

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, October 4, 2010

✓ Visalia Convention Center, 303 E. Acequia, Visalia CA 93291
Work Session 4:00 p.m.; Closed Session immediately following
Regular Session 7:00 p.m.

4:00 p.m. WORK SESSION AND ACTION ITEMS (as described)



1. Presentation by Marilyn Barr, from Court Appointed Special Advocates (CASA), and Cheryl Lennon-Armos, from Tulare Youth Services Bureau, regarding the Lisa Project, a cooperative effort being sponsored by numerous agencies and organizations in the County to use a multimedia exhibit to raise awareness about child abuse. **Receive public comment.**

4:15 p.m.

2. Consideration to allow auto dealers to conduct temporary auto sales in Commercial Zones with a Temporary Conditional Use Permit (TCUP). **Receive public comment.**

4:40 p.m.

3. Authorization for staff to submit to LAFCO an annexation application of approximately 130 acres located on the east side of Dinuba Boulevard between the Shannon Parkway alignment and the St. Johns River, or as an alternative to the current land use designation, direct a General Plan Amendment to be processed to establish a Commercial land use designation on a portion of the annexation site and then submit an annexation application. **Receive public comment.**

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

ITEMS OF INTEREST

6:00 p.m.

CLOSED SESSION (immediately following Work Session)

4. 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

5. Conference with Real Property Negotiators (GC 54956.8)
Properties: SW corner of Oak and Bridge Streets; APN 094-285-015
Negotiating Parties for City: Steve Salomon, Ricardo Noguera, Alex Peltzer
Negotiating Parties for Seller: Family Health Care Network
Under negotiation: Authority to negotiate terms and conditions of potential purchase
6. Conference with Real Property Negotiators (GC 54956.8)
Property: 210 NW 2nd Avenue; APN: 094-031-009
Negotiating Parties: Steve Salomon, Ricardo Noguera, Alex Peltzer, Visalia Rescue Mission
Under negotiation: Price, terms and conditions of potential sale
7. Conference with Labor Negotiators (G.C. §54957.6)
Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett
Employee Organization: Employee Groups A, B, and G
8. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 4 potential cases

7:00 p.m.

CALL TO ORDER REGULAR SESSION

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Kent Mishler, Kaweah Delta Health Care District

SPECIAL PRESENTATIONS/RECOGNITION

- Introduce newly promoted Fire Captain Tom Van Grouw
- Proclaim October 18-22, 2010 National Medical Assistants Week
- Proclaim October 2010 Italian Heritage Month

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.

9. **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) Authorization to convert 2-hour parking lots to 3-hour parking in Downtown Visalia.
Resolution 2010-65 required.

- c) Award industrial uniform and laundry services to AmeriPride and linen services to Aramark as per specifications of bid.
- d) Authorize the prepayment of the 2002 Waste Water Treatment Plant Bonds on December 1, 2010.
- e) Adoption of the required bi-annual update listing of City of Visalia designated employees and classifications for the purpose of compliance with Chapter 2.08 of the Ordinance Code of the City of Visalia specifying conflict of interest regulations. **Resolution 2010-66 required.**
- f) Introduction and first reading of **Ordinance 2010-08** to amend Chapter 15.60, Sections 15.60.010 through 15.60.070, implementing updates to the City of Visalia “Flood Damage Prevention Regulations” and renaming Chapter 15.60 to “Floodplain Management Regulations”. These ordinance changes will accomplish the following:
 - 1) Have floodplain management regulations that qualify and enhance the City’s pending application to FEMA’s Community Rating System (CRS). The City’s participation in the CRS program will lead to discounted insurance rates for property owners within the City.
 - 2) Maintain regulatory compliance with FEMA’s National Flood Insurance Program (NFIP).
 - 3) Update and clarify current practices and procedures and clarify the City’s role as floodplain administrator for the NFIP.
- g) Authorization for the City Manager to sign a contract for \$30,000 with the Arts Consortium to coordinate implementation of the City’s Cultural Plan and to assist with the promotion, processing, and distribution of the Cultural Arts Grants.
- h) *Item removed at the request of staff.*
- i) *Item removed at the request of staff.*
- j) Authorize the City Manager to execute a Memorandum of Understanding with the County regarding the Betty Drive/ Avenue 312 improvements and realignment. Per this MOU the City will contribute up to \$3.5 million toward this County led project.

Authorize filing Notice of Completion for the following:

- k) South Cameron Creek Unit No. 3, a subdivision (containing 85 single family lots), located on the south side of Cameron Avenue at Vintage Street.
- l) Shannon Ranch 2, Phase 1 & 2, a subdivision containing 203 single family lots, located east of County Center Street between Riggin Avenue and Pratt Street.

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.*

10. *Request from applicant to continue item to 10/18/10. Motion required.*

PUBLIC HEARING – Appeal of the Planning Commission’s denial of Conditional Use Permit No. 2010-09 and Variance No. 2010-04 filed by Verizon Wireless for a proposal to install a new 80 ft. telecommunications tower on property located on the north side of East Caldwell between South Stover Street and South Pinkham Street.

11. *Continued from 9/20/10.* Consider approval of resolutions regarding terms and conditions of employment and consideration of resolutions imposing the City’s Last, Best and Final Offer, pursuant to Government Code Section 3505.4, for the following groups for FY 2010/11: Group B (Police Officers); Group A (Police Managers); and Group G (Firefighters).
Resolutions 2010-62, 2010-63, and 2010-64 required.

ADJOURN TO CLOSED SESSION (if needed)

Conference with Labor Negotiators (G.C. §54957.6)
 Agency designated representatives: Steve Salomon, Eric Frost, Diane Davis, Shelline Bennett
 Employee Organization: Groups A, B, G

RECONVENE TO OPEN SESSION – Determination of Item 11

12. Discuss the upcoming State mandated changes to the California Building/Fire Code that will require fire sprinklers in new residential construction and two local code amendments (not mandated by the State) requested by the City’s Fire Chief.
13. Authorize the City Manager to execute the Memorandum of Understanding for Police Managers and Supervisors (City of Visalia Employee Bargaining Unit Group A) for the period July 1, 2010 through June 30, 2011, if Council is presented a signed MOU from Group A.

CLOSED SESSION REPORT (if any)

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Donald Joseph	077-180-011 (portion)	Riggin/Demaree	Right of Way	9/24/2010	Doug Damko

Upcoming Council Meetings

- Monday, October 18, 2010, 4:00 p.m. Work Session, 7:00 p.m. Regular Session; Convention Center, 303 E. Acequia
- Monday, October 25, 2010, 6:00 p.m. Joint Meeting Visalia City Council, Visalia Unified School District, College of the Sequoias Board of Trustees, Convention Center 303 E. Acequia
- Wednesday, October 27, 2010, 6:00 p.m. Town Hall Meeting, Annie Mitchell Elementary School, 2121 E. Laura St., Visalia

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 nloliva@ci.visalia.ca.us.

Proclamation Declaring October 2010 Italian Heritage Month

WHEREAS, the Visalia-Putignano Sister City Committee has existed since 1979 and during that time significant travel has been made between the two cities; and

WHEREAS, Visalia's ties to Italy go back to the 1800's when the first Italians arrived and settled in Visalia and over the years many people of Italian heritage have owned and operated various types of businesses in Visalia; and

WHEREAS, Putignano is an agricultural area similar to our own and many immigrants from that area originally worked in the fields and later owned their own vineyards and orchards in and near Visalia. More than 700 Visalia families have roots in Putignano and in various towns and cities in Italy; and

WHEREAS, the Order Son's of Italy in America, Enrico Caruso Lodge 1462 was established in 1927 and has been an active part of the community for the last 83 years.

NOW, THEREFORE, the City Council of the City of Visalia does hereby proclaim the month of October 2010 as Italian Heritage Month in the City of Visalia and commends the Visalia-Putignano Sister City Committee for their efforts in this cultural exchange.

Dated: October 4, 2010



Bob Link, Mayor



Amy Shuklian, Vice-Mayor



E. Warren Gubler, Councilmember



Michael Lane, Councilmember



Steven A. Nelsen, Councilmember

Proclamation Declaring Medical Assistants Week

Whereas, San Joaquin Valley College and the Registered Medical Assistants (RMA's) of American Medical Technologists (AMT) will celebrate National Medical Assistants week, October 18-22, 2010; and

Whereas, the 2010 theme, "Medical Assistants at the Heart of Healthcare" emphasizes how Medical Assistants play an important role as an integral member of the health care team, delivering patient care services with pride and dedication; and

Whereas, a medical assistant is a multi-skilled professional who combines clinical and clerical responsibilities to assist in all aspects of medical practice; and


Whereas, RMA's have completed a national certification exam validating their knowledge, education, and experience in all aspects of medical assisting; and

Whereas, RMA's throughout the United States are promoting their profession in an effort to educate and inform the public and their allied health peers.


***NOW, THEREFORE,** the City Council of the City of Visalia does hereby proclaim the week of October 18-22, 2010, as "Medical Assistants Week" and encourage all citizens to recognize medical assistants thanking them for their commitment to our health.*

Dated: October 4, 2010


Bob Link, Mayor


Amy Shuklian, Vice-Mayor


E. Warren Gubler, Councilmember


Michael Lane, Councilmember


Steven A. Nelsen, Councilmember

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Presentation on The Lisa Project, a multi sensory exhibit on child abuse that will be in the community during the month of October.

Deadline for Action:

Submitting Department: Administration

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

Department Recommendation:

It is recommended that the Visalia City Council hear the presentation by Marilyn Barr from Court Appointed Special Advocates (CASA) and Cheryl Lennon-Armas, from Tulare Youth Service Bureau, regarding the Lisa Project that will be on exhibit in Visalia during the month of October. The purpose of the exhibit is to heighten awareness about child abuse and it's affects on children and entire families in the community, and to inspire a call to action regarding child abuse

Summary/background:

The Lisa Project is a multi-sensory exhibit on child abuse that will be on exhibit in Visalia during the month of October. It is a custom designed modular unit located at the SE corner of Court and Acequia. Inside, the modular unit is designed to look like a house. Visitors are verbally guided through the house by "Lisa," a voice who describes what children who are exposed to abuse are exposed to. Each room of the house depicts a different child's experience and exposes the visitor to the sounds, living conditions and smells that accompany abuse. (See attached for further description and review comments)

Originally conceived in San Joaquin County, most of the stories told in the exhibit come from actual case files. The downtown Stockton store front exhibit was so well received that it was expanded to a traveling exhibit. Visalia is the first stop on the exhibit's travel tour that will encompass communities throughout the state.

This free exhibition will be on display in downtown Visalia at the corner of Acequia and Court Streets (west of the Convention Center) October 1-29. It will be open Thursday and Friday evenings from 5:00 – 9:00 p.m. It will also be open Saturdays from 9:00 a.m. – 5:00 p.m. 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.): _____

Review:

Dept. Head LBC 92110
(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.

Sundays from 1:00 – 5:00 p.m. Private tours can be arranged during weekdays. A tour for City officials has been arranged for the morning of Oct. 12.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives:

Attachments: Exhibit description and review comments

Recommended Motion (and Alternative Motions if expected): No action required.

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Consideration to Allow Auto Dealers to Conduct Temporary Auto Sales in Commercial Zones with a Temporary Conditional Use Permit (TCUP)

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number:

Chris Young, Community Development Director (559) 713-4392
Paul Scheibel, AICP, Planning Services Manager (559) 713-4369
Paul Bernal, Senior Planner (559) 713-4025

Department Recommendation: Staff recommends the City Council consider the information contained in the staff report and provide direction and/or comments for the issues raised in the report. The Council may direct staff to pursue a zone code amendment to facilitate temporary automobile sales in other commercial zones, or direct staff to continue to apply the zoning ordinance by only allowing automobile sales to occur in the C-S and CDT zones.

Summary/Background: Recently, an automobile dealer submitted an inquiry to Council Member Lane to consider allowing properly licensed auto dealers to conduct "temporary" auto sales in commercial zones with a Temporary Conditional Use Permit (TCUP).

The City issues TCUP's only for activities that are permitted or conditionally permitted in the underlying zone district. Automobile sales, are currently limited to the C-S (Service Commercial) and CDT (Central Business District) zones. However, as recently as 2002, the City issued TCUP's to automobile dealers to conduct temporary auto sales in parking lots of large retail centers, such as Wal-Mart, Sequoia Mall, and the former Albertsons Shopping Center site. These sites are zoned C-SO (Shopping Office Commercial) and C-R (Regional Retail Commercial) and do not otherwise allow automobile sales. It should be noted, the former Surroz BMW automobile dealership located at 3000 South Mooney Boulevard is a legal non-conforming use due to its existence before the C-R zoning designation.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 30

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

During the spring of 2002, an out-of-town auto dealer conducted a temporary auto sale on a C-SO zone site, using deceptive sales and advertising practices. As a result, local auto dealers challenged the City's TCUP process for temporary auto sales. At the same time, the Tulare County District Attorney sought and obtained a temporary restraining order by the Superior Court against the out-of-town dealer alleged to have been involved in the deceptive sales and advertising practices. Upon advice from the City Attorney, the City chose to strictly enforce the Zoning Ordinance, and discontinued the practice of allowing temporary auto sales in C-R and C-SO zoned properties. This policy and practice has been in effect since this time.

There have been past efforts to formalize this practice and address concerns related to temporary auto sales. On June 3, 2002, staff presented to the City Council an urgency interim zoning ordinance to allow temporary auto sales to be conducted in the C-R and C-SO zones. The City Council chose to not adopt the interim ordinance. In 2006, the City retained TPG Consulting to analyze the potential impacts of expanding the temporary auto sales to the C-R and C-SO zones, and to assist with the development of proposed ordinance revisions to allow for this practice. However, the proposed ordinance revisions developed by staff, TPG Consulting, and the City Attorney did not appear to have the necessary support and were not presented to the City Council.

Temporary Automobile Sales in Commercial Zones: No change to the Zoning Ordinance would mean continued application of the current zoning regulations which prohibit auto dealers from conducting temporary auto sales in most commercial zones (except for the C-S and CDT zones). This would preclude any auto dealers from having temporary auto sales in other commercial zones that prohibit auto sales. This would protect the local auto dealers who have invested in the community and incurred substantial overhead and operating cost in establishing their permanent dealerships. As previously stated, local dealers voiced this concern in 2003 when they stated that the TCUP process for temporary auto sales established an unfair market advantage by allowing out of town dealers to temporarily establish auto sales in prime locations whereas local auto dealers, who established permanent auto dealerships, were confined to zoning requirements. Conversely continuing the restricted locations also prevents the existing dealers from having potentially "tent sales" at high traffic and highly visible locations such as the Sequoia Mall.

Another perspective is that allowing temporary auto sales to occur in other commercial zones could act to diminish the exclusivity of the Ben Maddox Auto Center and the Visalia Auto Plaza site, and adversely impact the local dealers at these locations. The auto malls were established within defined geographical settings of the City (i.e., near highways and major streets to increase visibility) in an effort to reduce vehicle trips traveled by potential consumers to these "auto enclaves", and to create a synergetic effect amongst the different auto dealers which keeps the auto malls vital and vibrant. Conversely, temporary auto sales in commercial shopping centers create concerns, primarily regarding the utilization of parking areas to conduct auto sales and signage.

However, in light of recent actions by the City Council to help stimulate economic interest in the housing sector, the inquiry to re-establish the use of TCUP's for temporary automobile sales in certain commercial zones could be seen as an effect to stimulate car sales in the City. Issuing TCUPs in other commercial zones may lend to increasing exposure, drawing interest, and capturing potential revenues to the auto industry and provide the City with an opportunity to gain potential City sales tax revenue through increased auto sales activities.

The City Council, if interested in further information regarding this issue, may direct staff to: engage the local auto dealers to determine their interest; research the potential to restrict the TCUP process to only local auto dealers; recommend the number of TCUP's that should be issued in a calendar year; identify commercial zones suitable for temporary auto sales; identify potential conditions/mitigations that would reduce the potential conflicts/issues for temporary auto sales; and other requirements that the Council deems appropriate. If so directed to conduct outreach and

additional research, staff will present its findings to the City Council at a future worksession or, the City Council directs staff to initiate a Zoning Code Amendment (ZTA) now in which case the amendment will be processed through the public hearings at the Planning Commission and City Council. Staff will advise the Council on the procedural requirements (i.e., zoning code amendments and public hearings) required to establish temporary auto sales by TCUP in other commercial zones. It should be noted; interested parties regarding this issue have been advised of this worksession and provided with a copy of this staff report.

Temporary Conditional Use Permit (TCUP) Process: TCUPs are generally issued administratively by the Planning Division staff. Applications for TCUPs can be denied by staff based on findings that conditions exist that may be injurious to existing improvements, nearby, land uses, or detrimental to the surrounding area. Administrative decisions regarding TCUPs can be appealed to the Planning Commission. A copy of the Zoning Ordinance section pertaining to the TCUP process (see Exhibit "A") is attached to this report.

Other Interested Parties: The City Council may desire to provide an opportunity for other interested parties to address the Council on this matter. Staff has provided a copy of the report of this report to business and community members interested in this issue.

Prior Council/Board Actions: On June 3, 2002, the City Council considered adopting an interim zoning ordinance to allow temporary auto sales on properties zoned C-R (Regional Retail Commercial) and C-SO (Shopping / Office Commercial) and chose not to adopt the interim ordinance.

Committee/Commission Review and Actions:

- None

Attachments

- Exhibit "A" – Section 17.38.070 Temporary uses or structures of the Zoning Ordinance

Recommended Motion: Provide direction as appropriate

Environmental Assessment Status

CEQA Review: n/a

NEPA Review: n/a

Copies of this report have been provided to:

- Planning Commission
- Chamber of Commerce
- Gropetti Automotive
- Serpa Automotive
- Surroz Automotive
- Lampe Automotive
- Giant Chevrolet
- Lampe Dodge
- Darlene Mata

Exhibit "A"

17.38.070 Temporary uses or structures.

A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.

B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:

1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.

2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.

3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.

4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.

5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.

6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.

7. Signing for temporary uses shall be subject to the approval of the city planner.

8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.

D. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Authorization for staff to submit to LAFCO an annexation application of approximately 130 acres located on the east side of Dinuba Boulevard between the Shannon Parkway alignment and the St. Johns River, or as an alternative to the current land use designation, direct a General Plan Amendment to be processed to establish a Commercial land use designation on a portion of the annexation site and then submit an annexation application.

Deadline for Action: None

Submitting Department: Community Development Department/
Planning Division

Contact Name and Phone Number:

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

1. The City Council authorizes staff to submit an annexation application to LAFCO that is requested by principal property owner R. J. Hill; or

Recommendation:

2. As an alternative to the current land use designation of entirely Low Density Residential, staff recommends that the City Council direct a General Plan Amendment (GPA) to be processed to establish a Commercial land use designation on the portion of the annexation site fronting Dinuba Boulevard north of Shannon Parkway and west of the Court Street alignment, as illustrated in Exhibit "B", and then submit an annexation application to LAFCO.

In addition, staff recommends that the City Council:

3. Make a finding that the four-acre Conservation Land Use Designation located in the center of the site is inaccurately located at this spot, and that the designation shall be eliminated and changed to Low Density Residential if Council deems it appropriate.

After evaluating the land use issues, staff requests that the City Council provide it with the direction and action it deems appropriate.

Summary: In 2005, principal property owner R.J. Hill filed an application for Annexation of 130 acres on the east side of Dinuba Boulevard between the Shannon Parkway and the St. Johns River. Mr. Hill, who owns 83 acres in the area, desired to develop the property with a single-

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.

family residential development consistent with the current land use designation. Following the submittal of the application, the City Council voiced an interest in seeing additional commercial land use designation on Dinuba to accommodate future population growth in the area. This idea was opposed by Mr. Hill. Subsequently, two land use alternatives were prepared for the area, but no final consensus was reached on either of these plans. The applicant now has renewed interest to move forward with annexation, and has submitted an all-residential conceptual plan shown as Exhibit "C".

Staff recommends that the City Council consider a land use concept that places a commercial land use designation on the Dinuba Boulevard frontage as the preferred land use concept for the site. This recommendation is based on future population growth in North Visalia and the Dinuba Blvd. corridor being the principal retail district to serve this area. If the City Council concurs with this recommendation, a GPA would be processed simultaneous with the annexation. The project would return to City Council for a formal public hearing, and a Pre-Annexation Agreement would be considered containing conditions as deemed appropriate by the Council.

Site Description: The 130-acre site is bound on the south by Shannon Parkway, on the west by North Dinuba Boulevard and the Riverway Sports Park, and on the north and east by the St. Johns River. Dinuba Boulevard and Shannon Parkway are arterial and collector-status streets respectively. To the east side of the site is the former Santa Fe Railroad alignment now owned by the City of Visalia. The City also owns additional land on the east side which comprises a portion of the St. Johns River riparian setback. Santa Fe Street would continue north along its current alignment along the railroad right-of-way, but only as a local street serving the future residential development in this area.

The site contains mostly fallow land and tree orchards. There are two existing residences fronting Dinuba Boulevard, across from the Sports Park's main access. There are two Williamson Act contracts covering portions of the property. Staff has determined that one contract located on the property adjacent to Shannon Parkway was successfully protested by the City upon its establishment and would thus be terminated upon annexation.

Existing Land Use Designations: The site currently has a land use designation of Low Density Residential. A Conservation Land Use Designation is in place for 100 feet from the embankment along St. Johns River and on a four-acre section in the middle of the site (see related discussion below). Upon annexation, the site would become zoned R-1-6, and the Conservation areas would become Quasi-Public.

Annexation Background: An entitlement for Annexation, assigned as Annexation No. 2005-07, was filed by principal property owner R.J. Hill in 2005. Mr. Hill represents approximately 83 acres in the project area. The annexation also includes approximately 36 acres owned by two other property owners and 11 acres owned by the City of Visalia along the St. Johns River frontage. At the time of the original filing, the property owner's intent initially was to develop the property with small single-family residential lots below the standard 6,000 sq. ft. the land use designation, a single point of access onto Dinuba Boulevard, and the potential for sprawl. With these issues unresolved, the annexation did not move forward.

City Proposed Land Use Alternative: On August 6, 2007, the City Council authorized at then-Mayor Gamboa's request for initiating a General Plan Amendment to re-designate the North Dinuba Boulevard frontage to a commercial land use designation. The staff report for this request is attached as Exhibit "D". The request was in response to the surge of commercial development occurring in North Visalia (resulting in a Lowe's, Food 4 Less, Target, and an

approved-but-unbuilt Home Depot) residential development, and the completion of the Sports Park. Seeing the trend of continued population growth in North Visalia, it was thought that additional commercial may be needed to satisfy future residential uses and sports park visitors. On December 17, 2007, the City Council reconsidered the GPA Initiation, citing Mr. Hill's opposition to a commercial designation on the site and concerns of over-saturation. The motion failed on a 2-3 vote (Landers, Collins – Yes; Gamboa, Link, Shuklian – No).

Applicant's Alternative Land Use Plan: Following the previously-cited Initiation, the applicant in July of 2008 developed a conceptual alternative land use plan characterized by the inclusion of multi-family residential land and less commercial land fronting Dinuba Boulevard. The alternative plan came in response to the applicant's voiced opposition to the consideration of commercial uses on his property, and offered a more favorable solution which retained residential uses on his own property and commercial uses on land owned by others. It should be emphasized that the proponent continued to prefer the existing Low Density Residential land use designation for the entire site.

The alternative plan proposes a 12-acre multi-family residential site adjacent to the St. Johns River and across the street from Riverway Sports Park. A couple of quasi-public uses – shown on the plan as a church and daycare facility, provide transition between the multi-family and single-family uses to the east. A 49-acre standard subdivision with 205 lots would be developed by the applicant on the remainder of his land. Between the multi-family residential and the developed Orchard Walk Shopping Center are 12 acres of future commercial designation.

The plan was not further considered at the time because it was not consistent with the City Council's direction for commercial uses along the entire Dinuba Blvd. frontage, nor was it actively desired by the property owner.

Planning Commission Review of GPA: On December 8, 2008, the Planning Commission considered General Plan Amendment No. 2008-08, which proposed changing 31 acres along Dinuba from Residential Low Density to Shopping-Office Commercial. The request received public and written testimony from principal landowner R.J. Hill opposing the Amendment. Considering the opposition and concerns of an over-saturation of commercial land, the Planning Commission adopted a resolution recommending denial of the GPA. The staff report is attached as Exhibit "E". The City subsequently withdrew the City-initiated GPA based on the Planning Commission's recommendation.

Discussion: Staff's conclusion is that the Annexation entitlement is capable of proceeding on the basis that the annexation is consistent with the City's growth boundary and promotes urbanization inside the City limits rather than in the County. Annexation would also allow the City to proceed with acquisition and development of riparian areas along the St. Johns River, and extend the multi-use trail from its existing terminus at Santa Fe westerly to the Riverway Sports Park.

The City Council has the authority to proceed with the staff recommendation of a commercial / residential mix of land uses on the annexation site. Alternately, it also has the authority to provide direction on an alternative mix of land uses inside the annexation area. To summarize there have been three land use alternatives proposed for the site:

1. GPA initiation which considers commercial along entire Dinuba frontage (Exhibit "B")
2. Applicant's alternative concept with mix of multi-family & commercial

3. Applicant's preferred concept consisting of all single-family residential (Exhibit "C")

Under any circumstance where the annexation proceeds, the project would return to the City Council for a formal public hearing to consider the General Plan Amendment (if applicable), Annexation, and Pre-Annexation Agreement. The Agreement may be used to condition the design of the land uses, requirement for open space, or other terms as appropriate.

Other Activity in Surrounding Vicinity: The following projects are either being considered for development, are actively moving forward or have been completed:

- Annexation of 7.2-acre City owned parcel north of Riverway Sports Park and 600 feet west of Dinuba Boulevard has been completed. The Park and Recreation Department intends to use this site for park and open space, and incorporate it into the St. Johns River riparian corridor.
- Orchard Walk Tentative Subdivision Map, is located immediately behind Target on the south side of Shannon Parkway. The application by Hughes Homes Inc. consists of 104 single-family residential lots. A Planning Commission hearing is expected in late-2010.
- Hughes Homes Inc. owns the property on the southeast corner of Riggin Avenue and Dinuba Boulevard. Although this property is currently zoned for residential development and has an approved subdivision, Hughes Homes Inc. has discussed requesting a zone change on approximately 8 acres (on the corner) for commercial use.
- Site plan review submittal on southwest corner of Dinuba Blvd. & Shannon Pkwy., submitted in September 2010. This is a consideration to place a commercial land use designation fronting Dinuba between the former Home Depot site and the Sports Park. The area was previously approved for a multi-family residential subdivision, but the proposal would condense all of the units to the west half of the property.

Conservation Land Use Designation in Center of Site: The General Plan land use map shows a four-acre Conservation designation which is currently landlocked in the middle of the site. This portion of the site is currently part of an orchard, and contains no distinguishable natural features such as oak trees. The land use designation dates back to the adoption of the land use map in 1991. Staff research has not yielded any General Plan policy or further basis for the establishment of this designation at this location. Most likely the designation was located and configured in a manner where it would be adjacent to the Visalia Parkway alignment, which was anticipated to be a circular drive around the perimeter of Visalia but is not part of the General Plan Circulation Element.

Consistency with Annexation Policies and Housing Supply: The General Plan utilizes the Urban Development Boundary as the baseline for accepting and considering annexation requests. The proposed site is within both the 98,700 and the current 129,000 Population Boundary.

State policies requires that a Local Agency Formation Commission (LAFCO) consider an annexation's impact on a 10-year supply for residential land (or 20-year supply for commercial / industrial) and regional housing needs. In the City's last residential annexation processed in March 2006, LAFCO concluded that the City has a 9.1 year supply of vacant residential land based on a 3.12% growth rate. Today this supply has likely dwindled based on a steady pace of construction and a declining growth rate. In 2008 staff estimated that there is greater than a six-year inventory of residential lots based on a 10-year average of issued building permits, which constitutes a sufficient supply of residential inventory in the City limits.

Prior Council/Board Actions: On August 6, 2007, the City Council authorized at then Mayor Gamboa's request a General Plan Amendment to consider re-designation of property on the subject site to commercial use.

On December 17, 2007, the City Council reconsidered the GPA Initiation. The motion failed on a 2-3 vote. (Landers, Collins – Yes; Gamboa, Link, Shuklian – No)

Committee/Commission Review and Actions: On December 8, 2008, the Planning Commission recommended that the City Council not approve General Plan Amendment No. 2008-08 a City-initiated request to change the land use designation of 31.2 acres bound by Dinuba Blvd., Shannon Parkway, Court Street alignment, and the St. Johns River, from Low Density Residential (RLD) to Shopping / Office Commercial (C-SO).

Alternatives:

- Authorize annexation as proposed by applicant.
- Authorize annexation and a different mix of land uses.
- Do not authorize annexation at this time.

Attachments:

- **Exhibit "A" – Current General Plan Land Use Map**
- Exhibit "B" – Conceptual Commercial Layout for Subject Site
- Exhibit "C" – Conceptual Residential Layout for Subject Site (by applicant)
- Exhibit "D" – City Council Staff Report for GPA Initiation, August 6, 2007
- Exhibit "E" – Planning Commission Staff Report for GPA 2008-08, Dec. 8, 2008

Recommended Motion (and Alternative Motions if expected):

I move to

- authorize staff to submit an annexation application to LAFCO that is requested by principal property owner R. J. Hill.

And if desired by the City Council,

- direct a General Plan Amendment (GPA) to be processed for establishing a Commercial land use designation on the portion of the annexation site fronting Dinuba Boulevard, as illustrated in Exhibit "B".

I also move to:

- Make a finding that the four-acre Conservation Land Use Designation located in the center of the site is inaccurately located at this spot, and that the designation shall be eliminated and changed to Low Density Residential if Council deems it appropriate.

Environmental Assessment Status

CEQA Review: None. An environmental assessment consistent with the California Environmental Quality Act (CEQA) must be completed and certified prior to the initiation of the annexation.

NEPA Review: None

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

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

Agenda Item Wording: Authorize staff to convert 2-hour parking lots to 3-hour parking in Downtown Visalia

Deadline for Action: none

Submitting Department: Community Development - Engineering

Contact Name and Phone Number:

Eric Bons, Civil Engineer, 713-4350
Chris Tavarez, Management Analyst, 713-4540
Chris Young, Community Development Director, 713-4392

Recommendation:

Staff recommends Council authorize the conversion of parking lots in Downtown Visalia from 2-hour parking to 3-hour parking within the Central Business District.

Discussion:

On August 16, 2010 Council authorized staff to implement changes to downtown parking which included conversion of on-street parking to 3-hour parking. On-street parking 3-hour conversion has been successfully implemented. Staff believes it would be beneficial to implement this change (2-hour to 3-hour) to City owned parking lots in the same area.

All existing "20-minute" and "All Day" parking spaces in Downtown Visalia will remain. This action will only change all 2-hour parking to 3-hour parking. All "Permitted All-Day Parking" will be unaffected. The area of conversion would be essentially the "Central Business District" (from east of Giddings Street, west of Bridge Street, south of Center Avenue and north of Noble Avenue, as shown in Exhibit 'A'). All public 2-hour parking lots would be converted to 3-hour parking and are in the same area where on-street parking has been converted to 3-hour parking.

Staff can implement these changes quickly, enforcement could begin immediately and physical conversion of signs would be done within 30 days at minimal costs (staff time and materials to 'stick on' new time limits on existing signs). It is believed this change will help reduce any parking limitation confusion in the Downtown Area and allow a more equal distribution of parking in public parking areas.

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 CY 9/24/10
(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.

As recommended in prior discussion this item will be returned to Council in February/March of 2011 to review the results of these Downtown Parking changes and take steps for any needed amendments to these parking conversions.

Prior Council/Board Actions:

August 16, 2010 Council Authorized Downtown Parking Changes including on-street 3-hour parking conversion, Resolution 2010-54

Attachments:

Resolution 2010-__ and Exhibit 'A' Map of Central Business District

Recommended Motion (and Alternative Motions if expected):
I motion to authorize staff to implement 3-hour parking in Downtown Parking Lots and On-Street Parking in the Central Business District and approve Resolution 2010-__.

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)*
none

Copies of this report have been provided to:
none

RESOLUTION 2010-__

**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 visiting; and,

WHEREAS, the Council authorizes conversion of 2-hour parking lots to 3-hour parking in the Downtown Area to encourage customer oriented parking; and,

WHEREAS, the Council authorizes downtown parking changes to take effect in the 'Central Business District' which encompasses the area east of Giddings Street, west of Bridge Street, south of Murray Avenue and north of Noble Avenue, as shown in Exhibit 'A'; and,

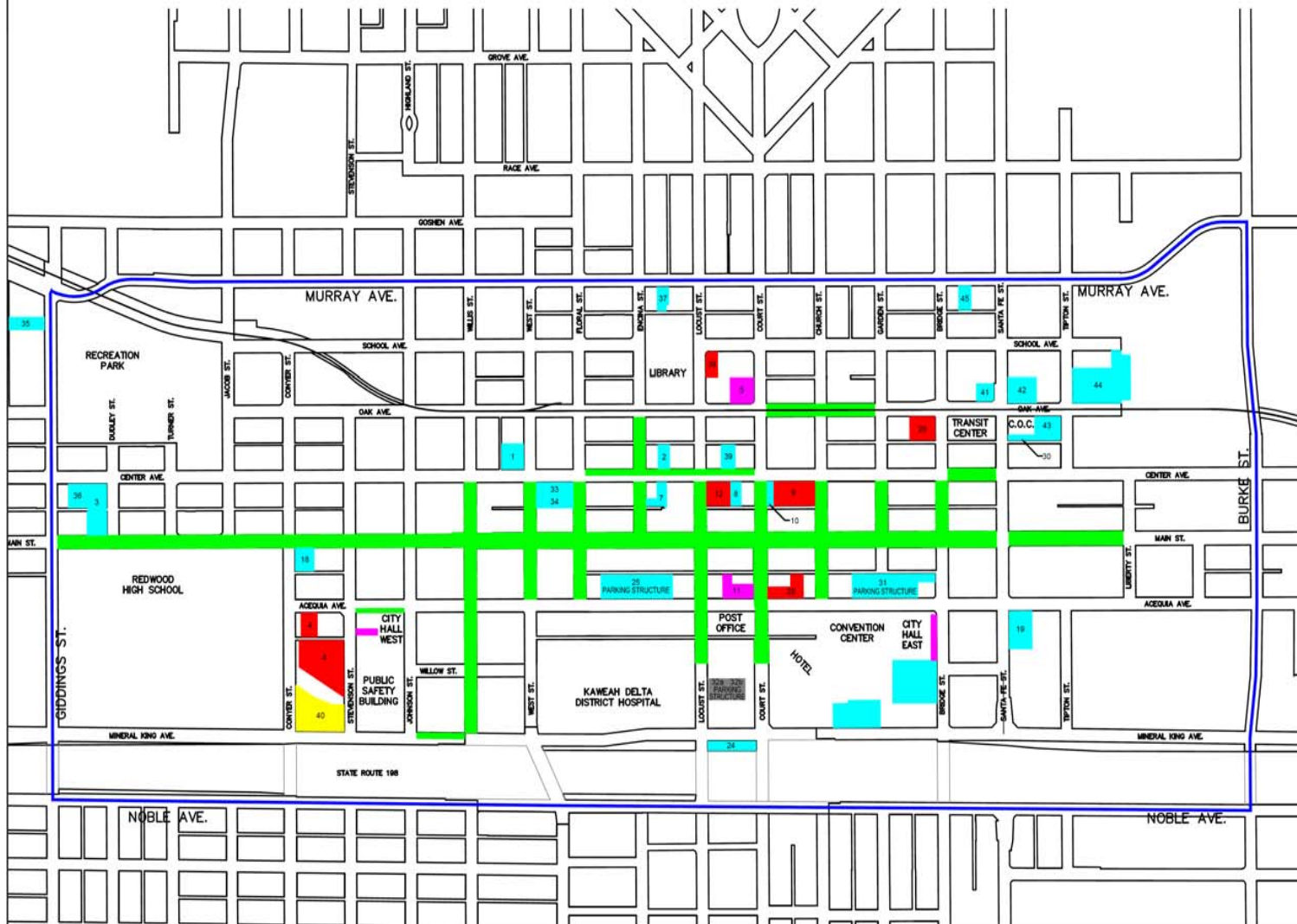
WHEREAS, the Council agrees that these changes will help the downtown area and reflects Council's desire to further enhance Downtown Visalia,

WHEREAS, this resolution adds on to Resolution 2010-54 passed on August 16, 2010 which authorized on-street parking 3-hour conversion; and,

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

VISALIA MUNICIPAL PARKING LOTS

-CENTRAL BUSINESS DISTRICT-



LOT CAPACITY		
Lot No.	No. of Spaces	Lot Designation
1	40	ALL DAY
2	23	ALL DAY
3	55	ALL DAY
4	128	108 RESTRICTED, 20 TEMPORARY
5	41	2-HOUR
7	24	ALL DAY
8	24	ALL DAY
9	74	2-HOUR, ALL DAY WITH PERMIT
10	16	ALL DAY
11	36	2-HOUR
12	44	2-HOUR, ALL DAY WITH PERMIT
18	30	ALL DAY
19	67	CONVENTION CENTER OVERFLOW
24	33	ALL DAY
25	691	PARKING STRUCTURE
28	38	2-HOUR, ALL DAY WITH PERMIT
29	38	ALL DAY
30	30	ALL DAY
31	433	PARKING STRUCTURE - ALL DAY
32a	79	PARKING STRUCTURE - 2-HOURS, LOWER LEVEL
32b	85	PARKING STRUCTURE - ALL DAY, UPPER LEVEL
33	40	ALL DAY
34	40	ALL DAY
35	34	ALL DAY
36	34	ALL DAY
37	17	ALL DAY
38	23	2-HOUR, ALL DAY WITH PERMIT
39	42	ALL DAY
40	107	ALL DAY
41	18	ALL DAY
42	54	ALL DAY
43	21	ALL DAY
44	150	ALL DAY
45	22	ALL DAY
CHE	121	17 2-HOUR, 104 ALL DAY
CHW	10	2-HOUR

LEGEND

- TWO HOUR ON STREET PARKING
- TWO HOUR PARKING LOT
- TWO HOUR PARKING LOT (ALL DAY BY PERMIT)
- ALL DAY PARKING LOT
- COMBINATION PARKING
- PERMIT PARKING ONLY
- CENTRAL BUSINESS DISTRICT
- ALL UNDESIGNATED ON STREET PARKING IS ALL DAY PARKING



NO SCALE

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

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

Agenda Item Wording: Award Industrial Uniform and Laundry Services to AmeriPride and Linen Services to Aramark per specifications of RFB 10-11-04.

Deadline for Action: October 4, 2010

Submitting Department: Purchasing

Contact Name and Phone Number:
Christy Duheaney, Administrative Analyst, 713-4390

Department Recommendation:

Staff recommends that 1) AmeriPride be awarded the Industrial Uniform and Laundry Services and 2) Aramark be awarded the Linen services portion of the bid.

Summary/background:

Since 2000, AmeriPride has been providing Industrial Uniform and Laundry Services to Solid Waste, Fleet, Streets, Traffic Safety, WWTP, Parks and Convention Center. AmeriPride also supplies all of Convention Centers linens along with towels and mops to the Fire, Police and Public Works departments. According to the City's Purchasing Policy, no contract shall be more than 5 years, unless approved by City Council.

Bid Request

On July 27th and August 3, 2010, bids were solicited by advertising in the Visalia times Delta and by mailing bid notices to vendors. In addition, the bid was posted on Bid-Net and approximately 13 letters were sent out to various companies that provide this service from Fresno to Bakersfield.

On August 11, 2010 a non-mandatory pre bid meeting was held in the City Council Chambers. A total of three companies attended the meeting. During the non-mandatory pre-bid meeting, staff reviewed the bid specifications and answered questions.

Response to Bid Request

Due to the variation of services and to give smaller business a chance to bid, the work was split into two options: A-1: Industrial Uniform and Laundry Services and A-2: Linen Services.

On August 27th, 2010, the Purchasing Division received bids from five companies and are shown in Table1-Bid Summary.

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.

Bidder's Name	Address	A-1: Uniforms & Laundry Service Weekly Cost	A-2: Linen Service Weekly Cost
Aramark	3333 N. Sabre Dr. Fresno, CA 93727	\$772.49	\$839.11
AmeriPride	1143 Security Ct. Tulare, CA 93274	\$803.02	\$956.92
Mission Linen	520 E. Mineral King Avenue Visalia, CA 93292	\$888.27	\$1631.90
Prudential Overall Supply	1260 E. North Ave. Fresno, CA 93725	\$999.83	Incomplete Bid

On June 21, 2010, Council enacted a local preference. The local preference applies to any business that has a business address within Tulare County for a minimum of six months. A Post Office Box is not accepted as a business address.

The local preference for bids consists of a match preference in which a local vendor whose bid is within 5% of the apparent low bidder will be given three (3) business days, from date notified, to match or beat the low bid. If there is more than one local vendor that is within the 5% range, the offer goes to the local vendor that is closest to the low bid.

The apparent low bidder for both options was Aramark, which is located outside of Tulare County. AmeriPride, located in Tulare, was the second low bidder for both bids and was within the 5% range for Uniform Services. A local vendor was not within the 5% range for the Linen Services. AmeriPride was given the opportunity to meet or beat the low bid for Uniform Services. AmeriPride responded within the three days with a proposal to meet the low bid price.

Per the bid documents, the lowest bidder for both bids was to supply samples of their products as they proposed to deliver to the City. Both AmeriPride and Aramark provided samples upon notification as low bidder. Samples were distributed to the departments who will be utilizing the services. The departments agree that all products meet standards and are of good quality.

References were checked on both companies and both were recommended. In addition, AmeriPride has been providing services to the City for the past 10 years and has shown a high level of responsiveness to the needs of the departments.

The contractual agreement is for a one-year period, but can be extended by the City for a period not to exceed five years providing satisfactory performance is provided. The services for these contracts are budgeted in various departments operating budgets that use the services and will not need a budget amendment. The annual contract for Industrial Uniform and Laundry Services is estimated to be \$40,200 per year and the contract for Linen Services is estimated to be \$43,600 per year.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

- 1) Bid Summary Sheet
- 2) AmeriPride & Aramark References

Recommended Motion (and Alternative Motions if expected):

Staff recommends that AmeriPride be awarded the Industrial Uniform and Laundry contract and Aramark be awarded the Linen services contract per specifications of RFB 10-11-04.

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:

BID SUMMARY

Aramark:	Description of Article	Est. Qty Per Week	Unit Cost	Laundry Service Cost per Week	Replacement Cost per Item	Total
Item A: Uniforms	DC Blend Pant, Men's/Women's	555	0.32	\$177.60	\$9.00	\$186.60
	DC Blend Shirt, Men's/Women's	530	0.32	\$169.60	\$8.00	\$177.60
	DC Exec Pant, Men's/Women's	24	0.43	\$10.32	\$10.00	\$20.32
	DC Exec Shirt, Men's/Women's	18	0.47	\$8.46	\$9.00	\$17.46
	DC Polo Shirts, Men's/Women's	12	0.32	\$3.84	\$8.00	\$11.84
	100% Cotton Pant, Men/Women	160	0.38	\$60.80	\$10.00	\$70.80
	100% Cotton Shirt, men/Women	155	0.38	\$58.90	\$9.00	\$67.90
	Coverall, Cotton/Synthetic	60	0.63	\$37.80	\$17.00	\$54.80
	Laboratory Coat	12	0.33	\$3.96	\$9.00	\$12.96
						Subtotal A
Item B: Misc.	Laundry Bag	10	n/c	n/c	n/c	\$0.00
	Towel, Shop	1300	0.04	\$52.00	\$0.30	\$52.30
	Towel, Glass	100	0.07	\$7.00	\$0.70	\$7.70
	Air Freshner	5	0.95	\$4.75	\$6.00	\$10.75
	Bag Rack	7	n/c	n/c	\$1.00	\$1.00
	Hangar Bar	5	n/c	n/c	\$1.00	\$1.00
	NOG-Cleaning Cost	10	0.55	\$5.50	n/a	\$5.50
					Subtotal B	\$78.25
Item C: Mops	Dust Mop, Treated, 24"	3	0.72	\$2.16	\$4.00	\$6.16
	Dust Mop, Treated, 30"	14	0.9	\$12.60	\$4.00	\$16.60
	Dust Mop, Treated, 42"	16	1.25	\$20.00	\$4.00	\$24.00
	Dust Mop, Treated, 60"	12	1.60	\$19.20	\$4.00	\$23.20
	Mop Tool, Dust	35	n/c	n/c	\$4.00	\$4.00
					Subtotal C	\$73.96
					Total Lump Sum Price	\$772.49
AmeriPride	Description of Article	Est. Qty Per Week	Unit Cost	Laundry Service Cost per Week	Replacement Cost per Item	Total
Item A: Uniforms	DC Blend Pant, Men's/Women's	555	0.32	\$177.60	\$16.25	\$193.85
	DC Blend Shirt, Men's/Women's	530	0.33	\$174.90	\$14.25	\$189.15
	DC Exec Pant, Men's/Women's	24	0.32	\$7.68	\$16.25	\$23.93
	DC Exec Shirt, Men's/Women's	18	0.33	\$5.94	\$14.25	\$20.19
	DC Polo Shirts, Men's/Women's	12	0.33	\$3.96	\$14.25	\$18.21
	100% Cotton Pant, Men/Women	160	0.32	\$51.20	\$16.25	\$67.45
	100% Cotton Shirt, men/Women	155	0.33	\$51.15	\$14.25	\$65.40
	Coverall, Cotton/Synthetic	60	0.66	\$39.60	\$19.50	\$59.10
	Laboratory Coat	12	0.65	\$7.80	\$16.50	\$24.30
						Subtotal A

Aramark:	Description of Article	Est. Qty Per Week	Unit Cost	Laundry Service Cost per Week	Replacement Cost per Item	Total
Item A: Linen Supplies	Banquet Table Cover, 54x120	500	0.89	\$445.00	\$20.00	\$465.00
	Table Cover, round, 85x85	150	0.76	\$114.00	\$18.00	\$132.00
	Napkin, 20x20	500	0.055	\$27.50	\$1.10	\$28.60
	Towel, Bar	75	0.085	\$6.38	\$0.70	\$7.08
	Towel, Dish	25	0.07	\$1.75	\$0.70	\$2.45
	Towel, Bath #1 (shower)	30	0.23	\$6.90	\$3.00	\$9.90
	Towel, Bath #2 (Industrial)	1125	0.163	\$183.38	\$1.00	\$184.38
Subtotal A						\$829.41
Item B: Misc.	Laundry Bag	10	n/c	n/c	n/c	\$0.00
	Towel Glass	100	0.07	\$7.00	\$0.70	\$7.70
	Bag Rack	7	n/c	n/c	\$1.00	\$1.00
	Hangar Bar	5	n/c	n/c	\$1.00	\$1.00
Subtotal B						\$9.70
Total Lump Sum Price						\$839.11

AmeriPride	Description of Article	Est. Qty Per Week	Unit Cost	Laundry Service Cost per Week	Replacement Cost per Item	Total
Item A: Linen Supplies	Banquet Table Cover, 54x120	500	1.1	\$550.00	\$0.02	\$550.02
	Table Cover, round, 85x85	150	0.8	\$120.00	\$0.02	\$120.02
	Napkin, 20x20	500	0.07	\$35.00	\$1.00	\$36.00
	Towel, Bar	75	0.1	\$7.50	\$0.90	\$8.40
	Towel, Dish	25	0.1	\$2.50	\$0.90	\$3.40
	Towel, Bath #1 (shower)	30	0.19	\$5.70	\$2.75	\$8.45
	Towel, Bath #2 (Industrial)	1125	0.17	\$191.25	\$27.50	\$218.75
Subtotal A						\$945.04
Item B: Misc.	Laundry Bag	10	n/c	n/c	n/c	\$0.00
	Towel Glass	100	0.11	\$11.00	\$0.88	\$11.88
	Bag Rack	7	n/c	n/c	n/c	\$0.00
	Hangar Bar	5	n/c	n/c	n/c	\$0.00
Subtotal B						\$11.88
Total Lump Sum Price						\$956.92

Mission Linen	Description of Article	Est. Qty Per Week	Unit Cost	Laundry Service Cost per Week	Replacement Cost per Item	Total
Item A: Linen Supplies	Banquet Table Cover, 54x120	500	2.00	\$1,000.00	\$22.00	\$1,022.00
	Table Cover, round, 85x85	150	2.00	\$300.00	\$18.00	\$318.00
	Napkin, 20x20	500	10.00	\$50.00	\$1.10	\$51.10
	Towel, Bar	75	0.08	\$6.00	\$1.08	\$7.08
	Towel, Dish	25	0.10	\$2.50	\$1.10	\$3.60
	Towel, Bath #1 (shower)	30	0.30	\$9.00	\$2.30	\$11.30
	Towel, Bath #2 (Industrial)	1125	0.18	\$202.50	\$1.18	\$203.68
	Subtotal A					
Item B: Misc.	Laundry Bag	10	n/c	n/c	n/c	\$0.00
	Towel Glass	100	0.14	\$14.00	\$1.14	\$15.14
	Bag Rack	7	n/c	n/c	n/c	\$0.00
	Hangar Bar	5	n/c	n/c	n/c	\$0.00
Subtotal B						\$15.14
Total Lump Sum Price						\$1,631.90

Prudential Overall Supply	Description of Article	Est. Qty Per Week	Unit Cost	Laundry Service Cost per Week	Replacement Cost per Item	Total
Item A: Linen Supplies	Banquet Table Cover, 54x120	500	n/a	n/a	n/a	
	Table Cover, round, 85x85	150	n/a	n/a	n/a	
	Napkin, 20x20	500				
	Towel, Bar	75				
	Towel, Dish	25				
	Towel, Bath #1 (shower)	30				
	Towel, Bath #2 (Industrial)	1125				
Subtotal A						\$0.00
Item B: Misc.	Laundry Bag	10				
	Towel Glass	100				
	Bag Rack	7				
	Hangar Bar	5				
Subtotal B						\$0.00
Total Lump Sum Price						\$0.00

(incomplete bid)

AmeriPride References

Note: All names must be typewritten under written signature. All Addresses must be complete with street number, city, state and zip code.

CONTRACTOR'S PERMIT INFORMATION

License Classification: _____
Expiration Date: _____

City of Visalia Business Tax Certificate No.: BLO05176

(A City Business Tax Certificate (License) is not required to submit a bid; however, vendor is required to obtain a City License prior to commencement of work or if vendor is presently transacting business within the City of Visalia regardless of whether the business address is actually located within the City. Contact the Business License Division for clarification of questions at 559-713-4326.

Federal Tax I.D. No.: 41-0831770

REFERENCES

The following are the names, addresses, and telephone numbers for at least three (3) public agencies for which BIDDER has performed work similar in size and scope within the past two years.

<u>Company Name</u>	<u>Address</u>	<u>Tel. No.</u>	<u>Contact</u>
1. <u>county of Tulare</u>		<u>559-636-5245</u>	<u>Al Guzman</u>
2. <u>City of Tulare</u>		<u>559-684-4231</u>	<u>Dean Leek</u>
3. <u>City of Exeter</u>		<u>559-592-3318</u>	<u>Daymon Qualls</u>

DESIGNATION OF SURETIES

The following are the names, addresses, and telephone numbers for all brokers and sureties from whom BIDDER intends to procure insurance.

<u>Company Name</u>	<u>Address</u>	<u>Tel. No.</u>	<u>Type</u>
<u>We do not give out this info</u>			

* See additional paper for addresses

Aramark References

Note: All names must be typewritten under written signature. All Addresses must be complete with street number, city, state and zip code.

CONTRACTOR'S PERMIT INFORMATION

License Classification: N/A
Expiration Date: _____

City of Visalia Business Tax Certificate No.: BL005157

(A City Business Tax Certificate (License) is not required to submit a bid; however, vendor is required to obtain a City License prior to commencement of work or if vendor is presently transacting business within the City of Visalia regardless of whether the business address is actually located within the City. Contact the Business License Division for clarification of questions at 559-713-4326.

Federal Tax I.D. No.: 95-3082883

REFERENCES

The following are the names, addresses, and telephone numbers for at least three (3) public agencies for which BIDDER has performed work similar in size and scope within the past two years.

Company Name	Address	Tel. No.	Contact
1. City of Hanford	900 10th Ave Hanford, CA 93230	Terry Carr	559-582-2511
2. City of Madera	205 W. 4th Madera, CA 93237	Dorris Simpson	559-661-5466
3. City of Dinuba	110 S. College Ave Dinuba, CA 93618	Maria Alvarez	559-591-5924

DESIGNATION OF SURETIES

The following are the names, addresses, and telephone numbers for all brokers and sureties from whom BIDDER intends to procure insurance.

Company Name	Address	Tel. No.	Type
The Simkiss Agency, Inc	2 Paoli Office Park Paoli, PA	19301-0826 (610) 727-5354	

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

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

Agenda Item Wording: Authorization to pre-pay or call the 2002 Waste Water Treatment Plant Bonds on December 1, 2010.

Deadline for Action: October 15, 2010

Submitting Department:

Contact Name and Phone Number:

Eric Frost, Administrative Services Director	713-4474
Jason Montgomery, Financial Analyst	713-4425
Kari Blofsky, Financial Analyst	713-4298

Department Recommendation:

Staff recommends that the Visalia City Council authorize the prepayment of the 2002 Waste Water Treatment Plant Bonds on December 1, 2010.

Discussion:

In August, the City Council took a number of actions to begin the financing for the required upgrades at the Water Conservation Plant (WCP). At the time, the Council gave staff the following contingent authority to call the 2002 Waste Water Treatment Plant Bonds:

- Authorize 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.

Subsequent to this action, staff has met with the State Revolving Fund (SRF) program representatives in order to assess the likelihood of the City being successful in obtaining a loan for the WCP.

The loan fund officers indicated that all completed applications have been funded. Staff now feels very confident that the City will be successful in obtaining a loan from the SRF. Further, staff believes it is advantageous to the City to call the 2002 Waste Water Treatment Plans before final financing for the WCP \$100 million project is obtained because of the very high likelihood all the project will be funded.

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.

The SRF also affirmed the following loan terms:

- 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.

As result, the following refinancing rationale from the City Council staff report of 8/16/2010 stands and argues for pre-paying or calling the 2002 Waste Water Treatment Plant bonds now:

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	<u><u>\$ 124,644</u></u>

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.

Committee/Commission Review and Actions: None

Alternatives: Wait to pay off the 2002 Waste Water Treatment Plants Bonds.

Attachments:

Recommended Motion (and Alternative Motions if expected)

I move that we direct the City Manager to call or pre-pay the 2002 Waste Water Treatment Plant Bonds.

Environmental Assessment Status

CEQA Review:

NEPA Review:

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

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

Agenda Item Wording: Adoption of Resolution 2010-66, the required bi-annual update of the list of City of Visalia designated employees and classifications for the purpose of compliance with Chapter 2.08 of the Ordinance Code of the City of Visalia specifying conflict of interest regulations.

Deadline for Action: December 15, 2010

Submitting Department: Administration

Contact Name and Phone Number: Donjia Huffmon, 713-4512 and Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that the Visalia City Council adopt Resolution 2010-66, the regularly scheduled bi-annual update of the list of designated employees required by Chapter 2.08 of the Visalia Municipal Code and as required by the Fair Political Practices Commission.

Department Discussion:

The Fair Political Practices Commission has regulations regarding the establishment and maintenance of conflict of interest codes. Included in the regulations is a provision that by October 1 of even-numbered years, a determination must be made if amendments to the local codes are required.

In 2008, the City thoroughly reviewed and revised the conflict of interest code, following the FPCC recommendations. That revision included the addition that consultants, under certain circumstances, are required to file. In addition, the disclosure categories were revised to include that loans, gifts and travel payments, under certain circumstances, must be reported.

The action before the Council tonight is the regular bi-annual update. It generally reflects changes that have occurred to the positions and position titles over the past two years and is a "housekeeping" matter which changes titles to reflect correctly the positions that are currently found in the City of Visalia organization, as well as adding/deleting titles because of changes in assigned responsibilities. In addition, because of reorganization within some departments/divisions, some employees may now have greater purchasing authority and responsibility. Conflict of interest codes focus on those people in an organization who are responsible for significant amounts of purchasing, or are the primary decision-makers regarding purchasing decisions. These responsibilities exist at different levels in the various departments/divisions and therefore the resolution must be specific down to the level of the individual title, rather than the class (supervisor, manager, etc.) of the employees.

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
Finance N/A

City Atty N/A

City Mgr

The City Clerk's office coordinates the filing of FPPC statements and communicates to the employees on this list what is required of them. Members of the City Council and the primary appointed City officials (such as the City Manager and Chief Financial Officer) are covered by other sections of FPPC regulations and are included in the resolution for informational purposes only.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: To postpone the adoption to a future meeting.

Attachments:
Resolution 2010-66

Recommended Motion (and Alternative Motions if expected):

I move to approve the adoption of Resolution 2010-66, to update the list of designated employees are required by Chapter 2.08 of the Visalia Municipal Codes and as required by the Fair Political Practices Commission.

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*)

Bi-annual review required. Update needed no later than the second meeting of December, 2008.

RESOLUTION 2010-66

RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF VISALIA FOR THE PURPOSES OF COMPLIANCE WITH CHAPTER 2.08 OF THE ORDINANCE CODE OF THE CITY OF VISALIA SPECIFYING CONFLICT OF INTEREST REGULATIONS

WHEREAS, the City of Visalia has adopted Chapter 2.08, Section 2.08.10 of the Visalia Municipal Code, which provides for a conflict of interest code pursuant to the Political Reform Act (Government Code Section 81000, et seq.); and

WHEREAS, the City must designate those positions within the organization that shall be deemed Designated Employees and must further specify disclosure categories for each position listed;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia hereby establishes the following revised list of Designated Employees and Disclosure Categories:

DESIGNATED EMPLOYEE POSITIONS AND DISCLOSURE CATEGORIES

Department	Classification	Employee	Disclosure Category
All Depts.	Consultant		1 *see footnote
Administration	Airport Manager	Cifuentez	2
	Assistant City Manager	Olmos	1
	Chief Deputy City Clerk	Huffmon	2
	Community Relations Manager	Loliva	2
	Convention Center Manager	Roeben	2
	Deputy City Manager	Caviglia	1
	Financial Analyst	Quevedo	2
	Natural Resource Conservation Manager	Loeb	2
	Special Projects Manager	Coring	2
Transit Manager	Cox	2	
Administrative Services	Finance Manager	Aiello, Nagel, Murch	2
	Financial Analyst	McGee, Murch Montgomery, Pena, Fosberg, Blofsky	2
	Human Resources Manager	Avila, Davis	2
	Information Services Manager	Allen	2
	Insurance & Benefits Manager	Dunn	2
	Management Analyst	Burrell, Gonzalez	2

Department	Classification	Employee	Disclosure Category
Community Development	Assistant Building Official	Vacant	2
	Assistant Community Development Director	Brusuelas, Young	1
	Associate Engineer/Civil Engineer	Dais, Goldstrom, Keenan, Lampe, Huckleberry, McSheehy, Molina, Spiro	2
	Associate Planner	Bernal	2
	Community Development Director	Young	1
	Development Project Manager	Ronk	1
	Development Services Manager/Chief Building Official	Lehman	2
	GIS Manager	Lord	2
	Management Analyst	Tavarez, Bond, Shepard	2
	Principal Planner	Scheibel	2
	Senior Civil Engineer	Damko, Ennis, Bons	2
	Senior Planner	Chamberlain, Smith	2
	Senior Plans Examiner	Ferrero	2
Fire	Fire Battalion Chief	Adney, Norman, Gildea, Sewell, Wristen	2
	Fire Chief	Nelson	1
	Management Analyst	Burrell	2
Housing & Economic Development	Code Enforcement Officer	Robertshaw	2
	Housing & Economic Development Director	Noguera	1
	Housing Specialist	Haynes	2
	Neighborhood Preservation Manager	Burns,	2
Parks & Rec	Building Services Coordinator	Palomino	2
	Management Analyst	Shepard	2
	Parks & Recreation Director	Elizondo	1
	Parks Supervisor	Fultz	2
	Parks & Urban Forestry Manager	Bean	2
	Recreation Manager	Greenwood	2
	Recreation Supervisor	Fitzgerald, Glick, Romero, Bradley	2
	Urban Forestry Supervisor	Pendergraft	2
	Administrative Services Manager	Hindenburg	2

Department	Classification	Employee	Disclosure Category
Police	Assistant Chief of Police	Mestas vacant	2
	Chief of Police	Carden Mestas	1
	Police Captain	Haskill, Newsom	2
	Police Lieutenant	Lynn, Phipps, Puder, Figueroa, Salazar, Wightman	2
	Police Specialist	George	2
	Police Support Services Manager	McDermott	2
Public Works	Fleet Supervisor	Morgantini	2
	Financial Analyst	Fosberg	2
	Management Analyst	Magana	2
	Public Works Director	Benelli	1
	Public Works Manager	Ross, Nielsen	2
	Public Works Support Services Manager	vacant	2
	Waste Water Treatment Plant Supervisor	Misenhimer	2

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitations:

The City Manager or designee may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or designee’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

DISCLOSURE CATEGORIES

Disclosure Category 1:

Designated employees assigned this category must report:

- a) Interests in real property which are located in whole or in part:
 1. within the boundaries of the City of Visalia,
 2. within two miles of the boundaries of the City of Visalia, or
 3. within two miles of any land owned or used by the City of Visalia, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

- b) Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which engage in the acquisition or disposal of real property within the jurisdiction.

- c) Investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

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

Agenda Item Wording: Introduction of Ordinance No.2010-08 to amend Chapter 15.60, Sections 15.60.010 through 15.60.070, implementing updates to the City of Visalia "Flood Damage Prevention Regulations" and renaming Chapter 15.60 to "Floodplain Management Regulations" (first reading).

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Community Development Director, 713-4392
Doug Damko, Senior Civil Engineer, 713-4268

Recommendation: Staff recommends that Council adopt Ordinance No.2010-08 to amend Chapter 15.60, Sections 15.60.010 through 15.60.070, implementing updates to the City of Visalia "Flood Damage Prevention Regulations" and renaming Chapter 15.60 to "Floodplain Management Regulations" as shown in Exhibits A and B.

Summary: Staff is recommending the implementation of these updates to our floodplain management regulations in order to accomplish three main goals.

- 1) To have floodplain management regulations that qualify and enhance the City's pending application to FEMA's Community Rating System (CRS). The City's participation in the CRS program will lead to discounted insurance rates for property owners within the City.
- 2) Maintain regulatory compliance with FEMA's National Flood Insurance Program (NFIP).
- 3) To update and clarify current practices and procedures and clarify the City's role as floodplain administrator for the NFIP.

Background: FEMA has required that the City update its existing floodplain management regulations, which are located in Chapter 15.60 of the Municipal Code. With this update, this chapter will be given the short title of "City of Visalia Floodplain Management Ordinance" (FMO). The requirement for this update has come about because of a Community Assistance Visit (CAV) conducted on August 27, 2009 by DWR on behalf of FEMA. The purpose for this visit is for FEMA to evaluate the City on its administration of our FMO under their National Flood Insurance Program (NFIP). FEMA conducts CAVs on a 5-year review cycle. The City received a CAV report on October 28, 2009 and this report listed specific required changes to the City's FMO. Subsequent communication with FEMA and DWR resulted in some additional required

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.

changes and some recommended changes. City staff also performed an extensive review of the FMO and identified changes needed to improve the internal consistency of language and to add language that better describes the hydrological conditions of the City.

The following is a categorized summary of the substantive changes to the FMO:

Required by DWR and FEMA

- Updated definitions and other language for consistency with the “California Model Floodplain Management Ordinance for Noncoastal Communities dated December 2006.” This model ordinance was developed by DWR as a tool to help communities adopt floodplain management ordinances that meet the minimum requirements of the NFIP.
- Updated references to the revised Flood Insurance Study and revised Flood Insurance Rate Maps dated June 16, 2009.
- Incorporated references to FEMA technical bulletins and publications on the topics of dry and wet floodproofing, developing Base Flood Elevations and crawlspace foundations.
- Added language requiring that all new construction, substantial development or other development (including fill) within Zone AE will only be permitted if a hydraulic analysis is performed showing that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City, or alternatively, it is demonstrated: (1) that the proposed development does not substantially increase the water surface elevation of the base flood within the vicinity of the proposed development, and (2) the proposed development is designed to allow the flow of the base flood to substantially pass through.

Recommended by DWR and FEMA

- Added language to require the City to track building permit records over a period of 5 years to identify structures that have been incrementally improved to the level of greater than 50% of the market value of the structure.
- Added the term “market value” to provide a systematic method for determining the value of an improvement to a structure and therefore determining if this improvement meets the “substantial improvement” definition.
- Added language to require a non-conversion agreement for structures that have enclosed areas below the Base Flood Elevation to ensure that these areas are not used for human habitation.
- Added language dealing with crawlspace foundations and specifically with below-grade crawlspace foundations.

Recommended by City Staff

- Renaming Chapter 15.60 and establishing a short title of Floodplain Management Ordinance.
- Clarification that the City is located in an inactive alluvial fan hydrological system and not a riverine hydrological system to address specific regulatory requirements for designating regulatory floodways in a riverine system.
- Require that nonresidential buildings are floodproofed to one foot above the Base Flood Elevation so that these buildings receive an insurance rate equivalent to buildings with their lowest floors elevated to the Base Flood Elevation
- Require all new subdivision proposals and other proposed residential development that are greater than 10 lots or 3 acres to have the pads for the planned residential structures

elevated to or above the Base Flood Elevation. An application to FEMA for a Letter of Map Revision based on fill will be required.

Prior Council/Board Actions:

- On June 4, 1984, Council adopted Ordinance No. 8412 amending the Municipal Code by adding flood damage prevention regulations.
- On April 6, 1987, Council adopted Ordinance No. 8711 repealing the existing flood damage prevention regulations and adopting new flood damage prevention regulations.
- On October 5, 1998, Council adopted Ordinance No. 9816 repealing the existing flood damage prevention regulations and adopting new flood damage prevention regulations.

Committee/Commission Review and Actions: None

Alternatives: None recommended

Attachments:

Exhibit A - Ordinance 2010-08

Exhibit B – strike and underline version of Chapter 15.60

Recommended Motion (and Alternative Motions if expected):

I move to introduce Ordinance No.2010-08 to amend Chapter 15.60, Sections 15.60.010 through 15.60.070, implementing updates to the City of Visalia “Flood Damage Prevention Regulations” and renaming Chapter 15.60 to “Floodplain Management Regulations” (first reading).

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

Exhibit A

ORDINANCE NUMBER 2010 - ____

AN ORDINANCE AMENDING CHAPTER 15.60, SECTIONS 15.60.010 THROUGH 15.60.070, IMPLEMENTING UPDATES TO THE CITY OF VISALIA “FLOOD DAMAGE PREVENTION REGULATIONS” AND RENAMING CHAPTER 15.60 TO “FLOODPLAIN MANAGEMENT REGULATIONS”

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: Consistent with the authority of the Charter of the City of Visalia and the statutes of the State of California, the City Council of the City of Visalia hereby enacts updates to the Flood Damage Prevention Regulations.

Section 2: Chapter 15.60, Sections 15.60.010 through 15.60.070, of the Visalia Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and incorporated herein.

Section 3: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4: Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 5: Effective Date. This Ordinance shall take effect sixty days after its adoption.

Section 6: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

BOB LINK, MAYOR

ATTEST:

STEVEN M. SALOMON, CITY CLERK

APPROVED BY CITY ATTORNEY

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2010-__ passed and adopted by the Council of the City of Visalia at a regular meeting held on _____, 2010 and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy

Exhibit A

Chapter 15.60

FLOODPLAIN MANAGEMENT REGULATIONS

Sections:

15.60.010 Statutory authorization, short title, findings of fact, purpose and methods.

15.60.020 Definitions.

15.60.030 General provisions.

15.60.040 Administration.

15.60.050 Provisions for flood hazard reduction.

15.60.060 Variance procedures.

15.60.070 Board of appeals.

15.60.010 Statutory authorization, short title, findings of fact, purpose and methods.

A. Statutory Authorization. The Legislature of the state has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City does adopt the following floodplain management regulations.

B. Short Title. This chapter shall be known and may be cited as the "City of Visalia Floodplain Management Ordinance."

C. Findings of Fact.

1. The flood hazard areas of the City are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstruction in special flood hazard areas, which increase flood heights and velocities, may also contribute to the flood loss.

D. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding events and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
6. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is located in a special flood hazard area; and
8. Ensure that those who occupy properties located in special flood hazard areas assume responsibility for their actions.

E. Methods of Reducing Flood Losses. In order to accomplish its purpose, this chapter includes regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 9816 (part), 1998: prior code § 7192)

15.60.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter.

“Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. The City is predominately an area of shallow flooding with a designated AE zone on the FIRMs. There are select areas that are depressed where the base flood depths exceed three feet. These areas are public spaces and do not contain structures.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Base flood elevation” (BFE) means the elevation shown on the FIRMs for Zone AE that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

“Breakaway walls” means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to break away, under abnormal water action without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty (20) pounds per square foot. Use of breakaway walls shall be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within a special flood hazard area.

“Encroachment” means the advance of infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means parcel (or contiguous parcel) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the original effective date of this chapter on July 5, 1984.

“Expansion to an existing manufactured home park or manufactured home subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Maps (FIRMs)” means the official maps on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zone applicable to the community.

“Flood Insurance Study (FIS)” means the official report provided by the FEMA that includes flood profiles, the FIRMs, and the water surface elevations of the base flood.

“Floodplain administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see “Flood”).

“Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved

property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins 2-08, 3-93, and 7-93.

“Flood-related erosion” means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

“Fraud and victimization” as related to the variance procedures of Section 15.60.060, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the BFE are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Governing body” is the local governing unit that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to the variance procedures of Section 15.60.060, means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to development next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

“Inactive alluvial fan flooding” means flooding that is similar to traditional riverine flood hazards, but occurs only on alluvial fans. It is characterized by flow paths with a higher degree of certainty in realistic assessments of flood risk or in the reliable mitigation of the hazard. Inactive alluvial fan flooding hazard is characterized by relatively stable flow paths. Areas of inactive alluvial fan flooding, may be subject to sediment deposition and erosion, but to a degree that does not cause flow path instability and uncertainty.

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “Basement”).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access, building crawlspace or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, it conforms to applicable nonelevation design requirements, including, but not limited to:
 - a. The anchoring standards in Section 15.60.050A1;
 - b. The construction materials and methods standards in Section 15.60.050A2;
 - c. The flood openings standard in Section 15.60.050A3c;
 - d. The crawlspace construction standards in Section 15.60.050A3e;

e. The standards for utilities in Section 15.60.050B. “Manufactured home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a recreational vehicle, except for travel trailers, park trailers, and similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market value” shall be determined by estimating the cost to replace the structure in new condition (land value deducted) and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences. The owner of the structure is responsible to determine the market value and submit a report thereof to the floodplain administrator for review and acceptance.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community’s FIRMs are referenced.

“New construction”, for floodplain management purposes, means structures for which the “start of construction” commenced on or after the original effective date of this chapter on July 5, 1984, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale, or installed on foundations on or after the original effective date of this chapter on July 5, 1984.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or

velocity of the flow of water, snare or collect debris carried by the flow of water, or is likely to be carried downstream.

“One-Hundred-Year-Flood” or “100-Year Flood.” See “Base flood.”

“Public safety and nuisance” as related to the variance procedures of Section 15.60.060, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
 2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 3. Designed to be self-propelled or permanently towable by a light-duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- “Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Sheet Flow Area.” See “Area of shallow flooding.”

“Special flood hazard area (SFHA)” means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1 A30, AE, A99, or, AH.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means

either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or subdivision, start of construction means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks or subdivisions start of construction is the date on which the placement of the manufactured home on a foundation takes place.

“Structure” means a walled and roofed building or manufactured home that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. If multiple or phased improvements are involved, said total costs shall be cumulative for a 5 consecutive year period prior to the start of construction. Substantially improved structures are considered new construction and shall meet all the provisions of this chapter for new construction. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 9816 (part), 1998: prior code § 7193)

15.60.030 General provisions.

A. Lands to Which this Chapter Applies. This chapter shall apply to all special flood hazard areas within the jurisdiction of the City.

B. Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by FEMA in the FIS and accompanying FIRMs dated June 16, 2009 and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City by the floodplain administrator. The FIS and accompanying FIRMs are on file at City Hall, 315 E. Acequia Avenue, Visalia, California.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing in this chapter shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or FEMA, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

G. Severability. This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any portion thereof, other than the section so declared to be unconstitutional or invalid. (Ord. 9816 (part), 1998: prior code § 7194)

15.60.040 Administration.

A. Establishment of Development Permit. A development permit shall be obtained before any construction, or other development including manufactured homes, begins within any special flood hazard area established in Section 15.60.030B. The applicant for a development permit shall submit such application on application forms furnished by the City. The applicant shall provide the following minimum information during the course of applying and completing the development permit:

1. During the application process, provide three sets of plans, drawn to scale, showing:
 - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 - b. Proposed locations of water supply, sanitary sewer, and other utilities;
 - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 - d. BFE information as shown on the FIRMs referenced in Section 15.60.030B.

- e. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - f. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed as required in Section 15.60.050A3b of this chapter and detailed in FEMA Technical Bulletin 3-93.
 - g. For a structure with a crawlspace foundation, proposed locations and total net area of flood openings as required in Section 15.60.050A3e of this chapter and detailed in FEMA Technical Bulletins 1-08 and 7-93.
- 2. During the application process, provide a description of the extent to which any watercourse will be altered or relocated as a result of the development permit.
 - 3. During the permit issuance and inspection process, provide preliminary certification from a registered professional engineer or land surveyor of the proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all residential structures.
 - 4. Prior to requesting a final occupancy of the structure, provide the following certifications as applicable:
 - a. Certification required by Section 15.60.050A3a (lowest floor elevations);
 - b. Certification required by Section 15.60.050A3b (elevation or floodproofing of nonresidential structures);
 - c. Certification required by Section 15.60.050A3c (flood openings);
- B. Designation of the Floodplain Administrator. The Chief Building Official or authorized designee agent acting in the official's behalf is appointed to administer, implement and enforce this chapter by granting or denying development permit applications in accordance with its provisions.
- C. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the floodplain administrator shall include, but not be limited to:
- 1. Permit Review.
 - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - b. All other required state and federal permits have been obtained;
 - c. The site is reasonably safe from flooding;
 - d. The proposed development does not adversely affect the carrying capacity of areas where BFEs have been determined but a floodway has not been designated. This adverse affect on carrying capacity shall be determined by the analysis required in Section 15.60.050F1.

2. Review, Use and Development of Other Base Flood Data. When BFE data is not available per Section 15.60.030B, the floodplain administrator shall obtain, review and reasonably utilize any flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 15.60.050. The floodplain administrator shall require that BFEs be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

3. Notification of Other Agencies.

a. Alteration or relocation of a watercourse:

i. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

ii. Submit evidence of such notification to FEMA; and

iii. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

b. BFE changes due to physical alterations:

i. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

ii. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits shall not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

4. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

a. Certification required by Section 15.60.050A3a (lowest floor elevations);

b. Certification required by Section 15.60.050A3b (elevation or floodproofing of nonresidential structures);

c. Certification required by Section 15.60.050A3c (flood openings);

d. Certification of elevation required by Section 15.60.050C1 (subdivisions and other residential development);

e. Maintain a record of all variance actions, including justification for their issuance.

5. Map Determinations. Make interpretations where needed as to the exact location of the boundaries of the special flood hazard areas; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.60.070.

6. Remedial Action. Take action to remedy violations of this chapter as specified in Section 15.60.030C.

7. Non-conversion of Enclosed Areas Below the Lowest Floor. To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the floodplain administrator shall:

a. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher; and

b. Require the applicant to enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the city. The agreement shall be recorded with the Tulare County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the floodplain administrator and city attorney; and

c. Have the authority to inspect any area of a structure below the BFE to ensure compliance upon prior notice of at least 72 hours.

(Ord. 9816 (part), 1998: prior code § 7195)

15.60.050 Provisions for flood hazard reduction.

A. Standards of Construction. In all special flood hazard areas, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall meet the anchoring standards of Section 15.60.050D1.

2. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

- a. With materials, which are located below the BFE, that are flood damage resistant per FEMA Technical Bulletin 2-08; and
- b. Using methods and practices that minimize flood damage; and
- c. With mechanical, electrical and plumbing systems and other service systems that are either elevated above the BFE if possible or, if below the BFE, designed to prevent water from entering or accumulating within the system components during conditions of flooding per FEMA 348.

3. Elevation and Floodproofing. (See Section 15.60.020, definitions for “Basement,” “Lowest floor,” “New construction,” “Substantial damage” and “Substantial improvement.”)

a. Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

i. In an AE Zone, elevated to or above the BFE.

ii. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the BFE; as determined under Section 15.60.040C2.

iii. Certified by a registered professional engineer or land surveyor, and verified by the City building inspector, to be properly elevated prior to issuance of the final inspection of the structure. Such certification and verification shall be provided to the floodplain administrator.

b. Nonresidential construction. All new or substantial improvements of nonresidential structures shall either be elevated to conform with Section 15.60.050A3a or together with attendant utility and sanitary facilities:

i. Be floodproofed to one foot above the BFE so that the structure is watertight with walls substantially impermeable to the passage of water and eligible to receive an insurance rate equivalent to a building with its lowest floor elevated to the BFE;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

iii. Be certified by a registered professional engineer or architect, and verified by the City building inspector, that the floodproofing requirements of this Section 15.60.050A3b are satisfied prior to issuance of final occupancy of the structure. Such certification shall be provided to the floodplain administrator.

c. Flood Openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for

parking of vehicles, building access, building crawlspace or storage, and which are subject to flooding, shall:

i. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater.

ii. Be designed to provide a minimum of two openings on different exterior walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater. Buildings with more than one enclosed area shall have two openings on different exterior walls for each enclosed area to allow the automatic entry and exit of floodwater in each enclosed area.

iii. Be certified by a registered professional engineer or architect, and verified by the City building inspector, that the flood openings requirements of this Section 15.60.050A3c are satisfied prior to issuance of the final inspection of the structure. Such certification shall be provided to the floodplain administrator.

d. Manufactured homes shall meet the standards in Section 15.60.050D.

e. Crawlspace Construction. This sub-section applies to buildings with crawlspaces up to 2 feet below grade. Below-grade crawlspace construction that is done in accordance with the requirements listed below will not be considered to be a basement.

i. Crawlspace construction shall be done per the guidance provided in FEMA Technical Bulletin 11-01.

ii. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawlspace construction is not allowed at sites with flood velocities greater than 5 feet per second and other foundation types should be used;

iii. The crawlspace is a fully enclosed area below the BFE and, as such, shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-08;

iv. Crawlspace construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;

v. Portions of the building below the BFE shall be constructed with materials that are flood damage resistant per FEMA Technical Bulletin 2-08. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

vi. Any mechanical, electrical and plumbing systems located within the crawlspace shall be elevated above the BFE if possible or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions per FEMA 348.

vii. Requirements for all below-grade crawlspace construction, in addition to the above requirements, to include the following:

(a) The interior grade of a crawlspace below the BFE shall not be more than 2 feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;

(b) The height of the below-grade crawlspace, measured from the interior grade of the crawl space to the top of the crawlspace foundation wall shall not exceed 4 feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point; and

(c) There shall be an adequate drainage system that removes floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event, not to exceed 72 hours.

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Standards for Subdivisions and Other Residential Development.

1. All new subdivisions proposals and other proposed residential development, including proposals for manufactured home parks and subdivisions, greater than 10 lots or 3 acres, whichever is the lesser, shall:

a. Identify the location of the SFHA and label the BFE lines on the record map.

b. Identify the elevations of lowest floors of all proposed structures and pads on the record map and construction plans.

c. Place fill to raise the pads for the structures to or above the BFE. The following as-built information shall be certified by a registered civil engineer or licensed land surveyor and included as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to FEMA:

i. Lowest lot elevation or pad elevation.

ii. Lowest adjacent grade to structure. (for cases with existing structures)The application for the LOMR-F shall be submitted to the floodplain administrator for review prior to submission to FEMA. The floodplain administrator shall complete the community acknowledgement form (FEMA Form 81-87B) for inclusion with the application.

2. All subdivision proposals and other proposed residential development shall be consistent with the need to minimize flood damage.

3. All subdivision proposals and other proposed residential development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

4. All subdivision proposals and other proposed residential development shall provide adequate drainage to reduce exposure to flood hazards and shall comply with the provisions of Section 15.60.050F1.

D. Standards for Manufactured Homes.

1. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

a. Within Zone AE on the community's FIRMs, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the BFE and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. Be certified by a registered professional engineer or land surveyor, and verified by the City or State building inspector, that the lowest floor (including basement) is properly elevated prior to issuance of the final inspection of the structure. Such certification and verification shall be provided to the floodplain administrator.

2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zone AE on the community's FIRMs that are not subject to the provisions of Section 15.60.050D1 shall:

a. Be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and

b. Be elevated so that either:

i. The lowest floor of the manufactured home is at or above the BFE; or

ii. The chassis of the manufactured home is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

c. Be certified by a registered professional engineer or land surveyor, and verified by the City or State building inspector, that the lowest floor (including basement) is properly elevated

prior to issuance of the final inspection of the structure. Such certification and verification shall be provided to the floodplain administrator.

E. Standards for Recreational Vehicles.

1. All recreational vehicles placed on sites within Zone AE on the community's FIRMs will either:

a. Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use; a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

b. Meet the permit requirements of Section 15.60.040 and the elevation and anchoring requirements for manufactured homes in Section 15.60.050D2.

F. Regulatory Floodways. FEMA has stated in the FIS that the City is characterized as an urbanized, inactive alluvial fan system, which consists of highly trained creeks and irrigation channels. This system of creeks and channels does not have the capacity to contain the base flood and therefore the establishment of regulatory floodways is not possible. The resulting flooding from the base flood consists of areas of shallow flooding with overland flows characterized by relatively stable flow paths through the community with flow velocities ranging from 0.5 to 2.0 feet per second. This velocity range of the flood flows is considered low and not extremely hazardous; therefore, the following provisions apply:

1. New construction, substantial development, or other development (including fill) shall be permitted within Zone AE when it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City, or alternatively, it is demonstrated: (1) that the proposed development does not substantially increase the water surface elevation of the base flood within the vicinity of the proposed development, and (2) the proposed development is designed to allow the flow of the base flood to substantially pass through. This analysis shall be done under the direction of the floodplain administrator and upon satisfactory completion shall be prepared into a report to be accepted by the floodplain administrator.

2. If Section 15.60.050F1 is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 15.60.050. (Ord. 9816 (part), 1998: prior code § 7196)

15.60.060 Variance procedures.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

A. Conditions for Variances. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, providing the procedures of Sections 15.60.040, 15.60.050 and 15.60.070B1-11 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures (as defined in Section 15.60.020) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon:

1. Receipt of a written request for variance from the owner of record, stating the conditions that constitute an extreme hardship;

2. A showing of good and sufficient cause such as renovation, rehabilitation or reconstruction. Variances issued for economic considerations, aesthetic, or because variances have been used in the past, are not good and sufficient cause;

3. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

4. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and

2. Such construction below the BFE increases risks to life and property. (It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the Office of the Tulare County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land).

G. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Section 15.60.060A-E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

H. Upon consideration of the factors of this section and the purpose of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

I. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the FEMA upon request. (Ord. 9816 (part), 1998: prior code § 7196.1)

15.60.070 Board of appeals.

In order to determine if an error in any requirements, decision or determination by the floodplain administrator has been made and to provide for reasonable interpretations of this chapter, there shall be and is created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. Request for appeal shall be made in writing to the floodplain administrator on forms available at City Hall, 315 E. Acequia Avenue, Visalia, California. The floodplain administrator shall be an ex-officio member of and shall act as secretary to the board. The board of appeals shall be appointed by the city council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business

and shall render all decisions and findings in writing to the appellant with a duplicate copy to the floodplain administrator.

A. Those aggrieved by the decision of the appeal board or any taxpayer, may appeal such decision to the civil court as provided in the state law.

B. In passing upon such application, the appeal board shall consider all technical evaluations, all relevant factors, standards, etc., specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, for the proposed uses that are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges. (Ord. 9816 (part), 1998: prior code § 7196.2)

Exhibit B

Chapter 15.60

FLOODPLAIN MANAGEMENT DAMAGE PREVENTION REGULATIONS

Sections:

15.60.010 Statutory authorization, short title, findings of fact, purpose and methods.

15.60.020 Definitions.

15.60.030 General provisions.

15.60.040 Administration.

15.60.050 Provisions for flood hazard reduction.

15.60.060 Variance procedures.

15.60.070 Board of appeals.

15.60.010 Statutory authorization, short title, findings of fact, purpose and methods.

A. Statutory Authorization. The Legislature of the state has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the eCity does adopt the following floodplain management regulations.

B. Short Title. This chapter shall be known and may be cited as the "City of Visalia Floodplain Management Ordinance."

BC. Findings of Fact.

1. The flood hazard areas of the eCity are subject to periodic inundation which may results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstruction in ~~areas of~~ special flood hazards areas, which increase flood heights and velocities, may also contribute to the flood loss.

CD. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. ~~To p~~Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. ~~To m~~Minimize the need for rescue and relief efforts associated with periodic flooding events and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas~~To minimize potential property losses in flood hazard areas;~~
6. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future blighted areas caused by flood damage;
7. ~~To i~~Ensure that potential buyers are notified that property is located in a special flood hazard area; and
8. ~~To i~~Ensure that those who occupy properties located in special flood hazard areas assume responsibility for their actions.

DE. Methods of Reducing Flood Losses. In order to accomplish its purpose, this chapter includes ~~methods and provisions for~~regulations to:

1. ~~Restricting or prohibiting~~ uses which are dangerous to health, safety and property due to water or erosion hazards;
2. ~~Requireing~~ that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 9816 (part), 1998: prior code § 7192)

15.60.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter.

“Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. The City is predominately an area of shallow flooding with a designated AE zone on the FIRMs. There are select areas that are depressed where the base flood depths exceed three feet. These areas are public spaces and do not contain structures.

~~—“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A, AO and AH on the FIRM.~~

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Base flood elevation” (BFE) means the elevation shown on the FIRMs for Zone AE that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

“Breakaway walls” means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to break away, under abnormal water action without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty (20) pounds per square foot. Use of breakaway walls ~~must~~shall be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within ~~the area of a~~ special flood hazard area.

“Encroachment” means the advance of infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means parcel (or contiguous parcel) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the original effective date of this chapter on July 5, 1984.

“Expansion to an existing manufactured home park or manufactured home subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Maps (FIRMs)” means the official maps on which the Federal Emergency Management Agency (FEMA) ~~Insurance Administration~~ has delineated both the ~~areas of~~ special flood hazard areas and the risk premium zone applicable to the community.

“Flood Insurance Study (FIS)” means the official report provided by the ~~Federal Emergency Management Agency~~ FEMA that includes flood profiles, the FIRMs, and the water surface elevations of the base flood.

“Floodplain administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as

grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see “Flood”).

“Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to ~~nonresidential or residential~~ structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins 2-08, 3-93, and 7-93.

“Flood-related erosion” means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

~~—“Floodway fringe” is that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.~~

“Fraud and victimization” as related to the variance procedures of Section 15.60.060, ~~Variance procedures~~ means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the ~~eCity of Visalia~~ will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the ~~base flood elevation~~ BFE are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Governing body” is the local governing unit, ~~i.e. county or municipality~~, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to the variance procedures of Section 15.60.060, ~~Variance procedures~~ means the exceptional hardship that would result from a failure to grant the requested variance. The ~~eCity of Visalia~~ requires that the variance be exceptional, unusual and peculiar to the

property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to development next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Inactive alluvial fan flooding" means flooding that is similar to traditional riverine flood hazards, but occurs only on alluvial fans. It is characterized by flow paths with a higher degree of certainty in realistic assessments of flood risk or in the reliable mitigation of the hazard. Inactive alluvial fan flooding hazard is characterized by relatively stable flow paths. Areas of inactive alluvial fan flooding, may be subject to sediment deposition and erosion, but to a degree that does not cause flow path instability and uncertainty.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “Basement”).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access, building crawlspace or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, it conforms to applicable nonelevation design requirements, including, but not limited to:

- ~~a. The wet floodproofing standard in Section 15.60.050A3e;~~
- ~~ba. The anchoring standards in Section 15.60.050A1;~~
- ~~eb. The construction materials and methods standards in Section 15.60.050A2;~~
- ~~c. The flood openings standard in Section 15.60.050A3c;~~
- ~~d. The crawlspace construction standards in Section 15.60.050A3e;~~
- ~~de. The standards for utilities in Section 15.60.050B.~~

~~2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see “Basement”). This prohibition includes below-grade garages and storage areas.~~

“Manufactured home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a recreational vehicle, except for travel trailers, park trailers, and similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market value” shall be determined by estimating the cost to replace the structure in new condition (land value deducted) and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences. The owner of the structure is responsible to determine the

market value and submit a report thereof to the floodplain administrator for review and acceptance.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which ~~base flood elevation~~ BFEs shown on a community’s ~~Flood Insurance Rate Map~~ FIRMs are referenced.

“New construction”, for floodplain management purposes, means structures for which a ~~building permit was issued and the~~ “start of construction” commenced ~~within one hundred eighty (180) days~~ on or after the issuing of permits and the original effective date of this chapter on July 5, 1984, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale, or installed on foundations on or after the original effective date of this chapter on July 5, 1984.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, snare or collect debris carried by the flow of water, or is likely to be carried downstream.

“One-Hundred-Year-Flood” or “100-Year Flood.” See “Base flood.”

“Public safety and nuisance” as related to the variance procedures of Section 15.60.060, ~~Variance procedures~~, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet Flow Area." See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1 A30, AE, A99, or, AH, having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, E, M, V1-V30, VE or V.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days ~~of from the date of the permit date~~. The actual start means either the first placement of permanent construction of a structure ~~(including a manufactured home)~~ on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or subdivision, start of construction means the affixing of the manufactured home to its permanent site. For

manufactured homes within manufactured home parks or subdivisions start of construction is the date on which the placement of the manufactured home on a foundation takes place.

“Structure” means a walled and roofed building or manufactured home that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. If multiple or phased improvements are involved, said total costs shall be cumulative for a 5 consecutive year period prior to the start of construction. Substantially improved structures are considered new construction and shall meet all the provisions of this chapter for new construction. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, ~~(or other datum where specified),~~ of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 9816 (part), 1998: prior code § 7193)

15.60.030 General provisions.

A. Lands to Which this Chapter Applies. This chapter shall apply to all ~~areas of special flood hazard~~ areas within the jurisdiction of the eCity.

B. Basis for Establishing the ~~Areas of Special Flood Hazard~~ Areas. The ~~areas of special flood hazard~~ areas identified by ~~the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) (revised September 29, 1986) and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated January 6, 1994~~ June 16, 2009 and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the eCity by the floodplain administrator. The FIS and accompanying FIRMs are ~~Flood Insurance Study~~ is on file at City Hall, 315 E. Acequia Avenue, Visalia, California.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing in this chapter shall prevent the eCity from taking such lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land

outside the ~~areas of special flood hazard areas~~ or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the ~~e~~City, any officer or employee thereof, or ~~the Federal Insurance Administration~~FEMA, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

G. Severability. This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any portion thereof, other than the section so declared to be unconstitutional or invalid. (Ord. 9816 (part), 1998: prior code § 7194)

15.60.040 Administration.

A. Establishment of Development Permit. A development permit shall be obtained before any construction, or other development including manufactured homes, begins within any area of special flood hazard area established in Section 15.60.030AB. The Application applicant for a development permit shall submit such application~~be made~~ on application forms furnished by the ~~chief building official~~City. The applicant shall provide the following minimum information during the course of applying and completing the development permit: ~~and may include, but not be limited to:~~ plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. During the application process, provide three sets of plans, drawn to scale, showing: ~~Proposed elevations in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or~~

a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

b. Proposed locations of water supply, sanitary sewer, and other utilities;

c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

d. BFE information as shown on the FIRMs referenced in Section 15.60.030B.

e. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

f. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed as required in Section 15.60.050A3b of this chapter and detailed in FEMA Technical Bulletin 3-93.

g. For a structure with a crawlspace foundation, proposed locations and total net area of flood openings as required in Section 15.60.050A3e of this chapter and detailed in FEMA Technical Bulletins 1-08 and 7-93.

2. During the application process, provide a description of the extent to which any watercourse will be altered or relocated as a result of the development permit.

3. During the permit issuance and inspection process, provide preliminary certification from a registered professional engineer or land surveyor of the proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all residential structures.

24. Prior to requesting a final occupancy of the structure, provide the following certifications as applicable:

a. Certification required by Section 15.60.050A3a (lowest floor elevations);

b. Certification required by Section 15.60.050A3b (elevation or floodproofing of nonresidential structures);

c. Certification required by Section 15.60.050A3c (flood openings);

~~Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 15.60.050A3c, and~~

~~3. All appropriate certifications listed in Section 15.60.040C5; and~~

~~4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

~~B. Designation of the Chief Building Official/Floodplain Administrator. The eChief bBuilding oOfficial or authorized designee agent acting in the official's behalf is appointed to administer, and implement and enforce this chapter by granting or denying development permit applications in accordance with its provisions.~~

~~C. Duties and Responsibilities of the Floodplain Administrator/Chief Building Official. Duties and responsibilities of the chief building official/floodplain administrator shall include, but not be limited to:~~

~~1. Permit Review.~~

~~a. Review all development permits to determine that the permit requirements of this chapter have been satisfied;~~

~~b. All other required state and federal permits have been obtained;~~

~~c. The site is reasonably safe from flooding;~~

ed. The proposed development does not adversely affect the carrying capacity of areas where ~~base flood elevation~~ BFEs have been determined but a floodway has not been designated. This adverse affect on carrying capacity shall be determined by the analysis required in Section 15.60.050F1.

2. Review, Use and Development of Other Base Flood Data. When ~~base flood elevation~~ BFE data has not been provided in accordance with this not available per Section 15.60.030B, the ~~floodplain administrator~~ chief building official shall obtain, review and reasonably utilize any ~~base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 15.60.050.~~ The floodplain administrator shall require that BFEs be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995. ~~Any such information shall be submitted to the city for adoption. This section applies only in those instances where development or construction is proposed in special flood hazard areas designated as Zone A, AO or AH on the FIRM.~~

~~3. Information to be Obtained and Maintained. Obtain and maintain for public inspection and make available as needed for flood insurance policies:~~

- ~~a. The certified elevation required in Section 15.60.050A3a (residential);~~
- ~~b. The certification required in Section 15.60.050A3b (shallow flooding);~~
- ~~c. The floodproofing certification required in Section 15.60.050A3b (nonresidential);~~
- ~~d. The certified elevation required in Section 15.60.050C1 (subdivision); and~~
- ~~e. The anchoring certification required in Section 15.60.050D1 (manufactured home).~~

~~43. Alteration of Watercourses. Notify adjacent communities and the California Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.~~ Notification of Other Agencies.

a. Alteration or relocation of a watercourse:

i. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

ii. Submit evidence of such notification to FEMA; and

iii. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

b. BFE changes due to physical alterations:

i. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

ii. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits shall not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

54. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

- a. Certification required by Section 15.60.050A3a (lowest floor elevations);
- b. Certification required by Section 15.60.050A3b (elevation or floodproofing of nonresidential structures);
- c. Certification required by Section 15.60.050A3c (~~wet floodproofing standard~~flood openings);
- d. Certification of elevation required by Section 15.60.050C1 (subdivisions standards and other residential development);
- ~~e. Certification required by Section 15.60.050F1 (floodway encroachments).~~
- e. Maintain a record of all variance actions, including justification for their issuance.

65. Map Determinations. Make interpretations where needed as to the exact location of the boundaries of the ~~areas of special flood hazard~~ areas; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.60.070.

76. Remedial Action. Take action to remedy violations of this chapter as specified in Section 15.60.030C.

7. Non-conversion of Enclosed Areas Below the Lowest Floor.- To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the floodplain administrator shall:

a. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher; and

b. Require the applicant to enter into a “NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS” or equivalent with the city. The agreement shall be recorded with the Tulare County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the floodplain administrator and city attorney; and

c. Have the authority to inspect any area of a structure below the BFE to ensure compliance upon prior notice of at least 72 hours.

(Ord. 9816 (part), 1998: prior code § 7195)

15.60.050 Provisions for flood hazard reduction.

A. Standards of Construction. In all ~~areas of~~ special flood hazard areas, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall meet the anchoring standards of Section 15.60.050D1.

2. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

a. With materials, which are located below the BFE, that are flood damage resistant per FEMA Technical Bulletin 2-08; and~~All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~

b. Using methods and practices that minimize flood damage; and~~All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.~~

c. With mechanical, electrical and plumbing systems and other service systems that are either elevated above the BFE if possible or, if below the BFE, designed to prevent water from entering or accumulating within the system components during conditions of flooding per FEMA 348.~~All elements that function as a part of the structure, such as furnace, hot water heater, air conditioner, etc., shall be elevated to or above the base flood elevation or depth number specified on the FIRM.~~

~~d. All new construction and substantial improvement shall be constructed, if within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.~~

3. Elevation and Floodproofing. (See Section 15.60.020, definitions for “Basement,” “Lowest floor,” “New construction,” “Substantial damage” and “Substantial improvement.”)

a. Residential construction, All new construction or substantial improvements of residential structures, shall have the lowest floor, including basement:

i. In an AE Zone, elevated to or above the BFE. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified. (The state recommends that the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified.)

~~ii. In an A zone, elevated to or above the base flood elevation, as determined by this community. (The state recommends the lowest floor be elevated at least one foot above the base flood elevation, as determined by the community.)~~

iii. In an A zone, without BFE’s specified on the FIRM [unnumbered A zone], elevated to or above the BFE; as determined under Section 15.60.040C2. In all other zones, elevated to or above the base flood elevation. (The state recommends the lowest floor be elevated at least one foot above the base flood elevation.)

~~iii. Prior to issuance of an occupancy permit, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or land surveyor, and verified by the community City building inspector, to be properly elevated prior to issuance of the final inspection of the structure. Such certification or and verification shall be provided to the floodplain administrator.~~

b. Nonresidential construction, All new or substantial improvements of nonresidential structures, shall either be elevated to conform with Section 15.60.050A3a or together with attendant utility and sanitary facilities:

i. Be floodproofed below the elevation recommended under Section 15.60.050A3a to one foot above the BFE so that the structure is watertight with walls substantially impermeable to the passage of water and eligible to receive an insurance rate equivalent to a building with its lowest floor elevated to the BFE;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

iii. Be certified by a registered professional engineer or architect, and verified by the City building inspector, that the standards floodproofing requirements of this Section 15.60.050A3b are satisfied prior to issuance of final occupancy of the structure. Such certification shall be provided to the floodplain administrator.

c. Flood Openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access, building crawlspace or storage, and which are subject to flooding, shall:

~~i. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:~~

~~i. Be certified by a registered professional engineer or architect; or~~

ii. Be designed to provide Have a minimum of two openings on different exterior walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater. Buildings with more than one enclosed area shall have two openings on different exterior walls for each enclosed area to allow the automatic entry and exit of floodwater in each enclosed area.

~~iii. Be certified by a registered professional engineer or architect, and verified by the City building inspector, that the flood openings requirements of this Section 15.60.050A3c are satisfied prior to issuance of the final inspection of the structure. Such certification shall be provided to the floodplain administrator.~~

d. Manufactured homes shall meet the standards in Section 15.60.050D.

e. Crawlspace Construction. This sub-section applies to buildings with crawlspaces up to 2 feet below grade. Below-grade crawlspace construction that is done in accordance with the requirements listed below will not be considered to be a basement.

i. Crawlspace construction shall be done per the guidance provided in FEMA Technical Bulletin 11-01.

ii. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawlspace construction is not allowed at sites with flood velocities greater than 5 feet per second and other foundation types should be used;

iii. The crawlspace is a fully enclosed area below the BFE and, as such, shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-08;

iv. Crawlspace construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;

v. Portions of the building below the BFE shall be constructed with materials that are flood damage resistant per FEMA Technical Bulletin 2-08. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

vi. Any mechanical, electrical and plumbing systems located within the crawlspace shall be elevated above the BFE if possible or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions per FEMA 348.

vii. Requirements for all below-grade crawlspace construction, in addition to the above requirements, to include the following:

(a) The interior grade of a crawlspace below the BFE shall not be more than 2 feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;

(b) The height of the below-grade crawlspace, measured from the interior grade of the crawl space to the top of the crawlspace foundation wall shall not exceed 4 feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point; and

(c) There shall be an adequate drainage system that removes floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event, not to exceed 72 hours.

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Standards for Subdivisions and Other Residential Development.

1. All new subdivisions proposals and other proposed residential development, including proposals for manufactured home parks and subdivisions, greater than 10 lots or 3 acres, whichever is the lesser, shall:~~All tentative and final subdivision maps shall identify the flood hazard area and the elevation of the base flood, as designated on the FIRM; further, all final subdivision maps shall provide the elevations of proposed structure(s) and pads. If the site is~~

~~filled above the base flood, the lowest floor and the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the chief building official.~~

a. Identify the location of the SFHA and label the BFE lines on the record map.
b. Identify the elevations of lowest floors of all proposed structures and pads on the record map and construction plans.

c. Place fill to raise the pads for the structures to or above the BFE. The following as-built information shall be certified by a registered civil engineer or licensed land surveyor and included as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to FEMA:

- i. Lowest lot elevation or pad elevation.
- ii. Lowest adjacent grade to structure. (for cases with existing structures)

The application for the LOMR-F shall be submitted to the floodplain administrator for review prior to submission to FEMA. The floodplain administrator shall complete the community acknowledgement form (FEMA Form 81-87B) for inclusion with the application.

2. All subdivision proposals and other proposed residential development shall be consistent with the need to minimize flood damage.

3. All subdivision proposals and other proposed residential development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

4. All subdivisions proposals and other proposed residential development shall provide adequate drainage to reduce exposure to flood hazards and shall comply with the provisions of Section 15.60.050F1.

D. ~~Standards for Manufactured Homes and Manufactured Home Parks and Subdivisions.~~

1. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:~~All manufactured homes and additions to manufactured homes shall be anchored to resist flotation, collapse or lateral movement by one of the following methods:~~

a. Within Zone AE on the community's FIRMs, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the BFE and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~By providing an anchoring system designed to withstand horizontal forces of fifteen (15) pounds per square foot and up-lift forces of nine pounds per square foot; or~~

~~b. By the anchoring of the unit's system, designed to be in compliance with the Department of Housing and Development Manufactured Home Construction and Safety Standards;~~

~~eb. Be certified by a registered professional engineer or land surveyor, and verified by the City or State building inspector, that the lowest floor (including basement) is properly elevated prior to issuance of the final inspection of the structure. Such certification and verification shall be provided to the floodplain administrator. As set forth in Section 15.60.040C3e, certification meeting the standards above is required of the installer or state agency responsible for regulating the placement, installation and anchoring of individual manufactured home units.~~

~~2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zone AE on the community's FIRMs that are not subject to the provisions of Section 15.60.050D1 shall:~~

~~a. Be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and~~

~~b. Be elevated so that either: Manufactured Home Parks and Manufactured Home Subdivisions. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's Flood Insurance Rate Map, on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~

~~aj. The lowest floor of the manufactured home is at or above the BFE; or Adequate surface drainage and access for a hauler shall be provided.~~

~~bij. The chassis of the manufactured home is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade. All manufactured homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at or above the base flood level. If elevated on pilings:~~

~~c. Be certified by a registered professional engineer or land surveyor, and verified by the City or State building inspector, that the lowest floor (including basement) is properly elevated~~

prior to issuance of the final inspection of the structure. Such certification and verification shall be provided to the floodplain administrator.

- ~~i. The lots shall be large enough to permit steps;~~
- ~~ii. The pilings shall be placed in stable soil no more than ten feet apart; and~~
- ~~iii. Reinforcement shall be provided for pilings more than six feet above the ground level.~~
- ~~3. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 15.60.050D2 will be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement, and be elevated so that either the:
 - ~~a. Lowest floor of the manufactured home is at or above the base flood elevation; or~~
 - ~~b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.~~~~

E. Standards for Recreational Vehicles.

- 1. All recreational vehicles placed on sites within Zone_s A1-30, AH and AE on the community's ~~Flood Insurance Rate Map~~FIRMs will either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use; a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - b. Meet the permit requirements of Section 15.60.040 and the elevation and anchoring requirements for manufactured homes in Section 15.60.050D2.

F. Regulatory Floodways. FEMA has stated in the FIS that the City is characterized as an urbanized, inactive alluvial fan system, which consists of highly trained creeks and irrigation channels. This system of creeks and channels does not have the capacity to contain the base flood and therefore the establishment of regulatory floodways is not possible. The resulting flooding from the base flood consists of areas of shallow flooding with overland flows characterized by relatively stable flow paths through the community with flow velocities ranging from 0.5 to 2.0 feet per second. This velocity range of the flood flows is considered low and not extremely hazardous; therefore~~Located within areas of special flood hazard established in Section 15.60.030B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:~~

1. New construction, substantial development, or other development (including fill) shall be permitted within Zone AE when it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City, or alternatively, it is demonstrated: (1) that the proposed development does not substantially increase the water surface elevation of the base flood within the vicinity of the proposed development, and (2) the proposed development is designed to allow the flow of the base flood to substantially pass through. This analysis shall be done under the direction of the floodplain administrator and upon satisfactory completion shall be prepared into a report to be accepted by the floodplain administrator. ~~Encroachments, including fill, new construction, substantial improvement, and other new development will be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood elevation during the occurrence of the base flood discharge.~~

2. If Section 15.60.050F1 is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 15.60.050. (Ord. 9816 (part), 1998: prior code § 7196)

15.60.060 Variance procedures.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

A. Conditions for Variances. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the ~~base flood level~~ BFE, providing the procedures of Sections 15.60.040, and 15.60.050 and ~~Sections 15.60.070B1-11~~ have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures (as defined in Section 15.60.020) upon a determination that the proposed repair or rehabilitation will not

preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any ~~designated~~ regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the eCity need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the eCity believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon:

1. Receipt of a written request for variance from the owner of record, stating the conditions that constitute an extreme hardship;

2. A showing of good and sufficient cause such as renovation, rehabilitation or reconstruction. Variances issued for economic considerations, aesthetic, or because variances have been used in the past, are not good and sufficient cause;

3. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

4. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the ~~base flood level~~ BFE will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and

2. Such construction below the ~~base flood level~~ BFE increases risks to life and property. (It is recommended that a copy of the notice shall be recorded by the Ffloodplain Aadministrator in the Office of the Tulare County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land).

G. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Section 15.60.060A-~~through~~E are satisfied and that the structure or other

development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

H. Upon consideration of the factors of this section and the purpose of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

I. The ~~floodplain administrator~~~~chief building official~~ shall maintain the records of all appeal actions and report any variances to the ~~Federal Emergency Management Agency~~FEMA upon request. (Ord. 9816 (part), 1998: prior code § 7196.1)

15.60.070 Board of appeals.

In order to determine if an error in any requirements, decision or determination by the ~~floodplain administrator~~~~chief building official~~ has been made and to provide for reasonable interpretations of this ~~code~~chapter, there shall be and is created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. Request for appeal shall be made in writing to the ~~floodplain administrator~~~~chief building official~~ on forms available at City Hall, 315 E. Acequia Avenue, Visalia, California~~the city building safety department~~. The ~~floodplain administrator~~~~building official~~ shall be an ex-officio member of and shall act as secretary to the board. The board of appeals shall be appointed by the city council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the ~~floodplain administrator~~~~building official~~.

A. Those aggrieved by the decision of the appeal board or any taxpayer, may appeal such decision to the civil court as provided in the state law.

B. In passing upon such application, the appeal board shall consider all technical evaluations, all relevant factors, standards, etc., specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, for the proposed uses that are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges. (Ord. 9816 (part), 1998: prior code § 7196.2)

City of Visalia Agenda Item Transmittal

Meeting Date: Sept 20, 2010

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

Agenda Item Wording: Authorization for the City Manager to sign a contract with the Arts Consortium for the budgeted amount of \$30,000 to implement City's Cultural Plan and to assist with the publicity, processing, and distribution of the Community Arts Grants.

Deadline for Action: N/A

Submitting Department:

Contact Name and Phone Number:

Leslie Caviglia, 713-4317
Wally Roeben, 713-4004

Department Recommendation

It is recommended that the City Council authorize the City Manager to sign a contract for \$30,000, as budgeted for FY10/11, with the Arts Consortium to coordinate the implementation of the City's Cultural Plan, and to assist with the promotion, processing and distribution of the Cultural Arts Grants. This amount is equal to the amount the City contributed in the last budget to implementing the Cultural Plan and the Community Arts Grants.

Department Summary:

In 2008, after considerable community input and processing, the City Council adopted a Cultural Plan. The main purpose was to focus the community's cultural efforts to ensure Visalia has a thriving arts and culture community.

Rather than having City staff implement the Plan, the Council asked the Arts Consortium to oversee the process. The Visalia Arts Consortium was an established organization that endeavors to increase coordination, communication and collaboration amongst the various artists and arts organization in Visalia. The City provided \$15,000 for staff support and provided office space, a computer and minor office supplies. In exchange, the Consortium is working to implement the goals of the Cultural Plan which includes the following:

- Goal A - Programming
 - ◆ Create a "signature event" to showcase cultural and heritage resources
 - ◆ Coordinated and thematic programming among arts groups
 - ◆ Co-promotional opportunities
 - ◆ Youth-targeted events
- Goal B – Inclusion & Heritage
 - ◆ Outreach to ethnic and underserved populations
 - ◆ Development of a "brand identity" for Visalia's cultural sector

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC 9/5/10

Finance

City Atty

City Mgr

- Goal C – Information & Marketing
 - ◆ Provide better information to the public
 - ◆ Pursue audience development activities collaboratively
- Goal D – Coordination & Leadership
 - ◆ Opportunities for networking, volunteerism
 - ◆ Growth of the city's non-profit cultural sector
- Goal E – Cultural Tourism
 - ◆ Development of Cultural tourism plan and programs
- Goal F – Venues & Places
 - ◆ Renovation of historic venues
 - ◆ Further study of new performance spaces
 - ◆ Strategies for more efficient use of current venues
- Goal G – Education & Youth
 - ◆ Arts education strategies
 - ◆ Youth programs

This contract is the first time that the City would directly enter into a contract with the Arts Consortium. Because the Arts Consortium did not have non-profit status, when the group first took over the Cultural Plan implementation in 2009, the City contracted directly with the Coordinator (Caroline Koontz). She worked closely with the Board who oversaw her day-to-day activities along with Deputy City Manager Leslie Caviglia on behalf of the City. Now that the Consortium has non-profit status, they can receive funds. This contract will pass the responsibility for the Coordinator to the Consortium, and provide \$15,000 in funding for that service.

In addition, the City will have the Arts Consortium work more closely with the outreach for the City's community arts grants funding (\$15,000), as well as the processing of the applications and distribution of the funds. City staff will still convene the review panel and oversee the selection of the grantees, but staff believes that having more involvement by the Arts Consortium will ensure that the grant notices reach a broad section of the Visalia arts community. In addition, the Consortium's involvement with the distribution of the grant funding will help the Consortium gain the necessary financial history to qualify for more grants. There are a number of arts grants that require a minimum budget of \$100,000 in order to be considered for certain grants. Having the Consortium distribute the funding will help them reach that target figure. It is understood that no one who sits on the selection panel can be involved with a group that is seeking funding.

The \$15,000 for the Coordinator and the \$15,000 in grant funding are the same amounts that were provided for in the 2009 budget; this contract does not reflect any increased funding for the arts.

Department Discussion

In August, 2008, the City Council adopted the community generated Cultural Plan and asked the Visalia Arts Consortium to take the lead in implementing the Plan.

The Executive Board that oversees the day-to-day operations that includes Donald Williams, Donna Orozco, Toni Best, Wally Roeben and Jeri Burzin.

The Arts Consortium hired a coordinator in March, 2009. Since that time, the organization has expanded the involvement in the Consortium from approximately 25 contacts to more than 70 artists and arts organizations with at least 20 members in regular attendance at the monthly

meetings, up from an average of about 6 prior to the Plan adoption. In addition, some of the Consortium's major accomplishments since March have included:

- Expanded the Community Calendar from a monthly average of about 25 to more than 150 events.
- Added the web address www.eventsvisaliala.com for the calendar to make it more user-friendly
- Actively promotes the calendar and doubled the monthly hits to the calendar from 305 per month to more than 765
- Issues a weekly events listing to local hotels
- Established a website
- Established a newsletter
- Issued and regularly updates a grants resource manual
- Received Non-profit status
- Established a special event's committee that hosted the "Visalia – Taste the Arts" event on Sept. 9-11 that produced a "menu" of local arts and ag products
- Increased the diversity of the articles that appear weekly in the *Visalia Times Delta Choices* Section
- Run regular articles in the Valley Voice
- Developed sample guidelines and contract for displaying art which is posted on the website.
- Participated in more than 15 community events
- Established a Facebook page for greater community outreach
- Organized the art contest for the Santa Fe Bridge plaques

The Consortium's major future plans include:

- Focus on establishing relationships and support programming with other cultural groups and Youth programming.
- Seek independent funding through grants, sponsorships, fund raising and the California Arts Council.
- Expand efforts to continue spreading the word about events and Art News, including an on-going project with the California Arts Council to create a Cultural directory.
 - Classified directory of all creative industries i.e. museums, performing arts, visual arts, film radio, publishers, historical societies, entertainers, services and facilities, technical arts services, and instructional services within Tulare County.
 - Include a listing of annual fairs, festivals, and events in the County.
- Continue building relationships with individual artists, in all genres.

The Consortium is readily available to the arts community. Any arts organization, business or individual artist is welcome to become part of the Consortium. Dues are in the \$25-\$40 range, and can be waived for financial hardship reasons.

Staff believes the Arts Consortium has been very successful, and that utilizing the Consortium is a very cost effective way to implement the Cultural Plan. Staff recommends continuing the relationship, and expanding it to include the Consortium providing the staffing, and outreach and processing of the Cultural Arts Grants.

Prior Council/Board Actions:

Fall, 2006 - Authorized the issuance of an RFP

March, 2007 – Authorized the contract with AMS
August, 2008 – Adopted the Cultural Plan and asked the Arts Consortium to oversee the implementation.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Draft contract with the Arts Consortium

Recommended Motion (and Alternative Motions if expected):

I move to authorize the City Manager to enter into a \$30,000 contract with the Arts Consortium to oversee the implementation of the Cultural Plan and administration of the Cultural Grants Program.

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: October 4, 2010

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

Agenda Item Wording: Authorize the City Manager to execute a Memorandum of Understanding with the County regarding the Betty Drive/Avenue 312 improvements and realignment. Per this MOU, the City will contribute up to \$3.5 million toward this County led project.

Deadline for Action: none

Submitting Department: Community Development Department

Contact Name and Phone Number:

Chris Tavarez, Management Analyst, 713-4540
Chris Young, Community Development Director, 713-4392

Recommendation: Staff recommends that Council authorize the City Manager to execute a Memorandum of Understanding between the County of Tulare and the City of Visalia for reimbursement of up to \$3.5 million (by the City) for the Betty Drive/Avenue 312 improvements and realignment project from State Route 99 (in the Community of Goshen to the City of Visalia) to just east of Road 80 in accordance with conditions of the annexation of the Vargas property to the City.

Discussion: This Memorandum of Understanding (MOU) is for the Betty Drive/Avenue 312 Improvement and Realignment Project lead by the County of Tulare. This project is divided into Phases 2A and 2B. Phase 2A, at an estimated cost of \$7.2 million, is from Road 68 to just east of Road 80 (along the Betty Drive and Riggin Avenue alignments). Phase 2B, at an estimated cost of \$24.1 million, is from State Route 99 to Robinson Road and Road 67 (see Table 1 below for a summary of funding and the attached Project Map for project locations). The above estimates cover the costs of design, right of way and construction; see the Table 1 funding matrix. This project will enhance connectivity to the City's Industrial Park and make access to State Route 99 more convenient for residents and commercial/industrial users alike.

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 CY 9-29-10
(Initials & date required)

Finance MM 9-22-10
City Atty JK 9-23-10
(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 first phase (Phase 2A) has been advertised and bids have been received by the County. Low bidder on the project was Construction Development Systems from Fresno at \$3,448,216.00. Tulare County has awarded this construction contract and is scheduled for completion of the project by May 2011. Phase 2B is planned to be awarded in December 2010 and is expected to be finished with construction in Fall of 2011.

Council has already appropriated up to \$3.5 million of Transportation Impact Fee Funding for this project (2010/2011-\$1.5 million and 2011/2012-\$2 million). Staff recommends the MOU be executed with the County of Tulare to solidify the contribution of \$3.5 million for the project to be paid on a progress basis. The MOU identifies the County as the lead on the project.

City funding toward Phase 2A (\$2 million) will first be applied to that portion the City is “taking the lead on” (on Riggan Avenue, east of Plaza Drive). This portion of Phase 2A is directly adjacent to a major industrial development located at the southwest corner of Riggan Avenue and Kelsey Street (See Project Map). It is believed that the major development project within the City (southwest corner of Kelsey and Riggan) could be underway by the end of 2010 in advance of the County’s project construction. The City taking the lead on this east portion of Phase 2A would allow the improvements between Plaza Drive and Kelsey Street to be completed “seamlessly” (coordinating the County’s and developer’s improvements) and allow for better consideration of the developer’s schedule.

Upon authorization by Council, staff will work with County Staff to execute this MOU.

Prior Council/Board Actions: 6/28/2010 – Adoption of 2010/11 and 2011/12 City of Visalia Budget

Attachments: Copy of the MOU between the City and the County
Project location map

Recommended Motion (and Alternative Motions if expected):
I move to authorize the City Manager to execute the attached MOU with non-substantive changes as needed for up to \$3.5 million to help fund the Betty Drive/Avenue 312 Improvement and Realignment Project.

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*)
none

Copies of this report have been provided to: none

MEMORANDUM OF UNDERSTANDING
Financial Contribution Only

This agreement, effective on _____, is between the Tulare County Redevelopment Agency, referred to as AGENCY, and the City of Visalia, referred to as CITY.

1. RECITALS

- 1.1. CITY and AGENCY are authorized to enter into a memorandum of understanding for the Betty Drive / Avenue 312 Realignment and Improvement Project Phases 2A & 2B.
- 1.2. AGENCY is improving and realigning Betty Drive and Avenue 312 and installing an overpass over the Union Pacific Railroad known in two phases; 2A) Road 68 to Road 80, Avenue 310 and Robinson Road; 2B) State Route 99 to Robinson Road and Road 67 in Goshen Redevelopment Project Area and City of Visalia, CA, referred to as PROJECT.
- 1.3. CITY intends to contribute funds to PROJECT.

2. SCOPE RESPONSIBILITIES

- 2.1. AGENCY is LEAD AGENCY for PROJECT. As LEAD AGENCY, AGENCY accepts the obligation to secure financial resources to fully fund PROJECT including any additional funds beyond those committed in this agreement necessary to complete the full scope of PROJECT or settle claims.
- 2.2. AGENCY is IMPLEMENTING AGENCY for PROJECT. As IMPLEMENTING AGENCY, AGENCY will manage the scope, cost, and schedule of each PROJECT COMPONENT to ensure completion of that component.
- 2.3. AGENCY shall provide CITY with an opportunity to review and provide input on changes to the plans and specifications prior to the approval of any change orders or revisions to the existing plans and specifications.
- 2.4. AGENCY is responsible for all PROJECT work.

3. FINANCIAL RESPONSIBILITIES

- 3.1. CITY is contributing a fixed dollar amount to PROJECT.

CITY will contribute \$3,500,000, to PROJECT. Of this amount, \$2,000,000 will be utilized for Phase 2A, and \$1,500,000 will be utilized for Phase 2B.

- 3.2. CITY contribution for Phase 2A shall be decreased based on street improvements planned to be undertaken by CITY on Riggin Avenue/Avenue 312 between Plaza Drive/Road 80 and Kelsey Street. This amount shall be based upon the unit costs

TULARE COUNTY REDEVELOPMENT AGENCY AGREEMENT NO. _____

identified in the contract COUNTY has with its contractor, Construction Development Systems (CDS), multiplied times the quantity of the item not to be completed by COUNTY as part of its contract with CDS. The value of the lump sum bid items that are applicable throughout the PROJECT (such as mobilization, etc) shall be prorated based on the value of the items not to be completed by COUNTY less said lump sum items, divided by the total COUNTY contract amount less said lump sum items. In no case shall the amount of funding being returned to CITY exceed \$2,000,000.

- 3.3. For Phase 2A, CITY shall pay AGENCY on a progress basis with \$500,000 of the CITY's portion paid upon execution of this agreement. The balance, after consideration of the portion returned to CITY pursuant to Section 3.2 above, shall be paid in thirds with one-third due at 33 1/3% completion, 66 2/3% completion and 100% completion.

CITY will contribute on a progress basis for the PROJECT, for Phase 2B. AGENCY will invoice CITY on a progress basis with \$500,000 of the CITY's portion to be paid upon awarding of the construction contract by COUNTY and with subsequent equal increments of \$500,000 at 50 percent and 100 percent completion of the project for the payment of Phase 2B.

- 3.4. CITY will pay AGENCY within 30 calendar days of receipt of invoices.
- 3.5. AGENCY will contribute \$1,000,000 to PROJECT. AGENCY will pay additional amounts for cost overruns or to settle claims, as necessary to complete the PROJECT.
- 3.6. AGENCY will administer all funds contributed by CITY.

4. GENERAL CONDITIONS

- 4.1. All obligations of AGENCY and CITY under the terms of this agreement are subject to the appropriation of additional funding from the following funding sources: Tulare County Measure R, California Department of Transportation Highway Rail Crossing Safety Account, City of Visalia and Goshen Redevelopment Project Area Tax Increment. All parties acknowledge that AGENCY is dependent upon State and local funding to pay for the PROJECT. If such funding is discontinued or reduced the AGENCY may terminate the MOU and any unexpended funds paid to the AGENCY from the CITY shall be reimbursed.
- 4.2. Neither CITY nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by AGENCY under or in connection with any work, authority, or jurisdiction conferred upon AGENCY under this agreement.

It is understood and agreed that AGENCY will fully defend, indemnify, and hold harmless CITY and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability

occurring by reason of anything done or omitted to be done by AGENCY under this agreement.

- 4.3. Neither AGENCY nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority, or jurisdiction conferred upon CITY under this agreement.

It is understood and agreed that CITY will fully defend, indemnify, and hold harmless AGENCY and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY under this agreement.

- 4.4. This agreement will terminate upon AGENCY’s receipt of full payment.

However, all indemnification provisions will remain in effect until the project is completed or terminated or modified in writing by mutual agreement.

The PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

TULARE COUNTY REDEVELOPMENT
AGENCY
“AGENCY”

CITY OF VISALIA
“CITY”

By: _____ Date: _____
J. Steven Worthley
Chairman, Board of Directors

By: _____ Date: _____
Steve Salomon
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____ Date: _____
County Counsel
Matter Id 20101263

By: _____ Date: _____
City Attorney

ATTEST:

ATTEST:

By: _____ Date: _____
Clerk of the Board of Directors

By: _____ Date: _____
Deputy City Clerk

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

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

Agenda Item Wording: Request authorization to file a Notice of Completion for South Cameron Creek Unit No. 3 (a subdivision containing 85 single-family lots) located on the south side of Cameron Avenue at Vintage Street.

Deadline for Action: October 4, 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 South Cameron Creek 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 McMillin South Cameron Creek, LLC. McMillin South Cameron Creek, LLC has submitted a maintenance bond in the amount of \$142,195.96 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. 05-03. However, 1-year of maintenance will be performed by McMillin South Cameron Creek, LLC along the Visalia Parkway portion, per City of Visalia Urban Forestry requirements.

Prior Council/Board Actions: The final map recording and Landscape and Lighting District formation were approved by Council at the meeting on December 3, 2007.

Committee/Commission Review and Actions: The tentative subdivision map for South Cameron Creek Subdivision was approved by the Planning Commission on May 10, 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 South Cameron Creek Unit No. 3 subdivision.

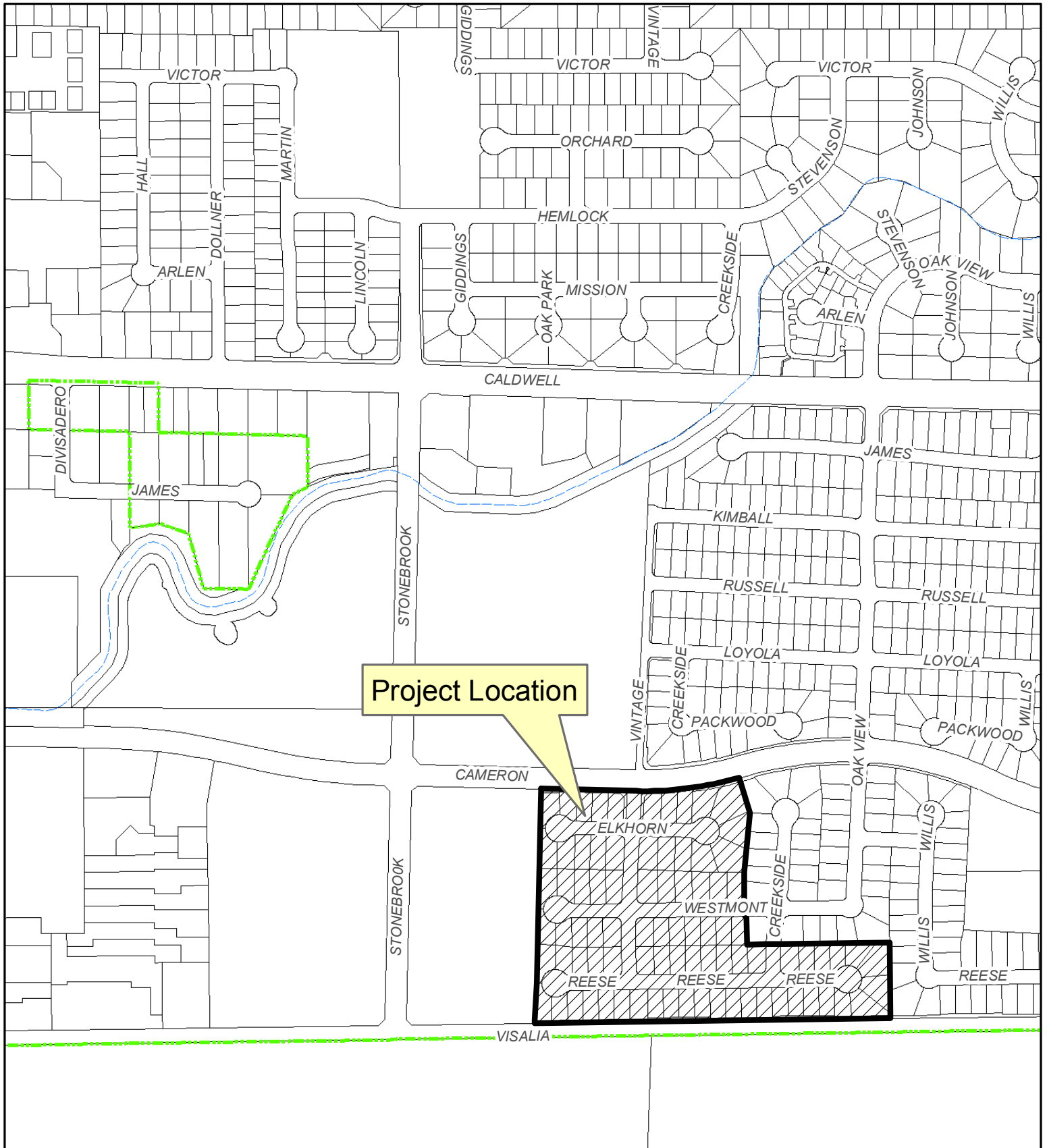
Environmental Assessment Status

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:



South Cameron Creek Unit No 3 Location Map



Scale: 1"=500'



CITY OF VISALIA Disclosure Development Project

NOTICE OF COMPLETION

**INCOMPLETE OR LATE SUBMISSION OF DISCLOSURE STATEMENT COULD RESULT IN
CONTINUANCE OR DELAY OF YOUR PROJECT.**

SITE:

Address or APN(s): 126 - 070 - 048

Short Title or Name of proposed project: South Cameron Creek # 3

Summary description of the proposed project: New home subdivison. All on and
offsite development is complete.

DEVELOPER(S):

If more than two developers, please provide information and signature(s) on a separate sheet.

Name (print) McMillin South Cameron Creek Name (print) _____

Mailing Address 5607 Avenida de Las Flores Mailing Address _____
Visalia, CA 93291

Phone 559-713-2635 Phone _____

Statement: I/We declare under penalty of perjury that I am/we are the developers(s) of the property per the executed Subdivision Agreement with the City of Visalia. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

9/7/10
Date

[Signature]
Developer Signature
Jamie Mackenzie, V.P.
Print Name & Title

Date

Developer Signature

Print Name & Title

NAMES OF PRINCIPALS, PARTNERS, AND OR TRUSTEES:

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder are a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 04, 2010

Agenda Item Number (Assigned by City Clerk): 91

Agenda Item Wording: Request authorization to file a Notice of Completion for Shannon Ranch 2, Phases 1 & 2, a subdivision containing 203 single family lots, located east of County Center Street between Riggin Avenue and Pratt Street.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

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

Department Recommendation:

Staff recommends that Council grant authorization to file a Notice of Completion for the Shannon Ranch 2 subdivision, Phases 1 & 2.

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, Inc. Centex Homes, Inc. has submitted a warranty bond in the amount of \$ 349,985.38 as required by the Subdivision Map Act, to guarantee the work, labor and materials furnished for the construction of the public improvements for a period of one (1) year. The completed improvements include landscaping which will be maintained by the City through Landscape and Lighting District No. L0602.

Prior Council/Board Actions: The Final Map recording and Landscape and Lighting District formation were approved by Council at the meeting on February 21, 2006.

Committee/Commission Review and Actions: The tentative subdivision map for Shannon Ranch 2, Phases 1 & 2 was approved by Planning Commission on September 13, 2004.

Alternatives: N/A

Attachments: Developer 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.): 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 Shannon Ranch 2 subdivision, Phase 1 & 2.

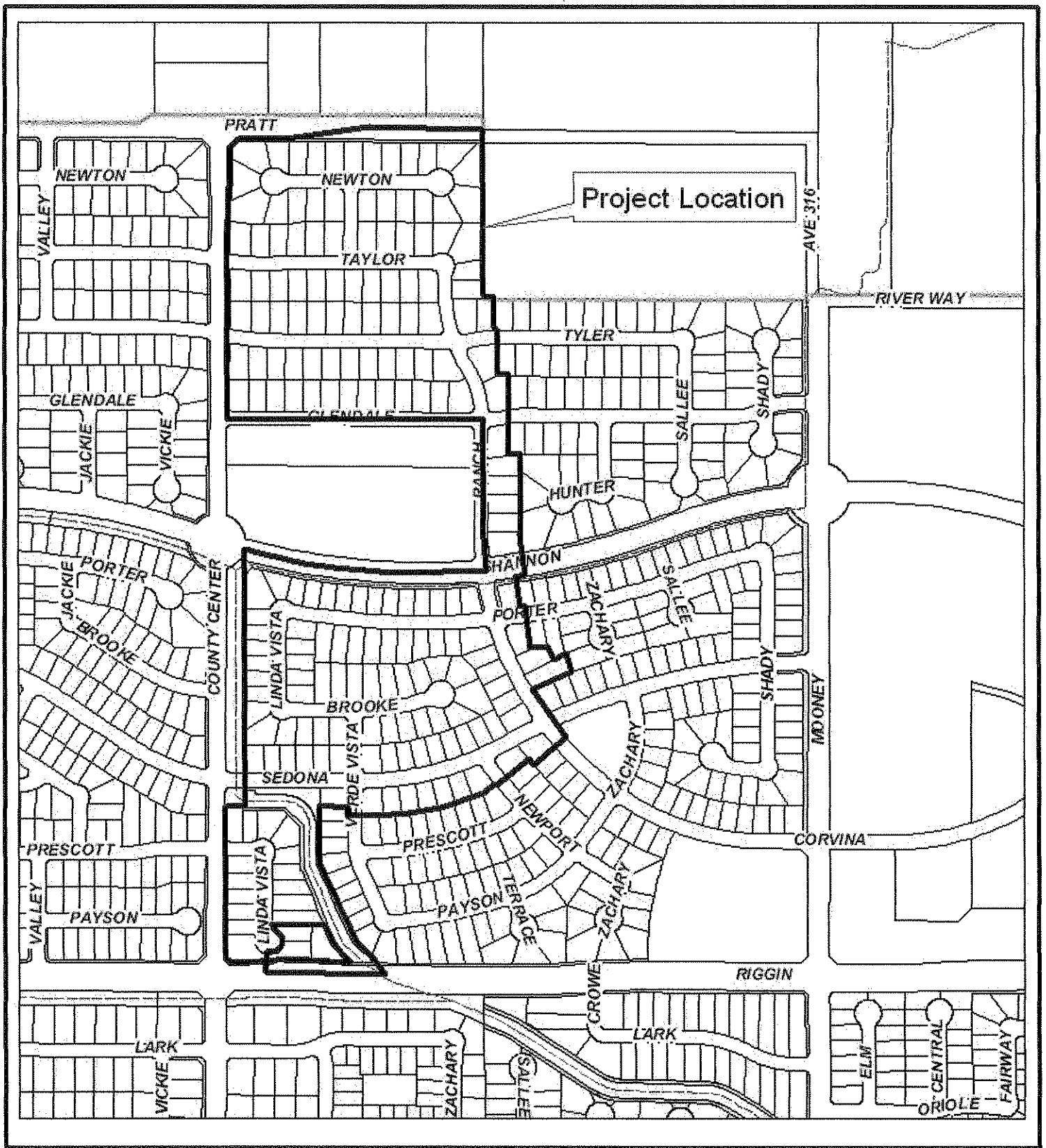
Environmental Assessment Status

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:



Shannon Ranch 2, Phase 1&2 Location Map



Scale: 1"=500'



CITY OF VISALIA Disclosure Development Project

NOTICE OF COMPLETION

**INCOMPLETE OR LATE SUBMISSION OF DISCLOSURE STATEMENT COULD RESULT IN
CONTINUANCE OR DELAY OF YOUR PROJECT.**

SITE:

Address or APN(s): _____

Short Title or Name of proposed project: Shannon Ranch 2 PH 1 & 2

Summary description of the proposed project: Parcel 243 of PM 4649

DEVELOPER(S):

If more than two developers, please provide information and signature(s) on a separate sheet.


Name (print) Darin Preisendorf - Centex Name (print) _____

Mailing Address 801 S Akers Mailing Address _____
Visalia, CA. 93277

Phone 559 733-2717 Phone _____

Statement: I/We declare under penalty of perjury that I am/we are the developers(s) of the property per the executed Subdivision Agreement with the City of Visalia. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

4/19/09
Date


Developer Signature
Darin Preisendorf Director of
Print Name & Title Land Development

Date

Developer Signature

Print Name & Title

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder are a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____

Partner/Owner/Trustee: _____

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Discussion and appropriate action on proposed terms and conditions for Group B (Police Officers), Group A (Police Managers) and Group G (Firefighters) for fiscal year 2010/11.

Deadline for Action: None

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, x4474

Department Recommendation: That the City Council complete its decision portion of the imposition hearing to determine the terms and conditions for the following groups for fiscal year 2010/11:

- Group B (Police Officers, 103 members);
- Group A (Police Managers, 26 members); and,
- Group G (Firefighters, 61 members)

Discussion

At the City Council's 9/20/10 meeting, the City Council completed taking testimony and began its deliberation process. Council is determining if terms and conditions of employment should be imposed upon three bargaining groups:

- Group B (Police Officers, 103 members);
- Group A (Police Managers, 26 members); and,
- Group G (Firefighters, 61 members)

Council listened to a staff report which outlined the City's Last, Best and Final (LBF) offer to the three groups, took testimony from each of the groups and adjourned to a closed session to deliberate. Because the groups suggested that there might be an additional offer from one or more of the groups which would be acceptable to the City Council, the Council continued the hearing until October 4, 2010.

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 EF 9/30/10
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

It is important to note that the item was continued and that the City Council did not alter its LBF. Rather, the Council gave the several bargaining groups one last opportunity to present their final proposals to Council in a hope that the parties may come to an agreement rather than have employment terms and conditions imposed.

Staff will transmit in closed session before the imposition hearing whatever proposals the various parties have submitted. When the imposition hearing is then conducted, the Council may:

1. Impose the City's Last, Best and Final Offer;
2. Redirect the staff to seek further negotiations with the one or more of the several groups; or,
3. Continue the hearing to a date certain if a proposal has come forward which needs more time to finalize and bring back to Council.

If the Council believes that an offer from any of the groups is potentially acceptable, staff would recommend that the Council continue the imposition hearing for that group until November 2, 2010, to allow a potential agreement to be presented by that date. Otherwise, the Council may move forward to impose terms and conditions for the remainder of this fiscal year.

The Last, Best and Final economic offers to these three groups remain the same as discussed on 9/20/10 and the proposed economic factors are shown below with the full Last Best and Final Offers incorporated in the imposition resolutions that are attached.

Group B (Police Officers, 103 members):

- ***A new retirement tier for new hires of 3% @55 on the highest three consecutive years of employment;***
- ***Discontinuation of the Disability Avoidance Program;***
- ***One less floating holiday granted each January 1;***
- ***A 2.1% fiscal year decrease in salary. Because the salary decrease will be spread over the remaining 9 months of the fiscal year, beginning with the pay period starting October 9, 2010, salaries will be reduced by 2.8% (2.1% divided by $\frac{3}{4}$ of a year). Salaries as of the pay period including July 1, 2011 will be adjusted to reflect the 2.1% decrease from the 2009/10 Fiscal Year salaries.***

Group A (Police Management, 26 members):

- ***A new retirement tier for new hires of 3% @55 on the highest three consecutive years of employment;***
- ***Discontinuation of the Disability Avoidance Program; and,***

- ***A grant of an additional 5 Administrative Leave Days or compensated time off each given January 1. For those hired after July 1, the administrative leave is prorated at 50% of the annual accrual for that year.***

Group G (Firefighters, 61 members):

- ***A new retirement tier for new hires of 3% @55 on the highest three consecutive years of employment;***
- ***Discontinuation of the Disability Avoidance Program;***
- ***One less floating holiday granted each January 1;***
- ***Nine hours less annual comp time accrual granted each January 1;***
- ***One less annual vacation shift accrual beginning as of October 9, 2010.***

The proposed reductions are designed to reduce employee cost by 4%. Further, the City has tried to find ways to limit the impact of these reductions on the employees as well as provide maximum benefit to the City. For example, the proposed elimination of the Disability Avoidance Program not only saves a 1-3% of wages incentive, but it also avoids workers compensation claims occasioned by the program, the cost of administrating the program and the Lifestyle Center's membership cost.

Council Direction

The rationale for asking for wage concessions stems from the City's reduced fiscal position. The City Council is entrusted with the resources of the City. Its ultimate responsibility is to manage the City's resources for the benefit of the entire community. The City expects to be a going concern long into the future if not forever. As a result, the City Council has taken the position that this year's budget solution must include a permanent reduction in employee compensation because:

- The alternatives of cutting more positions from the City means less service for a growing community;
- The fundamental resource for providing services, i.e. sales tax, has diminished. The City needs to permanently reduce its expenses to the level of current revenues.
- The use of one-time resources, such as reserves, does not correct the City's financial structure. Long-term solutions need to be implemented to best meet the City's needs.
- The use of one-time employee reductions does not correct a long-term structural problem in the City's budget. The City expects things to improve, but slowly.
- The implementation of a less costly retirement system will not bring immediate benefits but will provide the City with increasing and ongoing savings in the future.
- The City is not trying to resolve all its fiscal issues on the backs of its employees. Rather, the City has not sought until recently concessions from its employees. It is

simply a question of when is it appropriate to renegotiate employee compensation. Given the past budget cutting efforts, Council believes some action is needed now.

- A small number of employees have already given. In 2009/10, most employees received a 4% pay raise according to a set contract. City Manager and Department Heads (9), Police Management (26) and unrepresented employees (12) received no wage increase. The public safety groups (190) and the miscellaneous groups of Group E and M (330 members) received a 4% increased according to their respective contracts.

As a result, the City Council has asked from its employees who received a 4% pay raise last year to:

- Accept wage and/or benefit concessions of approximately 4%; and,
- Accept a new retirement system for new employees.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: #1, Potential Imposition Resolutions for Group B, A and G.

Recommended Motion (and Alternative Motions if expected):
I move to (any of the following actions) on Group (B, A, or G). <ol style="list-style-type: none">1. Impose the City's Last, Best and Final Offer;2. Redirect the staff to seek further negotiations with the several groups; or,3. Continue the hearing to November 2, 2010, allowing time for a bargaining group proposal to be considered in agreement form.

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: Discuss the upcoming State mandated changes to the California Building/Fire Code that will require fire sprinklers in new residential construction and local code amendments (not mandated by the State) requested by the City's Fire Chief. Receive public comment and direction from Council.

Deadline for Action: N/A

Submitting Department: Community Development and Fire Departments

Contact Name and Phone Number:

Dennis Lehman, Building Official, 713-4495
Charlie Norman, Battalion Chief, 713-4265

Recommendation: That the City Council accepts this information and provides direction regarding the two additional provisions (not mandated by the State) requested by the City's Fire Chief.

Summary: Effective January 1, 2011, the Residential Fire Sprinkler Provision contained within the new Residential Code will require that all new one and two-family homes be protected with fire sprinklers (State mandated). The current adopted codes (2007) require fire sprinklers in all buildings which have three or more residential units. The focus of this report is the Residential Fire Sprinkler Provision within the new Residential Code (requirement of the State Code) and a summary of two local code amendments that the City's Fire Chief will be recommending for adoption. The two amendments recommended by the Fire Chief (but not required by the new State Code) are summarized as follows:

- 1) Any new residential addition, that is 50% or more larger than the existing dwelling, will require that the entire dwelling have fire sprinklers
- 2) All newly constructed detached garages, within 30 feet of a residential structure, will require fire sprinklers

If directed to do so by Council, staff will draft the appropriate language to incorporate the two local code amendments listed above into the City Municipal Code. The additional two amendments would then be brought back to Council (along with the new State Code) for adoption in November, 2010.

Background: The State of California, through the Building Standards Commission, has adopted the 2010 California Building Codes. These codes will be effective January 1, 2011. In addition to the 2010 code updates to the Building, Electric, Mechanical and Plumbing Codes, the State

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.

has adopted two new codes; the Residential Code and the Green Building Code. The new Green Building Code will be the topic of a future presentation to the Council.

The Building Safety Division has been in contact with California Water Service Company (Cal Water) concerning their ability to serve the residential fire sprinkler needs at all new residential units. Cal Water has provided all new residential subdivisions with a 1" meter tap which should provide for all but the largest new homes (up to 3,000 square feet). New homes larger than 3,000 square feet will need to install a second meter for fire sprinkler service or upsize the existing service.

The new State Code does not require that additions to existing homes (without existing fire sprinklers) or new detached garages install fire sprinkler systems. The City's Fire Chief is recommending that fire sprinklers be required for all newly constructed detached garages (within 30 feet of a residential structure) and for any residential addition that is at least 50% or more larger than the original dwelling. Historically, an average of two detached garages and two residential additions fall into these categories each year. Fire sprinklers are not required by State Code in unheated patios, porches, attic and crawl spaces (without a gas fired heater), bathrooms less than 55 square feet, or closets less than 24 square feet.

There are two approved basic fire sprinkler systems which comply with both the NFPA 13D and the new Residential Code. The City's Building Safety Division is charged with performing plan checks and inspections of these new sprinkler systems ensuring compliance with this new code. The plan checking and inspection of these new sprinkler systems will require additional staff time. The Building Division's current fee schedule for one and two family homes does not reflect the cost of this additional staff time. At this point, the fee increases needed to cover these additional costs has not been determined. Staff is developing information and working with the development community to determine fees for these additional services. Staff will be returning to Council with a recommendation regarding these fees in the next several months.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Power Point

Recommended Motion (and Alternative Motions if expected): Accept the information from staff regarding the State mandated changes to the California Building/Fire Code. Direct that the two additional amendments recommended by the City's Fire Chief be included in the update to the City's Code.

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)*

Fire Sprinkler Systems In Our Homes

Preparing for 2011

How Sprinklers in home will effect our community (Stats)

Fires in residences have taken a high toll of life and property. In 2008 nationwide there were:

- ✓ 403,000 residential fires
- ✓ 2,780 residential fire deaths
- ✓ 13,560 residential fire injuries
- ✓ \$8.5 billion in residential property damage

A Recent Local Residential Fire

- ✓ 4,300+ square foot Home with a 800 square foot detached garage.
- ✓ Fire started in detached garage.
- ✓ Garage was approximately five feet from residence.
- ✓ Fire spread to residence.
- ✓ Sixteen units were assigned to this incident.

- ✓ Twenty-eight personnel responded.
- ✓ The fire were extinguished and overhauled within six hours of the call out.
- ✓ Two fire personnel were injured during this incident. Both suffered heat exhaustion. They were assessed by EMS and both were allowed to return to work after rest.
- ✓ Approximately \$1 million in property and content loss.
- ✓ This Home did not have fire sprinklers.





VISALIA
FIRE
DEPARTMENT



How would Fire Sprinklers have made a difference?



2011 Code Adoption

The California legislative codes will be adopted through out the state 180 days after they're published, unless otherwise specified. This should take affect in January of 2011. The 2011 codes will include specifications for residential fire sprinklers in one and two family dwellings.

Sprinkler Systems

There are 3 types of automatic fire sprinkler systems.

- ✓ NFPA 13 – Sprinkler Systems (Commercial)
- ✓ NFPA 13R – Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.
- ✓ NFPA 13D – Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes.
* 2010 California Residential Code = NFPA 13D

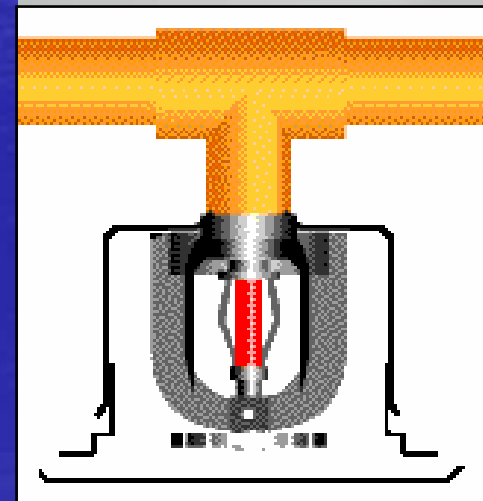
What does a NFPA 13D sprinkler system detail

- ✓ Residential fire sprinkler systems use plastic pipe with a much smaller diameter and much less sprinkler heads than a commercial system.
- ✓ NFPA 13D has three types of system design configurations: 1) Stand-Alone (Will need a back flow protector) 2) Looped Multipurpose 3) Networked Multipurpose
- ✓ California we adopted the 2010 addition of NFPA 13D (California Residential Codes are considered equal to NFPA 13D)
- ✓ Will not affect fire hydrant spacing.



Myths about Residential Sprinklers

- ✓ If one sprinkler head goes off they all go off. False! Sprinkler heads activate with heat and only the heads that reaches the appropriate temperatures will go off.
- ✓ What about accidental activation? Modern fire sprinklers are very effective, with a failure rate of less than 1 in 16 million.
- ✓ Sprinklers do not look good. Sprinklers now come in many different designs, many of which are much better at blending in.



How Sprinklers in home will effect our community

- ✓ For homeowners, the advantages include assurance of a safer environment for their families, protection of their investment and irreplaceable family possessions, and lower insurance rates by 5 to 15 percent.
- ✓ Residential fire sprinklers will give homeowners a greater level of protection than anything currently in homes today.

How Sprinklers in home will effect the Visalia Fire Department

- ✓ In case of a home fire, firefighters will have less risk of injury or life loss since they will be fighting a fire of less intensity.



How Sprinklers in home will effect the Visalia Building Department

- ✓ Inspections – Developing procedures for inspection process that would ensure the proper installation of the system, but would not significantly impact the builders time frame for completion.
- ✓ Training – Training is essential to ensure that our inspectors are qualified to perform the inspection and to assist the builders throughout the process.

How Sprinklers in home will effect our Builders

- ✓ A low-cost reliable safety option that would attract many buyers.
- ✓ At the present time, cost of a home sprinkler system is targeted at approximately \$1.25 to \$2 per square foot in new construction. It is anticipated that the cost will decrease as the use of home fire protection grows.
- ✓ Builders will need to obtain appropriate permits and pay additional fees.

How Sprinklers in home will effect our Builders (Continued)

- ✓ Water – Proper supply for new developments.
- ✓ Water – Proper supply for existing developments.



How Sprinklers in home will effect Cal Water

- ✓ These systems will require less water than the systems installed in industrial or commercial establishments and can be connected to the domestic water supply.
- ✓ Cal water will need to have policies and procedures in place for the installation and servicing of fire mains, water meters, and back flow preventer.
- ✓ Cal water will be challenged with the task of providing the proper amount of water supply and meter size to accommodate residential fire sprinklers.

Challenges that the city of Visalia faces

- ✓ Water – Proper supply for new and existing developments.
- ✓ Maintenance – The City of Visalia will need to decide if there is a desire to have a maintenance program in place for the residential fire sprinkler systems. (currently not required)
- ✓ Public education – Procedures need to be discussed on how to inform our local builders and citizens of the upcoming sprinkler requirements.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 4, 2010

Agenda Item Number (Assigned by City Clerk): 13

Agenda Item Wording: If Council is presented a signed MOU, authorize the City Manager to execute the Memorandum of Understanding for Police Managers and Supervisors (City of Visalia Employee Bargaining Unit Group A) for the period July 1, 2010 through June 30, 2011.

Deadline for Action: October 4, 2010

Submitting Department: Administrative Services

Contact Name and Phone Number: Diane Davis, Human Resources Manager, 713-4575 and Eric Frost, Administrative Services Director, 713-4474.

Department Recommendation:

That if the City Council is presented a signed MOU from Group A that the Council authorizes the City Manager to execute a Memorandum of Understanding by and between the City of Visalia and Police Managers and Supervisors (City of Visalia Employee Bargaining Unit Group A) for the period July 1, 2010 through June 30, 2011.

Summary/background:

In early March, 2010, the City's negotiation team began the negotiations process with Group A for their MOU that was set to expire on June 30, 2010. Although this group did not receive a wage increase this last year, the City asked for a change in benefits from Group A. On September 20, 2010, the City conducted an imposition hearing but decided not to impose terms and conditions at that hearing. Instead, the Council directed staff to discuss with the three public safety groups what was their alternative to the terms and conditions proposed by the City.

The group has offered an alternative that is within the parameters set by City Council. If the City is presented a signed MOU by Monday evening, staff would recommend that the Council approve the agreement. If a signed agreement is not submitted by Monday evening, staff would recommend that Council continue with the imposition of terms and conditions that the Council continued from their September 20, 2010 meeting.

If a signed MOU is presented to Council, staff will review the terms and conditions of the agreement in open session.

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.

Prior Council/Board Actions: September 20, 2010, imposition hearing

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move authorization for the City Manager to execute the Memorandum of Understanding by and between the City of Visalia and the Police Managers and Supervisors (City of Visalia Employee Bargaining Unit Group A) for the period July 1, 2010 through June 30, 2011.

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: