	67%
<i>Probation Violations</i>	17%	67%

The LOOP Bus remains in operation through the City of Visalia Parks & Recreation Division. The LOOP Bus is in its fourth summer of operations, providing safe transportation for Visalia youth to and from Visalia community centers. During its course of operation, the LOOP Bus has provided transportation to nearly 32,000 youth. The average monthly ridership statistics for the LOOP Bus have steadily declined over the course of its operation, an average that has gone from 990/ month in 2007, to

554/ month in 2010. This is in part due to the reduced number of hours that the bus operates in 2010, when compared to its operating hours in 2007. From mid 2009 to now, the LOOP Bus did not operate on Saturdays and also reduced its hours of operations due to reduced hours at local community centers and their closure on Saturdays.

The operating cost of the LOOP Bus for FY10/11 & FY11/12 has been reduced by nearly 25% from previous years. This cost reduction is in part to the reduced operating hours of the bus in conjunction with reduced operating hours of community centers, as well as a cost reduction in equipment. The Parks & Recreation Division is now utilizing retired City buses for LOOP Bus operations as opposed to leasing the LOOP Buses from MV transportation, a move that has largely contributed to this cost savings.

The Department's Police Activities League (PAL) is currently working with 190 Visalia youth. The Police Activities League is a key contributor to gang intervention/ prevention through its work with Visalia youth promoting positive police/community relationships and activities aimed at developing discipline, positive self-image, mutual trust and respect in our youth.

The Department's Youth Service Officers assigned to the five high schools are also key players in the Department's gang strategy. Youth Service Officers serve dual roles on the campuses that they serve. YSO's interact with students on their campuses in order to foster positive relations between students and police. More importantly, their presence provides for a safe environment that allows the intervention and prevention activities on campus to take root. During the course of the 09/10 school year, YSO's made 496 arrests related to their campus assignments. The number of positive interactions between students and the YSO's far outweigh this number and is where the real value of their presence lies.

Conclusion:

The Department remains committed to its fight against gangs in our community and its efforts to suppress gang violence and gang activity. The Department also recognizes that gangs are not solely a law enforcement challenge and therefore embraces its community partnerships in an effort to fight gangs on all fronts. The efforts of the Visalia Multi-Agency Gang Intervention Task Force, the Tulare County Gang Prevention Task Force, and involved community members are just as critical to removing the threat of gangs as the Department's suppression efforts.

Prior Council/Board Actions: Council approval of Departmental anti-gang strategies and progress in previous reports to Council.

Committee/Commission Review and Actions: N/A

Alternatives: Provide additional direction/ comment on current and future strategies of the Department to address gangs in Visalia.

Attachments: Power Point Presentation

Recommended Motion (and Alternative Motions if expected): I move to accept the Police Department's update on efforts to reduce gang violence and gang activity in Visalia, support ongoing suppression efforts, and to support the intervention/ prevention efforts of the Multi-Agency Gang Intervention Task Force.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 4

Agenda Item Wording: Recommendation by the Parks and Recreation Commission to initiate a voluntary program to promote non-smoking in the City park system.

Submitting Department: Parks and Recreation

Contact Name and Phone Number: Vincent Elizondo, Director of Parks and Recreation, (559) 713-4367

Recommendation:

That the City Council support the Parks and Recreation Commissions effort to support a voluntary program to promote non-smoking in the City park system.

Summary:

The City's Parks and Recreation Commission is seeking the formal support of the City Council to initiate a program to promote non-smoking in the City park system through signage and an educational awareness campaign.

Background:

In 2008, the Parks and Recreation Commission established a number of goals to accomplish during the 2008-10 time period. One major goal was to "**advocate a healthy lifestyle**" in Visalia. This goal included the desire to promote healthy snacks and food choices at all City recreation venues (parks and community centers); promote a City-wide fitness program through the Recreation Division; and develop a City-wide campaign for non-smoking in City parks. Parks and Recreation Commissioner Lesa Mann has been the "champion" of this goal and these three objectives.

During the last two years, the Commission has been gathering information and data about the best approach to implement this goal. On July 21, 2009, former Police Chief Bob Carden addressed the Commission and provided his thoughts and views on the subject. He specifically stated that enforcing any proposed Ordinance or park regulation prohibiting smoking in general park areas would be difficult to enforce. As an alternative, he suggested a program that had seen much success in the City of Marysville, Washington, his former employer.

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.

The Marysville model is pretty simple. Their local government body developed a simple policy of signage in selected park areas requesting park patrons to keep parks tobacco free. Marysville officials also realized the adoption of a local Ordinance or Resolution would require an enforcement component that would be difficult to enforce, so a law was not enacted. The Marysville program has been very successful. The program also included an educational component providing a wide array of information about the dangers of smoking and second hand smoke exposure.

Since the meeting of July 21, 2009, the Commission has had a number of meetings where the agenda item of establishing a non-smoking campaign in City parks has been discussed. The discussion topics have included studying other communities trying to implement a similar program; signage ideas; campaign materials; program costs; and soliciting support for the program. Meetings open to the public to discuss this topic were held on August 19, 2009; September 15, 2009; January 19, 2010; and March 16, 2010. This topic gathered quite a bit of media attention from the local area newspapers. The City Council was also briefed on this subject as part of the annual Parks and Recreation Commission - City Council joint meeting held on April 20, 2010.

It should be noted that current State law prohibits smoking within 25 feet of any park playground (AB 1867). However, the City has not installed any specific signage to date regarding this law.

To date the City has gathered fourteen letters of support for a policy to promote non-smoking in City park areas. These letters come from people in the medical field and non-profit entities that use our City parks on a regular basis. These letters are included as part of this report.

Discussion:

The dilemma here is the public perception that a person's "right" to make independent choices without interference from government and how to protect the rights of those who are impacted by the acts of others. Unlike other social issues, the residue of tobacco products does impact others. The wisps of smoke from a cigar or cigarette linger amongst a crowd --- smokers or not, the litter from cigarette filters and cigar butts are frequently left on the ground, and sidewalks have the brownish-black combination of human saliva and chewing-tobacco spit on them. These are the problems found in our public parks, and the impacts to public health are possible. However, how does the City's Parks and Recreation Department address the needs of these two diverse groups of park customers (smokers vs non-smokers)?

The creation of a signage and educational program is designed to ask smokers to be "sensitive" in public parks where non-smokers and children are present. Since any type of Police enforcement would be challenging, the City's approach is one of "voluntary compliance" by smokers --- and a certain amount of peer pressure brought on by non-smokers.

Cost To Implement A Signage and Marketing Program:

If this program is supported by the City Council, City parks maintenance staff will implement a signage program to promote an atmosphere of non-smoking around park playgrounds (per State law) and in other selected park areas on a "voluntary compliance" basis. Selected areas would also include signage in areas frequented by children like athletic field backstops; athletic areas and courts; water play areas; group picnic areas; etc.

The costs to install signage in City playground areas would be roughly \$2,500 and the costs to install signage in general park areas would be another \$2,500 for a grand total of \$5,000. Existing park poles and existing park maintenance labor would be used to install the new signage meaning the only real costs are associated with purchasing the signs.

City parks and recreation staff would also implement a campaign to encourage people not to smoke or litter in City parks. This could be done through the assistance of our Parks and Recreation Foundation or donations to support such an endeavor.

The following are some selected points related to the negative aspects of smoking in and around City parks in Visalia:

- The U.S. Surgeon has reported there is no “safe” level of exposure to second hand smoke.
- The United States Environmental Protection Agency (EPA) has found second hand smoke to be a risk to public health, and has classified secondhand smoke as a Group A carcinogen, the most dangerous class of carcinogen.
- The California Air Resources Board has put secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as toxic air contaminant.
- Cigarette filters and plastic wraps from cigarette packages are not biodegradable and cigarette related waste discarded in parks, along sidewalks, and in street gutters make their way through storm drains into creeks and rivers leaking dangerous chemicals into our watershed.
- The disposal of cigarette butts and other materials associated with smoking and tobacco products in public areas throughout the City park and trail system creates unsightly conditions and poses possible hazards to children, animals, and the riparian corridors with its wildlife. There is a cost to taxpayers for cleaning up tobacco related debris in parks, open space, and the City’s storm water system.
- There are over 125 Cities and Counties with smoke free park Ordinances throughout California.

Recommended Motion (and Alternative Motions if expected):

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Mooney Corridor Study and consideration to initiate amendments to the Visalia Zoning Ordinance to Implement the Recommendations Contained in the Study. **City Council to receive public comment and provide direction as appropriate.**

Deadline for Action: N/A

Submitting Department: Community Redevelopment Agency and
Community Development Department/
Planning Division

Contact Name and Phone Number:

Ricardo Noguera, Housing and Economic Dev. Director, 713-4190

Paul Scheibel, AICP, Planning Services Manager – 713-4369

Department Recommendation: Staff recommends that the City Council and Community Redevelopment Agency (CRA) Board consider the conclusions and recommendations contained in the Mooney Boulevard Corridor Zoning Study (Zoning Study) and direct staff to initiate a Zoning Text (ZTA) and Map amendments as necessary to implement the Zoning Study provisions.

Summary: On May 3, 2010, the City Council, acting as the CRA Board, awarded a \$27,450 contract to Quad-Knopf to undertake the Zoning Study. The work program was specifically tailored to engage business, property, and consumer stakeholders to formulate specific changes to the Zoning Ordinance Regulations that may increase the short term viability and building occupancy rate along the corridor. The public outreach and zoning code analysis were completed between mid-May and early August, with the publication of the Zoning Study.

The recommendations that are acceptable to the City Council will be combined into a single Zoning Code amendment. The Amendment and appropriate environmental review will then be processed by planning staff through the Planning Commission for ultimate formal adoption by the City Council. These, like all Zoning Code Amendments, are reviewed through the public hearing review process per VMC Chapter 17.44. This is expected to take between three and five months.

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.

Discussion: The Zoning Study recommendations include allowing several uses to be allowed by right (without requirement for a CUP), and adding some new uses to the Mooney Corridor that were previously determined to be potentially detrimental to the Corridor's regional marketplace and sales tax generating identity (such as primary job and traffic-generating uses such as offices, dialysis centers, and trade schools). The Zoning Study also recommends re-zoning portions of the Corridor (such as north of Walnut) to more closely match existing physical site constraints. Finally, the Zoning Study recommends changes to a number of the Design District and other zoning standards pertaining to setbacks and parking to facilitate greater individual site development intensity and usage.

As noted in the original authorization to proceed with the Zoning Study, the intent is to identify and implement measures that can have a relatively immediate impact. In the longterm, the changes implemented now will also be integrated with the longer ranging analysis of the Mooney Corridor in the context of successfully capturing emerging commercial trends in the next 20-year time frame. This is being done as part of the comprehensive General Plan Update process that is underway now.

Public Outreach: This was a key component of the Zoning Study work program. The consultant engaged various stakeholders and the public through various aspects. These include participation at the monthly meetings of the Mooney Merchant's Association (Mooney Coffee Klatch). The consultants also interviewed a number of property owners, leasing agents, and business proprietors to solicit their perspectives on how the Corridor could be improved. The consultants also walked door to door delivering handbill invitations to many of the businesses along Mooney Blvd. to promote an Open House at the Visalia Mall which was held on Saturday, June 26, 2010. The Open House provided an opportunity to engage the general public and receive their input on the issue. The public outreach effort is discussed in more detail on pp 2-1 and 2-2 of the Zoning Study.

Key Recommendations: The document contains many recommendations for changes to the Zoning Ordinance that are considered minor, routine, or for which the City Council has previously indicated their preferences. There are several key recommendations that the City Council may wish to focus on in providing its considerations and direction for further action. These are noted below, along with a reference to the discussion in the Zoning Study:

1. Retail Food Stores: The recommendation is to establish a threshold of 30,000sq.ft. to differentiate between a permitted food retailer and a supermarket that would continue to not be allowed in the RC (Regional Commercial) zone. (pp 3-3 to 3-5)
2. Convenience Stores with or without gasoline sales: These would become a conditionally allowed use [requiring a Conditional Use Permit (CUP)]. (page 3-1)
3. Auto Repair: These uses (versus tire sales which are still allowed) would again become conditionally allowed uses in the RC zone. (pp 3-5 and 3-6)
4. Dialysis Centers: Would be added as a conditionally allowed use. (pp 3-5 and 3-6).
5. Zone Change North of Walnut to CSO: This is due to existing conditions of very small individual lots and free stand shopping spaces. (pp 4-1 to 4-3)
6. Parking: Allow City Planner 20% Latitude for Parking Reduction: To facilitate change of uses, where practical, at retail sites. (pp 6-1 to 6-4)

7. Design District A Setback Changes: These are reductions to building, landscaping and parking setbacks to facilitate building rehabs and expansions that would add to flexibility in designs and uses, and promote closer building / street interface as is a desirable design goal and a practical reality in light of the recent Mooney widening. (pp 5-1 to 5-3)

Prior Council/Board Actions:

On May 3, 2010, The City Council City Council, acting as the CRA Board, awarded a \$27,450 contract to Quad-Knopf to undertake the Zoning Study.

Alternatives: The City Council may:

1. Direct a Zoning Amendment be initiated for all or a portion of the recommendations contained in the Zoning Study, or include other provisions not contained in the Zoning Study
2. Continue the review to another Work Session.
3. Direct revisions or further analysis for the Zoning Study.
4. Take no action at this time. N/A

Attachment: Mooney Corridor Zoning Study, August 2010

Recommended Motion (and Alternative Motions if expected):

Copies of this report have been provided to:

Planning Commission
GPURC
Mooney Merchants Association
Previously Contacted Stakeholders
Chamber Governmental Affairs Committee

Agenda Item Transmittal

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10b

Agenda Item Wording: Establish existing prima facie speed zones within the City limits for Plaza Drive (Road 80) between Highway 198 and Kibler Avenue (Avenue 320). Adopt Resolution No. 2010-50 to amend the Official Speed Zone List of the City of Visalia.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

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

Department Recommendation: City Staff recommends that City Council adopts Resolution No. 2010-50, which will establish existing prima facie speed zones for Plaza Drive between State Highway 198 and Kibler Avenue (Avenue 320).

Adoption of Resolution 2010-50 will amend the Official Speed Zone List of the City of Visalia.

Summary:

An Engineering and Traffic Study was recently conducted of Plaza Drive from Highway 198 to Kibler Avenue (Avenue 320) in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), and as required by section 627 of the California Vehicle Code. Information contained in this study was used to recommend appropriate speed limit zones for Plaza Drive from Highway 198 to Kibler Avenue (Avenue 320) which is the northerly limits of the City of Visalia. A summary of the various speed zones are shown in the table below. The establishment of new speed zones or changes to existing speed limit zones shall be established by the adoption of the attached resolution.

Background:

In making the determination as to the speed limits that are most reasonable and appropriate to facilitate the orderly movement of traffic in a safe and expeditious manner, certain factors such as prevailing speeds, traffic accident history, and unexpected conditions (which may not be readily apparent to the motorist) must be evaluated. Staff does have some limited ability to utilize "engineering judgment" in establishing prima facie ("at face value") speed limit zones per Section 22358.5 of the California Vehicle Code (CVC).

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 3 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.

Speed limits should be established at or near the 85th percentile speed, which is defined as the speed at or below which 85 percent of the traffic is currently traveling. The 85th percentile is often referred to as the “critical speed” and is recognized throughout the traffic engineering field as the most reasonable and prudent value to be used in establishing a speed limit. Speed limits set higher than the critical speed will make few additional drivers legal, while speed limits set lower than the critical speed will make larger number of reasonable drivers illegal. The majority of drivers operate their vehicles in a safe and reasonable manner based upon their perception of roadway conditions and surroundings, and such actions of said reasonable and prudent drivers should be considered legal with respect to establishing speed limits.

Street Name	Limits		Posted Speed Limit	Proposed Speed Limit
Plaza Drive	Highway 198	Goshen Avenue	None	45
	Goshen Avenue	Riggin Avenue	None	55
	Riggin Avenue	Kibler Avenue (Ave 320)	None	65

Plaza Drive is an arterial status roadway as identified in the Circulation element and carries between 17,300 vehicles per day near Highway 198 and approximately 11,200 vehicles per day near Kibler Avenue on the north end. The speed limit is currently unposted and the default speed limit is 55 miles per hour (MPH) for the segment of Plaza Drive from Highway 198 to Goshen Avenue and 65 MPH from Goshen Avenue to Kibler Avenue.

The Engineering and Traffic Study showed the 85th percentile of vehicles traveling ranging from 43 MPH to 49 MPH on Plaza Drive between Highway 198 and Goshen Avenue. The recommendation is to establish the speed limit on this segment of Plaza Drive as a 45 MPH speed zone due to the alignment of Plaza Drive and multiple businesses having access onto Plaza Drive. Adjacent to this segment of Plaza Drive it is zoned industrial which typically utilizes larger vehicles so it is appropriate to establish a speed limit below the 85th percentile of the vehicles surveyed in the Engineering and Traffic Study.

The segment of Plaza Drive between Goshen Avenue and Riggin Avenue had the 85th percentile ranging between 54 MPH and 57 MPH which would establish a speed limit of 55 MPH. This is an appropriate speed for this segment since there are relative few driveways onto Plaza Drive and the roadway was recently improved from one lane of travel in each direction to two lanes of travel in each direction. The present configuration of Plaza Drive along this segment has a default speed limit of 65 MPH which staff does not think is appropriate and the Engineering and Traffic Study supports the establishment of a 55 MPH speed limit.

The segment of Plaza Drive from Riggin Avenue to Kibler Avenue is one mile in length and the Engineering and Traffic Study supports the establishment of a 65 MPH speed limit. The Engineering and Traffic Study showed the 85th percentile of vehicles surveyed traveling between 62 MPH and 67 MPH. At this time there are no industrial buildings adjacent to this segment with minimal farm access so staff is recommending the establishment of the 65 MPH speed limit.

The portion of Plaza Drive from Highway 198 to Crowley Avenue will be improved to six (6) lanes as part of the Plaza Drive Widening improvements which are proposed to begin in the fall of 2011. The segment between Crowley Avenue and Hurley Avenue has recently been improved as part of the development on the east and west side of Plaza Drive to match the

proposed configuration of the upcoming Plaza Drive Widening project. Although the roadway has been widened for the future configuration, the current striping layout is to accommodate the existing conditions at the north and south ends. The segment between Hurley Avenue and Goshen Avenue is currently striped for one lane of travel in the north and south bound directions of travel and a two way left turn lane in the middle. This also is scheduled to be improved to 2 lanes of travel in each direction with a center median with left turn pockets at designated locations with the upcoming Plaza Drive project. The portion of Plaza Drive from Goshen Avenue to Avenue 328 has been widened by the Tulare of County project to two-lanes of travel in both the north bound and south bound directions of travel. The County of Tulare will be starting the next phase of widening Plaza Drive (Road 80) north of Avenue 328 to Avenue 342 which is 1.5 miles in length. This improvement project is anticipated to begin in the fall of 2010.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: Current speed limits to remain.

Attachments: Proposed Resolution No. 2010-50
Speed Zone Exhibits

Recommended Motion (and Alternative Motions if expected): I move to adopt Resolution No. 2010-50, which will establish prima facie speed zones for Plaza Drive from State Highway 198 to Kibler Avenue (Avenue 320) per staff recommendations and amend the Official Speed Zone List of the City of Visalia.

Environmental Assessment Status

CEQA Review: Categorically Exempt

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION No. 2010 - 50

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA AMENDING THE
OFFICAL SPEED ZONE LIST PURSUANT TO
CHAPTER 10.12 INCLUSIVE OF TITLE 10, VEHICLES AND TRAFFIC**

WHEREAS, The Council of the City of Visalia, pursuant to Chapter 10.12 inclusive of Title 10, Vehicles and Traffic, of the Ordinance Code, may enact prima facie speed limits on various roadways or portions thereof within the City of Visalia; and

WHEREAS, an "Engineering and Traffic" study was performed pursuant to Section 10.12.060 of the Ordinance Code; and

WHEREAS, said prima facie speed limits are enacted pursuant to the provisions as set forth within the California Vehicle Code;

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

Under the provisions of Chapter 10.12 inclusive of Title 10, Vehicles and Traffic, of the Ordinance Code, the prima facie speed limits for the following roadway, or portions thereof, are hereby determined and declared to be as shown below, and shall be included in the official City of Visalia Speed Zone List:

Street Name	Limits		Posted Speed Limit	Proposed Speed Limit
Plaza Drive	Highway 198	Goshen Avenue	None	45
	Goshen Avenue	Riggin Avenue	None	55
	Riggin Avenue	Kibler Avenue (Ave 320)	None	65

The above prima facie speed limits shall become effective with the posting of the appropriate speed limit signs.

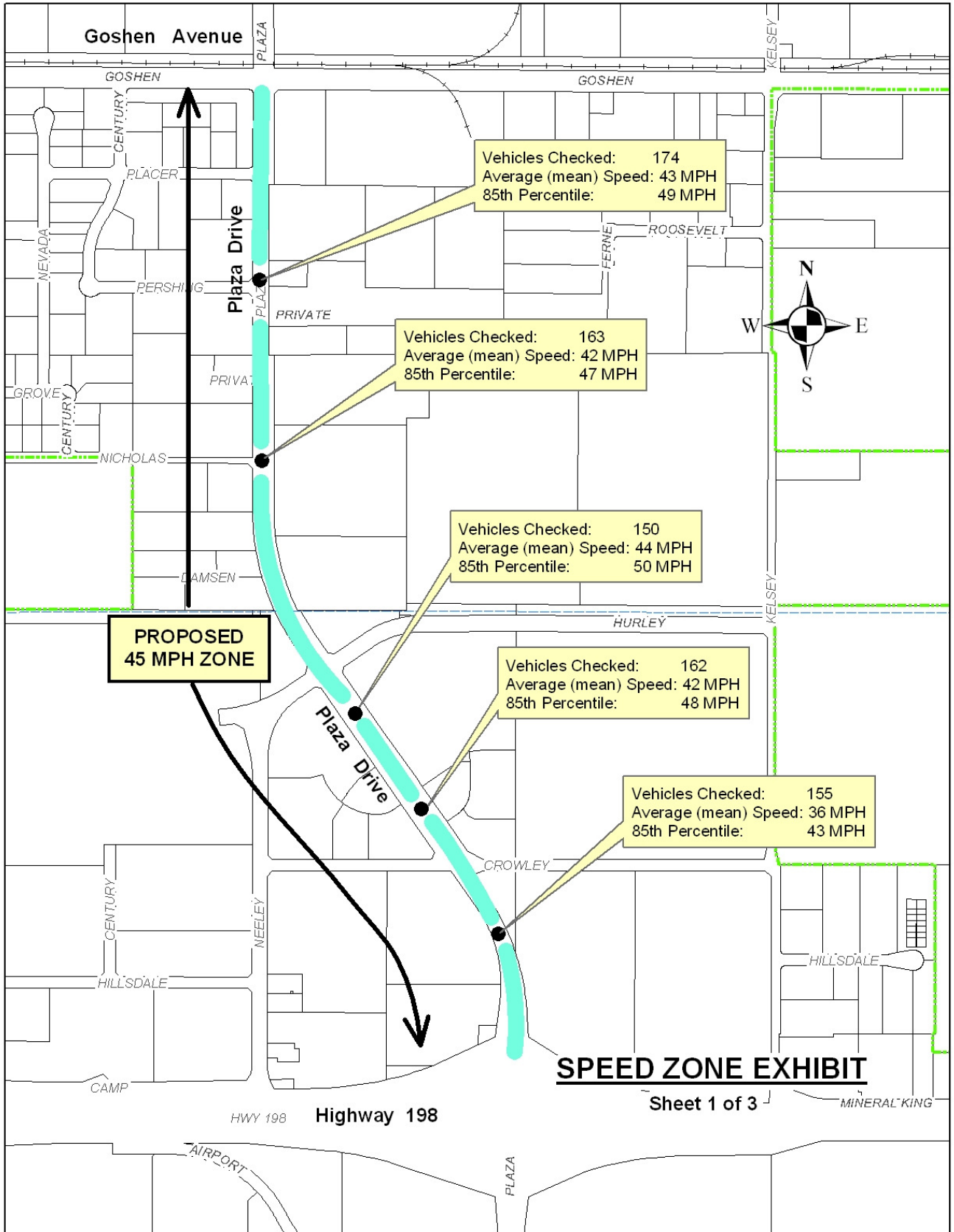
PASSED AND ADOPTED:

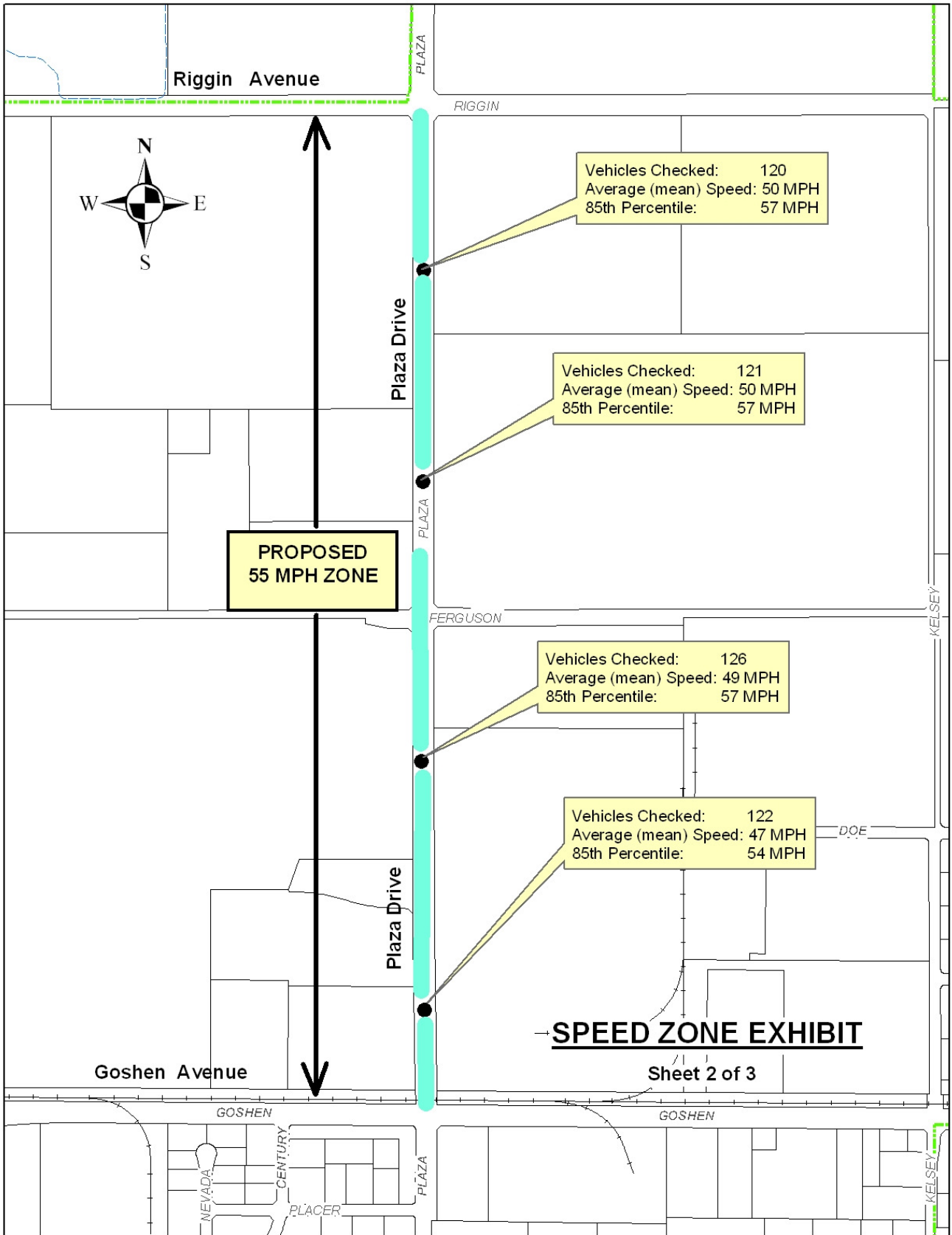
Mayor

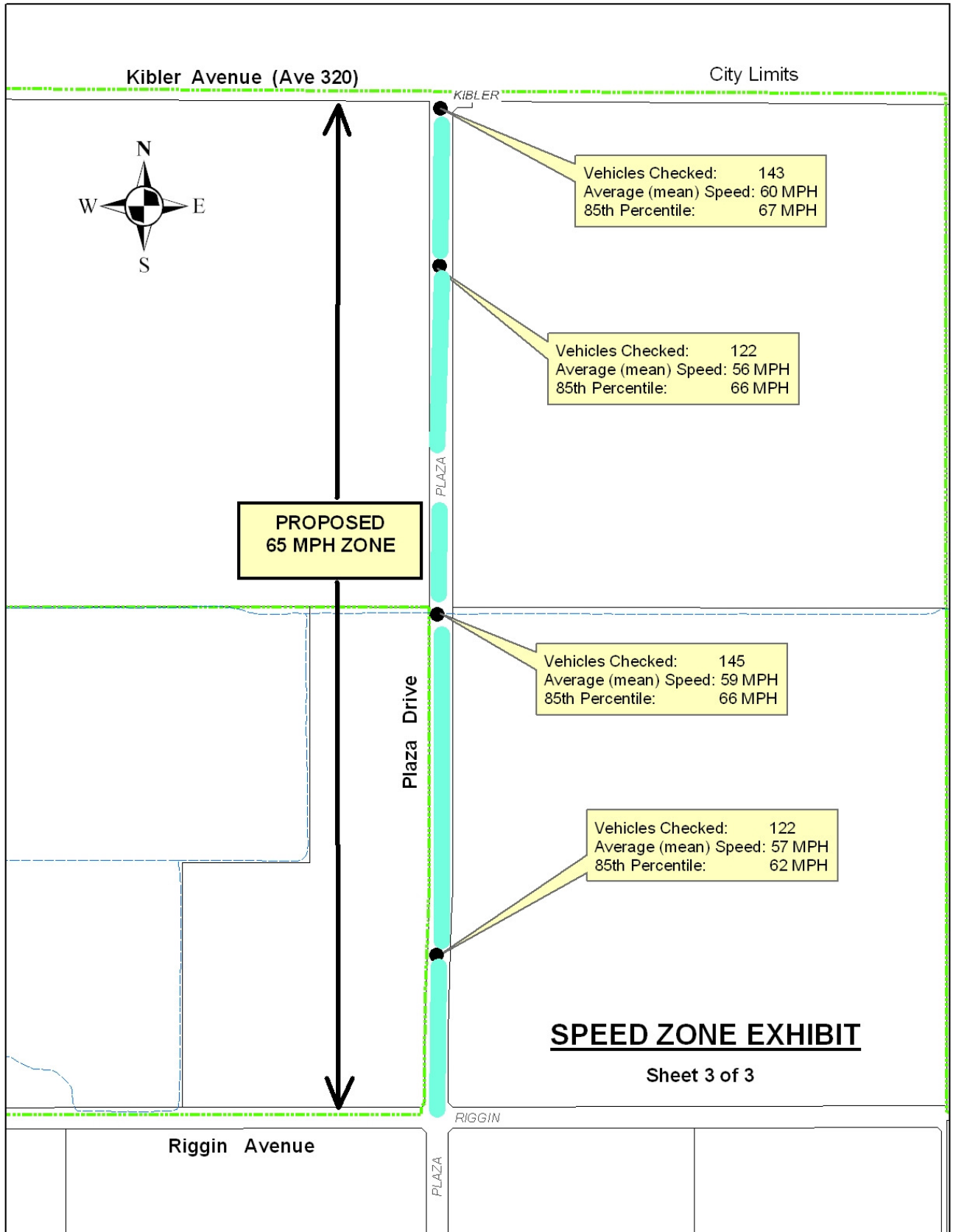
ATTEST:

APPROVED BY CITY ATTORNEY:

Steven M. Salomon, City Clerk







City of Visalia Agenda Item Transmittal

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10c

Agenda Item Wording: Authorization to award Bid No. 09-10-36, Boiler Maintenance, to ACCO Engineered Systems of Fresno, CA for a monthly service fee of \$1957.

Deadline for Action: none

Submitting Department: Public Works

Contact Name and Phone Number: Jim Ross, Public Works Manager, 713-4466

Department Recommendation: It is recommended that Council authorize staff to award RFB No. 09-10-36, Boiler Maintenance, to ACCO Engineered Systems of Fresno, CA for a monthly service fee of \$1957, with additional labor at the rate of \$98/hr.

Summary/background:

The treatment train at the Water Conservation Plant (WCP) includes stabilization of solids through anaerobic digestion. In order for this process to function, solids within the seven anaerobic digesters must be heated to and kept at a temperature of 98-100 degrees F.

Three large, 3.3 million BTU/Hr Kewanee boilers are used to heat recirculated water, which in turn is pumped through a heat exchanger to heat the digester solids. In addition, a smaller boiler is used in the HVAC system for the laboratory building. In order to maintain reliability, each of these boilers requires service on a monthly basis.

Request for Bids (RFB) No. 09-10-36, Boiler Maintenance, closed on July 2, 2010. Four bids were received.

Company	Location	Monthly fee
ACCO Engineered Systems	Fresno, CA	\$1,957
American, Inc.	Visalia, CA	\$2,453
Johnson's Boiler and Control	Fresno, CA	\$2,460
RF MacDonald Co.	Fresno, CA	4,053

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.

ACCO is headquartered in Glendale, CA, with offices throughout the western US. The Fresno office will perform the work at the Visalia WCP. Several references were contacted, and positive responses were received from each of them. ACCO appears capable to perform the required maintenance work.

This is a one year contract, renewable for up to four consecutive one year periods, for a maximum term of five years. Given an average annual cost of about \$25,000, the potential value of this contract is approximately \$125,000 over the five year period. Staff recommends that Council authorize staff to award this contract.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

Move to authorize staff to award RFB # 09-10-30, Boiler Maintenance, to ACCO Engineering Systems of Fresno, CA for a monthly service fee of \$1957, with supplementary work to be charged at a rate of \$98 per hour.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10d

Agenda Item Wording: Second Reading of Ordinance No. 2010-06, approving Zoning Ordinance Text Amendment No. 2010-06, amending 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: Staff recommends that the city council conduct the second reading of Ordinance No. 2010-06.

Summary:

At the August 2, 2010, City Council meeting the Council conducted a public hearing for this item, and subsequently approved the item. The recommended changes would result in uniform development standards such as building and landscaping setbacks along with changes to the processing of projects in the business Research Park zone. A conditional use permit is still required to master plan the site, but the required City Council review of architecture would be eliminated, and the architectural standards are also being simplified as a part of this action.

Discussion:

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

Since the first reading, the City Attorney recommended one change to the ordinance. Specifically, it is recommended that the following sentence be added to the end of the amended VMC 17.24.050-B: *The master plan or specific plan, and the architectural design elements, including a comprehensive sign program, as required by this subsection, shall be included with and approved as part of the Conditional Use Permit as required by VMC 17.42.050(A) and 17.24.030(C).*

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.): 0

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

This additional language is intended to clarify the intent of the amendments being made at this time. During review of the first BRP project, there was some confusion regarding the process applied to the “master plan” and “architectural review” requirements, found in both the zoning ordinance as well as the General Plan. The consensus at that time was that the “master plan” is accomplished through a Conditional Use Permit process (which can be approved by the Planning Commission unless appealed), though there was some opposition to this conclusion at the time. Further, architectural review was accomplished through a separate process, requiring direct City Council approval, a process that added uncertainty and confusion to the approval. The amendments to the ordinance being considered now, and as reviewed by the Planning Commission, are designed to clarify that a CUP is the appropriate vehicle for both the master plan and the architectural review approvals. The City Attorney’s additions made since the introduction of the ordinance at the August 2 meeting are designed to further clarify this intent, and therefore are appropriate to include in the second and final reading of the ordinance.

Previous City Council Actions

On August 2, 2010, the City Council approved this item, 3-1-1 (Shuklian – No, Gubler – Absent). On April 5, 2010, during a joint Worksession, the City Council and Planning Commission initiated a Zoning Ordinance text amendment to the BRP zone.

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.

Alternatives: The City Council may:

1. Conduct the second reading of Ordinance o. 2010-06;
2. Take no action

Attachments:

1. Ordinance No 2010-06

Recommended Motion (and Alternative Motions if expected):

I move to approve the second reading of, and introduce Ordinance No. 2010-06 for Zoning Text Amendment No. 2010-06.

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)*

None

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

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

Page 1 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. *The master plan or specific plan, and the architectural design elements, including a comprehensive sign program, as required by this subsection, shall be included with and approved as part of the Conditional Use Permit as required by VMC 17.42.050(A) and 17.24.030(C).*

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.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10e

Agenda Item Wording: Notification of a DUI Enforcement grant award from the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

Deadline for Action: August 16, 2010

Submitting Department: Police

Contact Name and Phone Number: Police Chief Colleen Mestas, ext 4215, or Sgt. Brian Winter, ext 4232

Department Recommendation and Summary: It is recommended that the City Council authorize the City Manager to execute an agreement with the Governor's Office of Traffic Safety (OTS).

The Visalia Police Department has received notification of a grant award from the California Office of Traffic Safety for DUI enforcement and education.

The DUI enforcement and education grant will allow the Visalia Police Department to conduct additional DUI checkpoints, saturation details, court stings, warrant details, and various other DUI-related activities. The grant provides all overtime salaries for all officers and personnel involved in the activities, as well as enforcement equipment.

The DUI enforcement and education grant will provide up to \$215,000 with no matching funds required by the City of Visalia. The funding period for this grant is October 1, 2010 through September 30, 2011. The City of Visalia has received this grant for the past several years, and this is a re-application of the DUI enforcement and education grant the City currently has. This grant differs from the Avoid the 18 DUI grant as it is specific to the Visalia Police Department only.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions:

Alternatives: Refuse grant funding.

Attachments: None

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____

Finance _____

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

City Mgr _____

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 that the Council authorize the City Manager to execute the grant agreement with the Governor's Office of Traffic Safety.

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 16, 2010

Agenda Item Number (Assigned by City Clerk): 10f

Agenda Item Wording: Notification and acceptance of the AVOID the 18 DUI grant award from the Governor’s Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

Deadline for Action: August 16, 2010

Submitting Department: Police

Contact Name and Phone Number: Police Chief Colleen Mestas, ext 4215, or Sgt. Brian Winter, ext 4232

Department Recommendation and Summary: It is recommended that the City Council authorize the City Manager to execute an agreement with the Governor’s Office of Traffic Safety (OTS).

The Visalia Police Department has received notification of a grant award from the California Office of Traffic Safety for the AVOID the 18 DUI grant.

The Governor’s Office of Traffic Safety is sponsoring the AVOID grant, which provides participating agencies the overtime funds, and equipment resources needed to operate complete DUI enforcement programs. With various strategies, DUI enforcement is aggressively targeted through checkpoints, saturation details, warrant details, court stings, and task force operations. The AVOID campaign is dedicated to reducing the number of alcohol related collisions, increase the number of DUI related arrests, and raise general public awareness regarding the problems associated with drinking and driving.

The AVOID grant is a regional DUI effort in Tulare and Kings County. Based upon its size and prior history with grants, the Visalia Police Department is serving at the request of OTS as the host agency for this campaign. Participating agencies include Police Departments from the cities of Dinuba, Exeter, Farmersville, Tulare, Porterville, Woodlake, the College of the Sequoias, the Tulare County Sheriff’s Office, Tulare County Probation Department, and the Visalia office of the California Highway Patrol. Kings County is represented by Police Departments from the cities of Hanford, Lemoore, Corcoran, Avenal, the Kings County Sheriff’s Office, Kings County Probation Department, and the Hanford office of the California Highway Patrol. As the host agency, we will be overseeing the grant during this collaborative effort. The grant will provide for all operational, administrative, and equipment costs associated with the campaign. In addition to the overtime expenses, we will also be receiving funds for additional DUI related equipment, PAS devices and calibration tools.

For action by:
 City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:
 Work Session
 Closed Session

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____

Finance _____

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

City Mgr _____

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

The AVOID the 18 grant will provide up to \$281,000 with no matching funds required by the City of Visalia. The funding period for this grant is October 1, 2010 through September 30, 2011. The grant provides all participating agencies the overtime needed for allocated personnel. The grant was initially approved in October 2007 as AVOID the 11 Tulare County grant. This past year, the Office of Traffic Safety expanded the operation area to the Tulare/Kings County region. The grant has been renamed as the Avoid the 18 and differs from the DUI Enforcement grant which is specific to the City of Visalia.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions:

Alternatives: Refuse grant funding.

Attachments: None

Recommended Motion (and Alternative Motions if expected): I move that the Council authorize the City Manager to execute the grant agreement with the Governor's Office of Traffic Safety.

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 16, 2010

Agenda Item Number (Assigned by City Clerk): 10g

Agenda Item Wording: Authorize the City Manager to enter into an agreement with Visalia Unified School District for after school enrichment program services.

Deadline for Action: N/A

Submitting Department: Parks & Recreation Department

Contact Name and Phone Number:
Michelle Fitzgerald, Recreation Supervisor (559) 713-4336

Staff Recommendation:

City staff recommends that the City Council:

1. Authorize the City Manager to execute an Agreement between the City of Visalia and Visalia Unified School District for an after school enrichment program at Valley Oak Middle School.

Background:

On September 26, 2006, the California Department of Education released a Request for Application for After School Education and Safety (ASES) program funding. With the passing of Proposition 40, the ASES program, originally funded for \$122 million, was increased an additional \$428 million to a total amount of \$550 million available for after school programs to serve elementary and middle/junior high school students.

Visalia Unified School District (VUSD) worked with several agencies to develop ASES programs for all Visalia Unified Schools, including the four middle schools. Of the school sites approved, Visalia Unified School District and the City of Visalia partnered to provide quality after school program services for students from Valley Oak Middle School.

This agreement represents the fourth year of the ASES grant and the relationship between the City and VUSD.

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.

Staff recommends that authorization be given to the City Manager to execute an Agreement between the City of Visalia and Visalia Unified School District for the after school enrichment program at Valley Oak Middle School. The Agreement was prepared by Visalia Unified School District and is subject to approval by the City Attorney. Some changes in language may be made prior to City Manager approval.

The ASES program focuses on providing a quality after school program for students while increasing academic achievement and providing enrichment opportunities. In order to achieve the best possible experience for students, Visalia Unified School District and the City of Visalia Parks and Recreation Department are asking to continue their collaborative partnership to fulfill the program requirements of this grant.

Since Visalia Unified School District employs professionals skilled in providing educational curriculum and academic achievement standards for students, Visalia Unified will be responsible for the one and a half hour academic requirement of the grant. Whereas the City of Visalia Parks and Recreation Department employs professionals in the areas of providing enrichment activities and quality after school programs, it is proposed that the City of Visalia provide enrichment activities for students from Valley Oak Middle School. Both entities feel that this collaborative relationship would be beneficial to the ASES program, allowing each agency to provide the best service to the students.

ASES is a one year grant with annual funding dependent on maintaining eighty-five percent average daily attendance. This MOU is for the 2010-2011 school year. Visalia Unified School District is proposing to pay the City of Visalia the sum of \$19,876.50 to provide above mentioned services at Valley Oak Middle School. This is a budgeted item and will cover all costs associated with the operation of said program. The account for this budget is 0011-50539-000297.

The Parks and Recreation Department continues to develop an enrichment program that includes organized sports, health & fitness, martial arts, dance, art, drama and life skill components. The middle school age student has been identified by the Parks and Recreation Department as an under-served population. This program will allow the City the opportunity to provide services to this population, but to also assist in the task of providing gang prevention and/or intervention programs for youth ages 12-14.

New this year to the program is providing enrichment activities on school campus. Valley Oak was able to identify space to keep the after school program on campus in order to provide activities to more students and to help increase participation in the program. Parks and Recreation staff will now have an opportunity to connect and engage more children in activities and athletics.

Prior Council Actions:

2006-2007 Agreement approved January 8, 2007.

2007-2008 Agreement approved June 25, 2007.

2008-2009 Agreement approved August 18, 2008.

2009-2010 Agreement approved June 13, 2009.

Attachments: Exhibit A – Draft MOU and Scope of Services

Recommended Motion (and Alternative Motions if expected):

I hereby move to authorize the City Manager to execute an Agreement between the City of Visalia and Visalia Unified School District for the purpose of providing an after school enrichment program at Valley Oak Middle School.

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:

Visalia Unified School District

After School Programs – Middle Schools

SCOPE OF SERVICE

ASES Grant Provisions:

- I. VUSD will serve as the fiscal agent for the grant**
- II. To serve 47 students per school site**
- III. To maintain an ongoing attendance rate of 85%**
- IV. To maintain a pupil-to-staff ratio of 20:1**
- V. Each partner will share the responsibility of the quality of the program**
- VI. The program day will begin immediately after the completion of the regular school day and will run for 3.0 hours and at least until 6:00pm everyday that school is in session**
- VII. Students enrolled must attend a minimum of 15 hours per week and participate in both an academic and social enrichment component daily**
- VIII. Fiscal agent will report attendance to CDE twice per fiscal year**
- IX. To provide a safe physical and emotional environment for participating students**
- X. To provide opportunities for relationship building and to promote active pupil engagement**

GENERAL SERVICE

Each contracting provider acknowledges that the Visalia Unified School District will be the designated fiscal agent for this grant and agrees to provide enrichment services to the designated student population in accordance to the pre-designated school site within the pre-designated operational times. The goal of each provider should be in cooperation with the fiscal agent (District) to achieve at minimum the goals and objectives as stated by the ASES Grant.

ENRICHMENT SERVICES

The enrichment services provided by the provider should coincide with the data collected from the Student Interest Surveys conducted on their respective campus. The purpose is to generate as much student retention possible through the enrichment activities being facilitated by the provider.

OPERATIONAL TIMES

Each provider will be required to work accordingly with each of their school sites in which their students are attending to determine the start time of their enrichment service. Each provider agrees to provide enrichment services until at least 6:00pm daily (except for minimum day schedule) as to meet the time standards per the ASES Grant. Each provider also agrees to provide enrichment service until the time of day in which at least 3.0 hours has been completed for the entire program day. In addition, each provider agrees to provide service on everyday that school is in regular session per the ASES Grant.

STAFFING

All staff hired by the provider for purposes of providing service under the ASES Grant should consider themselves in addition to their employer, staff to the After School Program. It will be imperative that all staff working in the After School Program understand the goals and objectives of the program as well as work cooperatively with all District personnel managing the After School Program. Lastly, all staff hired by the provider for purposes of providing service under the ASES Grant should possess and maintain the following personal and employee characteristics:

- High Moral Character**
- Positive/Encouraging Attitude**
- Relationship Building Capacity**
- An Interest in Working with Youth**
- Good Moral Judgement**
- Good Physical/Mental/Emotional Well Being**
- Excellent Communication Skills**

Each provider must hire (1) Site Director and the minimum number of Program Leaders to appropriately meet the pupil-to-staff ration of 20:1.

School Site Coordinator – each provider must have a Site Coordinator or Site Leader whom will provide supervision for activity staff, monitor enrollments and terminations, oversee attendance and discipline, coordinate logistics for activity staff, supervise student transporting from school site to provider site, attend to parent issues, work cooperatively with school site staff, and report to District Program Manager.

Program Leaders/Activity Leaders – each provider must have qualified and trained activity leaders that are equivalent to an instructional aide. Program Leaders/Activity Leaders will be responsible for facilitating various enrichment activities with participating students and must carry the capacity to build and maintain strong rapport with students, address minor disciplinary issues, coordinate and lesson their activities, provide safe learning environment, etc.

SUPPLIES/EQUIPMENT

Per the contract between the fiscal agent (District) and each provider, it will be the responsibility of the District to order all necessary supplies and equipment to appropriately facilitate and manage the enrichment service.

REPORTING

Each provider will be responsible for reporting daily attendance, disciplinary, safety, and health-related incidents to the fiscal agent (District) immediately. It is imperative that each provider work closely and cooperatively with the fiscal agent (District) as to promote continuity and successfully meet the requirements of the ASES Grant.

(More information on this subject will be provided)

SUMMARY

Each provider agrees that their scope of service is provided with a commitment to work cohesively and cooperatively with the fiscal agent (District) to meet the goals and objectives as set forth by the ASES Grant.

ED. Code on Fingerprinting:

8483.4. The administrator of every program established pursuant to this article shall establish minimum qualifications for each staff position that, at a minimum, ensure that all staff members who directly supervise pupils meet the minimum qualifications for an instructional aide, pursuant to the policies of the school district. Selection of the program site supervisors shall be subject to the approval of the school site principal. The administrator shall also ensure that the program maintains a pupil-to-staff member ratio of no more than 20 to 1. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in current law and district policy for school personnel and volunteers in the school district.

**VISALIA UNIFIED SCHOOL DISTRICT
AND
THE CITY OF VISALIA PARKS AND RECREATION DIVISION
(ASES) AFTER SCHOOL PROGRAM AGREEMENT**

THIS AGREEMENT, is entered into as of 7-1-10, between the VISALIA UNIFIED SCHOOL DISTRICT, referred to as DISTRICT, and CITY OF VISALIA, referred to as CITY, with reference to services rendered to Valley Oak Middle School and provided by the City of Visalia.

- A. The VISALIA UNIFIED SCHOOL DISTRICT receives a State Grant (hereinafter referred to as “Grant”) to implement after school programs to three of its’ four middle schools;
- B. DISTRICT desires, in cooperation with CITY, to provide an after school program in compliance with the After School Education and Safety (hereinafter referred to as “ASES”) Grant.
- C. The VISALIA UNIFIED SCHOOL DISTRICT is contracting with CITY, funded by the Grant, to coordinate and implement at Valley Oak Middle School and a safe, supervised, after school enrichment program that focuses on academic assistance and educational enrichment carried out through a variety of recreational and leadership activities.
- D. CITY has agreed to provide such services in partnership with DISTRICT.
- E. CITY has agreed to provide such services under this Agreement for the specific student population attending Valley Oak Middle School.
- F. DISTRICT and CITY acknowledge that the agreed upon number of students who will be served by CITY under this Agreement is equal to the amount of **forty-seven (47)** students to be served at Valley Oak Middle School under the ASES Grant.
- G. CITY agrees that DISTRICT will pay CITY the amount sum of **\$19,876.50 for 3 staff** to provide such services as agreed upon under the Grant and this Agreement and for the designated number of students as referred to in Section F for the date beginning on July 1st, 2010 and ending on June 30th, 2011.
- H. DISTRICT and CITY equally agree that CITY will invoice DISTRICT on a monthly basis for services provided under this Agreement. The monthly installment will be equal to the total contract amount divided by ten (10 months).
- I. CITY agrees to provide service and adhere to the Grant-appropriate staff-to-pupil work ratio of 1:20.
- J. DISTRICT and CITY equally agree that should DISTRICT not be able to develop and maintain a daily attendance level equal to or above 85% of the total number of students served during the current grant year, the DISTRICT may terminate, renegotiate, and/or suspend the current MOU and partnership pertaining to the ASES Grant for the following grant year.

ACCORDINGLY, IT IS AGREED:

1. RESPONSIBILITIES OF CITY:

a. CITY shall provide the services specified in this Agreement for the after school enrichment program in compliance with the ASES Grant under this Agreement with the DISTRICT. The parties expect, under the provisions of the Grant, that the students must participate in the program at least three (3) hours per day and a minimum of three (3) days per week during the school year. The hours of program operation shall be from 3:15pm to 6:15pm (CITY staff program hours are 3:30 – 6:30pm). The funding for the program provides a ratio of approximately one (1) staff per cluster of twenty (20) students, and the level of staffing is based upon the number of students actively participating in the program on a daily basis.

b. CITY, in partnership with DISTRICT and under the ASES grant requirements, shall develop and maintain an attendance level equal to or more than 85% of the total number of students served under this agreement.

c. CITY shall designate one staff member to provide service, under the Grant and this Agreement, to act as a Recreation Lead, whom will provide employee supervision for all city staff referred to as Activity Leaders. The Recreation Lead will work closely with the Site Coordinator to successfully provide and facilitate enrichment services provided by City staff including City Activity Leaders.

d. The Recreation Lead shall also utilize his/her time to create and sustain ongoing communication With other school staff in order to be aware of student concerns and issues. The Recreation Lead should develop and foster working relationships with the Principal and other school staff working with the afterschool program. The Recreation Lead shall be responsible for acting as the liaison between the school staff and CITY staff.

Additional responsibilities for the Recreation Lead include, but are not limited to:

- (i) Sustain close working relationship with Site Coordinator and on-going communication with the principal and other school staff.
- (ii) work with school staff to track student behavior and other program-related tasks.
- (iii) act as liaison between the school campus and CITY site and assist after-school staff with various program-related tasks and responsibilities including; enrichment activities,

attendance, student discipline, special events and arrangements.

e. CITY shall assign Grant-compliant staff to coordinate and support the supervision and daily operation of the after school enrichment program. CITY shall ensure that any/all staff assigned to the ASES Grant meet the minimum qualifications of the No Child Left Behind Act as determined by the California Department of Education and equivalent to the status of an Instructional Aide as defined by Visalia Unified School District. CITY, in collaboration with DISTRICT is responsible for evaluating progress and assessing effectiveness of staff, program services, and policies to ensure consistency with the Grant.

f. CITY shall provide coaching and mentoring to site staff consistent with Grant standards and collaborate with DISTRICT in the implementation of ongoing staff development and training programs.

g. Except as otherwise provided herein, or subsequently agreed to in writing signed by both DISTRICT and CITY, CITY shall be the employer for all personnel employed to provide after school enrichment services at Valley Oak Middle School. CITY shall be solely responsible for all costs of employment and personnel administration, including but not limited to, wages, salaries, workers' compensation costs, unemployment costs and employee discipline.

h. CITY does agree to advise everyone it assigns or hires to perform duty under this Agreement that they shall work as an employee of the Grant and therefore carry out all duties and responsibilities according to the requirements, goals and objectives of the Grant.

i. CITY program services shall operate under the provisions of the Grant, and under the direction of the DISTRICT and all parties shall work cooperatively to accomplish the program objectives as outlined by the Grant.

j. If CITY employs any person who is employed by DISTRICT, who is not exempt from the Fair Labor Standards Act, CITY shall limit its employment of such person to a number hours which, when combined with the hours the person works for the DISTRICT, will not exceed 40 hours in any one work week (Monday – Sunday).

CITY shall maintain a staffing level that is consistent for Grant-compliant service.

k. CITY agrees to actively inform and update DISTRICT designee known as ASES Grant Program Manager hereinafter referred to as "Program Manager" of any/all hiring of CITY staff to work under this contract and the ASES Grant.

2. **RESPONSIBILITIES OF DISTRICT:**

a. DISTRICT shall provide adequate and appropriate support and guidance, including the sharing of Grant-related goals and objectives to ensure CITY is adequately equipped and prepared to provide services consistent with the Grant.

b. DISTRICT shall assign an administrative staff member to provide Grant-related support for CITY to provide Grant-appropriate services.

c. DISTRICT will disburse payment to CITY on a monthly payment scheduled upon being invoiced by CITY.

d. DISTRICT will provide all supplies, and have them accessible when needed to the CITY for the enrichment/recreation portion of the program. DISTRICT will give CITY staff a timeline to submit a supply list and shall define what the budget amount for supplies per month or school year.

3. **REPORTS:**

a. Attendance Reports: Attendance reports record the number of students served and the number of days of program operation. It is the responsibility of the DISTRICT Site Director to gather and submit attendance data to the DISTRICT designee known as the ASES Grant Program Manager.

Evaluation Reports: Evaluation is a required component of the ASES Grant. CITY shall work cooperatively with the DISTRICT to collect any/all program data including attendance and behavior data as required by the Grant.

b. All reports required by the ASES Grant shall be submitted by CITY to the DISTRICT within 7 business days prior to the dates imposed on the DISTRICT by the Grant. This includes any/all attendance data for purposes of quarterly reporting and any/all behavior-related data to be reported in final fiscal report by DISTRICT to the California Department of Education.

4. **RECORDS AND AUDIT:** CITY shall maintain complete and accurate records with respect to any payments to employees or subcontractors. All such records shall be prepared in accordance with generally accepted accounting procedures, shall be clearly identified, and shall be kept readily accessible. Upon request, CITY shall make such records available within Tulare County to the designated public and/or private auditor of DISTRICT and to his agents and representatives, for the purpose of auditing and/or collecting such records for a period of five (5) years from the date of final payment under this Agreement.

5. **COMPLIANCE WITH LAW:** DISTRICT and CITY shall each provide services in accordance with applicable Federal, State and local laws, regulations and directives. With respect to CITY's employees, CITY shall comply with all laws and regulations pertaining to wages and hours, state and federal income tax, unemployment insurance, Social Security, disability insurance, workers' compensation insurance and discrimination in employment.
6. **COMPLIANCE WITH THE GRANT:** This Agreement is subject to the Grant and any additional restrictions or conditions enacted by the California Department of Education which may affect the provisions, terms, or funding of this Agreement in any manner.
7. **INSURANCE:** CITY shall provide evidence of insurance upon the request of DISTRICT.
8. **INDEPENDENT CONTRACTOR STATUS:** This Agreement is entered into by both parties with the express understanding that CITY will perform all services required under this Agreement as an independent contractor. Nothing in this Agreement shall be construed to constitute CITY or any of its agents, employees or officers as an agent, employee or officer of DISTRICT. CITY agrees to advise everyone it assigns or hires to perform any duty under this Agreement that they are not employees of the DISTRICT. CITY is responsible for paying all required state and federal taxes.

In particular, DISTRICT will not:

- a. Withhold FICA (Social Security) from CITY's payments.
- b. Make state or federal unemployment insurance contributions on CITY's behalf.
- c. Withhold state or federal income tax from payments to CITY.
- d. Make disability insurance contributions on behalf of CITY.
- e. Obtain unemployment compensation insurance on behalf of CITY.

Notwithstanding this independent contractor relationship, DISTRICT shall have the right to monitor and evaluate the performance of CITY to assure compliance with the Grant and this Agreement. CITY may contract with District for special services. CITY and District shall arrange for compensation through DISTRICT for these special services.

9. **FINGERPRINTING REQUIREMENTS:**
 - a. Pursuant to California Education Code section 45125.1 (d), before any agent, employee, or volunteer of CITY may enter school grounds where they may have any contact with pupils, CITY shall have, on record, written verification of fingerprint and TB clearance (attachment) of its employees and volunteers. CITY shall not permit any employee to come in contact with pupils of DISTRICT until the Department of Justice has ascertained that the employee has not been convicted of a felony as defined in Education Code section 45122.1 (attachment).

10. **INDEMNIFICATION:** CITY and DISTRICT each agree to hold harmless, defend and indemnify the other from and against any claims, actions, costs, losses, damages or liability of any kind, including death or injury to any person or damage to any property arising out of their duties, acts or omissions, or those of their respective officers, employees, volunteers or agents, pursuant to this Agreement, including any negligent or intentional acts on their part. This indemnification specifically includes, but is not limited to, any claims that may be made against CITY arising out of the transportation by the DISTRICT of pupils to CITY's program sites, claims made against DISTRICT or the CITY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, any claims made against DISTRICT or CITY alleging civil rights violations by CITY or DISTRICT under Government Code Section 12920 et seq. (California Fair Employment and Housing Act), and any overtime pay or compensatory time DISTRICT is required to grant in case CITY is in breach of section 1. This indemnification obligation shall continue in full force and effect beyond term of this Agreement or any extension of this Agreement.

11. **TERMINATION:** The right to terminate this Agreement under this provision may be exercised without prejudice to any other right or remedy to which the terminating party may be entitled at law under this Agreement.

a. **Without Cause:** Either party shall have the right to terminate this Agreement without cause by giving thirty (30) days prior written notice of intention to terminate pursuant to this provision, specifying the date of termination.

b. **With Cause:** This Agreement may be terminated by either party should the other party:

- (i) be adjudged a bankrupt, or
- (ii) become insolvent or have a receiver appointed, or
- (iii) make a general assignment for the benefit of creditors, or
- (iv) suffer any judgment which remains unsatisfied for 30 days, and which would substantively impair the ability of the judgment debtor to perform under this Agreement, or
- (v) materially breach this Agreement.

For any of the occurrences except item (v), termination may be effected upon written notice by the terminating party specifying the date of the termination. Upon a material breach, the Agreement may be terminated following the failure of the defaulting party to remedy the breach to the satisfaction of the non-defaulting party within five (5) days of written notice specifying the breach. If the breach is not remedied within that five (5) day period, the non-defaulting party may terminate the Agreement on further written notice specifying the date of termination.

If the nature of the breach is such that it cannot be cured within that five (5) day period, the defaulting party may, submit a written proposal within that period which sets forth a specific means to resolve the default. If the non-defaulting party consents to that proposal in writing, which consent shall not be unreasonably withheld, the defaulting party shall immediately embark on its plan to cure. If the default is not cured within the time agreed, the non-defaulting party may terminate upon written notice specifying the date of termination.

c. **Effects of Termination:** Termination of this Agreement shall not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination contract activities.

12. **AGREEMENT REPRESENTED:** This Agreement represents the Agreement between DISTRICT and CITY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

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

14. **NOTICES:** CITY's representative for the administration of this Agreement shall be the Recreation Manager. DISTRICT's representative for the administration of this Agreement shall be the Superintendent or Designee of DISTRICT. Any notice that either party desires to give in connection with this Agreement shall be in writing and shall be served by personal delivery, facsimile transmission or first class mail to the specified representatives as follows:

DISTRICT:

Superintendent
Visalia Unified School District
5000 W. Cypress
Visalia, CA 93277
Fax No. (559) 625-2634
Telephone No. (559) 730-7522

CITY:

Recreation Manager
City of Visalia – Parks and Recreation Department
345 N. Jacob St.
Visalia, CA 93291
Fax No. (559) 713-4819
Telephone No. (559) 713-4365

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing.

15. **CONSTRUCTION:** This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any

uncertainty.

16. **NO THIRD PARTY BENEFICIARIES INTENDED:** Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
17. **GOVERNING LAW:** This Agreement shall be interpreted and governed under the law of the State of California without reference to California conflicts of law principles. The parties agree that this Agreement is made in and is to be performed in the County of Tulare, California.
18. **WAIVERS:** The failure of either party to insist on strict compliances with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party of either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.
19. **EXHIBITS AND RECITALS:** The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.
20. **CONFLICT WITH LAWS OR REGULATIONS/SEVERABILITY:** This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflict provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases, the remainder of the Agreement shall continue in full force and effect.
21. **FURTHER ASSURANCES:** Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.
22. **ASSURANCES OF NON-DISCRIMINATION:** CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristics or condition upon which discrimination is prohibited by state or federal law or regulation.
23. **ASSIGNMENT/SUBCONTRACTING:** Unless otherwise provided in this Agreement, DISTRICT is relying on the personal skill, expertise, training and experience of CITY and CITY's employees and no part of this Agreement may be assigned or subcontracted by either party without written consent of the other party.
24. **TERM:** This Agreement shall become effective July 1st, 2010 and shall terminate on June 30th, 2011, unless terminated earlier as provided in this Agreement.

THE PARTIES, having read and considered the above positions, indicate their Agreement by their authorized signatures below.

VISALIA UNIFIED SCHOOL DISTRICT

BY _____

Superintendent
DISTRICT

CITY OF VISALIA

BY _____

City Manager
CITY

CITY OF VISALIA

BY _____

Risk Manager
CITY

APPROVED AS TO FORM

BY _____

City Attorney
CITY

City of Visalia Agenda Item Transmittal

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10h

Agenda Item Wording: Approval of Letter of Assignment for the Sequoia Shuttle Operations to Visalia Mountain Transit a subsidiary of MV Transportation Inc.

Deadline for Action: August 16, 2010.

Submitting Department: Administration – Transit Division

Contact Name and Phone Number:
Monty Cox 713-4591

Department Recommendation: It is recommended that the City Council approve the Letter of Assignment for the Sequoia Shuttle Operations to Visalia Mountain Transit a subsidiary of MV Transportation Inc..

Summary: MV Transportation has requested that the City of Visalia allow them to assign responsibility of operating the Sequoia Shuttle to Visalia Mountain Transit, a subsidiary of MV Transportation. This request and the wording of the assignment document has been reviewed by the City Attorney and found to be in order. This assignment has no effect on the provisions of the agreement accept to transfer them to the subsidiary company.

Background: During the past several years the City has been working with the National Parks Service (NPS) to organize a series of two shuttles; one within the Sequoia National park (internal) and one from Visalia to the park (external). The external shuttle is independent of the NPS and was initially considered at the request of Congressman Nunes, while the internal shuttle will be operated by the City of Visalia at the request and under a cooperative agreement with the NPS.

The shuttles have been operated by Visalia Mountain Transit, Inc. under the same provisions included in the agreement between the City of Visalia and MV Transportation with a few modifications. In 2009 the City of Visalia completed a new RFP process and subsequently entered into a new agreement with MV Transportation to operate all the transit related services including Fixed Route, Dial-A-Ride, Trolley, LOOP and the Sequoia Shuttle. This request is to transfer just the Sequoia Shuttle operations to Visalia Mountain Transit.

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.

Prior Council/Board Actions:

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Letter of Assignment

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Council to approve the Letter of Assignment for the Sequoia Shuttle Operations to Visalia Mountain Transit a subsidiary of MV Transportation Inc.

Financial Impact

Funding Source:

Account Number:

Budget Recap:

Total Estimated cost: \$ 0	New Revenue: \$ 0
Amount Budgeted: \$ 0	Lost Revenue: \$
New funding required: \$ 0	New Personnel: \$
Council Policy Change: Yes _____ No <u>X</u>	

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action: Prior:
Require:

NEPA Review:

Required? No
Review and Action: Prior:
Require:

Tracking Information: *Record a Notice of Completion with the County Recorder*

Copies of this report have been provided to:

Letter of Assignment: MV Transit to Visalia mountain Transit

Assignment of Rights and Delegation of Obligations. Assignor hereby assigns all of its rights and interests and delegates all obligations in, to, and under the Contract related and pertaining to SEKI services to Assignee unless, and until such time as, the Contract expires or terminates. These rights, interests, and obligations shall include but not be limited to the following items from the Agreement between City of Visalia and MV Transportation Inc., dated October 23, 2009 ("Agreement"):

- a. Assignee agrees the City of Visalia Transit Manager shall be the designee of the City entitled to act for and exercise any of the rights granted to the City of Visalia under the Agreement.
- b. Assignee agrees to perform the services described in the Agreement with same standard of care as applicable to the Assignor under the Agreement. The Assignee shall use the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality and under the same or similar circumstances.
- c. Assignee hereby confirms that it is an independent contractor of the City of Visalia, that it is not and will not become an employee, partner, agent, or principal of the City while the Agreement or this Assignment is in effect.
- d. Assignee agrees that any amendment or modification of the Agreement that alters the SEKI services rights or obligations, or any rights, interests, or obligations that Assignee has assumed by this Assignment shall also apply to Assignee pursuant to this Assignment.
- e. Assignee agrees to comply with Section 7.2 of the Agreement, the insurance requirements for SEKI services.
- f. Assignee agrees to comply with the Fidelity Bond requirements in Section 7.3 of the Agreement.
- g. Assignee agrees to comply with Article 8 of the Agreement.
- h. Assignee agrees that it shall be paid based on the schedule of payments under Article 9 applicable to SEKI services and any applicable liquidated damages for failure to perform shall apply to Assignee for the SEKI services.
- i. Assignee and Assignor agree that all amounts paid by City to Assignee shall be included in the maximum obligation calculation under Article 10 of the Agreement.
- j. Assignee agrees Article 11 of the Agreement applies under this Assignment.
- k. Assignee and Assignor hereby stipulate Assignee does not have a separate right to extend the Agreement or exercise any option to extend the Agreement.
- l. Assignee agrees that it is accepting the termination provisions in Article 13 of the Agreement and these provisions could be applied to Assignee.

- m. Assignee agrees that by accepting this Assignment it must comply with all applicable state and federal laws.
- n. Assignee agrees that Article 15 of the Agreement shall be applicable to it under this Assignment.
- o. Assignee that all rights, duties, and obligations contained in the Scope of the Work in the Agreement that apply to the SEKI services shall continue to apply to the Assignee after this Assignment.

City of Visalia Agenda Item Transmittal

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10i

Agenda Item Wording: Update regarding efforts to develop a COS Student bus pass in collaboration with the College of the Sequoias Administration

Deadline for Action: August 16, 2010.

Submitting Department: Administration – Transit Division

Contact Name and Phone Number:
Monty Cox 713-4591

Department Recommendation: Accept this update regarding Staff's efforts in developing a COS Student bus pass in collaboration with the College of the Sequoias administration.

Summary: Staff has been working with the administration office of the College of the Sequoias to develop a bus pass specifically for COS students. This has been a collaborative effort between the City of Visalia, COS, TCAG and several of the other transit services in Tulare County. TCAG has applied for a Caltrans grant to complete a comprehensive plan to implement a countywide COS student pass. This study, if awarded, is expected to be completed during the Fall and Spring semesters with implementation expected for the Fall 2011 semester. COS and City of Visalia staff are working to implement a pilot COS Student pass for the Spring 2011 semester.

Staff enlisted the services of Moore Associates, who is currently completing related transit studies for the City of Visalia, to assist in developing a pilot pass program. We have had several meetings with COS officials, completed surveys and developed a preliminary cost estimate for COS to consider. A draft proposal has been provided to COS for their consideration.

COS staff must now consider the projected cost and then determine a student funding mechanism to support a COS school wide student bus pass program. They will be conducting student surveys and doing other research to determine the feasibility of different funding mechanisms which will require the support of the students at large.

Staff will continue to work with COS administration as well as TCAG and the other transit agencies to help both the pilot Student Pass and the permanent Student Pass become a reality.

Prior Council/Board Actions: None

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 LBC 5410
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Committee/Commission Review and Actions: None

Alternatives: None

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): N/A

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10j

Agenda Item Wording: Request from the residents of the 300 block of South Citrus Court to close pedestrian access at Citrus Court and Mineral King Avenue.

Deadline for Action: N/A

Submitting Department: Community Development Department

Contact Name and Phone Number:

Chris Young, Community Development Director – 713-4392
Jason Huckleberry, Associate Engineer – 713-4259

Department Recommendation: Staff recommends that Council approves a request from the residents of the 300 block of South Citrus Court to close pedestrian access to Mineral King Avenue from Citrus Court.

Summary/background: The residents of the 300 block of South Citrus Court have requested the closure of the pedestrian access opening onto Mineral King Avenue. Residents are reporting an increasing amount of vandalism and litter that they believe is being caused by pedestrians utilizing the pass through in the cul-de-sac. They have proposed the installation of a wrought iron fence to span the existing opening in the block wall at the southerly end of their cul-de-sac. All property owners (10 homes total) of the 300 block have signed a petition for this closure. A letter from the group’s “representative” and a copy of the petition are attached.

Typically, City planning staff or the Planning Commission has required that developers design cul-de-sacs that are open to “pedestrian access” and promote “connectivity” with other neighborhoods. In other, more traditional neighborhoods, pedestrian openings on cul-de-sacs provide for reduced trip lengths for pedestrians and encourage residents to walk and use public transit. In this case, the Citrus Court cul-de-sac borders on Mineral King Avenue and Highway 198 preventing any “connectivity” with neighborhoods to the south. The nearest pedestrian crossing over Highway 198 is at Vista. The closest vehicular access crossing at Highway 198 is at Lover’s Lane. There are no street lights along the north side of Mineral King Avenue at this location. There are no bus stops on Mineral King Avenue between MCauliff and Lover’s Lane.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The City has an easement through the cul-de-sac for “sanitary sewer and storm drain lines and the maintenance thereof”. It also has an adjacent easement for “landscape, wall, sidewalk and maintenance thereof”. There is not a specific easement dedicated for pedestrian access. The fence could be installed without “abandoning” these existing maintenance easements. The fence would not interfere with any City maintenance operations. The improvements within the easement area are maintained through a Landscape and Lighting District.

The residents of this “block” are willing to hire a contractor and pay for the installation of a wrought iron fence. The design of, and materials used for, the fence shall be submitted in writing to staff for approval prior to installation. All the necessary permits would be obtained by the residents.

Staff proposes to present a “Pedestrian Access Closure Request Policy” to the Council in the near future. This policy will outline a suggested “review process” that will take into consideration such things as; neighborhood/pedestrian “connectivity”, crime reports for the area, existing utility and landscaping improvements within adjacent easements, and any written request and/or petition from area residents.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives:

Attachments:

- Exhibit #1: Location map
- Exhibit #2: Pictures of area
- Exhibit #3: Resident’s letter and petition

Recommended Motion (and Alternative Motions if expected): I move to approve a request from residents of the 300 block of South Citrus Court to close pedestrian access to Mineral King Avenue from Citrus Court.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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

Copies of this report have been provided to:

City of Visalia
Agenda Item Transmittal

Meeting Date: August 16th, 2010

Agenda Item Number (Assigned by City Clerk): 10k

Agenda Item Wording: Increase the scope of the contract to construct the Mooney Boulevard Storm Drain Pipeline and Lift Station Upgrade Project (Project No. 3011-9939) to include additional earthwork and repaving of the east half of Mooney Boulevard (between Ferguson Avenue and the Modoc Ditch). The original contract amount was \$320,428.76. The increase in the contract is \$207,232.00, for a total contract amount of \$527,660.76. The contractor is Mark Hoffman General Engineering, Inc.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Fred Lampe, Project Manager – 713-4270
Adam Ennis, Engineering Services Manager - 713-4323

Department Recommendation: Increase the scope of the contract to construct the Mooney Boulevard Storm Drain Pipeline and Lift Station Upgrade Project (Project No. 3011-9939) to include additional earthwork and repaving of the east half of Mooney Boulevard (between Ferguson Avenue and the Modoc Ditch). The original contract amount was \$320,428.76. The increase in the contract is \$207,232.00, for a total contract amount of \$527,660.76. The contractor is Mark Hoffman General Engineering, Inc. Additional funding will come from Measure R Local (\$87,000 – savings from the Houston Avenue Project) and from the Storm Sewer fund (\$120,232).

Summary: During the course of construction of the Mooney Boulevard Storm Drain Pipeline and Lift Station Upgrade Project, significant areas of collapsed roadway (caused by significant soil and pavement subsidence) were discovered. These street failures caused the partial closure of Mooney Boulevard north of Ferguson Avenue. Some of these failures appear to have been caused by inadequate compaction over a previously installed storm drain (Mooney Boulevard at Ferguson Avenue and 600 feet north). The original contractor (who installed this section of storm drain) has agreed to “re-compact” this trench at no charge to the City. However, exploratory excavations have shown that the trench over an existing sewer line (adjacent to the storm drain line) is also collapsing.

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 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.

Mark Hoffman Engineering is currently on site installing a new section of storm drain line from 600 feet north of Ferguson Avenue to the Modoc Ditch. Since they are currently on site, it would make sense to add the additional earthwork and paving to their contract. Mark Hoffman Engineering has given the City a price to complete the additional work needed. City staff has reviewed Mark Hoffman's price for the additional work and has determined that it is reasonable. For the safety and convenience of the public, city staff believes it is appropriate to include this work in the scope of Mark Hoffman's contract so that the public safety hazard of subsidence (potential roadway collapse) can be addressed and the roadway can be re-opened as soon as possible.

Background: The scope of the Mooney Boulevard Storm Drain Pipeline and Lift Station Upgrade Project was to extend an existing 30" storm drain in Mooney Boulevard from 600 ft. north of Ferguson Avenue to an existing lift station at Modoc Ditch. Construction began April 19, 2010. The existing storm drain that was to be tied into was installed in the winter of 2008/2009 by an adjacent developer's contractor.

Since May 2010 cracks and subsidence have began appearing in the pavement of Mooney Boulevard over the trench of the North Visalia Sewer Trunk Line which is located adjacent to the Mooney Storm Drain Pipe (at both the previously installed storm drain and the current storm drain project). City staff directed Mark Hoffman not to re-pave the storm drain trench until the subsidence problems could be investigated.

City staff has concluded that pavement cracking and subsidence over the storm drain and sewer trenches has occurred for two reasons. First, some of the compaction in the storm drain line and sewer trenches are somewhat low. Although somewhat low, the average compaction in the sewer trench is near the required standard that was required at the time of its construction. Second, the soils in this area appear to be somewhat sensitive to moisture. As the typical construction procedures of adding water and compactive effort were used to construct the storm drain projects, both previous and current, the adjacent native soils used as sewer trench backfill are also consolidating and subsiding.

Because of the cracking and subsidence in the paving on the east half of Mooney Boulevard any moisture due to rain or other sources could potentially cause further subsidence. City staff believes that additional earthwork and replacing the pavement section on the east side of Mooney Boulevard between Ferguson Avenue and Modoc Ditch is the best option. To ensure the roadway is built on stable ground the east side of the road would be excavated to a depth of three feet below finished pavement grade. Compaction equipment would then compact the exposed ground surface. Hand probing and wheel rolling of the exposed ground surface would be used to locate voids or soft areas below the roadway which would be further compacted. geotextile reinforcement fabric would then be placed over the compacted surface to further stabilize the soils and provide future resistance to subsidence. Soil would then be brought to optimum moisture and compacted to 95% to roadway subgrade elevations and then topped with six inches of aggregate base rock and four inches of asphalt.

Prior Council/Board Actions:

December, 21st, 2009, City Council the construction contract to the low bidder, Mark Hoffman General Engineering, Inc.

December 3rd, 2007, City Council authorized City staff to bid the construction of this project without the requirements of prevailing wage pursuant to Resolution No. 83-02.

Committee/Commission Review and Actions: None.

Alternatives: Do not approve change order.

Attachments:

Exhibit A – Location Map,

Recommended Motion (and Alternative Motions if expected): I move to Increase the scope of the contract to construct the Mooney Boulevard Storm Drain Pipeline and Lift Station Upgrade Project (Project No. 3011-9939) to include additional earthwork and repaving of the east half of Mooney Boulevard (between Ferguson Ave and the Modoc Ditch). The total amount of the contract will be \$527,660.76 (with \$87,000 coming from Measure R Local Funding and \$120,232 coming from the Storm Sewer Fund).

Financial Impact:

Funding Source:

Account Number: 3011-9939

Budget Recap:

Estimated cost:	\$527,660.76	New Revenue:	0.0 \$
Amount Budgeted:	\$	Lost Revenue:	0.0 \$
New funding required:	\$0		
Council Policy Change:	Yes _____	No	<u>X</u>

Environmental Assessment Status

CEQA Review:

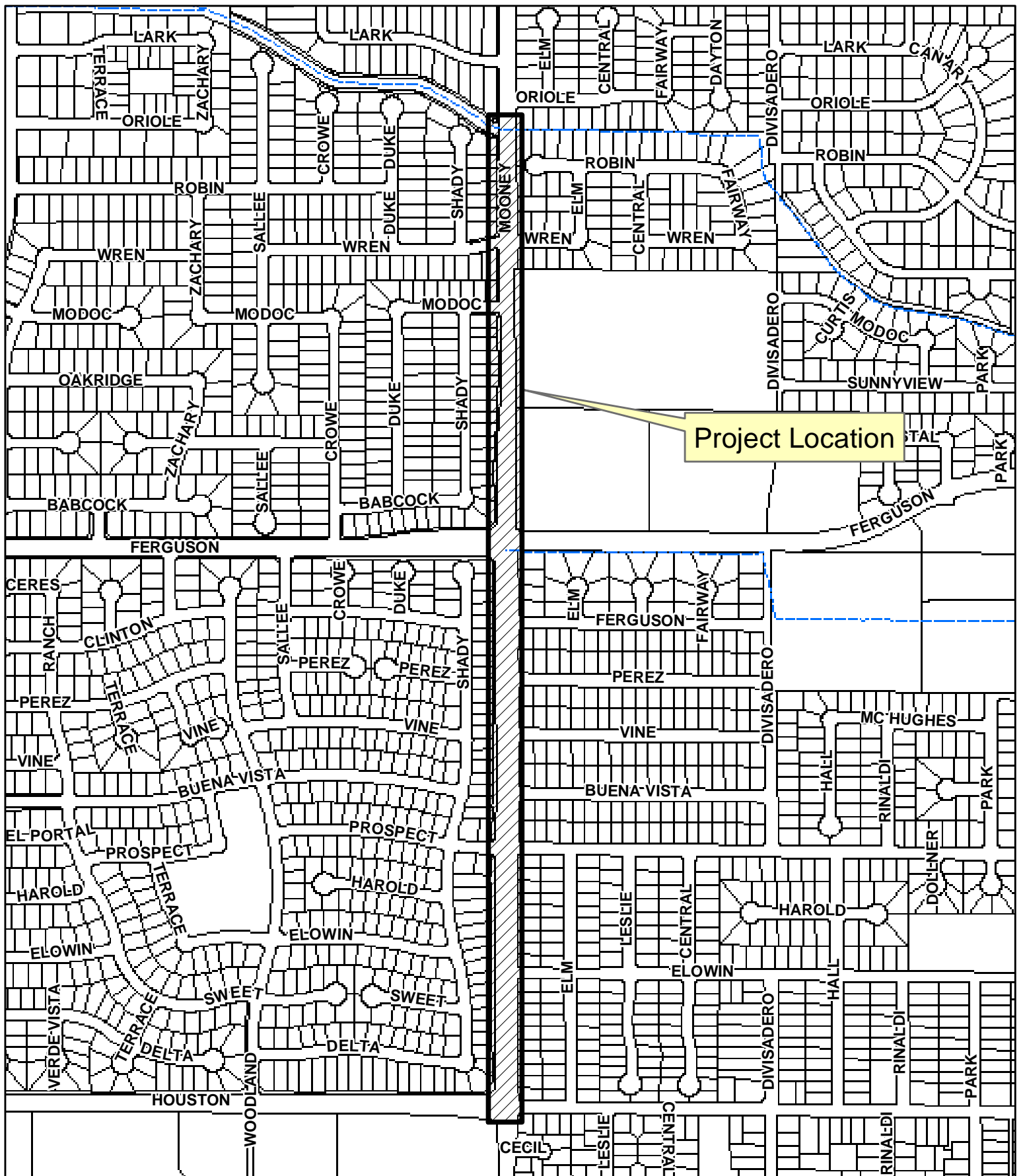
Required? Yes No
Review and Action: Prior: Categorical Exemption was filed on Oct. 16th, 2009
Required
:

NEPA Review:

Required? Yes No (No Federal Funding is used for the project)
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): Agreement execution*

Copies of this report have been provided to:



Mooney Boulevard Storm Drain Pipeline and Lift Station upgrade



Scale: 1"=600'



**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10 L

Agenda Item Wording: Acknowledge acceptance of two (2) FAA Grant Agreements, totaling \$189,050, for a Terminal Area Study and design of runway safety area improvements at the Visalia Municipal Airport.

Deadline for Action: August 20, 2010

Submitting Department: Administration - Airport

Contact Name and Phone Number: Mario Cifuentez, II
713-4480

Executive Summary:

City Staff recommends that Council receive this update and acknowledge acceptance of the Grant Agreements in the amount of \$189,050. \$150,000 of the funding is attributable to the airport's annual Entitlement grant. The remaining funding is provided as part of the FAA's discretionary grant program for which the airport has been deemed eligible. The projects to be funded include a Terminal Area Study, which will determine long term staging and traffic flow in the area of the commercial and general aviation terminals. Additionally, the Airport received a grant to fund engineering design of drainage improvements to the runway safety area. These projects have already been approved as part of the City's Capital Improvement Program for the Airport.

Background:

During the past week, the Federal Aviation Administration (FAA) made two (2) separate grant offers to the Visalia Airport, totaling \$189,050, for the above referenced projects at the airport. Congress has not passed a reauthorization of funding for the Airport Improvement Program in over 3 years now. Under the continuing resolution, which provides funding, Visalia had less entitlement funding available than we would have if a reauthorization bill was already approved. The FAA had previously directed all airports to submit project applications based on what is available to airports under the continuing resolution currently in place. Once the FAA received a notification of available funding, they were able to issue Grant offers to airports under the condition that the grant recipients could execute the documents within a very short timeframe to secure funding. The grants were accepted and the funding secured. Pursuant to the FAA's policy of funding 95% of eligible projects, the airport's financial responsibility is \$9,452.50,

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty 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.

which comes from airport revenues and has already been allocated to the airport's capital improvement program.

Future improvements to the airfield and a planned extension of Airport drive around to the West side of the airport will, eventually, necessitate the relocation of the airline terminal. The Visalia Airport is eligible for Federal funding to replace the terminal, but the FAA will only fund terminal improvements after a Terminal Area Study has been completed. The Terminal Area Study will determine current and future air terminal space needs, the size and layout of the building, aircraft parking apron and automobile parking needs. This project will run concurrent with the update of the Airport Layout Plan and provides forecasts for a 20 year timeframe.

Additionally, the FAA has chosen to fund the engineering design for drainage improvements to the runway safety area. During periods of peak rainfall, the existing runoff from the parking aprons and infield areas pools in the safety area and creates a hazard. This project will design a new drainage system to replace the original drainage, which was constructed in the 1970's. Due to the FAA funding issues, they could not fund the construction at this point, but this grant will allow for the project to be designed and "shovel ready" for a point in the future when the grant funding is available.

The airport was successful in qualifying for the additional \$39,050 through recent efforts in working closely with the FAA. The FAA frequently has additional funding available at the end of each fiscal year when other sponsors cannot accept the allocated funding. Consequently, staff submitted an updated Airport Capital Improvement Program to the FAA in July and informed the Regional office that, through our internal Capital Program, the Airport was prepared to accept any additional funding that may come available.

Prior Council/Board Actions:

Council has routinely authorized the acceptance of annual FAA grant agreements in the same manner.

Committee/Commission Review and Actions:

Alternatives: Not authorizing the City Manager to accept the agreement would lead to the loss of the allocated funding.

Attachments: FAA Grant Offer & FAA Terms and Conditions for acceptance of Grant Agreement

Recommended Motion (and Alternative Motions if expected):

I Move to Acknowledge acceptance of the Federal Aviation Administration Grant Agreements for the funding of a Terminal Area Study and engineering design of safety area drainage improvements for the Visalia Municipal Airport..

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10m

Agenda Item Wording: Request authorization to file a Notice of Completion for West Park Unit No. 3, a subdivision (containing 147 single family lots), located at the northeast corner of Linwood Street and Visalia Parkway.

Deadline for Action: August 16, 2010

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:
Adam Ennis, Engineering Services Manager – 713-4323
David Bruce, Public Works Inspector – 713-4188

Department Recommendation:

Staff recommends that Council grant authorization to file a Notice of Completion for the West Park Unit No. 3 subdivision.

Summary/Background:

All of the required improvements for this subdivision have been completed and are ready for acceptance by the City Engineer. The subdivision was developed by Centex Homes. Centex Homes has submitted a maintenance bond in the amount of \$165,955.00 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. The completed improvements include landscaping which will be maintained by the City through Landscape and Lighting District No. 06-07.

Prior Council/Board Actions: The final map recording and Landscape and Lighting District formation were approved by Council at the meeting on September 18, 2006.

Committee/Commission Review and Actions: The tentative subdivision map for West Park Subdivision was approved by the Planning Commission on April 26, 2004.

Alternatives: N/A

Attachments: Developer Disclosure Form and Location Map.

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.): 1Min.

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 hereby move to authorize the filing of a Notice of Completion for West Park Unit No. 3 subdivision.

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 10n

Agenda Item Wording: Request authorization to file a Notice of Completion for Phase One of Tentative Parcel Map 2008-10, Plaza Business Park, recorded as Parcel Map No. 4954 and located north of Crowley Avenue at Plaza Drive.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Community Development Director, 713-4392
Adrian Rubalcaba, Associate Engineer, 713-4271

Department Recommendation:

City staff recommends that City Council grants authorization to file a Notice of Completion for Phase One of Tentative Parcel Map 2008-10, Plaza Business Park, recorded as Parcel Map 4954.

Summary/background: All the necessary improvements for this parcel map have been completed and are ready for acceptance by the City Engineer. Tentative Parcel Map 2008-10 was developed by Mangano Company, Inc. Mangano Company, Inc. has submitted a maintenance bond in the amount of \$ 196,233.00 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. The completed improvements include landscaping which will be maintained by the private development and a portion by the City through Landscape and Lighting District No. 08-04 for the maintenance of local street trees, street lights, and street pavement.

Prior Council/Board Actions: The final map recording was approved by Council at a meeting on April 6, 2009.

Committee/Commission Review and Actions: The Tentative Parcel Map 2008-10 was approved by Planning Commission on July 14, 2008.

Alternatives: N/A

Attachments: Development Disclosure Form and Location sketch/vicinity map.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Phase One of Tentative Parcel Map 2008-10, Plaza Business Park, recorded as Parcel Map 4954.

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 16, 2010

Agenda Item Number (Assigned by City Clerk): 10o

Agenda Item Wording: Request authorization to file a Notice of Completion for the Highway 198 Overcrossing at Santa Fe Street Project No. 1133-00000-720000-0-9236.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Fred Lampe, Project Manager 713-4270
Adam Ennis, Engineering Services Manager 713-4323
Chris Young, Community Development Director, 713-4392

Department Recommendation: Staff recommends that authorization be given to file the Notice of Completion for the Highway 198 Overcrossing at Santa Fe Street Project No. 1133-00000-720000-0-9236.

Summary: The Highway 198 Overcrossing at Santa Fe Street is the first state highway overcrossing constructed with the City of Visalia as the lead agency. The overcrossing connects south Santa Fe Street to downtown Visalia enhancing traffic circulation and improving bus, and pedestrian access to the future Civic Center Complex, the existing Transit Center, and businesses in the downtown area. In the future, Santa Fe Street will be extended north from Houston Avenue to Riggins Avenue providing a much needed north-south connection through downtown Visalia.

The construction was completed by Agee Construction Corporation and has been accepted by the California Department of Transportation. The project was built on time and under the original Measure-R budget. The overcrossing was designed by a consultant group led by Quad Knopf. Mendoza & Associates provided the construction management, resident engineer, and on site inspection services.

The construction was completely funded by Measure-R, the sales tax measure passed by Tulare County voters for transportation related projects.

The final cost of the construction contract is \$5,500,161.93. The original bid was \$5,360,147.10. The change orders were \$140,014.83 or 2.6% of the original bid.

Background: Change orders were made up of various items. There were change orders totaling \$12,341.72 (0.2%) for various signage and traffic control changes, during the course of

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

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.

the 14 month project, to improve and maintain safety within the project limits. Per Caltrans requirements modifications to quantity and type of concrete barriers and guard rails were made on the state highway as well as landscape additions for \$51,690.77 (1.0%). Unforeseen conditions accounted for \$17,439.72 (0.3%). This included repairing existing trenches in Santa Fe Street and Noble Avenue when voids were found under the pavement and soil moisture was too high to achieve adequate soil compaction. An abandoned storm pipe that was leaking was also removed. On the bridge deck and city streets there was \$64,506.37 (1.2%) spent for changes involving architectural lamps and brick finishes, alternate electric services, and irrigation and signal pole modifications. At the end of the project the balance of line item quantities and contract deductions amounted to a savings of \$5,963.75 (-0.1%)

Prior Council/Board Actions:

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

Further budget appropriations: 2000-2008

November 18, 2002 Council adopted a Mitigated Negative Declaration (Resolution #2002-117)

September 2004 – April 2005 Council reviewed conceptual architectural designs for the project

August 6, 2007 Council approved appraisals of properties 1, 2, 7 and 8.

August 20, 2007 Council approved appraisals of properties 3, 4, 5, and 6.

July 14, 2008 Council approved an agreement with Mendoza & Associates for construction management services.

August 4, 2008 Council approved a Resolution of Necessity on property 6 located at 500 S. Santa Fe Avenue. Resolution 2008-43

December 15, 2008 Council awarded the construction contract to Agee Construction.

February 17, 2009 Council awarded the construction engineering and surveying contract to Quad Knopf.

Committee/Commission Review and Actions: None

Alternatives: None Recommended

Attachments: Location Map

Recommended Motion (and Alternative Motions if expected): I move to authorize filing the Notice of Completion for the Highway 198 Overcrossing at Santa Fe Street Project No. 1133-00000-720000-0-9236.

Environmental Assessment Status

CEQA Review: Mitigated Negative Declaration, February 2000

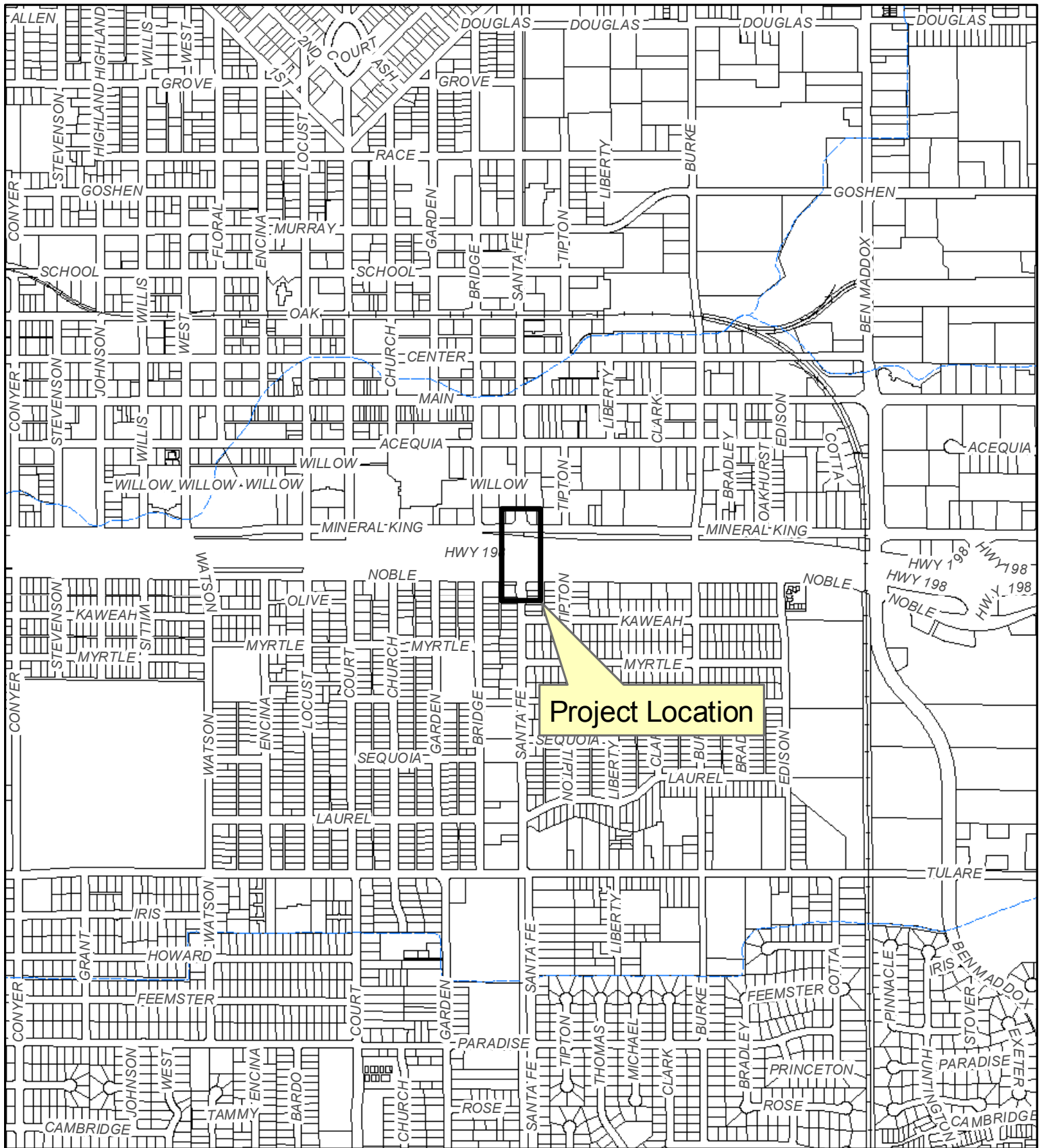
NEPA Review:

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)*

Record the Notice of Completion with the County Recorder.

Pay the contractor's withholding 35 days from recording date.

Copies of this report have been provided to:



Location Map

Santa Fe Street Overcrossing



Scale: 1"=1000'

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording:

Authorization to implement changes to enhance Downtown Parking utilization:

- Increase two-hour on street parking to three-hours
- Provide temporary reduction of West Acequia Parking Permit fees to \$25 per month for remainder of 2010 and for January thru April of 2011 (effective September 1, 2010).

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Adam Ennis, Engineering Services Manager, 713-4323
Chris Tavarez, Management Analyst, 713-4540
Chris Young, Community Development Director, 713-4392

Recommendation: Staff recommends that City Council authorize (Resolution 2010-54) the implementation of the following to encourage more efficient use of downtown parking:

1. Increase two-hour on street parking to three-hour parking in the downtown area
2. Provide temporary reduction of West Acequia Parking Permit fees to \$25 per month for remainder of 2010 and for January thru April of 2011 (effective September 1, 2010).

Discussion: In recent months, City staff has been approached by some Downtown Visalia Stakeholders to consider increasing current two-hour parking to three-hour parking in the downtown area and asked to consider ways to promote greater utilization of reserved parking spaces at the West Acequia Parking Structure. After evaluation of these requests, staff recommends approval of the two items listed above.

There has been mixed reaction from downtown stakeholders. The majority of feedback from stakeholders is in favor of these proposed changes. The Downtown Visalians Board took action in support of the three-hour conversion with a 5-4 vote in favor. Also, on July 27, 2010, the Property Owner's Association Board voted 15-3 in favor of supporting the conversion of two-hour parking to three-hour parking. However, in a letter of support from it's Chairman (William Martin), the Property Owner's Association Board also requested that the Parking Task

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 5.

Review:

Dept. Head _____
(Initials & date required)

Finance _____ **N/A**

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

City Mgr _____
(Initials Required)

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

Force be reinstated to again review and address their previous downtown parking recommendations (presented to Council on January 19, 2010). Staff recommends that the two changes proposed in this report be implemented now. Staff also proposes to “observe the effectiveness” of these proposed changes for about six months. Following this six-month period, comments on the effectiveness of these two “parking changes” would be solicited along with any additional parking recommendations. Staff would then make a “progress report” to the City Council. At that time, proposing additional parking changes or reinstating the Parking Task Force could be considered by Council. As described in the accompanying letters, opposition did not seem to stem from the three-hour parking for shoppers but the ongoing issue of employer/employee parking in on-street parking areas that could be used by customers.

On-Street Parking

Staff Recommendation #1

Staff recommends that Council authorizes staff to convert 2-hour parking into 3-hour parking

Staff’s recommendation to Council is to convert all current two- hour parking in the downtown area to three-hour parking. Downtown merchants appear to be in favor of the increase to provide additional time for customers to shop and use the services offered in the downtown. The additional time would provide the opportunity for multiple stops by customers and potentially multiple purchases. However, the merchants do have some concerns regarding employees and employers using downtown parking that they feel should be available to customers. Staff feels that with the conversion to three-hour parking, the reduction of permit fees in the West Parking Structure and additional future directional signage will encourage and promote awareness of availability of reserved parking and other free all-day parking in the structure that may help dissuade employers/employees from using on-street parking that many Downtown Stakeholders, including the former Parking Task Force, believe should be reserved for customers.

The conversion would apply to all downtown parking areas and would physically consist of placing stickers reading “3” over the current “2”s on the signs where possible and replacing signs where necessary. This would keep costs for conversion as minimal as possible. City Engineering Staff does not anticipate any issues to the City in making the conversion. Based on discussions with City of Visalia Police Department staff, enforcement of the three-hour parking does not appear to be an issue either. Since a portion of the current parking structure spaces are three-hour parking, the police department’s enforcement system is currently positioned to enforce this parking limitation in other areas also. In addition, if the change in parking limits appears to not be successful in the future, additional changes could be made relatively easy and inexpensively by using stickers and only changing signs where necessary as stated above.

The conversion process would begin immediately upon Council approval and would occur over about a thirty-day period using City traffic safety crews. Changes in parking enforcement could begin within a couple of days of council approval with the parking limits being enforced for three-hour rather than two-hour parking while the signing conversion is in process. This enforcement is not “punitive” because it extends the parking period allowed rather than reducing it.

222 West Acequia Parking Structure

Staff Recommendation #2

Staff recommends that Council temporarily decrease the 'Reserved Parking' permit costs to \$25 per month for the remainder of 2010.

Staff's recommendation to Council is to reduce reserved parking permit costs to \$25 per month from the current level of \$75 per month effective September 1st for the remainder of 2010 and for January thru April of 2011. Staff believes reserved parking spaces located on the third floor of the West Acequia Parking Structure can be (and should be) more utilized. Permits are issued on a quarterly basis, so any interested people who purchase for September 2010 would need to also purchase for the remaining months of 2010. For permits issued in April 2011, payment for the second quarter of 2011 would be needed at current pricing of \$75 per month.

This promotional reduction of permit costs and a renewed advertising campaign is hoped to invigorate interest in the spaces. Staff believes along with some downtown area stakeholders that this reduction will encourage downtown business operators and employees to utilize parking spaces in the parking structure and free up parking on the streets. These reserved spaces were created in order to provide convenient, reliable and sheltered parking for downtown businesses and also provide a source of ongoing revenue to help offset costs of the structure. Although this decrease in fee will result in less revenue brought in from the current level, it may be offset by a higher number of permit holders as well as the benefit of freeing up on street parking. Currently about 20% of the available reserved parking spaces have permit holders. Any current permit holders would be credited for any amounts already paid.

During the day the Parking Structure does see heavy use in the 'All Day' parking levels (4th and 5th levels). In recognition of heavy day time use, twenty two (22) reserved parking spaces located on the 4th level will be converted to 'all day' unreserved use, 90 reserved spaces will remain (all on the 3rd level). With the promotion of a reduced rate (that cost less than a parking ticket of \$33) business operators, employees and regular visitors will be encouraged to obtain permits for reserved parking.

This reduction will be promoted with the help of organizations throughout the downtown area (including PBID, Downtown Visalians and the media) for businesses to encourage their employees to utilize these spaces that in turn could help substantially reduce employee use of time restricted on street parking that could be used by customers. Time limited parking in the West Acequia Parking Structure is currently established at a three-hour time limit.

Anyone interested in obtaining a permit may purchase them at City Hall East located at 315 East Acequia Avenue.

Prior Council/Board Actions:

none

Attachments:

Resolution 2010-54

Letter of Support from Downtown Stakeholders

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution 2010-54 that authorizes staff to:

1. Conversion of two-hour downtown parking to three-hour parking
2. Reduce West Acequia Parking Permit fees to \$25 per month for remainder of 2010 and thru April 2011

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

RESOLUTION 2010-54

**RESOLUTION OF THE CITY OF VISALIA
APPROVING CHANGES TO DOWNTOWN PARKING**

WHEREAS, the Council believes it is important for Downtown Parking to be utilized effectively in an effort to promote customer usage and encourage downtown viability; and,

WHEREAS, the Council agrees that the below changes should be implemented in order to enhance downtown shopping; and,

WHEREAS, the Council authorizes the conversion of two-hour on-street parking to three-hour parking in the Downtown Area to encourage customer oriented parking; and,

WHEREAS, the Council authorizes a temporary reduction of fees for reserved quarterly parking permit at the West Acequia Parking Structure at 222 West Acequia to \$25 per month effective September 1, 2010 for the remaining months of 2010 and for January thru April of 2011; and,

WHEREAS, the Council agrees that these changes will help the downtown area and reflects Council's desire to further enhance Downtown Visalia,

NOW THEREFORE BE IT RESOLVED that the Visalia City Council approves these changes to downtown parking as proposed.



**DOWNTOWN VISALIA
PROPERTY OWNERS ASSOCIATION**
110 W. Main Street, Suite D
Visalia, California 93291
(559) 732-7737

William Martin, Chairman
Martin & Martin Properties

Lloyd Mosley, Vice Chairman
Bothof's Bakery

Susan Mangini, Secretary
Mangini Consulting

Tom Gaebe, Treasurer
Vollmer, Daniel, Gaebe & Grove

Anil Chagan; Comfort Suites Hotel

Basil Perch; BJ Perch Construction

David Miller, Pacific Employers

Donna Thompson, Creative Flowers

John Barbis; Barbis Investments

Joseph Cusenza; Cusenza Properties

Larry Lewis; Larry Lewis Architect

Matt Taylor, Taylor Bros. Hot Dogs

Michael Fistolera; Fistolera
Construction

Michael Kreps; Michael Kreps
Architect

Philip Bianco; Bianco Law Firm

Sheila Gonzales, Provost & Pritchard

Stephen Peck; Mangano Company

Tom Link; Link's Men's & Women's
Wear

Vernon Barr; Visalia Community Bank

Michael Williams, Kaweah Delta
Medical Center

Steve Nelsen, Visalia City Councilman
Phil Cox, Tulare County Supervisor

August 6, 2010

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

Dear Mayor and Council Members:

Downtown Visalians member Sam Sciacca has been researching the possibility of changing the current street parking limitation of 2-hours to 3-hours.

In a proposal presented to the Downtown Visalia Property Owner Association July 27, 2010 in which he stated:

"He had spoken to approximately 65 merchants, and met with Steve Salomon, met with Brian Winters, met with Chief Mestas, met with Christ Tavarez, met with Adam Ennis and William Martin (Chairman of PBID)."

Mr. Sciacca further requested support from the board to approve and endorse this change in parking limitations based on the above conversations. Subsequently, the board voted to approve the 3-hour street parking in a split vote with 15 in favor and 3 opposed.

The board recognized that support for the change from 2-hour to 3-hour parking restrictions will be customer friendly but will not solve downtown's parking problems. Therefore, in the same motion the board requested that the Parking Task Force be reinstated to again review and address their previous downtown parking recommendations to council.

Respectfully,

William Martin, Chairman
Downtown Visalia Property Owners Association

C: S. Sciacca



July 30, 2010

Downtown Visalians

110 W. Main Street, Suite D
Visalia, California 93291
Phone: 559 732-7737

EXECUTIVE BOARD

Matt Taylor, President
Taylor Bros. Hot Dogs

David Miller, Vice President
Pacific Employers

Vernon Barr, CFO
Visalia Community Bank

Sheila Gonzales, Secretary
Provost & Pritchard

Donna Thompson, Member-At-Large
Creative Flowers

DIRECTORS

Carol Bott
Bliss Essentials

Ray Duenez
Metropolis Salon

J.R. Guerra
The Cellar Door

Michael Kreps
Architect

J.L. Lara
2 10 Center

Linda Loflin
Buckman Mitchell Insurance

Karl Merten
Café 225

Nate Mustain
Browns Shoe Fit Co.

Janeen Robbins
Janeen's Furniture Gallery

Shelly Wade
Gourmet Wedding Cakes & Dessert

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

Dear Mayor and Council Members:

Downtown Visalians Member Sam Sciacca has been researching the possibility of changing the current street parking limitation of 2-hours to 3-hours.

In a proposal presented to the Downtown Visalians Board of Directors Tuesday, July 27, 2010 in which he stated:

"He had spoken to approximately 65 merchants, and met with Steve Salomon, met with Brian Winters, met with Chief Mestas, met with Christ Tavarez, met with Adam Ennis and William Martin (Chairman of PBID)."

Mr. Sciacca further requested support from the board to approve and endorse this change in parking limitations based on the above conversations. Subsequently, the board voted to approve the 3-hour street parking in a split vote with 5 in favor and 4 opposed. None of the board members were opposed to providing 3-hour parking for shoppers; however, until downtown addresses the issue of employer/employees parking in customer spaces, some members of the board felt we would be adding to the problem.

Respectfully,

Matt Taylor, President
Downtown Visalians

C: S. Sciacca

City of Visalia
Agenda Item Transmittal

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: Adoption of a Resolution authorizing participation in the San Joaquin Valley Partnership through the Smart Valley Places Compact. (Resolution 2010-55)

Deadline for Action: August 23, 2010. This is due to the requirement for the City to be official participants in the Federal grant application, whose submittal deadline is August 23, 2010.

Submitting Department: Community Development Department

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

Department Recommendation: Staff recommends that the City Council adopt the resolution to participate in the San Joaquin Valley Partnership through the Smart Valley Places Compact. Doing so will make the City eligible for a portion of the \$5 million Federal grant money for which the consortium of participating Valley cities will request by the August 23, 2010 deadline.

The resolution and compact recommended for Council adoption has been revised to emphasize local management of sustainable planning efforts and community outreach. The original resolution and compact provided by the Smart Valley Places collaboration is also attached. The original document emphasized a more regional planning approach that is not recommended by staff.

Background and Summary: The San Joaquin Valley Partnership is a recently formed consortium of Central Valley cities that will compete for a recently funded Federal grant that promotes sustainable growth practices on a regional basis. The Smart Valley Places Compact is the document that spells out the organizational structure of this cooperative affiliation.

Over the past few months Visalia staff has been participating in the concept that has been in large part spearheaded by the Cities of Fresno, Clovis, and Modesto, and a Central Valley representative of the Federal Department of Housing and Urban Development (HUD). This is proposed to be a cooperative venture among independent cities throughout the entire region. To date 15 of the 16 potentially eligible cities have indicated their intent to participate. The City of Bakersfield has declined participation. The list of participating cities is provided in Attachment

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____

Finance _____

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

City Mgr _____

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

2. This is a first for our region, although a regional collaboration of communities has been successful in winning Federal grant money in other regions of the state and the country.

The City's offer for participation is up to four hours of staff time per week, shared access of the City's General Plan Update documents, and other long range planning documents. GIS mapping access will be limited to that already available to the general public.

The City has asserted from the start that it will not provide or incur any monetary financial obligations in this process. Further, the City will not be obligated to comply with any new land use policy, or support the creation of a new regional regulatory entity. Finally, the City will be free to opt out of the Compact at any time. These stipulations are reiterated in the resolution authorizing the City's participation. The City Attorney has reviewed the Compact document and has found it to be acceptable to the City's best interests.

Discussion: The resolution would approve participation in the San Joaquin Valley Partner Cities in the Smart Valley Places Compact. This would enable our City and the other participating cities to collectively compete for Federal funds to develop planning tools to implement smart growth principle in major urban areas of the eight-county region.

The cooperative affiliation up to this point has been "ad-hoc" among several elected officials, city managers, and planners representing the larger cities in the region. The purpose of the Compact is to define the principles and governance structure to continue the collaborative effort, including preparing the Federal grant application. It is believed that collaboration will increase the chances success in obtaining some of the Federal grant money.

The City's grant request list totals \$568,500. Several funding categories overlap, and full award is extremely remote. The City's match in most cases is the already funded portions of the consultant contract and already programmed City staff time for the tasks. Overall, the grant money is to cover some of the presently approved but unfunded portions of the General Plan Update work program (please see Attachment 1 for the itemized list). The Compact is requesting a total \$5 million, of which \$3.75 million would be allocated among the participating cities. The administration of the Compact would be provided by the California Partnership, the umbrella non-profit organization that operates through Fresno State University. Funding for the Compact's administration would be obtained as a percentage of any grant money awarded by HUD.

It is important to emphasize that our City, as with the other similarly positioned cities participating in the Compact partnership, are doing so as a means of securing Federal funds to develop locally produced planning policies and initiatives. In addition, the cities see the value in sharing our work where one jurisdiction's experience may help the other jurisdictions. However, retaining local autonomy in every aspect of the partnership is the key underlying premise and stipulation in Visalia's and the other cities participation in the Partnership.

In discussions with staff from the City of Fresno (lead city in the grant effort) and Federal Department of Housing and Urban Development (funding agency), it was understood that participating cities were free to participate to the extent they are comfortable with, while contributing successful work to a regional repository for "best practices" in sustainable planning. While portions of the grant process are being discussed to include components to be applied on regional basis (such as community outreach) staff recommends that grant activities for Visalia be managed locally.

Therefore, after consultation with other participating cities and HUD, staff recommends adoption of the attached revised resolution and compact with references to regional planning deleted.

Also attached are the original resolution and compact with references to regional planning. While staff is not recommending these documents, Council may determine that the original documents are acceptable for adoption.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: 1. Not participate in the Partnership
2. Adopt original resolution and compact

Attachments: 1. City of Visalia Smart Valley Places, July 6, 2010 (Revised July 19, 2010)
2. List of Eligible Partnership Cities
3. Resolution Authorizing Participation with Compact Agreement attached
(Resolution and Compact as revised b City staff)
4. Original Resolution and Compact agreement

Recommended Motion (and Alternative Motions if expected): I move that the Council adopt the revised resolution authorizing participation in the San Joaquin Valley Partnership through the Smart Valley Places Compact.

Environmental Assessment Status

CEQA Review: N/A

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.)

**VISALIA CITY COUNCIL
RESOLUTION NO. 2010-55**

**RESOLUTION APPROVING PARTICIPATION WITH
SAN JOAQUIN VALLEY PARTNER CITIES IN THE
SMART VALLEY PLACES COMPACT**

WHEREAS, the San Joaquin Valley (Valley) is recognized as integral to the continued growth and sustainability of California, and the Valley's cities will be the focus for successfully accommodating future growth and implementing sustainability; and

WHEREAS, the Valley region has shared challenges for continued economic growth and urban development, preservation of the rich agricultural land base and water resources, improved education and health, and sustainability; and

WHEREAS, the Smart Growth Principles represent many shared planning principles among the cities of the San Joaquin Valley in achieving a San Joaquin Valley Blueprint; and

WHEREAS, a partnership among Valley cities is an effective way to create and coordinate a pool of resources, templates, and best practices for long-term San Joaquin Valley viability, and

WHEREAS, Smart Valley Places is being established as a partnership among cities and other local and regional partners with the purpose to provide shared resources in achieving sustainable development for the San Joaquin Valley, and

WHEREAS, it is desirable that partner cities of Smart Valley Places enter into a COMPACT and commit to each other to share planning principles while adhering to the preservation of local autonomy in developing planning policies; and

WHEREAS, the initial eligible partner cities for voting membership in the Smart Valley Places COMPACT are the 16 federally defined and recognized Urbanized Areas (50,000 population and over) in the eight counties of San Joaquin Valley region, and

WHEREAS, the Smart Valley Places COMPACT provides for governance by an Executive Committee of City Managers appointed and empowered by their respective City Councils to provide policy guidance and administrative oversight for Smart Valley Places network related contracts, agreements, grant applications and awards, resource allocations, and evaluation of programs that are specifically awarded grant funding thru the Smart Valley Places COMPACT, a multi-city Planners Steering Committee, and other directly related network business, and

WHEREAS, the California Partnership for the San Joaquin Valley and the CSU Fresno Foundation are designated to act as the initial fiscal agents for grant applications from and funding awards to the Smart Valley Places COMPACT cities under terms defined in a contractual agreement approved by the Smart Valley Places COMPACT Executive Committee, and

WHEREAS, the City of Visalia intends to share planning principles for the Valley region and to work collaboratively with other Valley cities to locally define and implement sustainable development for the

San Joaquin Valley as outlined in the Smart Valley Places COMPACT, to the extent practical and desirable to the City of Visalia, and

WHEREAS, a public meeting was held on August 16, 2010 at which time and place participation in the Smart Valley Places COMPACT was considered by the Visalia City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Visalia that it hereby agrees and affirms that participation in the Smart Valley Places COMPACT, in conjunction with the other Smart Valley Places COMPACT partner cities referenced herein, is desirable to help facilitate continued economic growth and urban development, preservation of the rich agricultural land base and water resources, improved education and health, broader prosperity, and to enable implementation of the essential elements of long-term sustainability in both Visalia and the greater San Joaquin Valley to the extent practical, feasible, and desirable to the City of Visalia.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to participate as a voting member of the Smart Valley Places COMPACT Executive Committee and to execute all necessary grant documents, agreements, MOUs and other documentation needed to carry out the business of Smart Valley Places on behalf of the City of Visalia.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to commit only non-monetary (in-kind) resources in the course of participation in the Smart Valley Places COMPACT.

BE IT FURTHER RESOLVED that the City Manager, shall first refer any motion introduced for adoption in conjunction with the Smart Valley Places COMPACT that would subrogate the City of Visalia's local land use authority or autonomy to this City Council before voting in the affirmative for such motion.

BE IT FURTHER RESOLVED that the City of Visalia specifically reserves the right, at its sole discretion, to terminate participation in the Smart Valley Places COMPACT at any time.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Visalia held on the _16th day of August, 2010, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon roll call carried and the resolution adopted by the following vote:

SMART VALLEY PLACES

'A Region of Partner Cities' COMPACT for a Sustainable San Joaquin Valley

1. Shared Planning Principles for a Regional Plan for Sustainable Development

The San Joaquin Valley is recognized as a critical geography and resource area for the continued growth and sustainability of California and for the West Coast of the United States. But the Valley, and especially its cities which will be the focus for successfully accommodating future growth and implementing sustainability, face significant and daunting economic, revitalization, affordable housing, social, environmental, public health, natural and fiscal resource, and other challenges.

The parties to this Smart Valley Places COMPACT affirm that much collaborative work has been accomplished as a region to assess our shared challenges and to identify shared planning principles for continued economic growth and urban development, preservation of the rich agricultural land base and water resources, improved education and health, broader prosperity, and to enable implementation of the essential elements of long-term success, and that these parties commit to each other to share planning principles to the extent practical for each individual city, and incorporate them into their respective local policies and codes through a process that engages all stakeholders and residents in order to comprise and facilitate the implementation of a comprehensive regional plan for sustainable development.

The shared principles acknowledged here include:

The Smart Growth Principles adopted and established as the benchmark for achieving a San Joaquin Valley Blueprint:

- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Encourage community and stakeholder collaboration
- Foster distinctive, attractive communities with a strong sense of place
- Make development decisions predictable, fair, and cost-effective
- Mix land uses
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Provide a variety of transportation choices
- Strengthen and direct development towards existing communities
- Take advantage of compact building design
- Enhance the economic vitality of the region
- Support actions that encourage environmental resource management

The six major initiatives of the California Partnership for the San Joaquin Valley Strategic Action Proposal developed by the ten regional work groups for economic development, higher education and workforce development, K-12 education, transportation, land use, agriculture and housing, air quality, water, energy, health and human services, and advanced communications services and information technology – to build on the existing strengths and address the current challenges to achieve a

Prosperous Economy, Quality Environment, and Social Equity—the “3Es” of sustainable growth for the San Joaquin Valley:

- Grow a Diversified, Globally-Competitive Economy Supported by a Highly-Skilled Workforce
- Create a Model K-12 Public Education System
- Implement an Integrated Framework for Sustainable Growth
- Build a 21st Century Transportation Mobility System
- Attain Clean Air Standards
- Develop High-Quality Health and Human Services

The HUD-EPA-DOT Livability Principles:

- **Provide more transportation choices.** Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation’s dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.
- **Promote equitable, affordable housing.** Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.
- **Enhance economic competitiveness.** Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers, as well as expanded business access to markets.
- **Support existing communities.** Target funding toward existing communities—through strategies like transit oriented, mixed-use development, and land recycling—to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.
- **Coordinate and leverage policies and investment.** Align policies and funding to remove barriers to collaboration, leverage funding, and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.
- **Value communities and neighborhoods.** Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods—rural, urban, or suburban.

2. Smart Valley Places Network and Purpose

Smart Valley Places is a formal network of partner cities, other jurisdictional partners, public agencies and institutions, private, nongovernmental and community-based organizations with the united purpose to locally define and implement effective strategies for sustainable development for the San Joaquin Valley.

Smart Valley Places asserts that a direct partnership among Valley cities is the best and most effective way to create and coordinate a pool of resources, templates, models, and technical expertise to help achieve sustainable planning practices in the San Joaquin Valley.

Smart Valley Places builds recognizes the recommendations of the California Partnership for the San Joaquin Valley, the eight county Blueprint planning efforts, smart planning in individual member cities and counties, and the technical expertise of and partnership with councils of governments, research universities, institutes, and more advanced cities and regional associations in California and the U.S.

Smart Valley Places partner cities are committed to individually developing, applying, evaluating, sharing, and mentoring other Valley cities and rural community partners in the implementation of an array of proven and best practice smart land use planning tools, model plans and development codes, climate action strategies, sustainability policies and programs, and related public education, engagement, and leadership development initiatives.

3. Smart Valley Places Cities COMPACT

A. Initial Partner City Membership

The initial eligible partner cities for voting membership in the Smart Valley Places network are the 16 federally defined and recognized Urbanized Areas (50,000 population and over) in the eight counties of San Joaquin Valley region, represented as follows:

- Cities of Stockton, Tracy, Manteca, and Lodi in San Joaquin County
- Cities of Modesto and Turlock in Stanislaus County
- City of Merced in Merced County
- City of Madera in Madera County
- Cities of Fresno and Clovis in Fresno County
- City of Hanford in Kings County
- Cities of Visalia, Porterville and Tulare in Tulare County
- Cities of Bakersfield and Delano in Kern County

The expansion of voting membership in the Smart Valley Places COMPACT network through the addition of cities and other partners is anticipated as network organization and member performance capabilities increase over time to have the ability to accommodate member expansion.

B. Governance

Smart Valley Places - Executive Committee

City Councils of participating city COMPACT partners authorize their City Managers to be their voting representatives on the Executive Committee of Smart Valley Places, with one vote for each partner city. The Executive Committee will meet as often as necessary to provide policy guidance and administrative oversight for Smart Valley Places network related contracts, agreements, grant applications and awards, resource allocations, evaluation of programs, and any other network business or communications, and to review, evaluate, and direct the work of the Planners Steering Committee, but will meet no less than two times per calendar year.

Smart Valley Places – Planners Steering Committee

The Planners Steering Committee of participating city COMPACT partners is formed by the appointment from each City Manager of the Planning Director and/or Assistant Planning Director from each participating city partner. The Planners Steering Committee will meet as frequently as it prescribes for itself – in order to monitor and encourage achievement of Smart Valley Places COMPACT goals for sharing of effective strategies for sustainable development, and to coordinate and prepare information for the Executive Committee related to Smart Valley Places network related contracts, agreements, grant applications and awards, resource allocations, evaluation of programs, and any other network business or communications.

Smart Valley Places – Initial Regional Lead and Fiscal Agents

The California Partnership for the San Joaquin Valley and the CSU Fresno Foundation will act as the initial regional lead and fiscal agents for the Smart Valley Places Cities COMPACT – acting as an umbrella organization, grant applicant, and fiscal fiduciary under terms defined in a contractual agreement approved by the Executive Committee for Smart Valley Places grant proposals and other funding applications and resources until Smart Valley Places either has the legal status be its own applicant and fiduciary or chooses other agents.

City of Visalia
Agenda Item Transmittal

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 13

Agenda Item Wording: Authorization to amend the City's Rates and Fees for fiscal year 2010-11, with new fees added to the following services; two additional fire inspection fees, and a police nonexclusive franchise fee for rotational tow operators.

Deadline for Action: None

Submitting Department: Administration - Finance

Contact Name and Phone Number:

Eric Frost	Admin. Services Director	713-4474
Mark Nelson	Fire Chief	713-4218
Colleen Mestas	Police Chef	713-4215

Recommendation:

That City Council 1) conduct a Public Hearing to receive public testimony on adjusting the City's Rates and Fees; and, 2) direct staff to amend the City's Fee document for the proposed fees beginning Monday, August 23, 2010.

The proposed rate and fee adjustments were reviewed by the Citizens Advisory Committee and recommended for Council adoption on August 4th, 2010.

General Discussion:

Fire

The City has a responsibility to inspect businesses on a periodic basis to ensure fire safety. For some businesses, this is required by State mandate. For others, the requirement is due to City ordinance. Most fire inspections require two site visits, the initial inspection and a follow up visit to ensure any deficiencies have been corrected. With approximately 5,000 businesses located in the City of Visalia, there is a potential need for 5,000 inspections requiring up to 10,000 site visits each year.

The current fire inspection team consists of 1.5 employees assigned to the inspection program along with assistance provided by the engine companies. One full-time inspector, with proper support, should be able to accomplish 900 inspections a year. Each engine company is assigned 10 inspections to complete each month, in addition to their regular duties. All together, the current team inspects approximately 2,500 businesses each year. Due to a lack of resources, the fire inspection team struggles to complete State mandated inspections on an annual basis. The City is sometimes forced to revise schedules for inspections required by local ordinance to once every two or three years.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_15__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

In the 2010-12 budget, Council approved the addition of one fire inspector as well as funding for two, half-time hourly employees and administrative support. With these additional resources, the fire inspection team will be assigned an additional 2,200 inspections annually. With the capability to conduct a total of 4,700 inspections annually, the team will be much closer to the ultimate goal of annual inspections for all City of Visalia businesses. As shown below, the additional fire inspection staff will cost the City a total of \$165,000.

Fire Inspector (Full-Time)	\$	95,000
(2) Hourly Positions		30,000
Administrative Support		40,000
		<u>\$ 165,000</u>

Staff is proposing to pay a portion of these increased costs by implementing new fire inspection fees. Inspections are performed on four types of businesses. Of the four, only two types are required to pay a fire permit fee to the City.

Businesses Requiring permits:

- Hazardous Use Businesses (\$62 permit) – These are businesses that use, sell, or store any hazardous product or material (ex: welding materials, lumber, gas products, bug sprays, paint) and also include restaurants that can serve 50 or more people at a time. The \$62 permit fee is charged for each business type with a maximum of two permit fees charged per business.
- Large Family Residential Day Care Facilities (\$50 permit) – These are state registered day care facilities, are run out of a home, care for more than six children, and are to be inspected annually.

The remaining two types of businesses currently receive fire inspections free of charge. The City requires these inspections for safety reasons but they should also be recognized as a valuable service provided to businesses. A properly performed fire inspection will identify existing hazardous conditions which could place life and property at risk. The City proposes businesses not currently required to pay a permit fee be charged the following annual safety inspection fees.

Businesses proposed to pay new safety inspection fees:

- Operational Business (Proposed annual Safety Inspection fee of \$20) – These are businesses that do not use, sell, or store any hazardous product and also includes restaurants that serve less than 50 people at a time. These are typically businesses in office buildings, mini marts that do not sell fuel, and small fast food businesses. The majority of businesses in Visalia fall into this group. This fee would generate \$54,245 in revenue to pay a portion of the cost of these inspections.
- Apartment Complexes (Proposed annual Safety Inspection fee of \$5 per unit / \$500 maximum fee) – The State mandates all apartment complexes be inspected annually. This new inspection fee for the common areas of apartment complexes such as, addresses and unit numbering, KNOX Box, storage closets, gas/electric meters, hot water heaters, fire extinguishers and fire lanes, etc. (as per the California Fire Code) covers all multi-family residential dwellings of 3 or more units. There is currently no fee being charged for inspections of these dwellings. The new fee is proposed at \$5 per unit with a maximum of \$500 for each Apartment Complex.

With an estimated 4,775 in the City, this fee would generate \$23,875 in revenue to pay a portion of the cost of these inspections.

The additional estimated revenue raised from these two new fees would be \$78,120. Along with existing permit fees which generate \$58,280 annually, the fire inspection work group would be expected to raise annual revenues of \$136,400.

Police

In calendar year 2008 and 2009 respectively, approximately 2,364 and 1,896 vehicles were stored or impounded as a result of routine traffic and law enforcement activities conducted by the Visalia Police Department.

The Police Department currently has twenty-five companies on a rotational tow operators list. These companies offer tow services for the Department. Staff's evaluation of the cost of administering the rotational tow operators list determined that a nonexclusive franchise fee of \$50 per tow would recover the costs incurred by the City. By implementing this nonexclusive franchise fee of \$50 each time a vehicle is towed, the towing company would essentially pay the cost of the City administering the rotational tow operators list. The nonexclusive franchise fee, or "franchise fee" would be paid monthly by each tow company directly to the Police Department. If this franchise fee had been in place for the prior two years, the City of Visalia would have recovered \$118,200 in 2008 and \$94,800 in 2009.

The companies on the rotational tow operators list are held to a higher standard than a normal tow company doing business within the City. The Police Department maintains the oversight of these companies, and has personnel assigned to ensure compliance. With strict guidelines for the tow operators to follow, our citizens have the benefit of guaranteed response times, proper equipment, and overall quality of the services they are receiving. On-site inspections are conducted of the tow facilities and vehicles, and all drivers are subjected to a background screening process before they are allowed to provide service to our citizens. Failure to meet any of the guidelines can subject the tow company to censure, including citation, suspension, up to complete removal from the tow rotation. The City prides itself with long history of providing quality service to the citizens. The City currently bears the fiscal burden of maintaining the high level of tow services to the people of our community, and the oversight of the tow companies.

On June 1, 2010, a meeting was held with the owners of the tow companies on the City's current tow rotation list regarding the possibility of implementing a franchise fee. During the meeting, the franchise fee concept was brought up with the tow operators, and the program was supported by the entire group. The group requested they be allowed to raise their current towing fees to off-set the franchise fee. The Visalia Police Department Tow Service Agreement is a contract between the Police Department and the tow companies, and allows the Traffic Supervisor to set, raise or reduce tow fees charged to the consumer by the tow company. If the franchise fee is added by the City, the Traffic Supervisor would be approved to allow the tow companies to recover the franchise fee from the consumer.

Proposed Nonexclusive Franchise Fee (\$50 per rotational tow):

The Police Department is proposing a new Nonexclusive Franchise Fee ("Franchise Fee") be charged to the rotational tow company each time a vehicle is towed, stored or impounded at the request of the Police Department. There is currently no fee being charged for the administration of the rotational tow operators list. The new fee is proposed at \$50 per tow.

Summary:

Staff recommends that City Council review the proposed fee adjustments, hold a Public Hearing to receive public testimony on adjusting the City's Fees, and after taking citizen input, if Council concurs with the proposed new fees, to adopt the City's amended Fee schedule.

Prior Council / Board Actions: Adoption of the City of Visalia 2010-11/2011-12 multi-year budget which directed management to seek to implement Fire Inspection Fees, and a Police nonexclusive franchise fee for rotational tow operators.

Committee / Commission Review and Actions:

Citizens Advisory Committee (CAC) August 4, 2010

Alternatives: Partially amend or do not amend the proposed fees.

Attachments: Resolution #2010-56
A – Rates & Fees Document

Recommended Motion:

1.) I move to open the Public Hearing to receive public input on the proposed adjustments to amend the City's Rates and Fees for Fire Inspection Fees and Police Nonexclusive Franchise Fee for rotational tow companies.

2) I move staff be directed to amend the City's Fee document for the proposed fees beginning Monday, August 23, 2010.

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

RESOLUTION NO. 2010- 56

A RESOLUTION OF THE COUNCIL OF THE CITY OF VISALIA, APPROVING THE NEW FIRE INSPECTION FEES AND THE NEW POLICE NONEXCLUSIVE FRANCHISE FEE FOR ROTATIONAL TOW OPERATORS TO THE RATES AND FEES BEGINNING AUGUST 17, 2010, AND

WHEREAS, the adjustments to the City's Rates and Fees are recommended; and

WHEREAS, Resolution No. 92-123 established a policy and procedure for the annual review and approval of the City fees and charges which is compiled in a document entitled: *City of Visalia Administrative Policy on Fees and Charges*; and

WHEREAS, the City of Visalia has complied with its fee adjustment policy and procedures, its ordinances related to fee adjustment, the California Constitution, and California statutes relating to the adoption and amendment of fees and charges; and

WHEREAS, the fees and charges related to ministerial projects are statutorily exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15268; and

WHEREAS, adoption of the Fire Inspection Fees and the Police Nonexclusive Franchise Fee for Rotational Tow Operators are consistent with, and addressed in, the adopted 2010-11/2011-12 multi-year budget.

WHEREAS, the Charter of the City of Visalia authorizes the imposition and adjustment of fees for city services including city-wide administrative services, general governmental services, community development services, community services, public safety services, public works services and engineering and transportation services, and directs the City Council to establish fees by resolution to provide for their adjustment; and

WHEREAS, in compliance with California Government Code Section 66016, et seq., notice of the time and place for the hearing on adjustment of the fees outlined herein has been given; and

WHEREAS, the City Council of the City of Visalia has reviewed the proposed City of Visalia Rates and Fees proposal for Fiscal Year 2010/11 regarding the adjustments to the City's Rates and Fees including public safety rate and fees; and

WHEREAS, the City Council of the City of Visalia did conduct a public hearing on the proposed rates and fee adjustments for the fiscal year 2010/11 to the Rates and Fees Schedule on August 16, 2010.

NOW, THEREFORE, the City Council of the City of Visalia finds:

1. The fee and charge adjustments proposed herein comply with the *City of Visalia Administrative Policy on Fees and Charges*; and
2. The findings required by authorizing ordinances enumerated herein to adopt fees have been made as a part of the respective original adopting resolutions of the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia adopts the adjustment of the Rates and Fees for the fiscal year 2010/11. Unless otherwise indicated in the Rates & Fees document (attached hereto as Attachment "A"), these rates and fees go into affect on August 17, 2010.

PASSED AND ADOPTED: _____

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

I, _____, City Clerk of the City of Visalia, certified the foregoing is the full and true Resolution No. 2010-_____, passed and adopted by the Council of the City of Visalia at a regular meeting held on August 16th, 2010.

DATED: _____, CITY CLERK

Attachment A

FIRE

20.00 Per Inspection Operational Business Safety Inspection
5.00 Per Unit Apartment Complex State Mandated Fire Inspection
Maximum \$500

POLICE

50.00 Per Tow Nonexclusive Franchise Fee for Rotational Tow Operators

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 14a

Agenda Item Wording: Request to adopt various Resolutions and motions in conjunction with financing the proposed upgrades to the Wastewater Treatment Plant to meet clean water standards and to recharge the City's aquifer, authorizing:

1. Submission of a financing application to the State Water Resources Control Board.
2. Declaration of the City's intent to reimburse itself for costs.
3. Declaration of funding source to repay the proposed Waste Water Financing.
4. Early payment of the 2002 Waste Water Treatment Plant bonds on December 1, 2010, or thereafter, contingent upon the availability of funds after financing for the WCP modifications is secured.

Deadline for Action: August 16, 2010

Submitting Department:

Contact Name and Phone Number:

Eric Frost, Administrative Services Director	713-4474
Andrew Benelli, Public Works Director	713-4340
Kari Blofsky, Financial Analyst	713-4298
Tim Fosberg, Financial Analyst	713-4565

Department Recommendation:

Staff recommends that the Visalia City Council adopt three Resolutions required by the California State Water Resources Control Board's for The Clean Water State Revolving Fund for construction of the proposed upgrades to the Wastewater Treatment Plant, namely:

1. An application / authorization resolution indicating the City's desire to borrow funds;
2. A reimbursement resolution allowing the City to reimburse itself for costs incurred prior to finalizing the loan. The City may reimburse itself for no more than is declared in the resolution. To provide a measure of security, 10% more or \$110 million is being asked for in the resolution in case the project costs more than anticipated; and,

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5 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.

3. A revenue source dedication resolution stating that the City will pledge revenues from the waste water enterprise to repay the proposed loan.

In preparing these documents, staff reviewed the prepayment options on the 2002 Waste Water Treatment Plant Bonds. Based upon that review, staff recommends:

4. Authorizing the prepayment of the 2002 Waste Water Treatment Plant Bonds on December 1, 2010, or thereafter, contingent upon the availability of funds after financing for the WCP modifications is secured.

Discussion:

The City of Visalia's Water Conservation Plant (WCP) operates under a discharge permit issued by the State Water Resources Control Board (SWRCB) and administered by the Regional Water Quality Control Board. Modifications to the WCP are required to bring the city into compliance with the discharge permit. The modifications including the water re-use project are currently estimated to cost approximately \$100 million.

The State Revolving Fund (SRF) program makes monies available for various water and wastewater projects throughout the state. High on their list of funding priorities are water recycling and reuse projects. The City has assigned a SRF Program Manager and has begun the process of securing funding. The project is assumed to be \$100 million. The SRF loan offers the following benefits to the City:

- Interest at ½ of the bond rate (current SRF rate is 2.3% approximately)
- Delayed payments until one year following project completion
- Typical Bond fee is 2-3% of the issue amount; the SRF has an administrative fee of ½%
- Term of loan is 20 years.

Several key financial points to remember are:

1. The City does not have the ability to self finance the required treatment plant improvements.
2. The best financing alternative for the City is the State Revolving Fund. Their current interest rate is 2.3%.
3. As of December 1, 2010, The Wastewater Enterprise Fund (4315) along with the Wastewater Trunk line Construction fund (1231) and the Sewer Connection fund (1232) will have an outstanding debt of \$5,210,000 which will mature in various amounts until 2017. The interest rate to be paid on this bond averages 4.15% over its remaining 7 years. With the City's current portfolio earnings rate of approximately 1%, the City should consider using any available cash in the Wastewater Funds to pay this debt off, saving the difference between what is being earned on the cash balance (1%) and what it is being paid in interest on the bond (4.15%).

The first date prepayment is allowed on this debt will be December 1, 2010. Any prepayment between December 1, 2010 and November 31, 2011 will require the City to pay a 1% premium (penalty). Beginning with December 1, 2011, the debt may be prepaid with no penalty. Because the gap between the two interest rates (earned and paid) is so wide, the prepayment penalty should not discourage the City from choosing

to prepay the debt during the penalty period. Comparing the costs of waiting until Dec. 1, 2011 against paying the debt off in 2010, staff analyzed the benefits of paying off the bonds as follow in Table I, Early Payoff Analysis:

Table I
Early Payoff Analysis

<u>Benefit</u>	
Avoid 10/11 Interest Payment	\$ 229,365
<u>Cost</u>	
Loss of Interest Earnings	(52,621)
Pre Payment Penalty	(52,100)
Net Benefit	\$ 124,644

By paying the bonds off in December of 2010, the City can avoid an additional year's worth of interest cost. This benefit would be reduced by the amount of the prepayment penalty and lost interest earnings from the cash used to pay the debt. By paying off the debt early, the City could save over \$100,000 in interest as opposed to waiting another year to pay off the debt without the prepayment penalty.

The funds to pay off the debt would come from accumulated cash in the Waste Water fund. This money could be used to pay for part of the WCP modifications, if necessary. To accomplish the prepayment of the current debt of \$5,210,000, the City will need to secure financing for the WCP modifications without using the accumulated Waste Water fund cash balance. While staff recommends the prepayment of this debt, they also recommend the prepayment not be made until the City has secured full financing for the WCP modifications. If sufficient cash remains after the WCP modifications are paid for, staff would then proceed with the prepayment of this debt.

To submit the State Water Resources Control Board's (SWRCB) application for funding from The Clean Water State Revolving Fund (CWSRF), for the proposed required upgrades to the Wastewater Treatment Plant the following Resolutions are required.

1. Application / Authorization Resolution
2. Reimbursement Resolution
3. Dedicated Source of Revenues Resolution

In addition, staff is asking that the Council direct:

4. Staff to prepay the 2002 Waste Water Treatment Plant Bond principal (\$5,210,000) on December 1, 2010, or thereafter, contingent upon the availability of funds after financing for the WCP modifications is secured.

#1 – Application / Authorization Resolution:

The CWSRF requires each recipient to direct an individual(s) to be authorized to sign and file on behalf of the City, to execute an agreement and to comply with all applicable state and federal statutory and regulatory requirements.

#2 – Reimbursement Resolution:

If the City wishes to repay itself for expenses incurred before the CWSRF loan is approved, CWSRF requires the City to state its intention to be reimbursed for project expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds. Also required is for the City to state the maximum requested funding amount for the capital project. To provide a measure of contingency, the resolution puts the maximum project amount at \$110 million, 10 percent more than what is expected. The City may borrow no more than this amount.

#3 - Dedicated Source of Revenue Resolution:

The CWSRF requires each recipient to establish one or more dedicated sources of revenue for repayment of the CWSRF. A dedicated source can be a special assessment, general taxes, general obligation bonds, revenue bonds, user charges, or other sources. For the City of Visalia the dedicated revenue will be the Wastewater Treatment Plant's User Fees and Charges.

Committee/Commission Review and Actions: None

Alternatives: Funding from other sources would be at a significantly increased interest rate.

Attachments: Application / Authorization Resolution #2010-51
Reimbursement Resolution #2010-52
Dedicated Revenue Source Resolution #2010-53

Recommended Motion (and Alternative Motions if expected)

I move to adopt:

- 1) the Application Resolution;
- 2) the Reimbursement Resolution; and,
- 3) the Dedicated Source of Revenues Resolution;
- 4) the Prepayment of the 2002 Wastewater Bond Issue contingent upon available funding;

in conjunction with the funding from the California State Water Resources Control Board for the proposed upgrades to the Wastewater Treatment Plant.

Environmental Assessment Status

CEQA Review:

NEPA Review:

Copies of this report have been provided to:

City of Visalia
APPLICATION/ AUTHORIZATION
State Water Resources Control Board
RESOLUTION NO. 2010-51

BE IT RESOLVED by the Visalia City Council that the City Manager is hereby authorized and directed to sign and file, for and on behalf of the City of Visalia, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Visalia Water Conservation Plant Upgrade Project; and

BE IT RESOLVED that the City of Visalia hereby agrees and further does authorize the aforementioned representative or his/her designee to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financial assistance received from the State Water Resources Control Board; and

BE IT FURTHER RESOLVED that the City Manager or his/her designee of the City of Visalia is hereby authorized to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the City of Visalia.

City of Visalia
REIMBURSEMENT RESOLUTION
State Water Resources Control Board
RESOLUTION NO. 2010-52

WHEREAS, the City of Visalia (the "Agency") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE AGENCY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is \$110,000,000.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

AYES: _____ NOES: _____ ABSENT: _____

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Visalia City Council held on August 2, 2010

(Donjia Huffman, Deputy City Clerk)

City of Visalia
DEDICATED REVENUE SOURCE
State Water Resources Control Board
RESOLUTION NO. 2010-53

The City of Visalia hereby dedicates the Waste Water Enterprise's net operating revenues to the payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing on Regional Recycled Water Distribution System-Phase 1 Project No. C-06-4846-110. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 16, 2010

Agenda Item Number (Assigned by City Clerk): 14b

Agenda Item Wording: Authorization to award various RFPs associated with equipment pre-selection for the Water Conservation Plant upgrade project.

Deadline for Action: none

Submitting Department: Public Works

Contact Name and Phone Number: Jim Ross, Public Works Manager, 713-4466

Department Recommendation:

Staff recommends that Council award the following RFPs associated with equipment pre-selection for the Water Conservation Plant upgrade project:

- RFP No. 09-10-53, Membrane Bioreactor (MBR) equipment to Zenon of Ontario, Canada in the amount of \$12,412,912.
- RFP No. 09-10-50, Aeration Blower System, to K-Turbo of Korea in the amount of \$1,237,190.
- RFP No. 09-10-54, Fine Bubble Aeration Diffusers, to Environmental Dynamics, Inc. of Columbia, Missouri, in the amount of \$456,843.

Summary/background:

The City of Visalia Water Conservation Plant (WCP) operates under a discharge permit issued by the State Water Resources Control Board (SWRCB) and administered by the Regional Water Quality Control Board (RWQCB, or Regional Board) in Fresno.

In September 2006, the WCP was issued its current permit, which replaced the one in effect since 1995. The new permit imposed several new restrictions on plant discharges. In order to comply with these new limitations, a major plant upgrade project is required.

After a lengthy selection process, the engineering firm of Parsons was selected to design the plant upgrades. In December 2009, Parsons recommended to Council that the upgrade project utilize Membrane Bioreactor (MBR) technology to produce a high quality effluent that will be unrestricted in its use. Council agreed with the recommendation and work has been ongoing

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.

toward that end. On July 30, Parsons submitted plans and specifications representing 50% design.

In order to facilitate the design work, Council also authorized staff to “pre-select” various major components of the project through a competitive bid process. The pre-selection process is similar to the normal RFP (Request For Proposal) process in that the City Purchasing department issues an approved RFP and ensures that all proposers meet certain eligibility requirements (insurance, worker’s compensation, etc.). Once the RFP period closes, all submissions are evaluated, and the successful proposer is awarded the bid at the RFP price.

However, unlike a normal RFP, the equipment is not purchased by the City, but will be purchased by the General Contractor at the price set in the RFP (minor exception for MBR equipment described below). Prices are guaranteed valid through November 30, 2011. The price of the pre-selected equipment will be included in the price quote submitted by the General Contractor.

To date, the pre-selection process has been completed for three major project components, and staff is now seeking Council authorization to award the three RFPs, as follows.

1. Membrane Bioreactor (MBR) Equipment (RFP No. 09-10-53)

The MBR equipment is the heart of the MBR system. The membranes are the physical barrier between dirty and clean water and are configured as either hollow fiber bundles or flat sheets. Ancillary equipment to the system includes various pumps, blowers, valves, controls, and instrumentation, which is included in the bid price.

Four proposals were received:

- Zenon (GE, reinforced fiber) \$12,412,912
- Koch: \$13,657,700
- Siemens (used in Clovis) \$15,692,730
- Enviroquip (flat sheet) \$16,842,000

The following table shows the criteria used to evaluate the various proposals and the scores received in each category.

	Points Possible	Zenon	Koch	Siemens	Enviroquip
Capital Cost	40	40	36	32	20
Life-cycle-cost	30	30	27	30	15
Operability	5	3	3	3	5
Experience	15	15	8	10	15
Product Support	10	8	5	8	8
Totals	100	97	78	83	63

This evaluation shows that Zenon has the lowest capital cost and life-cycle-cost of the four proposals, and shows strong support after installation.

Zenon is a subsidiary of General Electric (GE) and has been manufacturing MBR equipment for over 20 years, and has more installations in the US than all other manufacturers combined. The product is manufactured in Ontario, Canada, and the western regional MBR service center is located in Vista, CA (northern San Diego County). Staff has visited a 6.5

million gallons per day (mgd) facility utilizing the Zenon MBR system and has no reservations about Zenon's ability to provide a quality product.

As part of the RFP, the MBR Supplier is entitled to an advanced payment of \$200,000. This payment is to compensate the supplier for the effort necessary during the design process. During design, the MBR supplier will be submitting equipment specifications, design requirements, reviewing schematics, and will be coordinating closely with Parsons to ensure the structural and mechanical details conform to the equipment needs. This initial payment is part of the total bid price and not an addition to it.

2. Aeration Blower System (RFP No. 09-10-50)

The aeration blowers supply the air to the aeration basins. The Plant currently utilizes three electric blowers and one engine driven blower to provide the air to the system. The electric blowers are more than 20 years old and are very inefficient. Since the upgraded plant will require substantially more air than the current system, all four existing blowers will be replaced.

Four proposals were received. The "additional cost" in the table below is the result of additional information received in response to Parsons' supplemental information request.

	Bid Price	Additional Cost	Total
K-Turbo:	1,227,040	10,150	1,237,190
His:	1,400,000	28,000	1,428,000
APG-Neuros:	1,380,000	111,978	1,491,978
ABS:	2,252,860	0	2,252,860

Analysis shows that K-Turbo has the lowest life-cycle-cost as well as lowest capital cost of the four proposals.

K-Turbo is a Korean based company with over 1400 units installed worldwide. K-Turbo first established a North American presence in 2008 with the opening of a service center in Batavia, Illinois. It would be fair to say that K-Turbo is still in the process of building their US network, but there is a company representative located in San Diego County. Staff called several references, and all were overwhelmingly positive about the product as well as the service they have received.

3. Fine Bubble Aeration Diffusers (RFP No. 09-10-54)

The fine bubble diffusers are mounted to the bottom of the aeration basin and function like the bubble stone in a fish aquarium. Air delivered from the aeration blowers pass through the diffusers and exit as fine bubbles, capable of transferring oxygen to the surrounding liquid at very high efficiencies.

Five proposals were received. Three of the bids failed to meet the minimum performance requirements and were considered non-compliant bids (NCB).

	Capital cost	LCC differential
EDI:	456,843	Lowest
Sanitaire (9-inch):	410,720	7% higher
Sanitaire (7 inch):	841,650	NCB
SSI:	645,372	NCB

Parkson:	720,000	NCB
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While the Sanitaire 9-inch has the lowest capital cost, the Environmental Dynamics, Inc. (EDI) proposal has a 7% lower lifecycle cost, resulting in a \$1.2 million savings over 20 years.

EDI's manufacturing facility is located in Columbia, MO and has been manufacturing equipment for the water and wastewater industry since 1975. Their diffuser system utilizes a flexible tubular membrane system to deliver oxygen to surrounding liquids at a very high efficiency. Staff has no reservations in recommending the EDI diffuser system.

Recommendation:

Staff recommends that Council award the following RFPs associated with equipment pre-selection for the Water Conservation Plant upgrade project:

- RFP No. 09-10-53, Membrane Bioreactor (MBR) equipment to Zenon of Ontario, Canada in the amount of \$12,412,912.
- RFP No. 09-10-50, Aeration Blower System, to K-Turbo of Korea in the amount of \$1,237,190.
- RFP No. 09-10-54, Fine Bubble Aeration Diffusers, to Environmental Dynamics, Inc. of Columbia, Missouri, in the amount of \$456,843.

It should be noted that except for an initial payment of \$200,000 to the MBR supplier, no payments will be made to the various suppliers. These RFPs were designed to identify the equipment to be used for the project, and to pre-negotiate a price at which the General Contractor will purchase the equipment.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

Move to authorize award of RFP 09-10-53, MBR Equipment pre-selection, to Zenon of Ontario, Canada, for the bid price of \$12,412,912, with an initial payment of \$200,000.

Further move to authorize award of RFP 09-10-50, Aeration Blower System pre-selection, to K-Turbo of, for the bid price of \$1,237,190.

Further move to authorize award of RFP 09-10-54, Fine Bubble Aeration Diffuser pre-selection, to Environmental Dynamics, Inc. of Columbia, Missouri, for the bid price of \$456,843.

Environmental Assessment Status

CEQA Review: N/A

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 16, 2010

Agenda Item Number (Assigned by City Clerk): 15

Agenda Item Wording: Review of the Draft 2009-2010 Program Year Consolidated Annual Performance and Evaluation Report (CAPER); and Review 2nd Amendment to the 2009/10 Action Plan and 1st Amendment to the 2010/11 Action Plan, reprogramming HOME funds prior to the Public Hearing before City Council on September 7, 2010.

Deadline for Action: August 16, 2010

Submitting Department: Housing and Economic Development

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

Department Recommendation:

1) That City Council reviews the Draft 09/10 CAPER primarily for information about complete accomplishments for the year. The final CAPER will be presented on September 7, 2010, as a Public Hearing.

2) **Use of First Time Homebuyer funds to support new construction.** Staff recommends redirecting \$100,000 from 2009/10 and \$420,000 from 2010/11 HOME Investment Partnership Funds- First Time Homebuyer Program to a new home deferred second mortgage as gap financing to borrowers of newly constructed homes within city limits, in an effort to further stimulate the local construction industry.

3) Authorize the City Manager to approve and amend the final new program guidelines.

Summary/background:

1.) CAPER 2009/2010

HUD Requirements:

The Consolidated Annual Performance Evaluation Report (CAPER) was prepared by the Housing and Economic Development Department in compliance with the U.S. Department of Housing and Urban Development (HUD) requirements. The CAPER is a federally mandated document that evaluates the City's overall progress and performance in meeting the priority activities identified in its Consolidated Plan. The document is a tool used by HUD and the City to evaluate accomplishments and actions taken during the previous program year. This CAPER assesses the City of Visalia's fifth year of progress for the Consolidated Plan year 2005-2010 in completing activities identified in the 2009/2010 Action Plan

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.):15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Year for the period beginning July 1, 2009 through June 30, 2010, as well as any activities that were continued from prior program years.

National Objectives and Outcomes

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

Over the course of Fiscal Year 2009-2010, the Housing and Economic Development Department made great strides towards developing and expanding home ownership and housing opportunities.

Affordable Housing

- **First Time Homebuyer Program (HOME funds):** This program assists low income families with a loan up to \$40,000 as a second mortgage for gap financing and/or down payment assistance. In Fiscal Year 09/10, the City assisted a total of ten families in the amount of \$496,591. Currently, the City has reserved a total of \$110,000 to assist three more families who are currently going through the application process.



- **CalHome First Time Homebuyers Program (non federal funds) –** State CalHome funds in the amount of \$600,000 were awarded to the City in 2006. The City utilized the funding to assist families with the purchase of a home. Since inception of the program, the City assisted a total of 15 households totaling \$598,000 to achieve the American Dream of homeownership.



- **Sierra Meadows Project** - The City of Visalia in partnership with Christian Church Homes of Northern California have been working together since 2004 for the construction of 42 units of senior housing. To date, the City has contributed a total of \$2.8 million in HOME funds towards this project. This amount represents 30% of the development cost of \$9.4 million dollars. The project addresses the objectives of the Consolidated Plan as a high priority for “Special Needs Housing”. The project broke ground on December 2009, and is 50% complete, with the roof, street sidewalks, driveway, parking lot, and exterior windows completed. The project is anticipated to be completed by March 2011.



- **Paradise and Court Project** - The City in partnership with Tulare County Housing Authority and non-profit partner; Kaweah Management Company are addressing the needs of the community infill housing development through rehabilitation and construction of new affordable housing units. The City has provided \$500,000 in HOME CHDO funds and \$500,000 in Redevelopment



Low Mod funds to assist with the rehabilitation of eleven (11) units and construction of nine (9) units at the northeast corner of Paradise and Court Street. The Rehab phase of the project is approximately 95% complete, with fencing and landscaping underway.

- **Neighborhood Stabilization Program (NSP)** – In September 2008, the City was awarded a \$2.38 million

Table I	
15 Homes Purchased & Resold	
1821 E. Babcock	2342 N. Jacob
2431 N. Charter Oak	820 E Oakridge
2429 N. Clark	1032 E. Oakridge
2450 N Clark	1829 W. Perez
2021 W. Ferguson	1710 N. Park
620 E. Harold	1932 W. Vine
1922 E. Harold	2946 N. Willis
2322 N. Jacob	
4 Homes Under Rehabilitation	
1743 E Babcock	
937 E. Ferguson	
2238 N Oak Park	
429 E Oakridge Court	
1 Multi- Fmly Under Rehabilitation	
210 NW 2nd (Multi-family)	
1 Homes in Escrow to be Purchased by City	
1850 E Roosevelt	
1 Home Available for Resale	
2339 N. Bradley	

resale of homes in order to purchase and rehabilitate more homes and assist more families.

The goal for 2010/11 is to purchase, rehabilitate and resell 24 more homes. On average the City buys one house per month. A total of 21 have been purchased and 15 resold.

Economic Development:

- **Parking Structure (West Acequia Parking Structure) - Section 108 Loan:** The West Acequia Parking Structure was completed in 2007, and continues to provide economic benefits to the Downtown Area. The 700 space garage, bound by Acequia, Floral, and Main Streets supports the hospital’s recent six-story expansion as well as many local businesses throughout the downtown area. As part of the City’s loan agreement with HUD, there is a commitment of job creation. Since the hospital’s expansion, Kaweah Delta District has created a total of 552 jobs, which staff continues to monitor annually. Additionally, the parking structure will also support the jobs created by the expansion of the Transit Center and a 60,000 square foot, three-story



1922 E. Harold



2322 N. Jacob



2021 W Ferguson

CDBG grant from HUD to acquire, rehabilitate, and resell foreclosed properties. As a requirement of the grant, the City must meet the CDBG National Objective by purchasing and rehabilitating foreclosed properties and re-sell them to families with income up to 120 percent of the Area Median Income (AMI). Additionally, HUD requires that 25% of the grant (\$600,000) be directed toward families at or below 50% AMI. HUD requires that all funds be obligated by September 2010. The City met the obligation requirement.

The City’s program is geared to recycle its’ dollars through the



2431 N. Charter Oak

development; Main Street Promenade. In fiscal year 09/10, the City made a Section 108 payment in the amount of \$497,646.

Senior and Other Housing Assistance:

- **Mobile Home Senior Handicap and Repair Program (SHARP)** – This program administered by Self-Help Enterprises has a total of \$90,000 to support the administration and repairs to mobile homes owned by low income and handicap seniors. The vast majority of repairs are currently of life and safety issues such as roofs, air conditioning, plumbing & electrical and handicap ramps. Without such a program, these coaches would be uninhabitable and force the seniors out. Thus far, two households have been assisted, and 3 households are in progress. It is projected that five more households will be assisted over the next several months.

- **Senior Home Repair Minor Repairs** – This program, administered by Community Services and Employment Training (CSET) assists senior citizens by addressing minor repairs to their home. Repairs may include; plumbing, cooler/air conditioning, roof, door, windows, and electrical repairs. In fiscal year 09/10, the City allocated \$91,000 and has addressed a total of 725 repairs. Additionally, CSET utilizes donated materials to further assist these seniors who are typically on a fixed income.

Neighborhood Preservation

Code Enforcement - The Neighborhood Preservation Division is responsible for the management of the Code Enforcement Program. The primary emphasis of the program is on Life Safety and non-compliance code issues. Considerable efforts are focused on Health and Safety Code enforcement as it primarily relates to Housing standards. Some of the common violations include: substandard housing, unsafe structures, abandoned properties, contaminated and/ or unsecured swimming pools, construction without permits, and unlicensed vendors. In fiscal year 09/10, the City allocated a total of \$166,250 in CDBG funds and expended a total of \$106,076. A total of 81 code cases were opened in fiscal year 09/10 and 254 closed within CDBG target areas. *(Closed cases may include cases that were opened in previous years but closed in fiscal year 09/10)*

Public Improvements

ADA Compliance - The City has always been at the forefront of working to improve access for persons with disabilities. The City in partnership with the Disability Advocacy Committee will continue to support the disabled community by providing ADA compliant ramps and warning detection panels for the blind throughout the downtown area and the City's CDBG target areas. In fiscal year 09/10, the City allocated a total of \$50,000. On March 25, 2010, the City Manager authorized budget modifications to the 2009/10 & 2006/07 Action Plans re-directing an additional \$18,116.62 for ADA Compliance. The City's ADA Compliance program provided 33 curb cuts and expended a total of \$70,697.

Fox Theater Painting – The total painting budget for the Fox Theater was \$43,700. Of this amount, the City contributed a total of \$30,000 in CDBG funds. The remaining balance came from Visalian Friends of the Fox. The painting was completed in July 2010. A total of \$14,141 was expended in 2009/10. The balance of the expenditures will be reported in next year's CAPER.



Village Park/Witman Center – In April 2009, the City completed improvements to the Jefferson Park and Witman Center totaling \$76,126 in CDBG funds and \$88,123 obtained from a State grant. The improvements included; picnic tables and pads, new irrigation system, refurbish park benches, soccer goals, landscaping, concrete curbing, and concrete work. Inside the building, work consisted of new lighting in the main multi-purpose room, painting of the exterior stair well, painting of the interior main activity room; demo of the concession room on the interior, kitchen improvements, new basketball equipment, some floor tile work in the multi-purpose room, two new swamp coolers, interior ceiling insulation, new exterior awning, and new drinking fountain.



Community Development Block Grant Recovery (CDBG-R) In response to the economic recession, the City was also the recipient of funding through The American Recovery and Reinvestment Act of 2009 (ARRA). The City proposed and invested a total of \$322,067 in CDBG-R funds into infrastructure and public facility activities. These activities will achieve long-term benefits, quickly spur further economic investment, create and/or retain jobs in the community; especially in areas with the greatest need, and improve the quality of life in deteriorating neighborhoods. The improvements include:

- **Public Sidewalk & Handicap Access (\$35,000)** - Project to construct sidewalks along both Watson Avenue (7' wide), on the west side of the park, and Myrtle (6' wide) on the North, including a handicap ramp at the intersection of Watson and Myrtle. The project is located at 700 S. Watson (3.6 acres) bounded by Watson/Myrtle/Encina and Cypress within the CDBG area. **Status: Project Complete**



- **Center Avenue Improvements (\$193,200)** - Project consists of providing bulb outs at intersections between crosswalks and angled parking spaces and providing truncated domes on the existing sidewalk handicap ramps. This project will provide safer pedestrian access within the CDBG area by slowing traffic along the corridor, providing additional separation between cars parking and pedestrians and adding truncated domes to the existing handicap ramps. The truncated domes provide a sensory detection for sight impaired citizens utilizing canes when approaching the intersection. This project also provides safer pedestrian access for employees and customers to the businesses in the CDBG area. Due to the warm weather, installation of landscape improvements will take place late fall 2010. **Status: Project underway and near completion.**



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- **Anthony Community Center (\$61,660)** - Rehabilitation of multi-purpose main room & restrooms. These facilities are 50 years old. The primary work is to repair and paint the walls in the multi-purpose room; replace the existing rubber floor with a tile floor; includes replacement of sheet rock in some areas, texture, primer & painting of the walls, and renovation of existing restrooms. This project will improve the quality of a neighborhood facility for low income persons. **Status: Project underway & near completion.**

Special Needs

Continuum of Care - The City continues its partnership with the Kings/Tulare Continuum of Care to address issues of homelessness. The Continuum of Care (CoC) is a consortium of housing providers, service providers, and local government, that work together to end homelessness in Kings and Tulare Counties. In fiscal year 2009/2010 the City allocated and expended a total of \$5,000 to support efforts by the CoC. The CoC utilized these funds to engage legal counsel and an accountant to assist in the completion of a 501c3 non-profit status application. The CoC obtained non-profit status in September 2009. Since then, the CoC has received a \$1.1 million federal grant to support agencies throughout Kings & Tulare Counties. Most recently in July 2010, the CoC received a total of \$348,739 which will be used for supportive housing units in Visalia.

Table I Expenditures 2009-2010

This table identifies the HOME and CDBG Funds for the program year as they relate to meeting the National Objectives. Additional detailed data is provided and attached as Attachment “A”; CAPER Expenditures and Attachment “B”, Draft 2009-2010 Program Year Consolidated Annual Performance Evaluation Report (CAPER)

Table II

HUD Housing Program Goal Achievement

Program Unit/Services Goal	Unit Goal	Unit Completed	% of Goal
First Time Homebuyer Program	14	10	71%
Paradise & Court CHDO	Project Underway: Rehab 95% Complete		
Christian Church Homes	Project Underway: 50% Complete		
Code Enforcement	120	254	212%
Fairhousing Hotline	100	267	267%
Continuum of Care	1	1	100%
ADA Compliance	15	33	220%
Minor Senior Home Repairs	600	725	121%
Mobile Home Senior Handicap Repair	14	2	14%

Although most programs and services exceeded/met expectations; the Mobile Home Senior Handicap Repair Program (SHARP) and First Time Homebuyer Program fell short due to completion of environmental documents and HUD approval. The Mobile Home SHARP assists senior citizens with a grant to make health and safety repairs to their mobile home. Due to a continued decline in Program Income, and in order to balance the budget, staff had to reduce the funding to this program; however, staff also increased the grant amount from \$5,000 to \$7,000 to assist seniors with additional repairs to their home.

2.) Action Plan Amendments

Draft -Action Plan Amendments Fiscal Year 2009/2010 & 2010/2011(\$520,000 HOME funds):

The City of Visalia's First Time Homebuyer Program (FTHB) has provided funds to homeowners of existing homes within the city limits. With changing market conditions, Staff continues to re-evaluate the programs' success as well as its effectiveness. Staff recommends redirecting \$520,000 cumulatively from the 2009/10 & 2010/11 Action Plans, to assist families acquiring newly constructed homes. This new program shall be provided to families as a 15 year deferred second mortgage. All major program requirements will remain the same. This will not only assist new homebuyers, but also generate construction activity and job creation.

Highlights of the new home buyer program guidelines shall consist of:

- Home must be located within City limits of Visalia
- Home must be principal residence, cannot be rented or used as a business
- Maximum sales price adjusts to 95% of the Federal Housing Administration (FHA) Single Family Mortgage Maximum 203b limit, currently is \$201,183
- Mortgage principal, interest, taxes and insurance shall be no less than 30% and no more than 35% of monthly gross income
- 3% down payment (1st mortgage approved gift, cash contributions are acceptable)
- Family income must be less than 80% of the area median income (i.e. Family of 4 (80% AMI = \$45,050 per year for 2010))
- Maximum second mortgage loan up to \$40,000 of the purchase price
- Interest rate of 2nd mortgage shall be two-percent (2%) simple interest
- City Loan is recorded in 2nd position on new property
- Loan shall be deferred for 15 year, payable thereafter or immediately upon sale, rent or transfer of ownership
- An affordability covenant for a period of 15 years shall be placed on the property/borrower (home must remain affordable to families at or below 80% of the area median income (AMI))
- No upgrades allowed.
- Developer matching contribution

City Staff held a meeting with local developers on August 11, 2010. Fourteen (14) developers were represented along with their lenders in an effort to review the new home construction deferred second mortgage program guidelines. Developers encouraged the City's effort to stimulate jobs and new construction and look forward to submitting proposals. City Staff will be working with developers who respond with proposals. Developer proposals are due August 18, 2010. Final recommendations of the program and potential builder participants shall be shared with City Council on September 7, 2010. Staff recommends that the City Manager be authorized to approve and amend the program as necessary.

Prior Council/Board Actions: Adoption of the 2005/10 Consolidated Plan and adoption of the 2007-2008 Action Plan (May 07, 2008) and 1st & 2nd amendments (July 14, 2008 and September 15, 2008) and Action Plan 2008/2009 (April 21, 2008) and Neighborhood Stabilization Program (November 3, 2008) and Adoption of 3rd Amendment to the 06/07, 4th Amendment to the 07/08, 5th amendment to the 08/09, 1st amendment to the 09/10 Action Plans (February 16, 2010) and Adoption of approval to use NSP funds to acquire a multi-family complex (January 11, 2010) Adoption of 2nd amendment, and 1st amendment to 08/09 Action Plan (April 20, 2009) Adoption of Consolidated Plan and 10/11 Action Plan (April 19, 2010)

Committee/Commission Review and Actions:

Alternatives: None recommended.

Attachments:

Attachment "A" **DRAFT** CAPER Expenditures 2009/10

Attachment "B" **DRAFT** 2009-2010 Program Year Consolidated Annual Performance Evaluation Report (CAPER).

Recommended Motion (and Alternative Motions if expected):

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: Required for Program Amendment

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

Copies of this report have been provided to:

Attachment A

DRAFT 2009/2010 CAPER EXPENDITURES

		CDBG	HOME	TOTAL	UNITS
SOURCES OF REVENUE:					
1	Cash - Beginning Balance	429,631	724,202	1,153,833	
2	Annual Grant Amount	1,227,349	564,001	1,791,350	
3	HOME matching funds - RDA Low/Mod			-	
4	Program Income	52,320	176,777	229,097	
5	Interest Earnings/Investment Earnings			-	
6	TOTAL REVENUE	1,709,301	1,464,980	3,174,281	
7					
EXPENDITURES:					
9	Administration and Operating	251,081	37,081	288,162	
11	Net for Programs and Projects	1,458,220	1,427,899	2,886,119	
12					
AFFORDABLE HOUSING:					
14	<u>Homeownership</u>				
15	FTHB (Contract w/CSET-6/3/09)		496,591	496,591	10
16	Property Acquisition (CHDO)		124,728	124,728	9
17	Housing Rehabilitation (contract w/SHE 6/30/10)			-	
18	<u>Neighborhood Preservation/Services</u>				
19	Emergency Repairs and Basic Needs (contract w/SHE 6/30/10)			-	
20	Code Enforcement- Target Areas	106,076		106,076	254
21	Fairhousing Hotline (contract w/TCHA 6/30/09)	27,917		27,917	267
22	HOMELESSNESS				
23	<u>Special Needs Facilities</u>				
24	Continuum of Care	5,000		5,000	1
25	COMMUNITY DEVELOPMENT				
26	<u>Public Improvements</u>				
27	ADA Compliance Projects (Contract w/Sierra Range 6/30/09)	70,697		70,697	33
28	Oval Park Area Improvements	298		298	
29	Jefferson Park Improvements	7,683		7,683	1
30	Fox Theater Renovations	14,141		14,141	1
31	Village Park/Wittman Center Improvements	76,126		76,126	1
32	<u>Economic Development/Public Parking Facilities</u>				
33	West Parking Structure Loan Payment (Section 108 Loan)	497,646		497,646	1
34	Job Creation	-		-	
35	<u>Public Park /Public Facilities</u>				
36	NON HOMELESS SPECIAL NEEDS HOUSING				
37	<u>Special Needs Services</u>				
38	Senior Home Minor Repairs (contract w/CSET 7/31/09)	91,000		91,000	725
39	Mobile Home Senior Repair & Handicapped Access (contract w/SHE 6/30/10)	65,578		65,578	2
40	Senior Housing (Christian Church Homes)		162,741	162,741	
41					
42	Subtotal Programs & Projects	962,163	784,059	1,746,222	
43					
44	TOTAL EXPENDITURES	1,213,243	821,140	2,034,384	
45					
46	REVENUE LESS EXPENDITURES				
47	Remaining to Carry Forward	496,057	643,840	1,139,897	