

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, December 20, 2010

City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291
Work Session 5:00 p.m.; Closed Session immediately following
Regular Session 7:00 p.m.

5:00 p.m.

INTRODUCTION OF NEW EMPLOYEE

Stephanie Phipps, Office Assistant, Fire Administration

INTRODUCTION AND BADGE PINNING OF NEWLY PROMOTED POLICE

CAPTAINS - Captain Perry Phipps and Captain Jason Salazar



WORK SESSION AND ACTION ITEMS (as described)

1. Valley Oaks Golf Course Operation and Maintenance Annual Report. **Receive public comment.**
2. Overview of recent cost reduction measures implemented in the Landscape & Lighting Districts and of maintenance reductions to be implemented in six of the districts if an increase in fees is not approved to cover a deficit; and request for CIP funding for the installation of twelve water management controllers for FY 2010-11. **Receive public comment.**
3. *Item removed at the request of staff.*

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 Legal Counsel – Existing Litigation. (Subdivision (a) of G.C. §54956.9)
Name of Case: Church Mutual Insurance Co. vs. City of Visalia TCSC #09-235713
5. Public Employee Performance Evaluation (GC 54957)
Title: City Manager

6. Conference with Real Property Negotiators (G.C. 54956.8)
Property: Portion of APN: 081-020-073 and 081-020-079 (No site address available); and Under Negotiation: Price, terms, and conditions of potential purchase.
Negotiating Parties: Steve Salomon, Chris Young, Alex Peltzer, and James Koontz, Mathew and Barbara Bruno and their agent, Niniv, Tamimi.
7. Conference with Real Property Negotiators (G.C. 54956.8)
Property: Portion of APN: 081-020-042, 043, 044, 060, 082 and 083 (No site address available); and 08-020-076 (No site address available).
Under Negotiation: Consideration and approval of appraisals; Authority to negotiate price, terms, and conditions of potential purchase.
Negotiating Parties for Landowners: Alice I. Roye and her representative Thomas Hornburg; Old Towne Condominiums and its representatives Lisa Mochizuki, and Harvey May.
Negotiating Parties for City: Steve Salomon, Adam Ennis, Alex M. Peltzer, James Koontz;
8. *Item removed at the request of staff*
9. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9)
Name of Case: City of Visalia v. John A. Barbis et al. TCSC #10-235792

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

PLEDGE OF ALLEGIANCE

INVOCATION

SPECIAL PRESENTATIONS/RECOGNITION

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

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

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

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

a) Authorization to read ordinances by title only.

b) Authorize the City Manager to approve a one-year extension of the Professional Services Agreement with Van Scoyoc Associates in the amount of \$89,000 for federal legislative advocacy services, effective Jan. 1, 2011.

- c) Authorization to bid the construction of the Giddings Street Extension between Shannon Parkway and Riverway Avenue without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02.
- d) *Item removed at the request of staff.*
- e) Adopt the annually updated Investment Policy and Delegating authority to invest funds for the City to the Administrative Services Director/Treasurer. **Resolution 2010-84 required.**
- f) Second reading and adoption of **Ordinance 2010-19** revising Chapter 8.24, Fireworks, of the Visalia Municipal Code, amending the ordinance to allow for streamlining of the fireworks permit process. **Ordinance 2010-19 required.**
- g) First reading of Ordinance authorizing the Grant of Easement to California Water Service Company for a non-exclusive easement in gross for the conveyance, distribution and/or storage of water on a portion of City owned properties (APN #'s 103-020-021 and 103-020-059) and authorization for the City Manager to execute the grant of easement. **Ordinance 2010-21 required.**
- h) Authorization to record the final parcel map of Tentative Parcel Map 2009-03, located at the northeast corner of Riggan Avenue and Plaza Drive (Vargas/MSJ Development, LLC) - APN 077-120-016.
- i) *Item removed at the request of staff*
- j) Authorize the City Manager to submit an application for an Environmental Enhancement and Mitigation Grant and allocate funds to landscape Packwood Creek Ponding Basin, and areas along Modoc Ditch and Mill Creek and allocate \$25,648 from Measure R Trailway Funds and \$12,823 from Storm Sewer Construction funds to pay the City's match. **Resolution 2010-87 required.**
- k) Adopt Resolution of Intention to amend the contract between the City of Visalia and the Board of Administration of the California Public Employees' Retirement System (CalPERS), and Introduction of Ordinance authorizing the contract amendment for Police and Fire sworn/safety personnel. **Resolution 2010-86 and 1st reading of Ordinance 2010-22 required.**
- l) Accept Fiscal Year 2009-10 Measure T Independent Accountant's Report, as recommended by the Citizens Advisory Committee (CAC).
- m) Authorize a contract with Tulare County Association of Governments to implement a transit pass program for College of the Sequoias students.
- n) Authorization to purchase six (6) compressed natural gas (CNG) replacement Dial-A-Ride buses from Bus West in the amount of \$133,191 each for a total of \$799,146 and appropriate additional funds of \$150,000 to the \$654,000 previously budgeted.
- o) Authorization to endorse the 2010 Central California Children's Agenda.
- p) Update on Federal legislation pertaining to Federal Emergency Management Agency (FEMA) - National Flood Insurance Program.

Convene jointly as the Redevelopment Agency Board and the Visalia City Council:

11. RDA CONSENT CALENDAR

- a) Authorize investment of monies in the Local Agency Investment Fund (LAIF) by delegated authorities for the Redevelopment Agency of the City of Visalia. RDA Resolution 2010-04 required.
- b) Authorize investment of monies in the Local Agency Investment Fund (LAIF) by delegated authorities for the City of Visalia. Resolution 2010-83 required.
- c) Second reading and adoption of ordinances pertaining to the Mooney Boulevard Corridor Zoning Study Amendments, consisting of:
 - **Change of Zone 2010-09A:** A request by the City of Visalia to change the zoning designation from C-R (Regional Retail Commercial) to C-SO (Shopping/Office Commercial), for all properties zoned C-R located on both sides of Mooney Boulevard between Beverly Drive and Walnut Avenue. *(Ordinance 2010-12 required)*
 - **Change of Zone 2010-09B:** A request by the City of Visalia to change the zoning designation from PA (Professional/ Administrative Office) to C-SO (Shopping/Office Commercial), for all properties zoned PA located on the east side of Mooney Boulevard between Noble Avenue and Beverly Drive. *(Ordinance 2010-13 required)*
 - **Change of Zone 2010-09C:** A request by the City of Visalia to change the zoning designation from C-R (Regional Retail Commercial) to PA (Professional/ Administrative Office), for property totaling approximately 2.8 acres located on the south side of Walnut Avenue approximately 940 feet east of Mooney Boulevard. *(Ordinance 2010-14 required)*
 - **Change of Zone 2010-09D:** A request by the City of Visalia to change the zoning designation from C-R (Regional Retail Commercial) to PA (Professional/ Administrative Office), for property totaling approximately 9.2 acres located south of Beech Avenue and north of Whitendale Avenue approximately 550 feet west of Mooney Boulevard. *(Ordinance 2010-15 required)*
 - **Zoning Text Amendment 2010-10B:** A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance) to add certain permitted and conditionally-allowed uses (including supermarkets 30,000 sq. ft. or smaller, car washes, and convenience stores) in the Regional Retail Commercial (C-R) zone. *(Ordinance 2010-16 required)*
 - **Zoning Text Amendment 2010-10C:** A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance) to reduce the front and street-side setback standards to 20 feet for buildings and to require 25 feet for front and street-side landscaping for properties in the portion of Design District “A” that runs along Mooney Boulevard between Noble Avenue and Visalia Parkway. *(Ordinance 2010-17 required)*
 - **Zoning Text Amendment 2010-10D:** A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance) to add procedures for granting up to a twenty (20) percent administrative reduction

of the parking requirements for properties in the portion of Design District “A” that runs along Mooney Boulevard between Noble Avenue and Visalia Parkway. (**Ordinance 2010-18 required**)

- d) Authorization to initiate a General Plan and Zoning Map Amendment to change the General Plan Land Use and Zoning designations from CS (Service Commercial) to P-C-DT (Planned Central Business District Retail) zone, on 20 parcels totaling 12.47 acres, located generally along Santa Fe St. and Tipton St., between Center Ave. and Race Ave. (APNs 094-100-011, -038, -039, 094-240-001, -002, -013, -024, -025, -033, -040, -041, 094-250-002, -038, -039, -040,-041, 094-264-012, -015, -017, -018)

Adjourn as Visalia City Council and Visalia Redevelopment Agency Board and convene as the Visalia Public Finance Authority.

12. VPFA CONSENT CALENDAR

- a) Annual status report for the Visalia Public Finance Authority (VPFA).
- b) Authorize investment of monies in the Local Agency Investment Fund (LAIF) by delegated authorities for the Visalia Public Financing Authority of the City of Visalia. **VPFA Resolution 2010-01 required.**

Adjourn as the Visalia Public Finance Authority and re-convene as the Visalia City Council.

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.*

- 13. **PUBLIC HEARING** - Second reading and adoption of Ordinance No. 2010-20 to adopt the 2010 California Fire Code, 2010 California Administrative Code, 2010 California Referenced Standard code, 2010 California Building Code, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Electric Code, 2010 California Historical Building Code, 2010 California Existing Building Code, 2010 California Residential Code, 2010 California Green Building Standards Code, and 2010 California Energy Code. **Ordinance 2010-20 required.**
- 14. **PUBLIC HEARING** to consider a temporary \$3 increase in Parking Fines to cover the additional \$3 surcharge being imposed by the State of California through Senate Bill 857 (SB 857) and adoption of Resolution approving the amendment to the City’s Rates and Fees for the temporary \$3 increase in Parking Fines. The fee is recommended to sunset July 1, 2013. **Resolution 2010-85 required.**

CLOSED SESSION REPORT (if any)

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Anthony & Monique Da Costa	081-010-051 (portion)	Plaza/Rd 80	Right of Way	12/10/10	Fred Lampe

Upcoming Council Meetings

- Tuesday, January 18, 2011, 4:00 p.m. Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Monday, January 31, 2011, 6:00 p.m. Town Hall Meeting, Crestwood School, 3001 W. Whitendale Ave.
- Friday-Saturday, February 4-5, 2011, City Council Annual Workshop; location and times TBD
- Monday, February 7, 2011, 4:00 p.m. Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia

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

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

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

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Valley Oaks Golf Course Operation and Maintenance Annual Report

Deadline for Action: N/A

Submitting Department: Parks & Recreation

Contact Name and Phone Number: Jeannie Greenwood, Recreation Manager, 713-4042

Department Recommendation:

City staff recommends that the City Council accept the Valley Oaks Golf Course Annual Report.

Background Information:

In January, 2000, the City Council changed the Valley Oaks Golf Course management from a City employee operated course to a private contract management course. The City entered into a ten (10) year agreement (with two additional 5 year options) with CourseCo, Incorporated to manage the complete operation of the course and all facilities. CourseCo signed an agreement to operate the course on January 17, 2000 and Council authorized the first five-year extension last year.

The City had a number of objectives when it contracted out the operation of the facility, with the primary objective of providing quality golf experiences at a reasonable price while maintaining the course as a self-sustaining enterprise fund. Fortunately, Council has been able to draw on the experience of CourseCo and their knowledge of the golfing industry to put the course in a better financial picture as well as improve course maintenance.

Fiscal Analysis:

This annual report represents the time period of July 1, 2009 through June 30, 2010. During this time period, the golf course saw 64,847 rounds of play. This is a decrease from the previous year by 5,798 rounds, or 8%. (In the opinion of City staff and CourseCo, this decrease is

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 20

Review:

Dept. Head _____

(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.

primarily due to the wet winter that we experienced last year and the sharp downturn in the economy. Going into December, the total number of rounds was higher than the previous year. The rainy January through March months severely impacted play in the 3rd quarter). From a fiscal standpoint, the course continues to cover its operational costs and make progress on debt payoff.

Chart I, Rounds Played – provides a ten year history of rounds played under CourseCo’s operation. In 2009-2010, the number of rounds played decreased by 5,798 rounds.

**Chart I
Rounds Played**

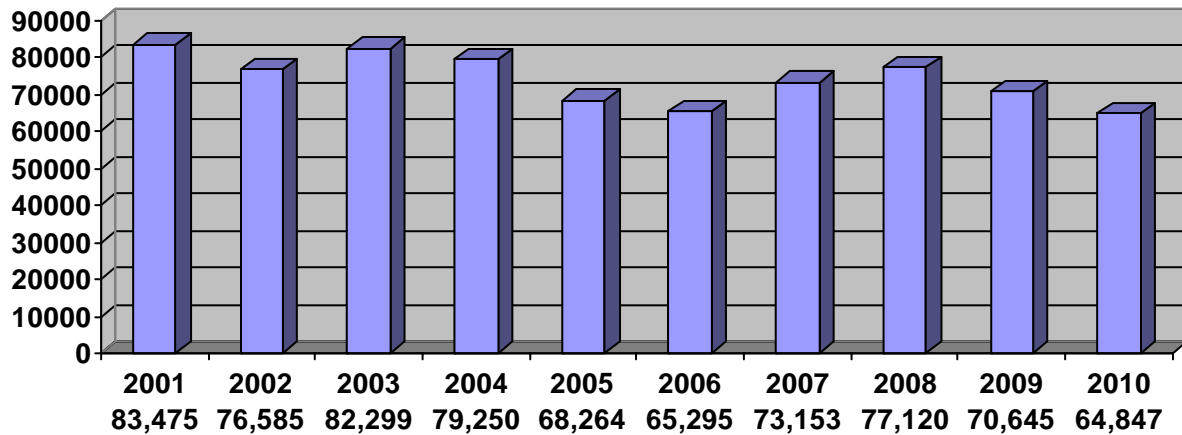


Table 1 – CourseCo Operating Results Summary provides an accounting of revenues and expenses for the last five (5) years of operation. Note that although revenues were down \$102,419 from prior year, course was able to contribute \$14,378 more to debt service than the prior year. The course managed expenses and was able to capture an additional \$1.61 more per round of golf.

**Table 1
CourseCo Operating Results Summary**

	2005-06	2006-07	2007-08	2008-09	2009-2010
Total Income	2,123,921	2,430,454	2,741,951	2,521,844	2,419,425
Operating Expenses	1,770,071	1,896,165	2,140,216	2,159,960	1,794,504
Net From Operations (used for debt service)	353,850	534,289	601,735	361,884	376,262
Rounds	65,295	73,153	77,120	70,645	64,847
Avg. Income Per Round	\$32.70	\$33.22	\$35.55	\$35.70	\$37.31

Golf Course Debt:

The golf course has two types of debt:

General Fund Loan Payoff – debt accumulated prior to CourseCo assuming operation of the course. This debt was incurred as a result of Council approved capital improvements, primarily the addition of 9 holes at Valley Oaks Golf Course in the mid 90’s (the Lakes Course opened in 1996).

Capital Improvement Surcharge (CIS) – in 2003, the Council authorized a Capitol Improvement Surcharge for the purpose of upgrading or replacing capital assets at the golf course. As directed by Council, this surcharge is used solely for capital expenditures at the golf course.

Both loans are advances from the General Fund and accrue interest at the City’s portfolio earning’s rate plus 1%.

Table II Status of Debt Payments shows that the course was able to utilize Capitol Improvement Surcharge funds to pay interest and principal on the CIP loan. Unfortunately, the course did not generate enough revenue to make strides on the General Fund Loan this year.

**Table II
Status of Debt Payments
Fiscal Year 09/10**

<i>Loan Balances</i>	CIP Credit Line	General Fund Loan
Beginning Balance 7/1/09	587,333	2,661,662
Additional Loan 09/10	0	49,868
Interest Accrued	23,299	96,670
Interest Paid	(23,299)	(96,670)
Ending Balance 6/30/10	346,825	2,610,865

The CIP Credit Line is dedicated to Valley Oaks Golf Course improvements. All revenue derived from the CIP surcharge is to be used for improvements and equipment. (Note that the CIP Surcharge revenues equal CIP Debt Payments made.)

City Council originally authorized the CIP Loan to be a line of credit up to \$800,000. In September 2004, staff recommended that the Council allow the golf course to use the City’s available cash to finance capital equipment purchases, specifically golf carts. These had historically been leased by CourseCo in the City’s behalf. This action allowed the line of credit to be increased up to \$1.3 million. In 2007, City Council again authorized an increase for the upcoming major irrigation project bringing the current credit line up to \$2.6 million. As you can see, there were no Capitol Improvements Projects in FY 2009-10 due to the upcoming \$1.7

million irrigation project. Although the credit line for CIP projects has not been reached, staff feels that it would be prudent to pay down some amount of debt incurred from the irrigation project prior to scheduling future CIP projects. The irrigation project is expected to be completed within the \$1.7 million budgeted amount, resulting in a CIP debt amount of roughly \$2 million at the end of the current fiscal year. In 2010, the course reached its capped rate of \$5.00 per round for Capitol Improvement Projects. With no future increases in the CIP surcharge, the amount collected each year depends solely on the number of rounds played. If rounds continue to decrease, it will take longer to pay down CIP debt. The course will continue to have CIP needs over the next 3-5 years including bunker renovations and scheduled equipment and golf cart replacements. City staff and CourseCo will present Council with a CIP plan during the 2010-11 report to Council.

In past years, the golf course has made significant improvements in paying down the General Fund Loan. Prior to CourseCo managing the course, the City operated the golf course. In the mid 1990s, the course was expanded to include an additional 9 holes. During the construction, the golf course fund suffered several years of operating losses. These operating losses and golf course expansion costs represent the General Fund debt as shown in Table II.

The accumulated general fund debt for the nine hole expansion at the end of 2000 was approximately \$3.5 million. The debt balance at the end of 2010 is \$2.6 million. Paying off the General Fund Loan continues to be a major goal for the course.

Irrigation Project

At the December 15, 2007 City Council meeting, Council approved the replacement of the irrigation system for the Valley and Oaks courses (18 holes) and appropriated \$1.7 million for said project. City staff is pleased to report that this project began November 1, 2010 and is currently ahead of schedule. At this time, all main lines have been installed and pressure tested. After the holidays, the contractor will begin to pull lateral lines and install the irrigation system. At this point, barring in climate weather, the project will be completed mid-March.

This improvement will significantly improve course conditions and help to make Valley Oaks a preferred site for golfers in our region. It is important, however, that our golfing community and Council members understand that this system is an important tool to accurately deliver water throughout the course and not a “magic wand” to transform course conditions. The course will experience a one to two year adjustment period during which time golf course maintenance staff will constantly monitor and adjust the new system for accurate performance. It will take at least two years for the turf throughout the property to adjust to the new irrigation patterns. Improvements that will be immediate include better water coverage, less water in bunkers resulting in better bunker conditions and overall water conservation as the system allows staff to water only where and when needed.

Valley Oaks Golf Course Advisory Committee

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In 2007, CourseCo was asked to expand upon the existing Evaluation Committee to form a Golf Course Advisory Committee. This committee has been meeting since December, 2008 and is comprised of representation from all facets of users including men, women, youth, City Staff, tournament groups and course supporters. The group serves in an advisory capacity to City and CourseCo staff and meets monthly to discuss course maintenance, operational issues, complaints and future plans for the course. This group meets the second Tuesday of each month.

Operation & Maintenance Summary

Food & Beverage Operation

In 2010, a new food and beverage manager, Mazeo Frazer, was hired. Those visiting the clubhouse will notice an expanded menu with a variety of food items and daily specials. The food and beverage operation was able to capture the same amount of revenue as the prior year despite a decrease in the number of rounds played. This operation also decreased expenses (cost of goods sold) by over \$60,000. This allows the course to capture more revenue per round. Plans for 2011 include naming the clubhouse “restaurant” and marketing to the non-golf community for gatherings and events as well as individual meals.

Golf Course Maintenance

Valley Oaks Golf Course Superintendent Danny Moak and staff constantly work to improve course conditions at Valley Oaks. They understand that well maintained courses attract more golfers. Although there are always additional maintenance needs and improvements that can be made, there are budgetary and time constraints that force staff to prioritize, work efficiently and manage resources to the best of their ability. Mr. Moak and staff have done this and, based on feedback from course users and the Golf Course Advisory Committee, the course is in better condition than it has been in many years.

Fiscal year 2010-11 will be an exciting time for the maintenance staff as they learn to utilize the new irrigation system and work to maximize its benefits. In addition, they will be working on improving the aesthetics of the course and will continue to make improvements and increase course conditions as resources are available.

Operations

This area focuses not only on getting customers to play a round of golf but includes services that build on the customer experience such as the driving range, golf carts, lessons/learning center, monthly tickets and discounts, merchandise, clinics and tournaments.

Golf course management and staff continue to look for ways to attract customers to Valley Oaks Golf Course and provide an experience that will keep them coming back. Under the direction of General Manager, Aaron Hensley, staff has developed new promotions to bring play to the course such as Family Golf Night and Twilight rates. Efforts will continue to generate more play including promotions and discounts, clinics, tournament recruitment and increased marketing efforts.

The Golf Industry

During the 1990's and early part of the 2000 decade, the golf market exhibited exceptional strength with most golf courses operating at close to full capacity. This has deteriorated significantly since 2002 due to a variety of factors including:

- The dramatic increase in the supply of public golf courses
- Fundamental changes in lifestyle and entertainment/recreation pursuits affecting the demand for golf
- The sharp downturn in the economy

Many courses are facing major challenges in dealing with declining revenues and increasing expenses. Some courses have absorbed short-term operating losses by limiting expense reductions so that course conditions and service levels have not been materially affected. Others have decreased funds for course maintenance and operations, in some cases significantly cutting maintenance efforts. There are also instances where courses have looked to decrease the number of holes in play or have closed altogether.

Although we may never see the market rise back to participation in the early 2000's, annual growth is expected over the long term. The outlook in the golf market is favorable due to the aging baby boomer population (participation and frequency of play increase with age), few additions to the golf course inventory and an improvement in overall economic conditions. The analysts agree, the future is uncertain.

Based on a recent report by the National Golf Federation, Valley Oaks Golf Course is performing better than like courses throughout the nation. Table III shows a brief comparison.

**Table III
Comparison to National Averages**

	Revenues	Expenses	Net over prior year
VOGC	-4.3%	-3.8%	-.5%
National Avg.	-9.1%	-6.3%	-2.8%

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Recommended Motion (and Alternative Motions if expected):

Accept the Valley Oaks Golf Course Annual Operation and Maintenance Report.

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: December 20, 2010

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording City staff will provide overview of recent cost reduction measures implemented in the Landscaping and Lighting Districts, and of maintenance reductions to be implemented in six of the districts if an increase in fees is not approved to cover a deficit.

Deadline for Action: December 20, 2010

Submitting Department: Parks and Recreation Department, Urban Forestry Division

Contact Name and Phone Number: David Pendergraft, Parks & Urban Forestry Supervisor, 713-4295

Recommendation:

City staff is requesting that the Council accept the staff report regarding the proposed cost reduction measures in six specific Landscaping & Lighting Maintenance Assessment Districts.

City staff is also requesting future CIP funding for the installation of twelve water management controllers. Funds will be advanced into the current FY 2010-11 using general fund reserves and paid back with monies already budgeted for this project from Water Conservation Funds budgeted in FY 2011-12 (\$67,000) and FY 2012-13 (\$72,000).

Background on Landscape and Lighting Districts

The City of Visalia pays for common areas in subdivisions through Landscape and Lighting maintenance assessments in districts. These districts levy an assessment against all parcels in the district for maintenance of the landscape, payment of the water and electrical utilities, street tree pruning, and in some instances local road and pocket park maintenance. In addition, costs for damages to the block walls after an auto accident will need to be charged to the district in some instances.

At the end of June 2010, the City had 161 of these districts which were levied \$1.9 million in assessments this year. The districts cover over 13,600 parcels in the City. Of the 161 districts, all but 25 have cost escalation measures which allow the assessment to increase by 5% a year to cover increased labor, utility or supply costs. Only 6 of the 161 districts, less than 4% of the total do not collect enough money in their assessment to fully pay for their district. With these

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.

districts, City management will ballot the district to ask for a special rate increase to fully pay for the district's expenses. Over the last three years, 15 districts have been balloted and 9 of those districts have approved rate increases.

The problem is what to do with the few districts in which have not approved an assessment sufficient to pay for services provided. This report discusses options staff would recommend to make sure that the Landscape and Lighting Districts' expenses do not exceed the resources provided to maintain those districts

Staff is currently following a policy of maintaining 1.5 years of operating expense cash balances for each district. This does not include sinking fund items such as street maintenance. No less than \$10,000 is maintained for capital repairs or replacements. Once this goal is met, then it is possible to reduce the annual assessment to the property owners.

New Landscape and Lighting District cost savings measures implemented in FY 2009-10:

- All of the existing Landscape and Lighting districts were re-bid in the past 18 months, lowering annual maintenance costs.
- The developer's maintenance period before the City accepts a new Landscape and Lighting District has been increased from 60 days to one year. This assures there are enough funds in the assessment budget to maintain and pay maintenance costs when the City accepts the district.
- A positive fund balance is needed to meet unexpected emergencies that may come up, such as auto accidents that damage block walls or expensive irrigation controllers. Districts that do not have inflator clauses are re-balloted annually.
- Continue replacing old irrigation controllers in fiscal year 2010-11 with Toro / Sentinel irrigation controllers, a computerized Water Management System that regulates water usage and manages it more efficiently. The implementation of these controllers is estimated to save 15-20% of water costs annually. Funding has already been approved for this project (\$570K). Cost for installing these controllers will be charged to the individual Landscape and Lighting and the Northeast Districts. For fiscal year 2009-10 the Landscape and Lighting Districts costs for water and sewer were \$338,136.43. In the Northeast District water and sewer costs were \$66,590.49. The percentages of expenses related to water and sewer varied by district and averaged 30% of the overall maintenance costs for the last three years.
- AG-1 Hybrid Bermuda and Buffalo grass have been specified for turf in new Landscape and Lighting Districts due to their water saving qualities. Existing districts that have fescue lawns are being changed to Bermuda to reduce water use.
- Turf is being left out of future medians to cut water costs. Only trees are being irrigated.

Five Landscape and Lighting Districts (Windemere, Stonebrook, Quail Creek Estates, Country Acres #3, and West Wind #2) currently need to be re- balloted for an inflator clause and Tuscany/Vineyards needs to be balloted so an L & L District can be formed.

Homeowner's will be notified of re-balloting by an upcoming letter writing campaign and telephone broadcast. Letter and telephone broadcasting campaigns will inform them of what maintenance reductions will be implemented if these ballots fail. This is a small percentage of

the total number of Landscape and Lighting Districts that the city currently maintains. Out of 161 districts this is less than 4% of the total.

Listed below are the proposed cost savings measures that will be implemented for the six Landscape and Lighting Districts that do not pass the balloting for an inflator clause or the forming of a district. These cost saving measures will be implemented as needed to reduce costs.

- Install Toro/ Sentinel water management controllers.
- Install drought tolerant turf and plants.
- Spray out existing turf, add chip mulch, run bubblers to trees and reduce water to the planters. (Water reduction measure)

Cost saving measures such as spraying out turf, adding mulch and running bubblers to maintain the trees will be implemented to Tuscany/Vineyards before discontinuing there service if the forming of the Landscape and Lighting District balloting fails. As a last resort, the City would shut off water and power and discontinue maintenance in this district.

Parks Division's Water Management Irrigation Clock Funding

Regarding the City park system, the City has been installing Rain Master water management irrigation controllers in all new and existing parks for the past eight years. There are currently 22 City parks out of 34 that currently have water management clocks installed. These clocks have been proven to save man hours and reduce water usage by 15-20%. The setting and monitoring of the clocks can be accomplished from the supervisors' office (in the Corporate Yard) and will shut the water off immediately in the event of a broken line or sprinkler and can be shut off if rain is in the forecast. These controllers will alert staff when there is a problem in the field.

- During the budget process, \$203,000 was approved for the purchasing and installation of 12 new Water Management Controllers over a three-year period. By year the allocation is as follows: 2010-11 \$64,000; 2011-12 \$67,000; 2012-13 \$72,000. The funding of these 12 clocks is from the Conservation Division, which is an enterprise fund. City staff is proposing that general fund reserves be utilized to advance the funding for FY's 2011-12 and 1012-13 and then re-pay the general fund using those future year allocations.
- The total annual cost to water these 12 parks (92 acres) is approximately \$138,000 per year. The installation of these clocks will save approximately 15-20% of the water cost per year, which is \$20,700, at minimum.
- Annually it is estimated that these clocks will also save staff approximately 200 labor hours per year (\$14,000) from manually setting clocks and reduce diagnostic time when there is a problem in the system.
- The estimate return of investment for the implementation of these new clocks is four to five years, however, with increased costs this time will decrease.
- Because of the rising costs of water and staff time, staff is recommending to move \$139,000 for the purchase and installation of water management irrigation clocks up to

Fiscal Year 2010-11, reducing water costs in these parks by at least 15-20%% now as opposed to the future.

Recommended Motion (and Alternative Motions if expected):

City staff is requesting that the Council accept the staff report regarding the proposed cost reduction measures in six specific Landscaping & Lighting Maintenance Assessment Districts.

City staff is also requesting future CIP funding for the installation of twelve water management controllers. Funds will be advanced into the current FY 2010-11 using general fund reserves and paid back with monies already budgeted for this project from Water Conservation Funds budgeted in FY 2011-12 (\$67,000) and FY 2012-13 (\$72,000).

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)*

Attachments:

Agenda Item Transmittal

Meeting Date: December 20, 2010

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

Agenda Item Wording: Authorization for the City Manager to approve a one-year extension of the Professional Services Agreement with Van Scoyoc Associates in the amount of \$89,000 for federal legislative advocacy services, effective Jan. 1, 2011.

Deadline for Action: December 20, 2010

Submitting Department: Administration

Contact Name and Phone Number: Michael Olmos at 713-4332 and Nancy Loliva at 713-4535.

Department Recommendation: Staff recommends that the Visalia City Council authorize the City Manager to approve a one-year extension of the Professional Services Agreement with Van Scoyoc Associates (VSA) in the amount of \$89,000 for federal legislative advocacy services, effective Jan. 1, 2011. The proposed fee is the same fee charged by Van Scoyoc during 2010.

Background: Van Scoyoc Associates is a bi-partisan, full-service Federal Government affairs firm and the largest independent lobbying company in Washington, D.C. The firm, founded by Stu Van Scoyoc in 1990, provides Legislative and Executive Branch issue development, liaison, and advocacy for over 250 different clients. The firm's team for the City is Associate Vice President Greg Burns as the lead and Government Relations Manager Laura Morgan. Assistant City Manager Mike Olmos and Community Relations Manager Nancy Loliva work directly with the VSA staff on legislative matters.

Burns has 10 years experience, including seven as a lobbyist, specializing in representation of local governments and currently represents more than a dozen local governments, including the Cities of Manteca, Pismo Beach, Santa Maria, Del Norte County and Nipomo Community Services District. He lobbies Congress and the Executive Branch on issues such as appropriations, water resources, transportation, economic development, and law enforcement. Morgan has more than six years experience, specializing in appropriations, and is a former legislative staff member to Sen. Dianne Feinstein. She supports two other Vice Presidents with local government clients, including the Cities of Cathedral City, Dana Point, Long Beach, Stockton, Galt, Elk Grove, the Merced County Association of Governments and the San Joaquin Area Flood Control Agency.

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File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\12-20-2010\Item 10b Van Scoyoc Contract.docm

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 SS _____
(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.

Work Summary: During the past year, the issues surrounding the 2009 remapping of the City's floodplain has been the advocacy team's most intensive initiative. Initial work on the issue focused on advocating with FEMA to secure short-term relief for City residents placed in the floodplain due to the remapping. The perseverance, coupled with the economic conditions nationwide, led FEMA to announce an extension of the Preferred Risk Policy rates for two additional years. Using the City as one of the key reasons for proposing this change, FEMA's policy will save Visalia residents millions of dollars over those two years, beginning January 1, 2011.

Efforts also have been focused on encouraging Congress to revise the National Flood Insurance program when they next consider its reauthorization; namely by accurately tying real flood risk to flood insurance rates. Instead of Visalia homeowners subsidizing risky development elsewhere, residents' rates should reflect real risk. Van Scoyoc has assisted in the exploration of a City-run flood insurance plan that may allow lower insurance risks while still protecting those at risk. These efforts will continue during the 112th Congress.

A plan has been outlined to secure Federal investment in key flood control improvements in or near the City with the goal that residents may be able to be removed from the floodplain altogether. While the level of success with this initiative is currently unknown due to the failure of Congress to complete the appropriations process for Fiscal Year 2011, Van Scoyoc was instrumental in gaining the strong support of Senator Diane Feinstein for the plan.

Other issues which the team from Van Scoyoc Associates has worked and provided strategic advice and counsel include:

- Work with the Department of Transportation in support of the City's Essential Air Service Program.
- Work with staff on the ability of the City to use Section 5307 formula transit funding for operating expenses.
- Assist in the pursuit of Federal grant opportunities.
- Energy efficiency and green initiatives.
- Future transportation funding and policy issues.
- Potential Federal legislation that would reduce Transit Occupancy Taxes paid to local governments by online purveyors of hotel rooms.
- Neighborhood Stabilization program funding.
- High speed rail funding for California.
- Tax extenders legislation that would extend the alternative fuels tax credit for natural gas.
- Improving and maintaining positive relationships with the City's Congressional delegation.

In the next year, the advocacy team proposes to continue efforts on a wide range of initiatives and how the recent elections may refocus our priorities as the year progresses. Van Scoyoc proposes a 12-month contract, from January 1, 2011 through December 31, 2011, for a monthly fee of \$7,000 plus expenses, which are not to exceed \$5,000 for the year. This is the same fee assessed during 2010.

Prior Council/Board Actions: Contract approval on December 14, 2009, for federal legislative advocacy services by Van Scoyoc Associates through December 31, 2010.

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File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\12-20-2010\Item 10b Van Scoyoc Contract.docm

Committee/Commission Review and Actions: NA

Alternatives:

Attachments: Scope of Work Memorandum from Van Scoyoc Associates.

Recommended Motion (and Alternative Motions if expected):

I move to authorize the City Manager to approve a one-year extension of the Professional Services Agreement with Van Scoyoc Associates in the amount of \$89,000 for federal legislative advocacy services, effective Jan. 1, 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:



VAN SCOYOC
ASSOCIATES

December 3, 2010

Bob Link
Mayor
City of Visalia
425 E. Oak Ave.
Visalia, CA 93291

Dear Mayor Link and members of the City Council:

Thank you very much for the opportunity to represent the City of Visalia in Washington, D.C. during the past year. Laura Morgan, Bridget Devlin and I, along with all of Van Scoyoc Associates, have truly appreciated working on behalf of the City and are proud of the successes we have achieved together in such a short time.

During the past year, the litany of issues surrounding the recent remapping of the City's floodplain has been our most intensive initiative. Our initial work on the issue focused on advocacy with the Federal Emergency Management Agency (FEMA) to secure short-term relief for City residents who had recently been placed in the floodplain due to the remapping effort. Our perseverance, along with the poor economic conditions across the country, led FEMA to announce an extension of the Preferred Risk Policy rates for two additional years for homeowners in a newly mapped floodplain. Using the City as one of the key reasons for proposing this change, FEMA's policy will save Visalia residents millions of dollars over those two years.

More recently, we have focused our efforts on encouraging Congress to make intelligent improvements to the National Flood Insurance Program when they next consider its reauthorization; namely by more accurately tying real flood risk to flood insurance rates. Instead of Visalia homeowners subsidizing risky development elsewhere, residents' rates should reflect their real risk. Also, by working with FEMA and the Federal housing authorities, we have extensively supported a City initiative to explore a City-run flood insurance plan that may allow lower insurance rates while still protecting those at risk. We expect these efforts to continue during the 112th Congress.

Finally, we have outlined a plan to secure Federal investment in key flood control improvements in or near the City so residents may be able to be removed from the floodplain altogether. While we do not yet know of our level of success with this initiative due to Congress' failure to complete the appropriations process for Fiscal Year 2011, we were successful in gaining the strong support of Senator Feinstein for our plan. We also engaged the Army Corps of Engineers in the effort earlier this year and they are ready and willing to help should they be given direction from Congress.

Apart from flood insurance initiatives, we have actively worked on behalf of the City on a number of other important items. These include helping the City interface with the Department of Transportation in support of the City's Essential Air Service program while also tracking key sections of Congress' plan for reauthorization of the Federal Aviation Administration. We have also been involved in issues related to the ability of the City to use Section 5307 formula transit funding for operating expenses, the continuation of which is key to the viability of the City's transit program. Both of these items will remain important issues during the 112th Congress.

We have aggressively assisted the City in pursuit of Federal grant opportunities, an effort that is likely to become even more important during the 112th Congress. For example, we have introduced the City to a number of Federal agencies who have grant programs of interest, such as FEMA and the Department of Justice. In particular, our meeting with FEMA that focused on Federal support of the Fire Department was extremely beneficial. While these developing relationships may not lead to immediate funding, we believe they have set the stage for future success. We also secured Congressional support for a number of City grant applications and have assisted with the writing of these grants. We propose to become even more involved in helping the City consider, develop, and actively pursue Federal grant opportunities in the coming year.

Other issues on which we have worked and provided strategic advice and counsel include:

- Energy efficiency and green initiatives
- The new Deficit Commission report, which we believe will be a major focus of legislative action in the 112th Congress
- Future transportation funding and policy issues
- Water infrastructure concerns of the City
- Police and public safety issues
- Potential Federal legislation that would reduce Transit Occupancy Taxes paid to local governments by online purveyors of hotel rooms
- Federal land acquisition and improvement programs
- Neighborhood Stabilization program funding
- High speed rail funding for California
- Tax extenders legislation that would extend the alternative fuels tax credit for natural gas
- Improving and maintaining positive relationships with the City's Congressional delegation

Over the next year, we proposed to continue our aggressive advocacy efforts on a wide range of initiatives while paying particular attention to the new Congress and how the recent elections may refocus our priorities as the year progresses. To continue our work on behalf of the City, we propose a contract from January 1, 2011, through December 31, 2011, for a monthly fee of \$7,000 plus expenses, which we offer to cap at \$5,000 for the year. This is the same fee for which we have worked over the past year.

On behalf of Laura, Bridget, and the rest of Van Scoyoc Associates, thank you again for the opportunity to represent the City in Washington, D.C. We look forward to continuing our work together.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'G' followed by a series of loops and a horizontal line.

Gregory D. Burns

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

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

Agenda Item Wording: Authorization to bid the Construction of the Giddings Street Extension between Shannon Parkway and Riverway Avenue without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02 (Project No. 3011-00000-720000-0-8099).

Deadline for Action: none

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:
Rebecca Keenan, Civil Engineer, 713-4541
Adam Ennis, Engineering Services Manager, 713-4323
Chris Young, Community Development Director

Department Recommendation: Staff recommends that the City Council authorize the construction of the Giddings Street Extension between Shannon Parkway and Riverway Avenue without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02. The estimated Construction cost of the Project is \$530,000.00 (Project No. 3011-00000-720000-0-8099).

Summary/Background: This project includes road improvements to the eastern half of Giddings Street (between Shannon Parkway and Riverway Avenue) along the west side of the Sports Park and completes the Sport's Park east/west access road (from Giddings Street to the existing access road).

Project improvements include the construction of new curb, gutter, and pavement on the "east half" of Giddings Street (one lane in each direction), and also the access road. The west half of Giddings Street will be constructed in the future as part of the planned residential development on the west side of Giddings Street. In addition, the project will include the construction of a 30" storm drain line and an 8" sanitary sewer line between Shannon Parkway and Riverway Avenue.

Locally generated Park Impact Fees and the Sports Park Fund will fund the Sports Park's access road connection and the "Park's portion" of the Giddings Street improvements and the sewer line extension. The locally generated Transportation Impact Fee Fund (TIF) will pay for the remaining portion of the Giddings Street roadway (per the TIF program) and the Storm Drain Impact Fee Fund will pay for the storm drain facilities within Giddings Street.

City Council is empowered to authorize the construction of capital improvement projects without the requirement of paying prevailing wage if only locally generated funds are used to pay for the project.

For action by:

City Council
 Redev. Agency Bd.
 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.

This project is scheduled to go to bid in January 2011, with construction completed by June 2011 (prior to the Cal Ripken World Series event occurring at the Sports Park in August 2011).

Prior Council/Board Actions: City Council authorized the construction of Phase 1 and 2 of the Sports Park.

Committee/Commission Review and Actions: None

Alternatives: None recommended

Attachments: Attachment 1 – Vicinity Map

Recommended Motion (and Alternative Motions if expected):
I move to authorize the bid for the Construction of the Giddings Street Extension between Shannon Parkway and Riverway Avenue without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02.
Project No. 3011-00000-720000-0-8099

Financial Impact

Funding Source:
Account Number: 3011-00000-720000-0-8099

Budget Recap:

Total Estimated cost: \$634,000.00	New Revenue:	\$
Amount Budgeted: \$1,580,523	Lost Revenue:	\$
New funding required: \$0	New Personnel:	\$
Council Policy Change: Yes___	No__X	

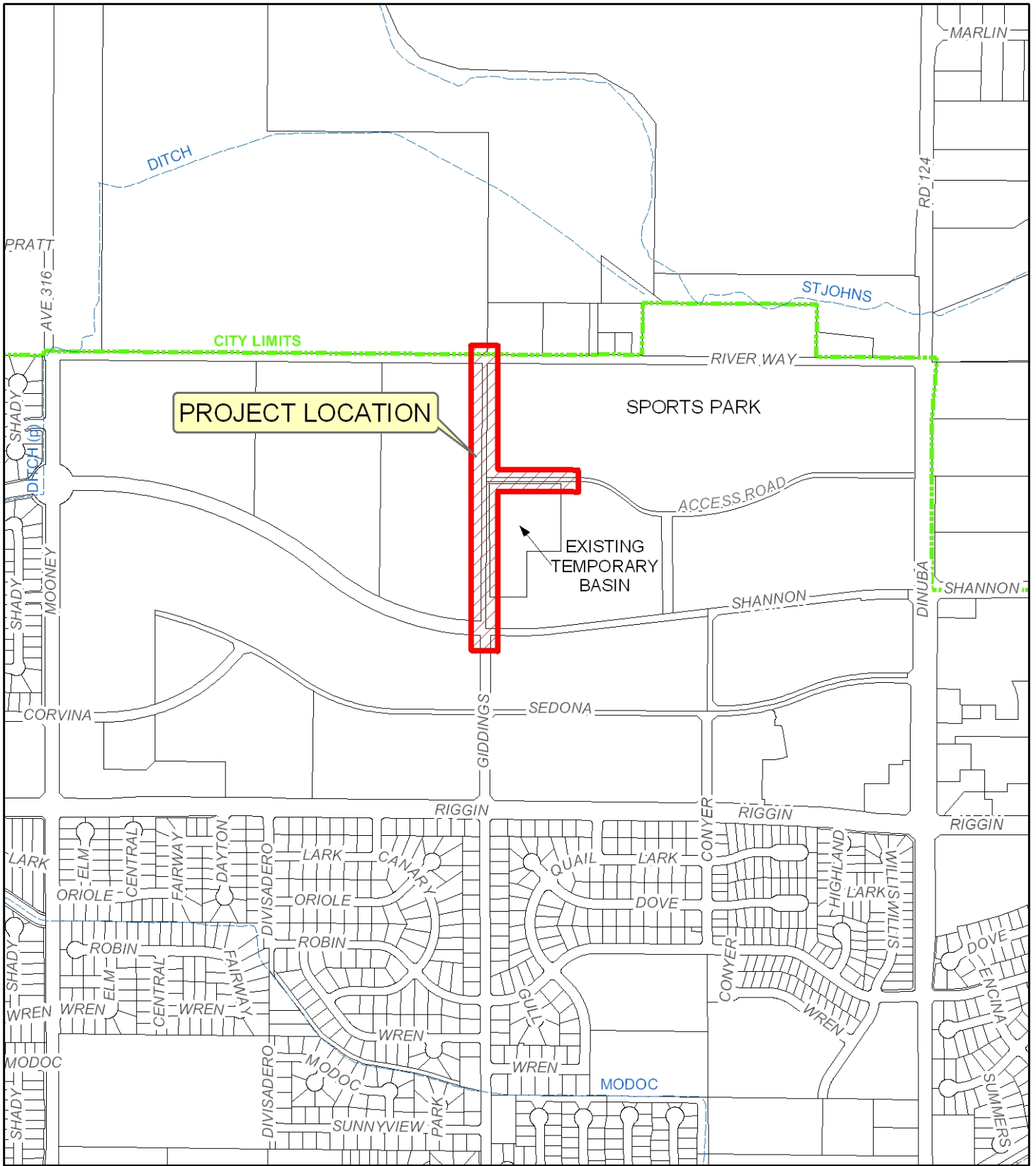
Environmental Assessment Status

CEQA Review: Initial Study/Negative Declaration Document No. 2005-128, and First Addendum issued November 2, 2009.

NEPA Review: Not Applicable

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:



Giddings Street Extension Vicinity Map

1" = 800'

Attachment 1

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

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

Agenda Item Wording: Approve Resolution Number 2010-84 adopting the City of Visalia's annually updated Investment Policy and Delegating authority to invest funds for the City to the Administrative Services Director/Treasurer.

Deadline for Action: None

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost 713-4474,
Liz Ybarra 713-4598

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

1. Approve the annually adopted Investment Policy.
2. Delegate authority of the investment program to the Administrative Services Director/Treasurer Eric Frost.

City Investment Policy

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

Staff proposes a clarification in the policy. A new section (C) was added to clarify the ability to invest in California Securities and its sub-divisions under California Government Code Section 53601 et seq. Our policy does allow for Medium Term Notes but this section does not provide specifics. Traditionally the City has not participated in purchasing California notes, bonds or other evidences of indebtedness because other higher yielding alternatives were always available. However, today's market conditions can provide a higher yield with tax exempt tools even without the tax benefit available to the private sector. The City will only purchase California securities with credit ratings of A or better by a nationally recognized rating agency; and with maturities of 5 years or less. Their interest is calculated on a 30/360 day basis like Agency bonds. Interest is paid semi-annually.

For action by:

City Council
 Redev. Agency Bd.
 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.

Attachment #1, City of Visalia Investment Policy

Recommended Motion (and Alternative Motions if expected) Move to approve resolution No. 2010-84 adopting the City of Visalia's annually updated Investment Policy and delegating authority to invest funds for the City to the Administrative Services Director/Treasurer Eric Frost.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2010-84

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF VISALIA
ADOPTING THE CITY INVESTMENT POLICY

WHEREAS, the Council of the City of Visalia has adopted the Statement of Investment Policy; and

WHEREAS, California Government Code section 53646 requires annual review and adoption of the Investment Policy; and

WHEREAS, the authority to manage the City's investment program is derived from the City's Charter; and

WHEREAS, California Government Code section 53607 requires the authority to invest the funds of the City to be delegated annually to the Director of Administrative Services/Treasurer,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Visalia adopt the City of Visalia Statement of Investment Policy and delegate responsibility for the investment program to the Director of Administrative Services/Treasurer.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

CITY OF VISALIA

Statement of Investment Policy

INTRODUCTION

The City of Visalia (The City) strives to maintain the level of investment of all funds as near 100% as possible through daily and projected cash flow determinations. Investments are made so maturities match or precede the cash needs of the City. The City will insure that principal invested is protected from loss while maintaining adequate cash availability and maximizing yield on invested funds.

The basic premise underlying the City's investment philosophy is to insure that money is always available when needed. A minimum amount of 6% of the adopted operating budget is maintained in immediately available investments, such as the State Treasurer's Local Agency Investment Fund or other cash equivalents. This may include commercial paper, banker's acceptances, or new repurchase agreements.

The City's portfolio will be limited to an average life of three years or less. When the market warrants purchase of longer maturities to capture a higher rate of return, purchases will be limited to United States Treasury Notes and Bonds, Federal Agencies, Medium Term Notes, and Mortgage Backed Securities.

The City will attempt to ladder the portfolio with staggered maturities so that a portion of the portfolio will mature each year. In addition, the economy and various markets are monitored carefully to assess the probable course of interest rates. In a market with low or increasing interest rates, the City will attempt to invest in securities with shorter maturities. This makes funds available for other investments when the interest rates are higher. When interest rates appear to be near a relative high rate, the City will attempt to purchase investments with medium to long-term maturities to lock in the higher rate of return. When interest rates are falling, the City will invest in securities with longer maturities to hold the higher rate for a longer period of time.

City will also take advantage of any new investment instrument that becomes eligible for municipal investment only after a detailed review of the investment, and its safety, liquidity and yield are completed.

1.0 Policy

It is the policy of the City to invest public funds in a manner which will provide the greatest security with the maximum investment return while meeting the daily cash flow demands of the entity and conforming to all state and local statutes governing the investment of public funds.

2.0 Scope

It is intended that this Investment Policy cover all funds and investment activities under the direct authority of the City organization.

3.0 Prudence

As a charter city, the City operates its pooled cash investments under the prudent investor rule. Investments shall be made with the judgment and care, under the circumstances then prevailing which investors of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. This affords the City a broad spectrum of investment opportunities as long as the investment is deemed prudent and is allowable under current legislation of the State of California, the charter of the City, and this investment policy. Investments will be made in a range of instruments to insure diversification of the City's portfolio and liquidity of assets in an emergency situation.

3.1 The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. Future State of California legislative actions affecting this investment policy (adding further restrictions to the type and length of investments) shall not apply to those investments held prior to the enactment of said legislation unless specifically identified in the legislative action.

4.0 Objective

The primary objectives, in priority order, of the City of Visalia's investment activities shall be:

4.1 **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

- a. Credit Risk, which is the risk of loss due to the failure of the security issuer or backer, will be minimized by:
 - Limiting investments to the types of securities listed in Section 8.0 of this Investment Policy
 - Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the City will do business in accordance with Section 7.0
 - Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.
- b. Interest Rate Risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:
 - Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
 - Investing funds primarily in shorter-term securities, money market mutual funds, or similar investment pools and limiting the average maturity of the portfolio in accordance with this policy as outlined in Section 13.0.

4.2 **Liquidity:** The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.

4.3 Return on Investments: The City's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio. Securities shall generally be held until maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal.
- A security swap would improve the quality, yield, or target duration in the portfolio.
- Liquidity needs of the portfolio require that the security be sold.

5.0 Delegation of Authority:

Authority to manage the City's investment program is derived from the City's Charter. On November 21, 1983 Council delegated responsibility (Resolution 83-96) for the investment program is to the Finance Director (Treasurer), who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include reference to: safekeeping, repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Annually, Council will review and adopt by resolution the updated Investment Policy, in which Council will delegate responsibility for the investment program to the Treasurer.

6.0 Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Treasurer any material interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City, particularly with regard to the time of purchases and sales.

7.0 Authorized Financial Dealers and Institutions:

The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services in the State of California. These may include "primary" dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by State laws.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Treasurer with the following:

- Audited Financial Statements
- Proof of National Association of Security Dealers certification
- Completed broker/dealer questionnaire
- Certification of having read this investment policy
- Compliance with City of Visalia insurance requirements for professional services agreements for general, professional and automotive liability.

An annual review of the financial condition and registrations of qualified bidders will be conducted by the Treasurer. In addition, a current audited financial statement is required to be on file for each financial institution and broker/dealer in which the City conducts investment transactions.

The City shall also be open to contracting investment management services for a portion of the portfolio. That portion shall be limited to longer term investments of two years or longer. Any investment management firm contracted shall meet criteria established by the Treasurer. All investments made under contract will be purchased in the City's name and in accordance with the guidelines established by the City's investment policy.

8.0 Authorized and Suitable Investments

The City is empowered by statute to invest in the following types of securities:

A. Securities of the U.S. Government

Securities of the U.S. Government include U.S. Treasury bills, notes and bonds.

U.S. Treasury Bills - are issued by the U.S. Treasury and are available in maturities out to one year.

They are non-interest bearing and sold on a discount basis. The face amount is paid at maturity.

Treasury Notes - are issued by the U.S. Treasury with maturities from two to ten years. They are issued in coupon form and many issues are also available in registered form. Interest is payable at six month intervals until maturity.

Treasury Bonds - are issued by the U.S. Treasury with maturities of ten years to thirty years. The City may purchase the interest and/or principal of a U.S. Treasury Bond. A principal only instrument is commonly called a "stripped" or "zero" coupon. Stripped coupons are sold at a discount basis. The face amount is paid at maturity.

B. Securities of U.S. Government Agencies

The capital of U.S. government agencies was initially financed by the United States Treasury. As the agencies have grown and operated profitably over the years, the Treasury's investment has been replaced in a large measure by private capital. At the present time, obligations of only a few agencies are backed by the full faith and credit of the U.S. Government. The obligations of all the federal agencies described in the following sections are not guaranteed by the U.S. Government with the exception of Government National Mortgage Association, but are considered to be investments of the highest quality.

Federal National Mortgage Association - (Fannie Mae) Is a quasi- public corporation created by an act of Congress to assist the home mortgage market by purchasing mortgages insured by the Federal Housing Administration and the Farmers Home Administration, as well as those guaranteed by the Veterans Administration. FNMA issues Notes and Bonds. Notes are issued with maturities of less than one year with interest paid at maturity. Bonds are issued for 15 and 30 year maturities with interest paid semi-annually. Interest is computed on a 30/360 day basis. There is a strong secondary market in these securities. A secondary market means these instruments are actively traded; they are bought and sold daily.

Government National Mortgage Association - (Ginnie Mae) is a wholly owned corporate instrumentality of the United States within the Department of Housing and Urban Development. A certificate collateralized by FHA/VA residential mortgages represents a share in a pool of FHA or VA mortgages. Ginnie Mae's are registered securities. Principal and interest are paid monthly and sent directly from the issuer of the pool, usually a mortgage banker, to the City. Original maturities range

from 12 to 30 years with a 7 to 12 year assumed average life. (Assumed average life is due to prepayments of mortgages).

Federal Home Loan Banks - provide credit to member lending institutions such as savings and loan associations, cooperative banks, insurance companies and savings banks. The agency offers bonds in the public market with maturities of one year to ten years. These bonds are usually offered on a quarterly basis depending on the current demands of the housing industry. Interest is paid semi-annually on a 30/360 day basis.

Federal Farm Credit Banks - are debt instruments issued to meet the financial needs of farmers and the national agricultural industry. Discount notes are issued monthly with 6 and 9 month maturities. Discount notes pay interest at maturity. Longer term debentures (2-5 years) are also issued. Debentures pay interest semi-annually on a 30/360 day basis. These issues enjoy an established secondary market.

Small Business Administration Loans - (SBA) The Small Business Administration is an independent agency of the United States government which furnishes financial and management assistance to small businesses. The SBA guarantees the principal portion of the loans it approves. The City purchases the guaranteed portion of these loans. Maturity can be for 1 year to 30 years. These loans can be either set at a fixed rate or variable rate which is usually tied to the prime rate. Principal and interest are paid monthly on a 30/360 day basis.

Federal Home Loan Mortgage Corporation - (Freddie Macs) A publicly held government-sponsored enterprise created on July 24, 1970 pursuant to the Federal Home Loan Mortgage Corporation Act, Title III of the Emergency Home Finance Act of 1970, as amended. Freddie Mac's statutory mission is to provide stability in the secondary market for home mortgages, to respond appropriately to the private capital market and to provide ongoing assistance to the secondary market for home mortgages by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for home mortgage financing. Maturity can be for 1 year to 30 years. These loans can be either set at a fixed rate or variable rate.

Other U.S. government securities available to the City for investment purposes include: Student Loan Marketing Association (SLMA or Sallie Mae), Aid for International Development (AID), and debentures of Tennessee Valley Authority (TVA). However, these instruments are not offered on a regular basis and do not offer the same liquidity as the before mentioned instruments.

C. Securities of the State of California or Its Sub-Divisions

The State of California and its sub-divisions occasionally provide a good investment alternative, such as notes, bonds and other evidences of indebtedness. They are used to meet the financial needs of State, or other agencies of the State. These investments, during certain market conditions, can provide a higher yield even without the tax benefit available to the private sector. The City will only purchase California securities with credit ratings of A or better by a nationally recognized rating agency; and with maturities of 5 years or less. Their interest is calculated on a 30/360 day basis like Agency bonds. Interest is paid semi-annually.

D. Time Deposits and Certificates of Deposit

Time Deposits are placed with commercial banks, savings association, or state or federal credit unions. A time deposit is a receipt for funds deposited in a financial institution for a specified period of time at a specified rate of interest. Generally, the time is 3 months to 2 years. Denominations can be any agreed upon amount and interest is normally calculated using actual number of days on a 360-day year and paid monthly. Deposits of \$100,000 (commonly referred to as Jumbo C.D.'s) per

institution are insured by the Federal Deposit Insurance Corporation (FDIC) and Certificates of Deposit can be supported by either 110% U.S. Government agency notes or 150% mortgages currently held by the bank or savings and loan. An institution must meet the following criteria to be considered by the City:

- The institution must maintain a net worth to asset ratio of at least 3% and a positive earnings record.
- The institution must make available a current FDIC call report or FHLB report. A call report presents the solvency of the institution to the agency with oversight responsibility of that institution.

E. Negotiable Certificates of Deposit

Negotiable Certificates of Deposit are a form of Certificate of Deposit which have been an important money market instrument since 1961 when commercial banks began issuing them and a secondary market developed to provide liquidity. Since these certificates of deposit can be traded in the secondary market, they are negotiable instruments, hence their name negotiable certificate of deposit. They are supported only by the strength of the institution from which they are purchased. Interest is paid semi-annually computed on a 30/360 day basis. Maturities range from 3 months to 2 years. Negotiable Certificates of Deposit are generally issued in blocks of \$1 million, \$5 million, \$10 million, etc.

The City will restrict its investments in Negotiable Certificates of Deposit to the 100 largest United States banks according to asset size. The profitability of the financial institution as well as its financial stability is also taken into account prior to placing the investment.

F. Banker's Acceptance Notes

A banker's acceptance (B.A.) is a unique credit instrument used to finance both domestic and international transactions. As a money market instrument, it is an attractive short-term investment. When a bank "accepts" such a time draft, it becomes, in effect, a predated certified check payable to the bearer at some future, specified date. Little risk is involved because the commercial bank assumes primary liability once the draft is accepted. Banker's acceptances are frequently in odd amounts. Maturities normally range from 30 up to 180 days. Banker's acceptances are sold at a discount. This means the face amount is received at maturity. The City will purchase Banker's acceptances from only the 100 largest United States banks according to asset size. The profitability of the financial institution as well as its financial stability is also taken into account prior to placing the investment.

G. Commercial Paper

Commercial paper is the trade name applied to unsecured promissory notes issued by finance and industrial companies to raise funds on a short term basis. Commercial paper can be purchased on an interest bearing or discount basis. Interest bearing instruments pay interest semi-annually. Discounted instruments pay interest at maturity. The City will invest in commercial paper only if the paper attains the highest ranking or attains the highest letter and number rating as provided for by a nationally recognized statistical-rating organization (NRSRO). Maturities range from 30 to 180 days with interest computed on a 30/360 day basis.

H. Medium Term Notes

In recent years, this financing mechanism has grown, providing capital to the private sector, and diminishing the Negotiable Certificate of Deposit market. The trend towards medium term notes is related to buyer and seller flexibility and convenience. The notes are issued on any given date and maturing on a negotiated date. They generally range from 2 to 5 years in maturity. This market provides an excellent alternative to Negotiable C.D.'s. The City will only purchase Medium Term Notes with credit ratings of A or better by a nationally recognized rating agency; and with maturities of 5 years or less. Their interest is calculated on a 30/360 day basis like Agency bonds. Interest is paid semi-annually.

I. **Local Agency Investment Fund demand deposit**

The Local Agency Investment Fund (LAIF) was established by the State to enable treasurers to place funds in a pool for investment. The LAIF has been particularly beneficial to those jurisdictions with small portfolios. Each agency is limited to an investment of \$50.0 million per account. The City uses this fund for short term liquidity, investment, and yield when rates are declining. Funds are available on demand and interest is paid quarterly. Presently, the City maintains three LAIF accounts.

J. **Repurchase Agreement**

Closely associated with the functioning of the Federal funds market is the negotiation of repurchase agreements or repo's. Banks may buy temporarily idle funds from a customer by selling U.S. Government or other securities with the contractual agreement to repurchase the same security on a future date determined by negotiation. For the use of funds, the customer receives an interest payment from the bank; the interest rate reflects both the prevailing demand for Federal funds and the maturity of the repo. Repurchase Agreements are usually executed for \$100,000 or more. The City will require physical delivery of the securities backing the repo to its safekeeping agent. The institution from which the City purchases a repo must transfer on an ongoing basis sufficient securities to compensate for changing market conditions and to insure that the market value of securities is valued at 102 percent or greater of the funds borrowed against those securities. Generally, maturities range from 1 to 90 days with interest paid at maturity, and may not exceed one year. A Master Repurchase Agreement is required.

K. **Reverse Repurchase Agreements**

Reverse Repurchase Agreements, on the other hand simply reverses the above process of purchasing repurchase agreements. The City, in effect, sells a particular security to a firm for a stated period of time, not to exceed 92 days. Interest is paid at maturity. The City pays the firm interest on the cash it receives while receiving the interest on original security. The City will in turn purchase a short term security at a higher rate of interest. Reverse repurchase agreements may also be used to alleviate a temporary cash shortage. The City of Visalia will never utilize the reverse repurchase agreement in order to meet its cash needs. Reinvestment of reverse repurchases will be in securities of shorter or equal maturities to a reverse repurchase agreement. Reverse repurchase agreements cannot exceed 20% of the investment portfolio.

L. **Money Market Mutual Funds**

Money Market Mutual Funds are shares issued by diversified management companies who invest in the securities and obligations as authorized by subdivisions (a) to (j), inclusive, or subdivisions (m) or (n) of Government Code Section 53630 and comply with the investment restrictions of Article 2 (commencing with Section 53630 of the California Government Code). To be eligible for investment pursuant to this subdivision, these companies shall either: (1) attain the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized rating services,

or (2) have an investment adviser registered with the Securities and Exchange Commission with not less than five year's experience investing in the securities and obligations as authorized by subdivisions (a) to (j), inclusive, or subdivisions (m) or (n) of Government Code section 53630, and with assets under management in excess of five hundred million dollars (\$500,000,000). The purchase price of shares purchased pursuant to this subdivision shall not include any commission that these companies may charge and shall not exceed 20 percent of the investment portfolio.

9.0 Other Investment Pools:

A thorough investigation of investment pools, as authorized by statute, shall be conducted prior to the City's investment. The City uses the Local Agency Investment Fund (LAIF) that was established by the State to enable treasurers to place funds in a pool for investments. Any pool shall provide the following:

- A description of eligible investment securities, and a written statement of investment policy and objectives (i.e. are reserves, retained earnings, etc. utilized by the pool and is the pool eligible for bond proceeds and/or will it accept such proceeds)
- A description of interest calculations and distribution methods, and how gains and losses are treated
- A description of how the securities are safeguarded (including the settlement processes), and how often securities are priced and the program audited
- A description of who may invest in the program
- A description of how deposits and withdrawals will be made, how often they are allowed and any minimum or maximum limitations
- A reporting schedule for receiving statements and portfolio activity
- A fee schedule and method of assessment

10.0 Collateralization:

Collateralization will be required on two types of investments: certificates of deposit and repurchase (and reverse) agreements. Deposits of \$100,000 (commonly referred to as Jumbo C.D.'s) per institution are insured by the FDIC and Certificates of Deposit can be supported by either 110% U.S. Government agency notes or 150% mortgages currently held by the bank or savings and loan.

11.0 Safekeeping and Custody:

Securities purchased with invested funds that are in a negotiable, bearer, registered, or nonregistered format, shall require delivery of all the securities to the City, including those purchased for the City by financial advisors, consultants, or managers using the City's funds, by book entry, physical delivery, or by third party custodial agreement. The transfer of securities to the counterparty bank's customer book entry account may be used for book-entry delivery.

To insure the safety and internal accounting controls necessary to establish a stable and accurate investment system, the City uses an investment confirmation document. This document is prepared by Treasury and approved by accounting personnel. Copies are also distributed to the City accounting department, Treasury investment file, and the institutions with which the order to transfer funds was placed (safekeeping). This transaction control document, or "Confirmation" form, contains information regarding the type of investment; amount invested; interest rate; purchase and maturity dates; and any delivery instructions. This confirmation is matched to the Broker's Confirmation and

held in the Treasury's file until the security is sold or matures.

12.0 Diversification:

The City operates its investment pool with many State and self-imposed constraints. It does not buy stocks and it does not speculate. Currently Government Code Section 53600 (et seq) restricts the City portfolio to:

- o 30% in Negotiable Certificates of Deposit
- o 25% in Commercial Paper
- o 20% in Money Market Mutual Funds
- o 40% in Bankers Acceptance Notes
- o 30% in Medium Term Notes
- o 20% in Repurchase Agreements

These restrictions primarily apply to short-term investments and are interpreted to apply at the time of investment. If, as the portfolio mix changes over time, a particular segment exceeds these restrictions the prudent investor rule shall apply.

The City will be selective in purchasing long-term negotiable certificates of deposit and medium term notes, placing such an investment only with a large stable institution.

13.0 Maximum Maturities

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. The City will operate a portfolio with an average life of three years or less. This is to insure liquidity and the ability to move with changing markets and interest rates.

No investments shall be made in investments with maturities greater than five (5) years without specific Council approval not less than ninety days prior to the investment. Exception: Mortgage Backed Securities, such as Federal National Mortgage Association (Fannie Mae) and Government National Mortgage Association (Ginnie Mae) which have maturities greater than five (5) years, and not to exceed 30 years may be purchased. While the final maturity on these investments is greater than five (5) years, the return of principal and interest is received on a monthly basis (as mortgages are being paid, refinanced, and pre-paid), therefore minimizing the investment risk. At no point, will investments with maturities greater than five (5) years exceed 20% of the portfolio value.

14.0 Internal Control

The Treasurer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

15.0 Performance Standards

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

15.1 Market Yield (Benchmark): The City's investment strategy is passive. Passive investment portfolio management generally indicates that the Treasurer will purchase an instrument and hold it through maturity, and then reinvest the monies. Although the City's investment strategy is passive,

this will not restrict the Treasurer from evaluating when swaps are appropriate or if the sale of an instrument is prudent prior to final maturity. Given this strategy, a series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis. The benchmarks shall be reflective of the actual securities being purchased and risks undertaken and the benchmarks shall have a similar weighted average maturity as the portfolio.

16.0 Reporting

Quarterly, the Treasurer will issue a report for Council's review of the City's current investment portfolio, detailing securities purchase and maturity date, face and market value, credit quality, and any reverse activities.

Periodically, the long-term investments will be reviewed in order to determine if it is advantageous to sell those securities and purchase others. The review will consider current market conditions and various spread relationships among security types. Additionally, a statement will be issued indicating the findings of the analysis. The monitoring of the conditions set forth in this policy statement is the responsibility of the Treasurer.

17.0 Investment Policy Adoption

The City's investment policy shall be adopted by resolution. The policy shall be reviewed annually by the City Council and any modifications made thereto must be approved by them.

Exhibit A

City of Visalia - Summary of Eligible Investments

Type of Issue	Original Maturities	Interest Payments	U.S. Govt. Guaranteed?
U.S. Treasury Bills	91 day and 182 day Bills auctioned each Monday for settlement on Thursday. 52 week bills auctioned every fourth Thursday for settlement on the following Thursday.	Issued at a discount from par. Paid at maturity. Discount is based on the actual number of days on a 360 day basis. Paid at maturity.	Yes
U.S. Treasury Notes	2 to 10 years.	Paid semi-annual based on the actual days in the month and half-year.	Yes
U.S. Treasury Bonds	10 to 30 years.	Paid semi-annual based on the actual days in the month and half-year.	Yes
Strips or Zeros	10 to 30 years.	Issued at a discount from par. Paid at maturity on a 30/360 day basis.	Yes
FNMA(Federal National Mortgage Association)	Discount notes are issued with maturities less than one year. 15 year and 30 year mortgage-backed securities with a 7 and 15 year assumed average life.	Issued at a discount from par. Paid at maturity on a 30/360 day basis. Principal and interest paid semi-annually on a 30/360 day basis.	No No
GNMA(Gov't National Mortgage Association)	Various maturities from 12 to 30 years with an assumed average life of 7 to 12 years.	Principal and interest paid monthly on a 30/360 day basis.	Yes
FHLB(Fed Home Loan Bank)	Bonds of maturities from 1 to 10 years.	Paid semi-annually on 30/360 day basis.	No

Exhibit A

City of Visalia - Summary of Eligible Investments

Type of Issue	Original Maturities	Interest Payments	U.S. Govt. Guaranteed?
FFCB(Fed Farm Credit Bank)	6 and 9 month offered monthly.	Paid at maturity on a 30/360 day basis.	No
	Debentures are issued with 2 to 5 years maturities.	Paid semi-annually on a 30/360 day basis.	No
SBA(Small Bus. Administration)	Loans to Small Businesses. The principal portion of the loan is guaranteed by the SBA. 1 to 30 years.	Principal and interest paid monthly. On a 30/360 day basis. Can be a fixed or variable rate which is usually tied to prime rate.	No
FHLMC(Fed. Home Loan Mortgage Corporation)	30 year final with 12 year assumed average life.	Principal and interest paid monthly on a 30/360 day basis.	No
California Securities	Debentures are issued with 2 to 5 years maturities.	Paid semi-annually on a 30/360 day basis.	No
CD(Certificate of Deposit)	3 months to 5 years.	Paid monthly on a actual/360 day basis.	No
NCD(Negotiable Certificates of Deposit)	3 months to 2 years. Some issues have quarterly floating rates.	Paid semi-annually. Floaters pay quarterly.	No
BA Notes(Banker's Acceptance Notes)	30 to 180 days	Issued at a discount from par. Paid at maturity.	No
Commercial Paper	Unsecured promissory note issued by finance and industrial companies to raise short term capital. Generally 30 to 180 days.	Can be interest bearing or a discounted note. If interest bearing, paid semi-annually. If discounted, paid at maturity.	No

City of Visalia - Summary of Eligible Investments

Type of Issue	Original Maturities	Interest Payments	U.S. Govt. Guaranteed?
MTN(Medium Term Notes)	2 to 5 years. Extended maturity commercial paper.	Paid semi-annually on a 30/360 day basis.	No
LAIF(Local Agency Investment Fund) State Pool	Funds are available on demand. Investments are restricted by Gov't. Code, same as the City's.	Paid quarterly.	No
Repurchase Agreements	Negotiated. A short term investment transaction with a contractual agreement to repurchase the same securities at a future date. In essence, the City loans the Bank money for a specified time collateralized by marketable securities. Terms are from 1 to 90 days.	Paid at maturity.	No
Reverse Repurchase Agreements	Negotiated. This transaction is the mirror image of the repurchase agreement. Instead of the City loaning the Bank money, the Bank loans the City funds. The City then "repurchases" securities with matched maturities to the end of the contract. Terms are from 1 to 90 days.	Paid at maturity.	No
Money Market Mutual Funds	Funds are available on demand. Shares issued by a diversified management company.	Paid Monthly	No
Other Investment Pools	Funds are available on demand.	Paid quarterly	No

GLOSSARY

AGENCIES: Federal agency securities

ASKED: The price at which securities are offered.

ARBITRAGE: Transactions by which securities are bought and sold in different markets at the same time for the sake of the profit arising from a yield difference in the two markets.

BANKERS ACCEPTANCE (BA): A draft of bill or exchange by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BID: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official annual report for the City of Visalia. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, and a detailed Statistical Section.

COUPON: (a) The annual rate of interest a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his/her own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DELIVERY VERSUS PAYMENT (DVP): There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

DERIVATIVES: (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

DISCOUNT: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g. U.S. Treasury Bills.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$100,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB's is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal interest.

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market and a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: the central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, DC, 12 regional banks and about 5,700 commercial banks that are members of the system.

GENERALLY ACCEPTED ACCOUNTING PRINCIPALS (GAAP): The standard established by the National Council on Governmental Accounting which establishes the *minimum* requirements for a fair presentation of financial data in external financial reports. GAAP also assures a degree of comparability in financial reporting among different governments.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "passthroughs" is often used to describe Ginnie Mae's.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a

substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL AGENCY INVESTMENT FUND: The Local Agency Investment Fund (LAIF) was established by the State to enable treasurers to place funds in a pool for investments. The LAIF has been particularly beneficial to those jurisdictions with small portfolios. Each account is limited to an investment of \$40.0 million.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase—reverse repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

OFFER: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

PORTFOLIO: Collection of securities held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state—the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

REPURCHASE AGREEMENT (REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security “buyer” in effect lends the “seller” money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use Repos extensively to finance their positions. Exception: When the Fed is said to be doing Repos, it is lending money, increasing bank reserves.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank’s vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15C3-1: See Uniform Net Capital Rule.

STRUCTURED NOTES: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, SLMA, etc.) and corporations which have imbedded options (e.g. call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, and one year.

TREASURY BONDS: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

TREASURY NOTES: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income return on an investment, expressed as a percentage. (a) **INCOME YIELD** is obtained by dividing the current dollar income by the current market price for the security. (b) **NET YIELD** or **YIELD TO MATURITY** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

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

Agenda Item Wording: Second reading on adoption of Ordinance 2010-19 revising Chapter 8.24, Fireworks, of the Visalia Municipal Code, and amending Chapter 8.24, Fireworks, of the Visalia Municipal Code which updates the ordinance and allows for the streamlining of the fireworks permit process, improves safety and increases the population ratio.

Deadline for Action: N/A

Submitting Department: Fire Department

Contact Name and Phone Number:
Charlie Norman, Battalion Chief, 713-4265

Recommendation: That the City Council accept this information and adopt the amendments to Chapter 8.24, Fireworks, of the Visalia Municipal Code. Council discussed this ordinance and invited public comment on December 6, 2010 and approved first reading at that time.

Summary: An ordinance amendment would provide for a seamless transition of the fireworks permitting process. The amendments would require the fireworks vendors to process the majority of application requirements and submit them to the Fire Department. Currently, Fire Department Staff processes all of the applications. Also, this amendment would increase the population/booth ratio from 3,500 to 5,000 to help moderate the increase in new fireworks booths. It should be noted, this will not decrease the number of current permitted booths. Additionally, ensure proper storage locations (eliminating storage in residential areas) and types of containers used for fireworks. It would also require nonprofit groups to develop a security plan to ensure the safe storage for the fireworks within city limits.

In order to receive input for the proposed ordinance, fire department staff held 3 separate workshops/meetings with two of the fireworks vendors and representatives from the various non-profit groups which sell fireworks in the city limits. The meetings outlined the proposed changes that specifically addressed the application process, location, storage and security of fireworks. In addition, the revised ordinance would assist in helping the groups maintain an acceptable level of profits which end up supporting various causes in our community. During this time we have received input from the non-profit groups who voiced concerns about the costs associated with the new provisions of the ordinance. Staff made modifications to the ordinance and addressed the concerns of the non-profit groups.

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.

Background/Discussion: Each spring Fire Department Staff spends a large commitment of staff time assisting local fireworks booth applicants in the process of mandated permit paperwork. Any errors or omissions committed by the applicant during the process are checked for accuracy by Fire Department Staff. This process is extremely time consuming for both City Staff as well as the applicant.

With the proposed amendments; the fireworks vendors would be responsible for processing all paperwork prior to final submission to the City of Visalia. This would provide a more efficient operation for both staff and the applicant.

Fire department staff met with various fire service agencies throughout the valley and local fireworks vendors to obtain information on the elements of the proposed ordinance changes. After review; it appears a majority of departments will utilize this process.

Fire department staff has received feedback from the vendors and non-profits of fireworks booths, complaining of the past increase in fireworks booths. There has been an increase in additional booths due to the increase in population in our City. This has resulted in the decrease in profits for non-profit organizations. Staff is recommending increasing the population ratio from 1 booth per 3,500 to 1 booth per 5,000. We currently have 32 booths in the City of Visalia. Staff recommends holding the number of booths to 32 and adding an additional booth for every increase of 5,000 above the current 125,000 population base.

In order to receive input to the proposed ordinance, fire department staff held a workshop on November 10, 2010 with two of the fireworks vendors and representatives from the various non-profit groups which sell fireworks in the city limits. The meeting outlined the proposed changes that specifically addressed the application process, location, storage and security of fireworks. Since the November 10, 2010 meeting we have received more input from the non-profit groups who voiced concerns about the costs associated with the new provisions of the ordinance.

Fire staff reviewed and revised the ordinance; clarifying the points of concern. Minor amendments were made to the document to be more user friendly, reducing potential costs while maintaining safety within our community.

On November 23, 2010, the Fire Chief met with several non-profit representatives to review the amendments for the proposed ordinance. The feedback was positive and supported by the non profit groups in attendance. It was decided to hold another workshop, on November 30, 2010, with all of the non-profit groups and vendors regarding the amendments to the proposed fireworks ordinance.

On November 30, 2010, the Fire Chief met with vendors and non-profit groups to discuss the new amendments to the proposed ordinance. There was good dialog and staff had the opportunity to clear up any misunderstandings that had been perceived. The groups and staff reached a consensus to move forward with the new ordinance.

The main changes to the ordinance focus on the safety element which addresses proper storage locations (eliminating storage in residential areas) and types of containers used for fireworks. In addition, it requires nonprofit groups to develop a security plan to ensure the safe storage for the fireworks within city limits.

Prior Council/Board Actions:

At the December 6, 2010 City Council Meeting, the City Council approved the First reading of the proposed Ordinance; 2010-19.

At the November 15, 2010 City Council Meeting, the City Council continued this item to the December 6, 2010 City Council Meeting to allow staff more time to work with vendors and nonprofit groups on the ordinance and make changes as needed.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Attachment "A"- Current Ordinance with proposed revisions

Recommended Motion (and Alternative Motions if expected): Accept the information from staff regarding the amendments to the current fireworks ordinance and adopt ordinance 8.24.

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)*

ORDINANCE NUMBER 2010 -19

**REVISING VISALIA MUNICIPAL CODE
CHAPTER 8.24 - FIREWORKS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry. Therefore, the City Council of the City of Visalia hereby revises Chapter 8.24 of Title 8 of the Municipal Code. The revised version of this Chapter is attached hereto as Attachment “1” and made a part hereof.

Section 2: 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 3: 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 4: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 5: 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:

00000Chapter 8.24

FIREWORKS

Sections:

8.24.010 Definitions.

8.24.020 Permits.

8.24.030 Applicants for pyrotechnic public display permits.

8.24.035 Applicants for permit to sell safe and sane fireworks.

8.24.040 Permits for pyrotechnic displays.

8.24.050 Permits for retailers of safe and sane fireworks.

8.24.060 Regulations.

8.24.070 Fireworks stand construction.

8.24.075 *Storage of safe and sane fireworks*

8.24.080 Revocation of permit.

8.24.090 Appeal.

8.24.010 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the words set out in this section shall have the following meanings:

“Active List” means the current list of eligible organizations that qualify for the opportunity to obtain a permit to sell safe and sane fireworks with in the city.

“Dangerous fireworks” means any fireworks specified as such in the State Fireworks Law, currently the California Health and Safety Code Sections 12500 et seq. and such other fireworks as may be determined to be dangerous by the State Fire Marshal.

“Eligible organization” means any local nonprofit organization whose principal place of business is located in the city of Visalia and which is exempt from federal income tax pursuant to the provisions of Internal Revenue Code Section 501(C) (3), (4), (6), (7), (8), (10), or (19).

Organizations authorized to sell safe and sane fireworks prior to the effective date of this ordinance, must have their principal place of business located within the boundaries of the Visalia Unified School District.

“Person” means any individual, partnership, corporation, organization or association of any nature whatsoever.

“Safe and sane fireworks” means ~~and includes~~ any fireworks ~~not designated as~~ *which do not come within the definition of “dangerous fireworks,” except that, in any case, only end fuses may be used.* (Health and Safety Code Section 12529)

“Stand” means any building, booth, counter, or other structure of a temporary nature used in the sale or offering for sale of fireworks pursuant to a permit duly issued. (~~Ord. 9921 § 2 (part), 1999~~)

“Vendors” means any agency that sells safe and sane fireworks to retailers (Eligible organization). All vendors shall comply with all sections of the city’s municipal codes, Title 19, California Fire Code, and all other State Fire Marshals regulations.

“Waiting List” means a list of organizations waiting, as to be placed on the Active List.

8.24.020 Permits.

The fire prevention ~~bureau~~ *division* of the fire department may, upon due application, issue a permit to an eligible organization for the following:

- A. Pyrotechnic display or displays of fireworks in the public parks or other suitable open place;
- B. Retailers of safe and sane fireworks.

1. It is unlawful for any person to sell or offer for sale or expose for sale within the city any fireworks in violation of this chapter or without having a valid permit there for in accordance with the provisions of this chapter.

2. Permits to sell safe and sane fireworks shall be issued by the fire department, upon applications there for, only to nonprofit eligible organizations and only after those organizations have met all the applicable requirements set forth in this chapter.

3. Any eligible organization desiring to sell safe and sane fireworks in the city shall make application to be placed on the ~~priority~~ *waiting* list at the fire department. Priority will be given new applications filed with the Chief of the fire department accompanied by a twenty-five dollar (\$25.00) deposit to be returned when approval is given, and on the basis of date filed, which shall be recorded on the ~~priority~~ *waiting* list. *The waiting list will be kept at the City of Visalia Fire Administration Office for the review upon request by organizations located within the City of Visalia.*

4. The application for placement on the ~~priority~~ *waiting* list shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, agrees to abide by state law and administrative regulations and all the stipulations of this code, if permission to operate a fireworks stand be granted to the organization. (~~Ord. 9921 § 2 (part), 1999~~)

8.24.030 Applicants for pyrotechnic public display permits.

The applicants for such permits shall comply with and be governed by the provisions set forth in Title 19, California Administrative Code, Sub-Chapter 6, Article 6. (~~Ord. 9921 § 2 (part), 1999~~)

8.24.035 Applicants for permit to sell safe and sane fireworks.

Applicants for permits to sell safe and sane fireworks must be an eligible organization as defined in Section 8.24.010.

A. There shall not be more than one retail stand for each permittee. *No organization shall submit more than one application. Submittal or more than one application shall be grounds for denial of all applications.*

B. New applicants for retailer permits will be accepted and approval will be granted only when an established organization now eligible to engage in the business discontinues their operation, or the population ratio of one stand per ~~three thousand five hundred (3,500)~~ *five thousand (5,000)* population allows the addition of one or more stands. *There are currently 29 non-profit groups selling fireworks in the City of Visalia. An additional booth shall be added for every increase of 5,000 over the current population of 125,000. Refer to Appendix C.*

C. Priority will be given to new organizations on the ~~priority waiting~~ list who have filed with the chief of the fire department accompanied by a twenty-five-dollar (\$25.00) deposit to be returned when approval is given, and on the basis of date filed, as recorded on the ~~priority waiting~~ list. ~~(Ord. 9921 § 2 (part), 1999)~~

8.24.040 Permits for pyrotechnic displays.

The applicants for such permits shall comply with and be governed by the provisions set forth in Title 19, California Administrative Code, Sub-Chapter 6, Article 6. ~~(Ord. 9921 § 2 (part), 1999)~~

8.24.050 Permits for retailers of safe and sane fireworks.

All applications for permit to sell at retail safe and sane fireworks shall comply with and be governed by the provisions set forth in Title 19, California Administrative Code, Sub-Chapter 6, Article 5, and in addition shall be governed by the following.

A. Applications for permits to sell safe and sane fireworks by eligible organizations shall be made on forms to be furnished by the *Fire Chief* or his/her designee, shall be signed under penalty of perjury by the applicant and shall require the following information and documents:

1. The application for permit shall contain the name, address and telephone number of the nonprofit organization for which application is made; evidence of tax exempt status pursuant to provisions of the Internal Revenue Code cited in Section 8.24.010 (definition of eligible organization); and the name and address of its officers. The application shall also contain the location of the proposed fireworks sales, and the method and location of fireworks storage. The application shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, agrees to abide by state law and administrative regulations and all the stipulations of this code.

~~2. A plot/site plan, showing the location of the temporary fireworks stand, utilities, location of permanent and temporary structures, curb cuts and/or driveways and identifying the nearest available sanitary facilities, and fire hydrants.~~

2. *A dimensioned site plan (not to scale) containing all of the following;*

- * *Drawing that indicates all areas within one hundred feet (100') of the proposed fireworks stand.*
- * *Drawing that indicates all areas within on hundred feet (100') of the proposed and storage container cited in Section 8.24.075. Storage containers shall be at least thirty feet (30') from any building or structure. For alternative storage locations see section 8.24.075 (H) & (I).*
- * *Drawing that indicates all adjacent buildings, property lines; ignitable materials, grass or vegetation is not within thirty feet (30') of the fireworks stand.*
- * *Drawing that indicates any gasoline pump or distribution point is at least one hundred feet (100') from the fireworks stand.*
- * *Drawing that indicates the fireworks stand location is a least ten feet (10') from any public roadway, or public sidewalk.*
- * *Drawing that shows all utilities, curb cuts and/or driveways and identifying the nearest fire hydrants.*
- * *Drawings shall show all tarps or canopies, without prior approval tarps or canopies will not be permitted.*
- * *Satellite drawings with dimensional overlay are an acceptable alternative to traditional drawings.*

3. A written authorization from the owner of the location or person in lawful possession thereof, if other than the applicant, for the locating of the business upon his or her property. *Written authorization must be notarized within the same year of the application.*

4. Prior to issuance of a permit, the eligible organization shall submit a certificate of insurance for general liability in an amount no less than one million dollars (\$1,000,000.00) combined bodily injury and property damage for each occurrence. This insurance shall name the city of Visalia, its officers, agents, elected officials, employees and volunteers as additional insured's. This insurance shall be primary with respect to any insurance or self-insurance programs maintained by the city. The certificate must specify the time, location, and dated to be covered by the policy. The applicant shall save, hold harmless and indemnify the city, its officers, agents, elected officials, employees and volunteers from all claims, demands, damages, judgments, costs or expenses that may at any time arise from or is any way related to any work performed by the applicant. The certificate must be provided to the fire department no later than May 1st of the subject year or such other time as the *Fire Chief* may allow.

5. A fifty-dollar (\$50.00) fee must be deposited with the city. Upon approval of the permit, the fee will become a clean-up surety to be forfeited to the city in the event the permittee fails to remove said stand, equipment and rubbish from the premises upon which the stand is located before twelve noon on July 15th of the year for which said permit is granted, to be retained by the city until such time the permit is either revoked by the city or the applicant discontinues their operation.

6. A copy of the organization's State Fire Marshal's license to sell safe and sane fireworks shall be included with the application.

7. Approval from the public works department of the city that operation of the fireworks stand at the proposed location will not present any substantial hazard to vehicular or pedestrian traffic.

~~8.—Completed applications shall be returned to the fire department no later than five p.m. May 1st of each year. Any eligible organization making an application for permit to sell safe and sane fireworks which organization fails to return the completed application prior to May 1st, shall not be issued a permit to sell safe and sane fireworks.~~

B. During the application process there will be important timelines set to insure that the applications for permit to sell safe and sane fireworks are completed and accurate before issuing. The firework vendors are responsible for submitting all application to the city, and insuring that the organizations that they represent are prepared for the process. The timelines and process for submitting an application for a permit to sell safe and sane fireworks is as follows;

1. Within the first week of January the fire department will send a letter of congratulations to the organizations that were awarded the opportunity to participate in the application process to sell safe and sane fireworks within the city in accordance with Section 8.24.050.

2. The organizations that received the congratulations letter from the fire department shall contact a state approved fireworks vendor to start the application process.

3. Completed applications shall be returned to the fire department by appointment only, no later than last full week in April of each year. All appointments must be made in advance by the firework vender of the organizations choosing.

4. Changes and or corrections to the applications must be submitted by appointment only, for an additional operational permit fee, on the fourth (4th) Thursday in the month of May. No documents or applications will be accepted after 5:00 pm. If there is any incorrect or missing documentation after this date and time the permit will be denied.

5. Unforeseen changes after the fourth (4th) Thursday in the month of May must be evaluated by the Fire Chief. The evaluation is to determine if the situation classifies as unforeseen defined in section 8.24.010, and also to determine if the city has an adequate amount of time to process the application. If changes to the permit are granted, the organization will be required to pay an additional operational permit fee.

6. A representative from each non-profit organization shall attend a firework safety meeting that has been approved by the Visalia Fire Department. The firework safety meeting shall have all safety material approved and attendance must be verified by the Visalia Fire Department.

BC. When all the application requirements have been completed, and the fireworks stand location has been approved, the fire department shall authorize erection of a fireworks stand and shall authorize the city finance department to collect the permit fee from the qualified organization by completing Part 1 of the permit form. Each qualified organization shall pay *for a current operational permit pursuant to the California Fire Code.* ~~to the director of finance the sum of forty five dollars (\$45.00) for the permit.~~ The permit shall be for only one stand per eligible organization. Upon receipt of payment, finance department and the applicant shall complete Part 2 of the permit and forward it to the fire department for delivery as stated below.

ED. Permits will be effective and Part 3 completed only when delivered by the fire department to the organization after fire departments, or its representative's, final inspection of the stand shows compliance with all requirements of this chapter. Permits may be issued with conditions to ensure that the business will be operated in a safe and legal manner, will not disturb the peace and quiet of the neighborhood and will not constitute an undue burden on city resources. The permit shall then be posted in a conspicuous place within the stand during the hours the stand is in operation.

DE. If any organization which, in the previous year, obtained and held a fireworks permit fails to apply promptly or does not successfully complete the application process by May 1st *the organization will be removed from the fire permit active list and must reapply to go on the waiting list.* ~~or if additional permits are authorized pursuant to Section 8.24.020, The next existing eligible organization at the top of the waiting list kept by the fire department shall be notified and given the opportunity to apply for a firework permit the following year. and shall have thirty (30) days to meet all of the requirements set forth herein. (Ord. 9921 § 2 (part), 1999)~~

8.24.060 Regulations.

A. Those fireworks which are classified as “dangerous fireworks” under Section 12505 of the California Health and Safety Code are prohibited, except that such fireworks as are defined and classified as “safe and sane fireworks” in Section 12529 of the California Health and Safety Code may be displayed, sold and used pursuant to the provisions of this chapter and not otherwise.

B. No permit holder shall shout, make any outcry, blow a horn, ring a bell or use any other sound device including any loudspeaker, radio or amplifying system where sound of sufficient volume is emitted or produced there from capable of being plainly heard upon the streets, alleys, parks or other public places.

C. Any permit issued pursuant to this chapter shall be nontransferable, and shall be valid only as to the applicant and location provided on the application for such permit, or as set forth in Section 8.24.020. *If an organization on the active list splits into two individual groups, the group that retained the 501 (c)(3)-(19) Non-profit Federal Tax ID number on record that matches the previously approved permit will be eligible to retain their fireworks permit. The group that does not retain the 501 (c)(3)-(19) shall apply to be placed on the fire departments waiting list. In the instance where neither group retained the 501 (c)(3)-(19) Non-profit Federal Tax ID number then neither group will be eligible for the firework permit and both organizations must apply to be placed on the waiting list.*

D. Except as expressly permitted by and in accordance with the provisions of this code, the sale, offer to sell, advertising or display of merchandise on any street or sidewalk in the city is prohibited.

E. All retail sales of safe and sane fireworks shall be permitted only from a temporary fireworks stand and the sale from any other building or structure is prohibited.

F. No fireworks stand shall be located within one hundred feet of any gasoline storage or gasoline pump or any garage or within forty (40) feet of any other building, or within six hundred (600) feet of any other fireworks stand.

G. No stand shall be placed closer than twenty (20) feet to a side or rear property line nor closer than forty (40) feet to any other building or structure *or closer than ten feet (10') from any public roadway, public sidewalk*, unless waived by the building and fire authorities.

H. Fireworks stands will be allowed only on property in the city which has commercial or industrial zoning. Public safety, ingress, egress, and adequate parking will be additional factors considered by the fire department before approving any site for fireworks sales.

~~I. All temporary stands for the display and sale of fireworks shall obtain an electrical permit from the city building department.~~

I. A twenty foot (20') area surrounding the fireworks stand and fireworks storage container must be kept clear of empty boxes, trash and debris.

J. If a toilet is not immediately available during all open or sale hours of the fireworks stand, then an approved chemical one must be provided.

K. Each stand shall be provided with not less than two 2-A 10 BC-type fire extinguishers, underwriter approved, in good working order, *with an up-to-date inspection tag indicating that the fire extinguisher has been serviced within the past year* and easily accessible for use in case of fire.

L. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty (50) feet thereof.

M. No smoking shall be allowed in any stand or within fifty (50) feet thereof. "No Smoking" signs shall be prominently displayed.

N. All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least twenty (20) feet surrounding the stand.

O. There shall be at least one adult in attendance during the open or sale hours of the fireworks stand. No minor under the age of eighteen (18) shall be permitted in a stand.

P. All permits must be posted in a conspicuous place.

Q. Fireworks shall be sold only between the hours of nine a.m. and eleven p.m. daily from ~~July 1st~~ *June 29th* through July 4th.

R. Permittee shall strictly comply with all provisions of the State Fireworks Law (Sections 12500 et seq. of the Health and Safety Code).

~~S. The fireworks stand shall be removed from the temporary location by twelve noon on July 15th, and all accompanying litter shall be cleared from said location on or before said time.~~

S. Generators and all other fuel fired equipment may not be operated within twenty feet (20') of a firework stand. All electrical wiring shall comply with Section 8.24.070 (D).

T. Night security personnel accommodations shall not be closer than twenty-five (25) feet from the fireworks stand.

U. No fireworks shall be placed in any fireworks stand until a permit for such stand has been issued by the city. *Permits are not valid until an inspection of the stand has been conducted and permit has been sign by fire personal.*

V. Any person who receives a notice to correct any violation of these regulations or any other condition of the permit, and who fails to correct such violation within the time prescribed in the notice, may be assessed a fee not exceeding the city's cost of re-inspection in accordance with Section 8.24.050(B) of this code.

W. There shall be allowed one fireworks stand for every ~~three thousand five hundred (3,500)~~ *five thousand (5,000)* population in the city. City population shall be based on annual population figures provided to the state of California by the city as of January 1st of each year.

X. Each application shall contain a description of the site desired. Applicant must obtain permission of the owner. ~~(Ord. 9921 § 2 (part), 1999)~~

Y. Vehicles may not be parked within ten feet (10') of a fireworks stand. Provide cones or blockage to indicate a "NO PARKING" area within ten feet (10') of the fireworks stand;

Z. Fireworks signs, each application shall contain a description of all desired signage. All signage must be approved during application process.

8.24.070 Fireworks stand construction.

All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited.

A. Fireworks stands need not comply with the provisions of the building code of the city except that the building official, or his/her designee, shall have authority to require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons.

B. Each stand ~~in excess of twenty four (24) feet in length~~ must have at least two exits. ~~Each stand in excess of forty (40) feet in length must have at least three exits. The maximum fireworks stand length shall be no longer than thirty two feet (32'), and the floor area shall not exceed three hundred twenty square feet (320).~~

C. The front of all fireworks stands shall be completely enclosed from the counter to the roof with hardware wire cloth. ~~, the openings of which shall not exceed one fourth inch in size, except for the~~ Openings to permit delivery of merchandise to prospective customers, ~~which openings~~ shall not be larger than twelve (12) inches by eighteen (18) inches.

D. All electrical wiring, including that from the power source, shall be installed to the satisfaction of the building inspector. Electrical connections shall be at least twelve (12) feet above ground when subject to foot traffic and sixteen (16) feet when subject to automobile traffic. ~~(Ord. 9921 § 2 (part), 1999)~~

E. All tarps or canopies shall be shown on site plan drawing for approval. Without prior approval tarps or canopies will not be permitted.

F. The fireworks stand shall be removed from the temporary location by twelve noon on July 15th, and all accompanying litter shall be cleared from said location on or before said time.

8.24.075 Storage of safe and sane fireworks.

All organizations applying for a permit to sell safe and sane fireworks shall submit drawing indicating the location of the firework storage, the container in which the fireworks will be stored within, and must comply with the following.

A. No person or persons shall store safe and sane fireworks within the city without going through the permit process detailed in this chapter 8.24. Additionally, the non-profit organization will release the City of Visalia from liability by signing a hold harmless agreement. See appendix "B".

B. Storage of fireworks in residential neighborhoods is prohibited.

C. All storage of safe and sane fireworks shall be located at the approved retail sales location. For alternative storage locations see 8.24.075 (H) (I).

D. All fireworks being stored at a retail location must be stored in ~~an inter-modal~~ a metal container (~~metal cargo style containers~~) approved by the Fire Chief or designee only, at a distance of no less than thirty feet (30') from the fireworks stand and all other buildings or structures. See appendix "A". For alternative storage containers see 8.24.075 (H) (I).

E. ~~Security shall be provided for all storage of fireworks located within the city. Night security personnel accommodations shall not be closer than twenty five (25) feet from the fireworks stand and or storage containers.~~ Non-profit organizations are responsible for providing their own security plan for all storage of fireworks located within the city limits.

F. An Orange placard shall be located on all visible sides of storage unit. The Orange placard must be a minimum of 8" x 8" inches in size.

G. Storage of Fireworks in trucks or vans will be permitted during hours of sale only. The truck or van carrying or storing the fireworks shall be removed from the sales area and all fireworks must be placed in the pre-approved storage container located in its pre-approved location.

H. The fire code official is authorized to approve an alternative storage method where the Fire Chief finds that the proposed method is satisfactory and complies with the intent of the provisions of this chapter, and that the method offered is at least the equivalent of that prescribed in this chapter in its effectiveness to provide safety to the citizens of the city and the emergency personnel that may respond if there was a fire.

I. All alternative storage methods must be submitted in writing and approved by the Fire Chief prior to the fireworks application deadline cited in Section 8.24.050 (B) (3).

8.24.080 Revocation of permit.

Any violation of this chapter or other city ordinances, or the terms and conditions of the permit, or state law or administrative regulations, or safety rules of the fire department shall be grounds for immediate revocation of the permit. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all provisions of this chapter. (~~Ord. 9921 § 2 (part), 1999~~)

8.24.090 Appeal.

A. Should any applicant be dissatisfied with the decision of the *Fire Chief* or his/her designee not to grant a permit or to revoke a permit, then said applicant may, no later than ten days after notice of such decision is deposited in the United States mail addressed to the applicant or permittee at the address provided on the application, make written objection to the *City Manager* setting forth the grounds for dissatisfaction, whereupon the *City Manager* shall hear said objections at a scheduled meeting no later than three weeks following the filing of the objection with the *City Clerk*. The applicant shall be given written notice no less than three days prior to said hearing. The *City Manager* may, upon said hearing, sustain, suspend or overrule the decision of the *Fire Chief* or his/her designee, which decision shall be final and conclusive.

B. Pending the hearing before the *City Manager*, the decision of the *Fire Chief* or his/her designee shall remain in full force and effect and any reversal thereof by the *City Manager* shall not be retroactive but shall take effect as of the date of the *City Manager's* decision. (~~Ord. 9921 § 2 (part), 1999~~)

APPENDIX "A"

STAND LOCATION AND STORAGE OF "SAFE AND SANE"
FIREWORKS FIREWORKS STAND
LOCATION: _____

Indicate the location where the fireworks will be stored when NOT in the fireworks stand.

Check one	<p>On Site in Approved Storage Container: The following are approved containers: C-Train, roll-off bin or similar container. Metal cargo trailers detached from tow vehicle and secured from movement may be allowed after inspection by the Fire Chief or designee. Storage of Safe and Sane Fireworks are not allowed in residential areas.</p> <p>(Storage must be a minimum of thirty (30) feet from the fireworks stand).</p>
	<p>Other (Indicate Address Below): List the type of storage container or facility the fireworks will be secured in and the location where they will be stored. If a U-Haul type trailer or other type container is used to store fireworks and is removed from the fireworks stand location, provide the location in which the container will be located below. This information will be provided to the first in fire station.</p> <p>Storage Location:</p>

Failure to provide approved storage will be grounds to revoke the approval to sell "Safe and Sane" fireworks.

APPENDIX "B"

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

In consideration for the issuance of a permit for the sale and/or display of safe and sane fireworks (hereinafter referred to as "Permit") and to the furthest extent allowed by law, Applicant does hereby agree to indemnify, hold harmless and defend the City of Visalia (hereinafter referred to as "City") and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death, and property damage) incurred by City, Applicant or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of the City issuing the Permit or Applicant's use of the Permit. Applicant's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, agents or authorized volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of City or any of its officers, officials, employees, agents or authorized volunteers.

Throughout the life of this Agreement, Applicant shall pay for and maintain in full force and effect all insurance as required in the fireworks ordinance, which is incorporated into and part of this Agreement, or as may be authorized or required in writing by City's Risk Manager or his/her designee at any time and in his/her sole discretion.

Applicant shall conduct all defenses at his/her/its sole cost. The fact that insurance is obtained by Applicant shall not be deemed to release or diminish the liability of Applicant, including, without limitation, liability assumed under this Agreement. The duty to indemnify shall apply to all claims regardless of whether any insurance policies are applicable. The duty to defend hereunder is wholly independent of and separate from the duty to indemnify and such duty to defend exists regardless of any ultimate liability of Applicant. The policy limits do not act as a limitation upon the amount of defense and/or indemnification to be provided by Applicant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Applicant, its officials, officers, employees, agents, volunteers or invitees.

Applicant shall furnish City with copies of the actual insurance policies upon the request of City's Risk Manager or his/her designee and this requirement shall survive the expiration or termination of this Permit.

- City shall be reimbursed for all costs and attorney's fees incurred by City in enforcing this Agreement.
- This Indemnification and Hold Harmless Agreement shall survive the expiration or termination of this Permit.

The undersigned acknowledges that he/she (i) has read and fully understands the content of this Indemnification and Hold Harmless Agreement; (ii) is aware that this is a contract between the City and Applicant; (iii) has had the opportunity to consult with his/her attorney, in his/her discretion; (iv) is fully aware of the legal consequences of signing this document; and (v) is the Applicant or his/her/its authorized signatory.

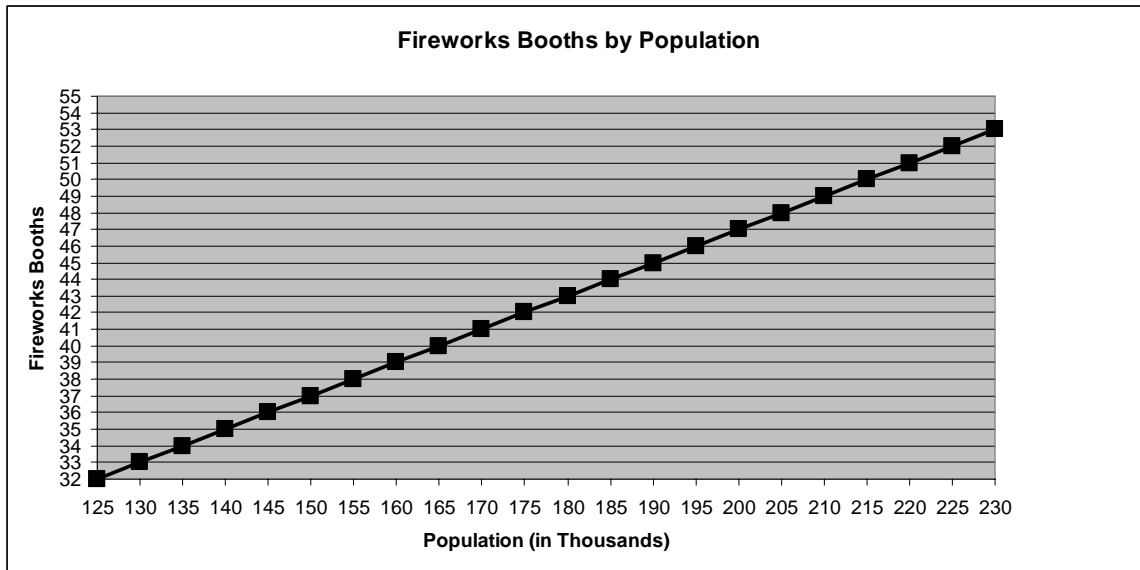
Signed, sealed and delivered this _____ day of _____.

_____ (signature)

_____ (print name)

_____ (name of organization)

Appendix C



Population	Booths
125,000	32
130,000	33
135,000	34
140,000	35
145,000	36
150,000	37
155,000	38
160,000	39
165,000	40
170,000	41
175,000	42
180,000	43
185,000	44
190,000	45
195,000	46
200,000	47
205,000	48
210,000	49
215,000	50
220,000	51
225,000	52
230,000	53

City of Visalia Agenda Item Transmittal

Meeting Date: December 20, 2010

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

Agenda Item Wording: First reading of Ordinance No. 2010-21 authorizing the Grant of Easement to California Water Service Company for a non-exclusive easement in gross for the conveyance, distribution and/or storage of water across a portion of City owned properties (APN #'s 103-020-021 and 103-020-059) and authorize the City Manager to execute the grant of easement. The easement will enable the California Water Service Company to connect a water line to the water system in the unincorporated Oak Ranch neighborhood.

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Chris Young, Community Development Director – 713-4392

Department Recommendation: Authorize the Grant of Easement to California Water Service Company for a non-exclusive easement for the conveyance, distribution and/or storage of water across a portion of City owned properties (APN #'s 103-020-021 and 103-020-059) and authorize the City Manager to execute the grant of easement.

Summary: The California Water Service Company (CWS) is requesting a twenty foot (20') wide easement over two City owned properties to connect a water line to augment the water system in the Oak Ranch Subdivision. The easements are in the vicinity of the McAuliff Street bridge crossing over the Saint John's River.

The California Water Service Company's facilities serve not only the incorporated City of Visalia area but also the unincorporated surrounding areas. CWS owns and operates the existing water system in the Oak Ranch neighborhood. CWS has upgraded their facilities to serve the Oak Ranch Subdivision. CWS states that it is critical that they make the connection from their existing facilities in Visalia (which now "dead end" at McAuliff and the Saint John's) to their upgraded water lines serving Oak Ranch. This connection will ensure adequate fire flows and an acceptable amount of "backup" within their system (in case the existing water wells go "off-line" in the Oak Ranch area).

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.

Background: The easement will be located 70-feet east, and parallel with McAuliff Road for a distance of approximately 400-feet, crossing the Saint John's River across two City owned parcels. CWS intends to bore underground to install their water line through the City's property and under the Saint John's River. The boring process will not disturb any above ground "riverland". It is the responsibility of the California Water Service Company to obtain all the appropriate permits and perform its work conforming to all City of Visalia standards and policies. The CWS is also responsible for repairing or replacing any damaged infrastructure or landscaping resulting from their construction project. The cost of all work will be the responsibility of CWS.

The area of the easements on two City owned parcels is approximately 0.14 of an acre (5,900 SF) and 0.05 of an acre (2,010 SF) respectively. Staff, in consultation with the City Attorney, has determined that the easement document, as written, is acceptable to the City.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions:

Alternatives:

Attachments: (1) Location maps, (2) Grant of Easements

Recommended Motion (and Alternative Motions if expected): Adopt first reading of Ordinance No. 2010-21 authorizing the Grant of Easement to California Water Service Company for a non-exclusive easement for the conveyance, distribution and/or storage of water on a portion of City owned properties (APN #'s 103-020-021 and 103-020-059) and authorize the City Manager to execute the grant of easement.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review:

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

Copies of this report have been provided to:

ORDINANCE NO. 2010-21

**AUTHORIZING GRANT OF EASEMENT TO
CALIFORNIA WATER SERVICE COMPANY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City of Visalia owns all the legal and beneficial interest in certain real properties commonly referred to as St. John's River area east of Mc Auliff Street, Visalia, California (APN's: 103-020-021 and 103-020-059) and has determined to convey an easement over a portion of it to California Water Service Company, and

Section 2: Said real properties are located in the St. John's River area east of Mc Auliff Street and the portions to be conveyed to California Water Service Company are more particularly and legally described in the Grant of Easement documents, and

Section 3: The City Council of the City of Visalia, having considered evidence submitted, finds and determines that easements over said portions of the real properties should be granted to California Water Service Company, and

Section 4: Said City Council agrees to grant easements to California Water Service Company over said real properties, based on terms and conditions set forth in the Grant of Easement documents.

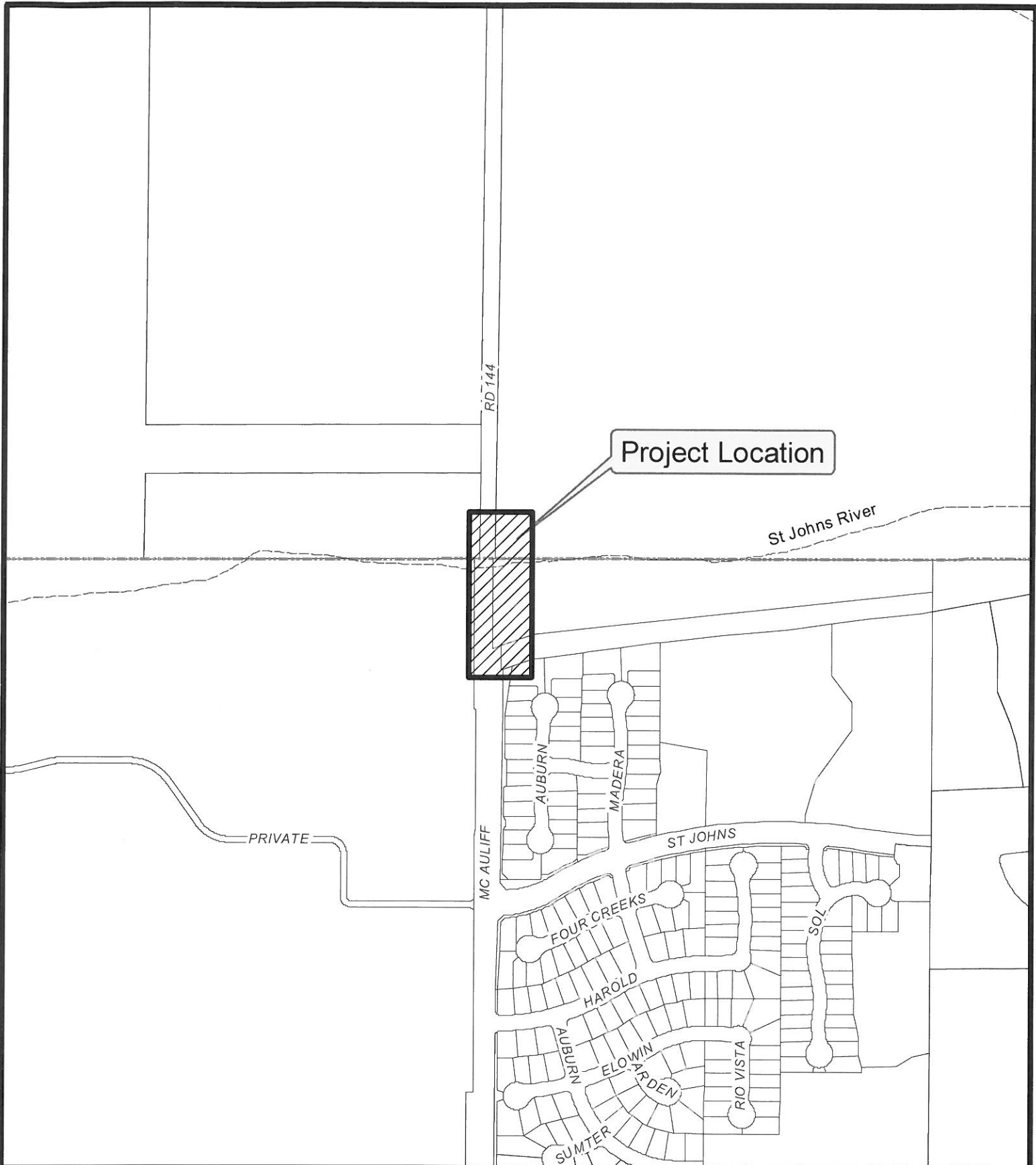
Section 5: This ordinance shall become effective thirty days after passage hereof.

PASSED AND ADOPTED:

_____, MAYOR

ATTEST BY: _____

APPROVED BY CITY ATTORNEY: _____



CAL WATER GRANT OF EASEMENT VICINITY MAP



Scale: 1"=500'

RECORDING REQUESTED BY

AND WHEN RECORDED RETURN TO:

This is a conveyance of an easement and the consideration and value is less than \$100.00

The undersigned Grantor declares that the documentary transfer tax due is \$ _____, computed on full value of property conveyed.

Form 1381

GRANT OF EASEMENT

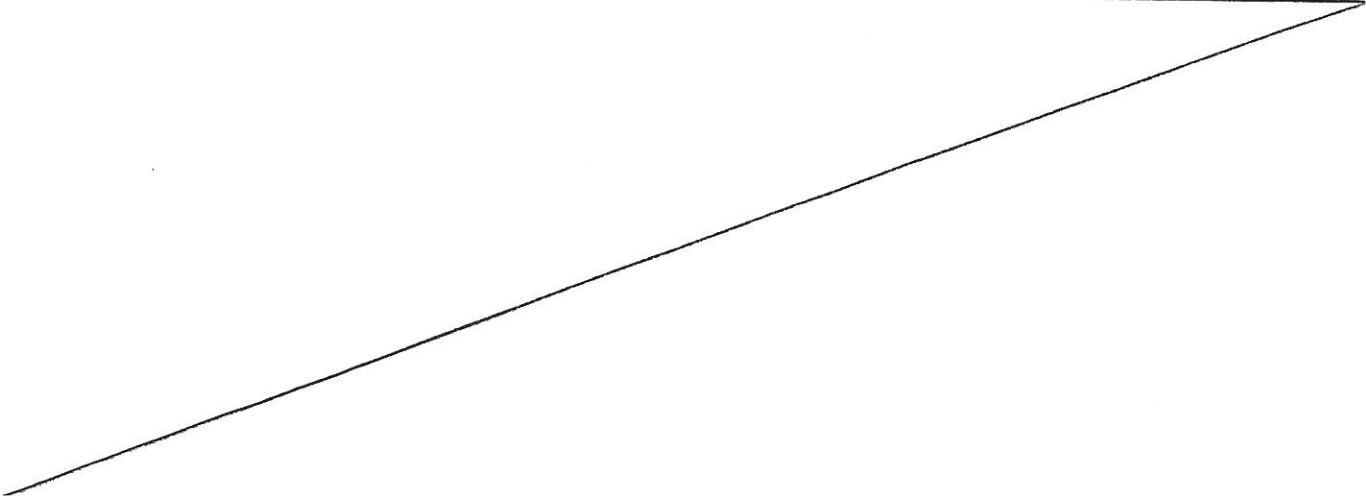
By this instrument dated _____, _____, _____

_____ (“Grantor”) hereby grants to CALIFORNIA WATER SERVICE COMPANY, a California public utility water corporation, (“Grantee”), a non-exclusive easement in gross, consisting of the right from time to time to construct, reconstruct, install, inspect, maintain, repair, replace, remove, operate and use facilities of the type hereinafter specified, together with a right of way for such facilities and ingress to and egress from such facilities, upon, across and/or under the lands situated in the **City of Visalia, County of Tulare, State of California**, described as follows:

EXHIBIT “A”

The East 20.00 feet of the West 100.00 feet of the North 330 feet of the SE ¼ of Section 22, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California lying north of the north line of Lot 14 of River Run Ranch Large Lot Subdivision recorded in Volume 39 of Maps, at Page 11, T.C.R.

The sidelines of said 20.00 feet wide easement to be shortened or extended to end at the north line of said SE ¼ and the north line of said Lot 14. _____



The above described strip(s) or parcel(s) of land are referred to in this Grant of Easement as the "Easement Area" and is shown on the map attached hereto as an exhibit.

The Easement Area and the facilities installed by Grantee thereon shall be used by Grantee for the conveyance, distribution and/or storage of water, and the installation, operation, inspection, maintenance, repair, relocation, replacement and removal of such pipes, conduits, meters, valves, fittings, boxes, vaults, hydrants, pipeline markers, and other facilities as Grantee deems necessary or convenient in connection with Grantee's business as a public utility water company and for any other legally permitted purpose.

Grantor hereby reserves, for itself, its successors and assigns, the right to use the surface of the Easement Area for roadway, parking, landscaping, walkways, signs and driveways; provided that Grantor shall not erect or construct any building or other structure, or otherwise conduct activities in the Easement Area which may impair or prevent Grantee's use of the Easement Area for the purposes specified herein. Grantor shall not engage in activities that damage or is reasonably likely to damage, Grantee's facilities and equipment in the Easement Area. Without limiting the foregoing, Grantor shall not perform or permit any digging, tunneling or other forms of construction activity on the Easement Area which would substantially disturb, or are likely to substantially disturb the compaction or unearth Grantee's facilities located within the Easement Area or endanger the lateral support to such facilities.

Grantee hereby agrees that Grantee shall vacate the Easement Area and any improvements constructed by Grantee thereon and relocate its facilities to a reasonable alternative Easement Area, at Grantee's sole cost and expense upon ninety (90) days written notice from Grantor to Grantee. Upon such relocation, Grantee shall deliver to Grantor a quitclaim deed releasing Grantee's interest in the vacated Easement Area.

Grantee agrees, at its sole cost, to keep all facilities and equipment of Grantee in the Easement Area in good condition and repair, subject only to ordinary wear and tear. In the event Grantee damages the surface of the Easement Area or improvements thereon, permitted by this Agreement and installed by or for Grantor, Grantee shall, at its cost, repair the damage caused by the activities of Grantee and restore the surface of the Easement Area as nearly as possible to the condition in which such surface area and improvements existed at the commencement of the activities of Grantee which caused such damage. In no event shall Grantee be obligated to repair damage caused by activities or causes other than the activities of Grantee.

The terms hereof shall be binding upon, and inure to the benefit of the successors and assigns of the parties hereto. As used herein, the term "Grantor" shall include all subsequent owners of the land subject to the easement granted hereby. The terms hereof shall run with Grantee's Easement Area. As used herein, the term "Grantee" shall include all subsequent owners of the easement in gross granted hereby.

Grantor:

By: _____
(Signature)

(Print Name and Title)

Project #: **VIS-16983, Oak Ranch Tie-in South**

State of California)
)
County of _____)

On _____, before me, _____,
DATE NAME, TITLE OF OFFICER
personally appeared _____,
NAME(S) OF SIGNER(S)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SIGNATURE OF THE NOTARY

EXHIBIT 'A'

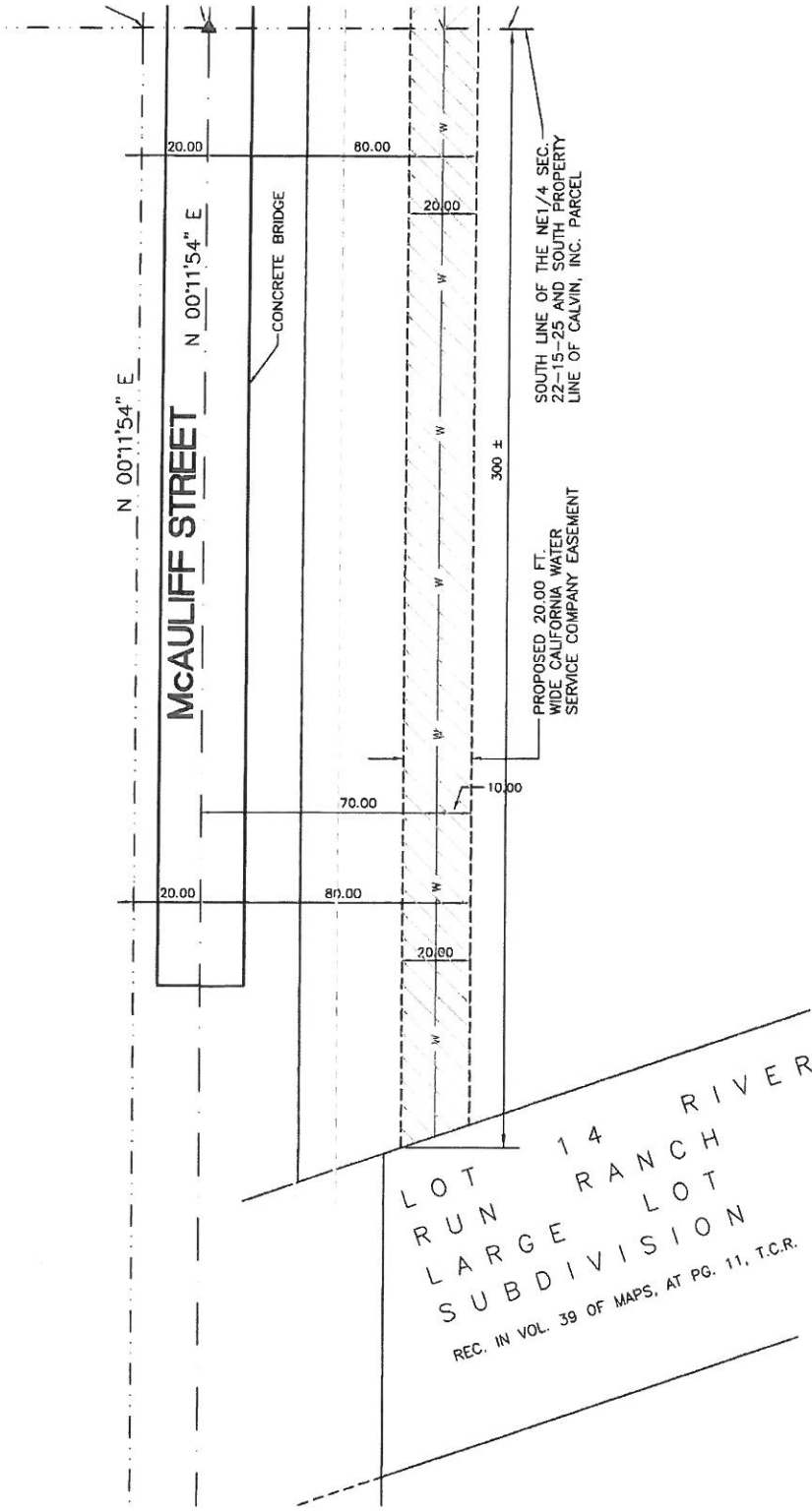
Lane Engineers, Inc. Job No. 09153
August 14, 2009

The East 20.00 feet of the West 100.00 feet of the North 330 feet of the SE1/4 of Section 22, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California lying north of the north line of Lot 14 of River Run Ranch Large Lot Subdivision recorded in Volume 39 of Maps, at Page 11, T.C.R.

The sidelines of said 20.00 feet wide easement to be shortened or extended to end at the north line of said SE1/4 and the north line of said Lot 14.



EXHIBIT 'B'



SCALE: 1" = 50'

RECORDING REQUESTED BY

AND WHEN RECORDED RETURN TO:

This is a conveyance of an easement and the consideration and value is less than \$100.00

The undersigned Grantor declares that the documentary transfer tax due is \$ _____, computed on full value of property conveyed.

Form 1381

GRANT OF EASEMENT

By this instrument dated _____, _____, _____

("Grantor") hereby grants to CALIFORNIA WATER SERVICE COMPANY, a California public utility water corporation, ("Grantee"), a non-exclusive easement in gross, consisting of the right from time to time to construct, reconstruct, install, inspect, maintain, repair, replace, remove, operate and use facilities of the type hereinafter specified, together with a right of way for such facilities and ingress to and egress from such facilities, upon, across and/or under the lands situated in the **City of Visalia, County of Tulare, State of California**, described as follows:

That portion of Lot 14 of River Run Ranch Large Lot Subdivision recorded in Volume 39 of Maps, at Page 11, T.C.R., situated in the SE1/4 of Section 22, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California, more particularly described as follows:

A 20.00 foot wide strip of land, the centerline being described as follows:

Commencing at the south west corner of said Lot 14;
thence northerly along the west line of said Lot 14, 10.56 feet to the TRUE POINT OF BEGINNING, said point 10.00 feet northerly of the south line of said Lot 14 as measured at right angles thereto;
thence northeasterly 15.84 feet parallel with the south line of said Lot 14;
thence northerly 84.94 feet parallel with said west line to the north line of said Lot 14.

The sidelines of said 20.00 feet wide strip to be shortened or extended to end at the north, south and west lines of said Lot 14.

SEE EXHIBIT 'B' ATTACHED HERETO.

CONTAINING APPROXIMATELY 0.05 ACRES (2010 SQUARE FEET)

The above described strip(s) or parcel(s) of land are referred to in this Grant of Easement as the "Easement Area" and is shown on the map attached hereto as an exhibit.

The Easement Area and the facilities installed by Grantee thereon shall be used by Grantee for the conveyance, distribution and/or storage of water, and the installation, operation, inspection, maintenance, repair, relocation, replacement and removal of such pipes, conduits, meters, valves, fittings, boxes, vaults, hydrants, pipeline markers, and other facilities as Grantee deems necessary or convenient in connection with Grantee's business as a public utility water company and for any other legally permitted purpose.

Grantor hereby reserves, for itself, its successors and assigns, the right to use the surface of the Easement Area for roadway, parking, landscaping, walkways, signs and driveways; provided that Grantor shall not erect or construct any building or other structure, or otherwise conduct activities in the Easement Area which may impair or prevent Grantee's use of the Easement Area for the purposes specified herein. Grantor shall not engage in activities that damage or is reasonably likely to damage, Grantee's facilities and equipment in the Easement Area. Without limiting the foregoing, Grantor shall not perform or permit any digging, tunneling or other forms of construction activity on the Easement Area which would substantially disturb, or are likely to substantially disturb the compaction or unearth Grantee's facilities located within the Easement Area or endanger the lateral support to such facilities.

Grantee hereby agrees that Grantee shall vacate the Easement Area and any improvements constructed by Grantee thereon and relocate its facilities to a reasonable alternative Easement Area, at Grantee's sole cost and expense upon ninety (90) days written notice from Grantor to Grantee. Upon such relocation, Grantee shall deliver to Grantor a quitclaim deed releasing Grantee's interest in the vacated Easement Area.

Grantee agrees, at its sole cost, to keep all facilities and equipment of Grantee in the Easement Area in good condition and repair, subject only to ordinary wear and tear. In the event Grantee damages the surface of the Easement Area or improvements thereon, permitted by this Agreement and installed by or for Grantor, Grantee shall, at its cost, repair the damage caused by the activities of Grantee and restore the surface of the Easement Area as nearly as possible to the condition in which such surface area and improvements existed at the commencement of the activities of Grantee which caused such damage. In no event shall Grantee be obligated to repair damage caused by activities or causes other than the activities of Grantee.

The terms hereof shall be binding upon, and inure to the benefit of the successors and assigns of the parties hereto. As used herein, the term "Grantor" shall include all subsequent owners of the land subject to the easement granted hereby. The terms hereof shall run with Grantee's Easement Area. As used herein, the term "Grantee" shall include all subsequent owners of the easement in gross granted hereby.

Grantor:

By: _____
(Signature)

(Print Name and Title)

Project #: **VIS-16983, Oak Ranch Tie-in South**

State of California)
)
County of _____)

On _____, before me, _____,
DATE NAME, TITLE OF OFFICER
personally appeared _____,
NAME(S) OF SIGNER(S)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SIGNATURE OF THE NOTARY

EXHIBIT 'A'

Lane Engineers, Inc. Job No. 09153
May 18, 2010

That portion of Lot 14 of River Run Ranch Large Lot Subdivision recorded in Volume 39 of Maps, at Page 11, T.C.R., situated in the SE1/4 of Section 22, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California, more particularly described as follows:

A 20.00 foot wide strip of land, the centerline being described as follows:

Commencing at the south west corner of said Lot 14;
thence northerly along the west line of said Lot 14, 10.56 feet to the TRUE POINT OF BEGINNING,
said point 10.00 feet northerly of the south line of said Lot 14 as measured at right angles thereto;
thence northeasterly 15.84 feet parallel with the south line of said Lot 14;
thence northerly 84.94 feet parallel with said west line to the north line of said Lot 14.

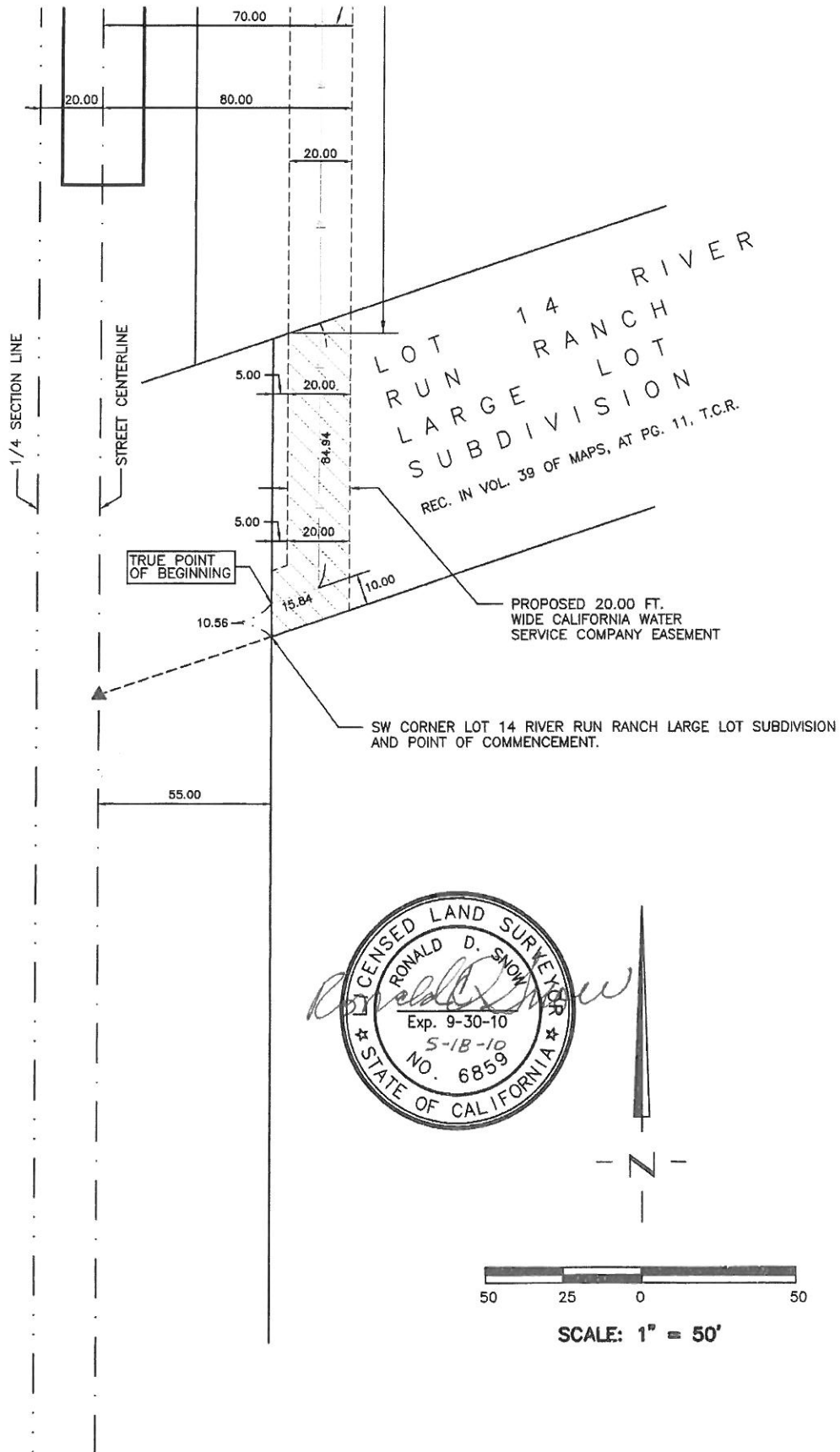
The sidelines of said 20.00 feet wide strip to be shortened or extended to end at the north, south and west lines of said Lot 14.

SEE EXHIBIT 'B' ATTACHED HERETO.

CONTAINING APPROXIMATELY 0.05 ACRES (2010 SQUARE FEET)



EXHIBIT 'B'



City of Visalia Agenda Item Transmittal

Meeting Date: December 20, 2010

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

Agenda Item Wording: Authorization to record the final parcel map of Tentative Parcel Map 2009-03, located at the northeast corner of Riggin Avenue and Plaza Drive (Vargas/MSJ Development, LLC) - APN 077-120-016.

Deadline for Action: Prior to construction of the VWR Distribution Facility offsite Riggin improvements, currently scheduled for January 2011.

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

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

Department Recommendation: Staff recommends that City Council approve the recordation of the Final Parcel Map of Tentative Parcel Map 2009-03 located at the northeast corner of Riggin Avenue and Plaza Drive.

Summary/background: The final parcel map is subdividing a 151 acre, heavy industrial zoned parcel into seven parcels. The parcel map is dedicating right of way for Riggin Avenue necessary for the construction of Riggin Avenue improvements associated with the VWR distribution facility project (between Plaza Drive and Kelsey Street) currently scheduled to begin construction in January 2011. In addition, the parcel map will be granting an Irrevocable Offer of Dedication for the future extension of Kelsey Street, north of Riggin Avenue.

Street improvements fronting parcels on this map will be deferred until the time of development of the parcels.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: Tentative parcel map 2009-03 was approved by the Planning Commission on August 24, 2009.

Alternatives: N/A

Attachments: 1. Location Map

For action by:

City Council
 Redev. Agency Bd.
 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.

2. Final Parcel Map
3. Notice of Disclosure

Recommended Motion (and Alternative Motions if expected):

I move to authorize recordation of the Final Parcel Map of Tentative Parcel Map 2009-03.

Environmental Assessment Status

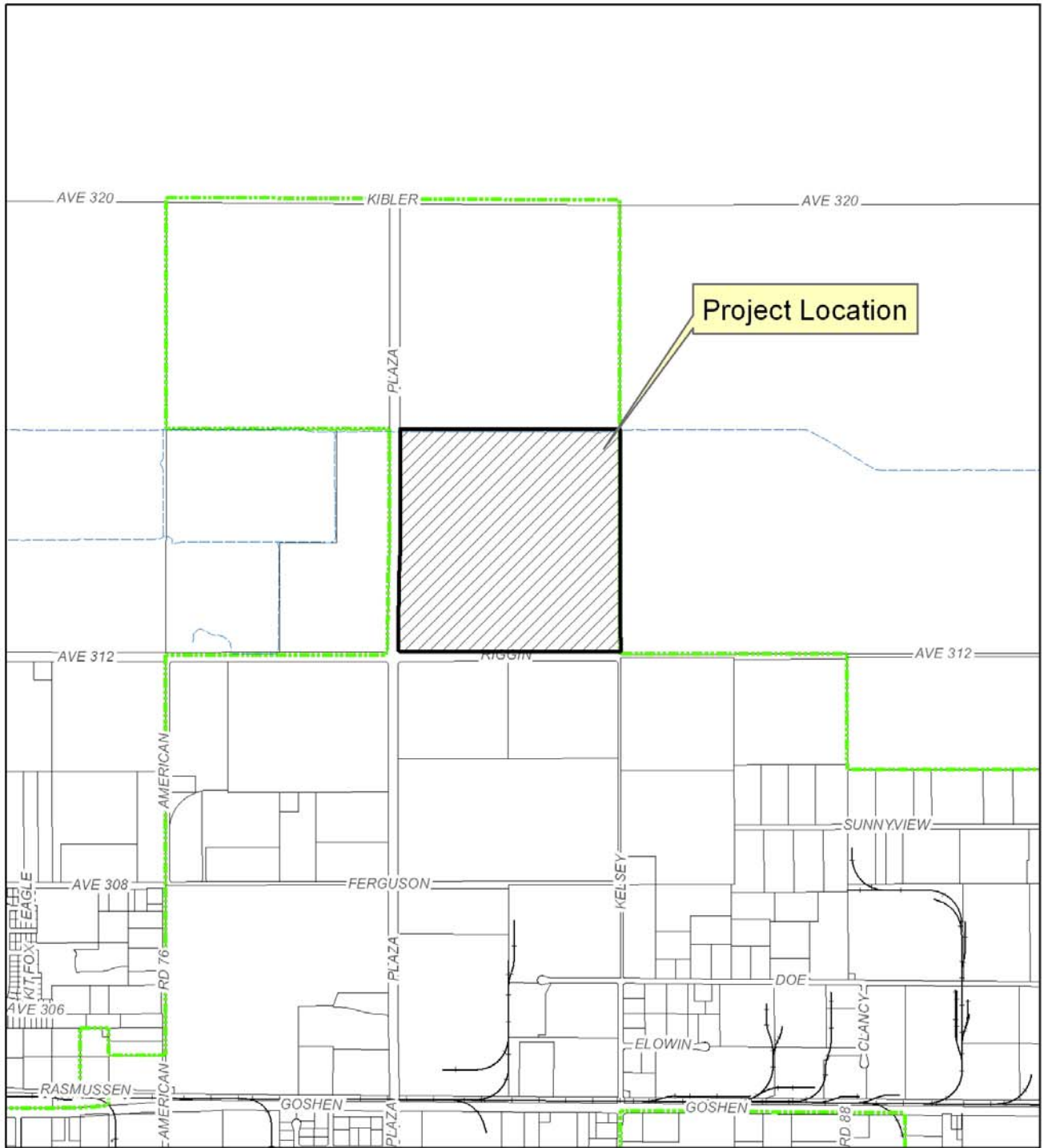
CEQA Review:

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:

EXHIBIT 1



Location Map
Tentative Parcel Map 2009-03



**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

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

Agenda Item Wording: Adopt Resolution No. 2010-87 authorizing the City Manager to submit an application for an Environmental Enhancement and Mitigation Grant to landscape Packwood Creek Ponding Basin, and areas along Modoc Ditch and Mill Creek. Allocate \$25,648 from Measure R Trailway Funds and \$12,823 from Storm Sewer Construction funds to pay the City's match.

Deadline for Action: Resolution Submission Deadline – January 6, 2011.

Submitting Department: Public Works

Contact Name and Phone Number:
Andrew Benelli, Public Works Director, 713-4340
Brian Kempf, Urban Tree Foundation, 786-9677

Department Recommendation:

Staff recommends that the City Council adopt Resolution No. 2010-87 authorizing the City Manager to submit an application for an Environmental Enhancement and Mitigation (EEM) Grant in the amount of \$349,719 and allocate \$25,648 from Measure R Trailway Funds and \$12,823 from Storm Sewer Construction funds to pay the City's match.

Summary/background:

Staff is requesting authorization to apply for grant funds to plant approximately 671 trees and 975 under story plants on City property. Three different sites will be landscaped if the City receives the grant. The proposed project sites are; Packwood Creek Ponding Basin near Cameron Avenue and Woodland, Modoc Ditch near Ferguson and Dinuba, and Mill Creek from Murray to Road 152. The grant proposal includes funds for project management, native trees and under story plants, irrigation systems, mulch and labor.

The Environmental Enhancement Grants are offered by the State of California to cities that have been impacted by recent freeway or highway projects. Visalia's native oak forests were

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.

impacted when State Route 198 was widened. Several established street trees were also removed when Mooney Boulevard was widened.

The project is a partnership with the Urban Tree Foundation and Community Services Education and Training (CSET), Tulare County Conservation Corp (TCC) and the City of Visalia. Brian Kempf of the Urban Tree Foundation will oversee the project and TCC will provide the labor to execute the project. As with past projects volunteers will be enlisted to participate in the project.

The City and Urban Tree Foundation have been successful on several Environmental Enhancement and Mitigation (EEM) Grants in the past. Work was recently completed on landscaping the Willow Creek Ponding Basin near Murray and McAuliff. Over 100 trees were planted around the basin by volunteers on the last Make a Difference Day. A jogging and hiking trail is being built around the basin with grant funds. EEM grant funds were also used to landscape the median island on St. Johns Parkway between Dinuba Highway and Santa Fe. St. Johns River was landscaped from McAuliff to the eastern city limits with EEM grant funds. Over 400 trees were planted along the river by volunteers on Make a Difference day in 2009.

Staff recommends using Measure R Trailway Funds to pay for the City's match on the landscaping along Modoc Ditch and Mill Creek. Both of these sites are included in the Measure R project list. Staff recommends funding the landscaping around Packwood Creek Basin using Storm Sewer Construction funds. These funds are generated by impact fees paid by new construction. The Packwood Creek Basin serves an area of recent construction and is planned to serve additional neighborhoods in the future.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Take no action or deny the recommendation. If said request is denied, staff will not apply for grant funding.

Attachments:

Recommended Motion (and Alternative Motions if expected):

Move to adopt Resolution No. 2010- 87 authorizing the City Manager to submit an application for an Environmental Enhancement and Mitigation Grant in the amount of \$349,719 and allocate \$25,648 from Measure R Trailway Funds and \$12,823 from Storm Sewer Construction funds to pay the City's match.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

Resolution No: 2010-87

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF VISALIA AUTORIZING THE CITY
MANAGER TO SUBMIT AN APPLICATION FOR AN
ENVIRONMENTAL ENHANCEMENT AND
MITIGATION GRANT UNDER SECTION 164.56 OF
THE STREETS AND HIGHWAYS CODE FOR THE
VALLEY OAK REFORESTATION PROJECT**

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide \$10 million annually for a period of 10 years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, said procedures and criteria established by the Resources Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said application to the State; and

WHEREAS, the application contains assurances that the applicant must comply with; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL;

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program for grant assistance.
2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.
3. Appoints Steve Salomon, City Manager as agent of the City of City of Visalia to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

Approved and adopted the 20th day of December 2010.

I, the undersigned, hereby certify that the foregoing Resolution Number was duly adopted by the City Council of the City of Visalia.

This document last revised: 12/17/10 12:22:00 PM

Page 4

File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2010\12-20-2010\Item 10j EEM GRANT.doc

following roll call vote:

Ayes:

Noes:

Absent:

(CLERK/SECRETARY FOR THE CITY COUNCIL)

City of Visalia Agenda Item Transmittal

Meeting Date: December 20, 2010

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

Agenda Item Wording: Adoption of Resolution No. 2010-86, Intention to Amend the Contract between the City Council of the City of Visalia and the Board of Administration of the California Public Employees' Retirement System (CalPERS), **and** Introduction of Ordinance 2010-22 authorizing the contract amendment for Police and Fire sworn/safety personnel

Deadline for Action: N/A

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost x4474,
Charlotte Dunn x4335

Department Recommendation:

Staff recommends that the City Council adopt Resolution No. 2010-86 Intention to Amend the contract between the City of Visalia and California Public Employers' Retirement System for Police and Fire sworn personnel, and;

Approve the Introduction of Ordinance No. 2010-22 to amend the contract between the City of Visalia and the Board of Administration of CalPERS for Police and Fire sworn personnel as of February 26, 2011.

The contract changes will apply to Police and Fire sworn personnel that are hired after February 26, 2011, the effective date of the amendment. The contract amendment will incorporate the following benefits:

Section 20475 Different Level of Benefits - Implement a new CalPERS retirement plan for all Police and Fire sworn personnel hired after February 26, 2011;

Section 21363.1 Retirement Full Formula 3% @ 55 – The new retirement benefit level will provide safety members 3% of pay at age 55 for each year of service at the time of retirement. This is a change from the current safety benefit level of 3% of pay age 50 for each year of service.

Section 20037 Three Year Final Compensation – The new retirement benefit level will consider the 36 highest paid consecutive months for the basis to calculate retirement benefits

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.

for safety members hired after February 26, 2011. This is a change from the current safety level of benefit that considers the 12 highest paid consecutive months for retirement calculations.

Summary/background:

The City approved Memorandum of Understandings or imposed new terms and conditions of employment with Police and Fire employee groups in 2010. One of the new terms of employment is to amend the contract between the City of Visalia and CalPERS and implement a new retirement tier for all Police and Fire sworn safety employees hired after the contract amendment effective February 26, 2011.

Before a change may occur in a PERS contract, CalPERS law requires that a governing body express its intent to amend the contract and adopt an ordinance.

It is the City's intent to amend the safety contract between the City of Visalia and CalPERS to Implement a two-tiered retirement system for Police and Fire safety employees. In doing so, current safety employees would remain under the 3% @ 50 retirement plan (3% per year of service at age 50) and benefits would continue to be based on the highest 12 months average wages.

All sworn Police and Fire safety employees hired after the effective date of the contract amendment and entering membership for the first time in the safety classification would be covered in the new tier of 3% @ 55 (3% per year of service at age 55) and retirement benefits would be based on the highest 36 months average wages instead of 12.

By implementing the new retirement formula for all new Police and Fire safety employees, it is expected to reduce the City cost over time. Current safety employees are required to pay the 9% employee cost. This will also be required for all members entering the new safety retirement program.

Prior Council/Board Actions:

- Approval of Memorandum of Understanding with Group A (Police Management) and Group G (Fire) in October and November of 2010.
- Imposition of terms and conditions of employment for Group B (Police Officers) in October of 2010.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

Adopt Resolution No. 2010-86 Intention to Amend the Contract between the City of Visalia and the Board of Administration of the California Public Employee's Retirement System to amend the contract and Introduction of Ordinance No. 2010-22 to amend the contract with CalPERS as follows:

1. Section 20475 - Different Level of Benefits
2. Section 21363.1 – 3% @ 55 Full Formula
3. Section 20037 – Three Year Final Compensation

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2010-86
RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND
CITY COUNCIL
CITY OF VISALIA

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20475 (Different Level of Benefits). Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part thereof.

PASSED AND ADOPTED:

ORDINANCE NO. 2010-22

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF VISALIA AUTHORIZING AN AMENDMENT
TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF
VISALIA**

AND

**BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.**

**THE CITY COUNCIL OF THE
CITY OF VISALIA DOES ORDAIN AS FOLLOWS:**

SECTION 1. That an amendment to the contract between the City Council of the City of Visalia and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 2. The City Manager of the City of Visalia is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of ten (10) days from the passage thereof shall be published at least one (1) time in the Visalia Times Delta, a newspaper of general circulation, published and circulated in the City of Visalia and thenceforth and thereafter the same shall be in full force and effect.

City of Visalia Agenda Item Transmittal

Meeting Date: December 20, 2010

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

Agenda Item Wording: Council review and acceptance of the fiscal year 2009-10 Measure T Independent Accountant's Report, as recommended by the Citizens Advisory Committee (CAC).

Deadline for Action: December 20, 2010

Submitting Department: Finance

Contact Name and Phone Number:
Melody Murch - 713-4423

Department Recommendation: That the Council accept the 2009-10 Measure T Independent Accountant's Report as recommended by the Citizens Advisory Committee.

Summary/background: In March of 2004, the citizens of Visalia approved a ¼ cent local sales tax, Measure T, to provide additional funding for public safety within the City of Visalia. In keeping with the Measure T program guidelines, an independent auditor reviews Measure T expenditures annually to ensure compliance with the Measure T plan. M. Green and Company LLP, Certified Public Accountants, has completed a review of the Measure T funds for the fiscal year ended 2009-10. Their final report is presented for Council review and acceptance. ***As required by the ballot measure, the CAC reviewed and accepted the Independent Accountant's Report at its December 1, 2010 meeting and recommends that Council accepts the report as written.***

The report notes the following actions taken:

- On June 15, 2009, Council declared an economic emergency by a 4/5 vote, suspending Measure T's General Fund maintenance of effort provisions for the fiscal years 2009-10 and 2010-11.
- On May 17, 2010, Council approved a modification of the Measure T plan to include construction of a southwest fire station instead of a southeast fire station.

The report also makes the following recommendation:

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.

- That the City's Other Post Employment Benefit (OPEB) Internal Service Fund reimburse the Measure T Funds for expenditures from the 2008-09 fiscal years related to other post employment benefit costs in the amount of \$14,858.

The balance of the City's OPEB fund was held until the completion of litigation which was settled in the 2010-11 Fiscal Year. This litigation centered upon the City's obligation to provide City retirees not only access to health benefits but a subsidy also. The litigation settled that the City has no ongoing obligation to subsidize retiree health insurance. Because there is no ongoing obligation to subsidize retiree health care, there is no need to set monies aside in an OPEB fund. As recommended in the report, the balance of the OPEB fund has now been returned to the various funds which made contributions in the 2008-09 year, along with their share of any interest earned.

The report prepared by M. Green was completed in accordance with "agreed upon procedures" and is not an audit. The purpose of these procedures is for the auditor to perform tests and tasks outlined in the ballot measure to ensure the Measure is being implemented as approved by voters. After conducting the agreed upon procedures, M. Green found the City complied with the ballot measure as outlined in the Measure T guidelines.

Discussion

Plan Accomplishments to Date (Years 1-6)

Measure T was designed to increase public safety efforts in Visalia. The measure runs by a detailed 20 year plan which includes the hiring of personnel, construction of capital projects and purchase of equipment. Plan elements completed to date are as follows.

- | Police | Fire |
|---|--|
| <ul style="list-style-type: none"> ▪ Hire of 26 total police officers ▪ Purchase of 26 total fully equipped police vehicles ▪ Annual depreciation of 26 police vehicles to provide funding for their replacement at the end of their useful lives ▪ Funding provided towards the construction of 2 new police precincts | <ul style="list-style-type: none"> ▪ Funding provided towards construction of Northwest Fire Station and Training facility ▪ Hire of 4 new firefighters ▪ Purchase of new fire truck (2006) |

Plans for 2010-11 (Year 7)

Plan elements scheduled for implementation in fiscal year 2010-11 are as follows.

Police

- Hire of 2 additional police officers
- Purchase of 2 additional fully equipped police vehicles
- Add depreciation for 2 police vehicles to provide funding for their replacement at the end of their useful lives
- Ongoing costs from plan elements implemented in Years 1-6

Fire

- Provide funding towards the design & construction of Southwest Fire Station
- Order 1 additional fire truck for FY 12/13
- Ongoing costs from plan elements implemented in Years 1-6

Financial Status

While the Measure T plan elements are on track, sales tax revenues continue to be less than originally projected. Other factors such as lower interest earnings and expenditures in excess of the budgeted plan amounts are also responsible for actual resources falling behind those projected in the plan. Table 1, Measure T Summary, shows a summary of the activity in both Measure T funds for the 2009-10 fiscal year.

Table 1
Measure T Summary
Fiscal Year 2009-10

Fiscal Year 2009-10	Police 60%	Fire 40%	Total
Revenue			
Sales Tax	\$ 2,654,921	\$ 1,769,947	\$ 4,424,868
Interest & Other	10,809	66,283	77,092
Total Revenue	2,665,730	1,836,230	4,501,960
Expense			
Salary & Fringe	(2,945,096)	(496,613)	(3,441,709)
Operating	(279,337)	(122,978)	(402,315)
Vehicles	-	-	-
Facilities	(1,687)	(5,132)	(6,819)
Total Expenditures	(3,226,120)	(624,723)	(3,850,843)
Excess (Deficiency) of			
Revenues Over Expenditures	(560,390)	1,211,508	651,118
Fund Balances - Beginning of Year	1,458,956	5,622,865	7,081,821
Fund Balances - End of Year	898,566	6,834,373	7,732,938
Capital Project Budget (Prior Year Balances):			
Public Safety Buidling (9-1-1 Communications Center)	(931,191)	(167,983)	(1,099,174)
Marked Police Vehicles	(159,803)		(159,803)
FEMA Grant Matching		(80,000)	(80,000)
Southwest Fire Station		(36,091)	(36,091)
Total Capital Project Budget	(1,090,994)	(284,074)	(1,375,068)
Economic Uncertainty Fund Balance	862,115	601,875	1,463,990
Available Balances All Funds - End of Year	\$ 669,687	\$ 7,152,173	\$ 7,821,860

Police Fund: The deficit of \$560,390 (Annual revenues less expenses) in the police fund for the 2009-10 fiscal year is expected to increase to approximately \$800,000 in the 2010-11 year. The police funds operational expenses are currently projected to exhaust the \$862,115 available in

the police economic uncertainty fund by the end of 2011-12 at which point it will be operating at a deficit of approximately \$1 million per year. If the City chooses to proceed with the current Measure T plan, this \$1 million annual deficit would need to be paid from other sources. This projection assumes no capital spending or additional hiring after June 30, 2010.

The current capital budget in the police fund is \$1,090,994, the major part of which is a \$931,191 appropriation towards the construction of a Public Safety Building (9-1-1 Communications Center). A smaller amount \$159,803 is for marked police vehicles which have already been purchased, but had not been delivered at June 30, 2010. To proceed with the construction of the Public Safety Building project would cause the resources of this fund to be exhausted before the end of the 2010-11 fiscal year.

Fire Fund: The fire fund has built up a sizeable fund balance in preparation for the construction, equipping and staffing of the Southwest Fire Station over the next 3 years. However, once the new station is completed and staffed in 2012-13, the annual expenses of the Measure T fire fund will be approximately \$3 million which exceeds the 2012-13 projected revenues by approximately \$1 million per year. If the construction of the Southwest station proceeds on the schedule included in the current plan, the City will need to fund this \$1 million gap from other sources.

Possible Plan Amendments: Combined, the Measure T funds are on a course to be operating at the \$2 million annual deficit within 3 years. The Measure T guidelines were written to prevent them from spending more than they are taking in. They do not allow borrowing between the Police and Fire portions and any advances from the General Fund must be repaid within 2 years. To meet their projected obligations, the Measure T sales tax would need to increase by approximately 25% in each of the next 2 years, a possibility that is highly unlikely. It has become clear the Measure T plan needs to be amended to adjust for the effects of current economic realities.

Recommendations for amendments to the Measure T spending plan will be brought back to Council as part of the Mid-Year budget review in February 2011. At that time, the Council will need to adjust the program to maintain a fiscally sound plan. Possible staff recommendations could include any combination of the following:

- Amending the schedule to delay construction of the remaining capital improvements in the Measure T plan.
- A hiring freeze within Measure T, either across the board or for specific positions.
- Transfer of Measure T personnel into empty General Fund positions, as attrition allows.
- Pursuing an increase in the Measure T sales tax rate (currently ¼ cent). This would require compliance with the requirements of Prop 218.

Conclusion

The purpose of this item is to present the Measure T Independent Accountant's Report for FY 2009-10. Measure T is being implemented according to plan. The results of the recent fiscal year 2009-10 Independent Accountant's Report by M. Green and Company LLP, Certified Public Accountants support the fact that the plan is moving forward as approved by voters. However, economic realities will soon force the City to adjust the Measure T program to maintain a fiscally sound plan.

Prior Council/Board Actions:

- February 1, 2010 – Approval and acceptance of the 2008-09 Measure T Independent Accountant’s Report
- June 15, 2009 - Declaration of an economic emergency suspending Measure T’s maintenance of effort provisions for the fiscal years 2009-10 and 2010-11.
- On May 17, 2010 – Approved modification of the Measure T plan to include construction of a southwest fire and training facility instead of a southeast fire and training facility.

Committee/Commission Review and Actions: *Citizens Advisory Committee reviewed and approved Independent Accountant’s Report on December 1, 2010. (If approved by CAC).*

Alternatives: Do not accept the 2009-10 Measure T final Independent Accountant’s Report

Attachments: #1 - M. Green Independent Accountant’s Report

Recommended Motion (and Alternative Motions if expected): I move that Council accept the 2009-10 Measure T Independent Accountant’s Report as recommended by the Citizens Advisory Committee.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to: The Citizens Advisory Committee

Attachment
#1

CITY OF VISALIA
INDEPENDENT ACCOUNTANT'S REPORT ON
APPLYING AGREED-UPON PROCEDURES
MEASURE 'T'
FOR THE FISCAL YEAR ENDED JUNE 30, 2010

M. GREEN AND COMPANY LLP
CERTIFIED PUBLIC ACCOUNTANTS

CITY OF VISALIA
JUNE 30, 2010
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M. Green and Company LLP

CERTIFIED PUBLIC ACCOUNTANTS

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

LARRY W. AYERS, C.P.A.
MARLA D. BORGES, C.P.A.
KEVIN M. GREEN, C.P.A.
WM. KENT JENSEN, C.P.A.
KATHLEEN M. LAMPE, C.P.A.
LYNN M. LAMPE, C.P.A.
ALAN S. MOORE, C.P.A.
KENNETH B. NUNES, C.P.A.
KENNETH W. WHITE, JR., C.P.A.

REBECCA AGREDAHO, C.P.A.
LYNDA S. ANDERSON, C.P.A.
NICOLE A. CENTOFANTI, C.P.A.
CRYSTAL COTA, C.P.A.
BREND A. DADDINO, C.P.A.
R. IAN PARKER, C.P.A.
ELAINE D. REULE, C.P.A.
NATALIE H. SIEGEL, C.P.A.

ROBERT L. BANDY, C.P.A.
Consultant
JAMES G. DWYER, C.P.A.
Consultant
GIUSEPPE SCALIA, C.P.A.
Consultant
CHARLES L. SOUTHARD, C.P.A.
Consultant

**Dinuba
Hanford
Tulare
Visalia**

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

We have performed the procedures enumerated below, which were agreed to by the City of Visalia (City), solely to assist the City and the independent Citizens' Advisory Committee (CAC), with respect to the administration, financial management and accounting of the City's Measure 'T' funds for the fiscal year ended June 30, 2010. The City's management is responsible for the City's administration, financial management and accounting for Measure 'T'. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

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

- (1) We obtained and reviewed the City's Measure 'T' commitments as expressed in the Measure 'T' ballot measure from the March 2, 2004 election, the Enabling Ordinance adopted by the City Council, Board of Equalization Agreements for implementation and administration of additional sales tax, City Council approved Program Guidelines and expenditure plans for the current fiscal year and the City Council approved City Manager Plan Recertification for June 30, 2010.

Finding:

Measure 'T' calls for the General Fund support for police and fire services during the fiscal year 2009-10, without regard to Measure 'T', to be greater than the General Fund police and fire services support during the fiscal year 2008-09, unless the council declares an economic emergency by a 4/5th vote.

Council declared an economic emergency by a 4/5th vote on June 17, 2009, suspending Measure 'T's maintenance of effort provisions for the fiscal years 2009-10 and 2010-11.

Finding:

The Measure calls for the establishment and funding of an "Economic Uncertainty" Fund in the amount of 25% of the annually budgeted revenues. The "Economic Uncertainty" Fund Balance as of June 30, 2010, was \$1,463,990. This amount exceeded the required 25% by \$148,865.

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

Findings: None

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

Findings: None

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

- a. Establishment of a separate Measure 'T' fund or fund group;
- b. Establishment within the Measure 'T' fund(s) of an accountability structure that allows for accountability of the Measure 'T' sales tax proceeds mandated allocations - police (60%) and fire (40%);
- c. That reasonable interest allocation methodologies were applied to Measure 'T' fund(s) regarding interest revenue for unexpended net proceeds and interest charged for other City fund advances;
- d. That General Fund support for police and fire services during the fiscal year 2009-10, without regard to Measure 'T' funds based upon expenditure levels, was not less than General Fund police and fire services support during the fiscal year 2008-09, unless the Council declared an economic emergency by 4/5^{ths} vote;
- e. Establishment of a separate "Economic Uncertainty" fund within the Measure 'T' fund(s) of 25% of the budgeted Measure 'T' tax revenues.

Findings:

Council declared an economic emergency by a 4/5^{ths} vote on June 17, 2009, suspending Measure 'T's maintenance of effort provisions for the fiscal years 2009-10 and 2010-11.

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

Findings: None

- (6) We performed procedures to verify the summaries of Measure 'T' receipts, disbursements and unexpended funds pertaining to the fiscal year 2009-10 prepared by the City.

Finding:

Our review indicated that twenty-six police officers and four firemen were hired as of June 30, 2010 in accordance with plan objectives.

Finding:

The plan was modified to include construction of a southwest fire and training facility instead of a southeast fire and training facility.

Finding:

The Capital Improvement Program expenditures were proceeding in accordance with Measure 'T'. However, the purchase of two police patrol vehicles and the related equipment and vehicle replacement costs for the two police officers hired during the current fiscal year were initiated during the current fiscal year as planned and will be completed in the 2010-11 fiscal year.

Finding:

Our review indicated that \$14,858 paid in the fiscal year 2008-09 for other post employment benefit costs should be reimbursed to Measure 'T' funds based on the results of the lawsuit settled in the current fiscal year. City policy permits retiree access to the City's health plan but at a cost determined by the City. Therefore, the City asserts that it retains the right to annually set the retiree contribution and that other post employment benefit liabilities do not exist.

Recommendation:

We recommend that the City's OPEB Internal Service Fund reimburse Measure 'T' Funds for those expenditures related to the other post employment benefit costs charged during the 2008-09 fiscal year.

Management Response:

Management agrees with the finding. The total of \$14,858 will be reimbursed to the Measure 'T' funds from the OPEB Internal Service Fund, along with any interest which has accrued on this amount.

Finding:

Our prior year recommendation that the City take further steps and work closely with the police department to ensure that proper records are maintained in the police department regarding which fund an officer's salary is to be charged to and that proper measures are followed to ensure a CV9 form is filled out each time an officer is hired, terminated, or transferred to a different fund were implemented. Our review noted a completed CV9 form for each officer hired, terminated, or transferred to or from a Measure 'T' fund.

Our prior year recommendation that the Measure 'T' Police Fund reimburse the City's General Fund for those expenditures related to the officer mistakenly charged to the General Fund during the 2008-09 fiscal year was implemented.

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

Findings: None

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

Findings: None

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

This report is intended solely for the information and use of the City Council, City management and the CAC and is not intended to be and should not be used by anyone other than those specified parties. However, this report is a matter of public record and its distribution is not limited.

Very truly yours,


M. GREEN AND COMPANY LLP
Certified Public Accountants

November 3, 2010
Visalia, California

Finding:

Our review indicated that \$14,858 paid in the fiscal year 2008-09 for other post employment benefit costs should be reimbursed to Measure 'T' funds based on the results of the lawsuit settled in the current fiscal year. City policy permits retiree access to the City's health plan but at a cost determined by the City. Therefore, the City asserts that it retains the right to annually set the retiree contribution and that other post employment benefit liabilities do not exist.

Recommendation:

We recommend that the City's OPEB Internal Service Fund reimburse Measure 'T' Funds for those expenditures related to the other post employment benefit costs charged during the 2008-09 fiscal year.

Management Response:

Management agrees with the finding. The total of \$14,858 will be reimbursed to the Measure 'T' funds from the OPEB Internal Service Fund, along with any interest which has accrued on this amount.

Finding:

Our prior year recommendation that the City take further steps and work closely with the police department to ensure that proper records are maintained in the police department regarding which fund an officer's salary is to be charged to and that proper measures are followed to ensure a CV9 form is filled out each time an officer is hired, terminated, or transferred to a different fund were implemented. Our review noted a completed CV9 form for each officer hired, terminated, or transferred to or from a Measure 'T' fund.

Our prior year recommendation that the Measure 'T' Police Fund reimburse the City's General Fund for those expenditures related to the officer mistakenly charged to the General Fund during the 2008-09 fiscal year was implemented.

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

Findings: None

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

Findings: None

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

This report is intended solely for the information and use of the City Council, City management and the CAC and is not intended to be and should not be used by anyone other than those specified parties. However, this report is a matter of public record and its distribution is not limited.

Very truly yours,


M. GREEN AND COMPANY LLP
Certified Public Accountants

November 3, 2010
Visalia, California

City of Visalia
Agenda Item Transmittal

Meeting Date: December 20, 2010

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

Agenda Item Wording: Authorization to enter into a contract with Tulare County Association of Governments (TCAG) to implement a transit pass program for College of the Sequoias students

Deadline for Action: December 20, 2010.

Submitting Department: Administration – Transit Division

Contact Name and Phone Number:
Monty Cox 713-4591

Department Recommendation: Authorize staff to enter into a contract with Tulare County Association of Governments to implement a transit pass program for College of the Sequoias students.

Summary: Staff has been working with TCAG and the administration office of the College of the Sequoias (COS) to develop a bus pass specifically for COS students. This has been a collaborative effort between the City of Visalia, COS, TCAG and the other transit services in Tulare County. TCAG has applied for and been awarded a Caltrans grant to complete a comprehensive plan to implement a countywide COS student pass. This study is expected to be completed during the current Fall and Spring semesters with implementation expected for the Fall 2011 semester. TCAG, COS and City of Visalia staff are implementing a pilot COS Student pass for the Spring 2011 semester. The proposed agreement is the result of these discussions. It includes provisions to assure that the City is not subsidizing the COS student transportation. While all 13,000 students are eligible to unlimited bus service, it is anticipated that only a certain percentage of students will take advantage of the program.

There are several agreements that are required to accomplish this student pass program. COS & TCAG entered an agreement to transfer the student fees from COS to TCAG. TCAG is now entering agreements with each of the agencies that will be accepting the passes including City of Visalia (Visalia Transit, Visalia Towne Trolley), City of Tulare (Tulare Intermodal Express), City of Dinuba (Dinuba Area Regional Transit/Dinuba Connection), City of Porterville (Porterville Transit), the County of Tulare (Tulare County Area Transit) transit services, and Kings Area Rural Transit (KART). The TCAG/City agreements include the following:

1. Students voted to pay a \$5 per full-time and \$4 per part-time student fee (actual vote 606 yes, 61 no, Visalia & Hanford campuses combined).
2. COS agreed (via a separate agreement) to collect the student fee, add an administrative contribution of 40 cents per student, and transfer the funds to TCAG.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head LBC 5410
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

3. COS will issue a Student ID with a per-semester Transit Sticker to fee-paying students upon request by the student.
4. TCAG has agreed to distribute the funds to the transit agencies.
5. The City of Visalia has agreed to accept the ridership-based percentage of the funds as full payment for each student that presents the proper Sticker-mounted student ID when boarding a bus; and to report the total number of COS Student ID rides provided.
6. All other Transit agencies in Tulare and Kings Counties are entering similar agreements with TCAG.
7. A new agreement will be entered to provide a permanent program after the study.

Discussion: Staff enlisted the services of Moore Associates, who is currently completing related transit studies for the City of Visalia, to assist in developing a pilot COS Student pass program. We have had several meetings with TCAG, COS officials and the other transit agencies, which resulted in the proposal of a \$5 per full-time and \$4 per part-time student fee along with a COS administrative contribution of 40 cents per student to cover the projected cost of the pilot pass program. The student fee was placed on a ballot for the students to decide and the fee was approved by an overwhelming majority of the students who voted. The fee and administrative contribution is per semester and was designed to replace the revenue lost from not collecting fares from COS students.

The following provisions are included in the agreement:

- On September 23, COS students voted to implement a mandatory transportation fee, which would provide students with an unlimited fixed route transit pass valid on Tulare County fixed route Bus Services (excluding Sequoia Shuttle) and Kings Area Rural Transit fixed routes.
- The program will include the following transit providers: City of Visalia (Visalia Transit, Visalia Towne Trolley), City of Tulare (Tulare Intermodal Express), City of Dinuba (Dinuba Area Regional Transit/Dinuba Connection), City of Porterville (Porterville Transit), the County of Tulare (Tulare County Area Transit) transit services, and Kings Area Rural Transit (KART).
- The COS Associated Student Body determined by a majority of the votes cast that a \$5.00 per semester fee for full time students (6 units or more) and \$4.00 per semester for part time students (5 units or less) to be collected.
- The COS Board of Trustees will contribute \$.40 to the transportation fund for each COS student that is enrolled, per semester in the semester in which they are enrolled.
- COS Students will not receive a student identification valid on participating fixed route transit unless they have paid their student transportation fees for the semester.
- COS will collect all transportation funds and provide to TCAG, based on the total number of students paying fees, which will transfer to transit providers for transit services provided.
- Each transit agency will track transit ridership by students using valid COS identification cards using a tracking method approved by TCAG.
- Each transit agency will submit ridership data for non fare paying student passengers using valid COS student identification to TCAG monthly.
- TCAG will retain up to 3% of funds per semester for administration.

- TCAG will distribute a minimum of 97% of the funds to agencies based on actual COS ridership data collected and submitted by each agency on the 15th business day each month.
- If any agency fails to submit appropriate COS student ridership data by the 15th business day of the month, the agency agrees to accept payment based on one-half of their previous months ridership data.
- This agreement shall be valid for the Spring 2011 services.
- A separate agreement shall be established for COS transit services beginning in August 2011 and continue beyond the 2011/12 school year.
- Any agency is allowed to cancel the agreement upon 60 days written notice as long as the termination occurs at the end of a school semester. This way students will not be charged for services they do not receive.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Proposed Agreement

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I authorize staff to enter into a contract with Tulare County Association of Governments to implement a transit pass program for College of the Sequoias students

Copies of this report have been provided to:

AGREEMENT
FOR TRANSIT SERVICES
BETWEEN THE TULARE COUNTY ASSOCIATION OF
GOVERNMENTS (TCAG)
AND THE CITY OF VISALIA

This Agreement is made and entered into this 14 Day of December, 2010, by and between the Tulare County Association of Governments, hereinafter referred to as “TCAG”, and The City of Visalia, hereinafter referred to as “AGENCY”.

RECITALS

WHEREAS, on Thursday, September 23, 2010 College of Sequoia (COS) students voted to implement a mandatory transportation fee, which would provide students with an unlimited fixed route transit pass valid on Tulare County fixed route Bus Services (excluding Sequoia Shuttle) and Kings Area Rural Transit fixed routes; and

WHEREAS, the Tulare County bus service will include the following transit providers: City of Visalia (Visalia Transit, Visalia Towne Trolley), City of Tulare (Tulare Intermodal Express), City of Dinuba (Dinuba Area Regional Transit/Dinuba Connection), City of Porterville (Porterville Transit), the County of Tulare (Tulare County Area Transit) transit services, and Kings Area Rural Transit (KART); and

WHEREAS, the COS Associated Student Body determined by a majority of the votes cast that a \$5.00 per semester fee for full time students (6 units or more) and \$4.00 per semester for part time students (5 units or less) to be collected; and

WHEREAS, the COS Board of Trustees will contribute \$.40 to the transportation fund for each COS student that is enrolled, per semester in the semester in which they are enrolled; and

WHEREAS, COS Students will not receive a student identification valid on participating fixed route transit unless they have paid their student transportation fees for the semester; and

WHEREAS, COS will collect all transportation funds and provide to TCAG, based on the total number of students paying fees, which will transfer to transit providers for transit services provided; and

WHEREAS, AGENCY transit will track transit ridership by students using valid COS identification cards using a tracking method approved by TCAG; and

WHEREAS, AGENCY will submit ridership data for non fare paying student passengers using valid COS student identification to TCAG monthly; and

WHEREAS, TCAG will retain up to 3% of funds per semester for administration; and

WHEREAS, TCAG will distribute a minimum of 97% of the funds to AGENCIES based on actual COS ridership data collected and submitted by each AGENCY on the 15th day each month; and

WHEREAS, if AGENCY fails to submit appropriate COS student ridership data by the 15th day of the month, the agency agrees to accept payment based on one-half of their previous months ridership data; and

WHEREAS, this agreement shall be valid for the Spring 2011 services; and

WHEREAS, a separate agreement shall be established for COS transit services beginning in August 2011 and continue beyond the 2011/12 school year.

NOW, THEREFORE, the parties agree as follows:

1. **TERM**. The Term of the Agreement shall commence on January 1, 2011 and shall expire at 11:59 PM on May 31, 2011 unless otherwise terminated as provided in this Agreement. The agreement will be renewable for similar or different terms and conditions upon mutual agreement between TCAG, COS, and AGENCY and between TCAG and the additional agencies: City of Dinuba (Dinuba Area Rural Transit), City of Tulare (Tulare Intermodal Express), City of Porterville (Porterville Transit), Kings Area Rural Transit (KART), Tulare County Area Transit for transit service in Tulare County.
2. **INDEPENDENT CONTRACTOR**. While engaged in carrying out and complying with the terms and conditions of this Agreement, TCAG is an independent contractor, and not an officer, agent, or employee of AGENCY.
3. **PAYMENT**. COS agrees to transfer all transportation funds collected plus the Board of Trustees contribution to TCAG quarterly on or before the following dates: January 1, 2011; April 1, 2011. TCAG agrees to transfer those funds monthly to participating agencies within 10 business days of receiving all COS student ridership data summary of monthly student ridership which is due the 15th day of every month. The first deadline for data submittal by the AGENCY is Tuesday, February 15, 2011. If the 15th falls on a weekend or holiday, the data will be due the following Monday. TCAG will disburse the funds to AGENCY based on their proportional share of monthly ridership numbers submitted by said providers. If AGENCY fails to provide the ridership data by the 15th of the month, their distribution for that month will be based on one-half of their previous month's ridership data. If data is not provided by AGENCY for the first month of operation, the AGENCY will forfeit that month's distribution and any subsequent months until a base month is established.

For the first semester of service, total semester fees collected will be equally disbursed over five months for services provided in the months of January, February, March, April, and May. Funds shall be distributed based on total percentage of COS Student ridership data as provided to TCAG for each month between the following transit agencies:

Visalia Transit, Porterville Transit, Tulare County Area Transit, Dinuba Area Rural Transit, Tulare Intermodal Express, and Kings Area Rural Transit.

If COS student ridership numbers causes AGENCY to receive less than the average fare per passenger as provided in the 2009/10 State Controllers Report, TCAG will have the ability to modify the formula for reimbursement to pay at minimum, the average fare per passenger for the month in which the fare average is not met.

The ridership shall be tracked by the AGENCY through the AGENCY farebox data reporting system and submitted in a report. The AGENCY will make available the source documents to verify that report if requested by TCAG.

4. **SERVICES.** In consideration of the above payments, TCAG shall administer all funds transferred from COS and disburse the funds to transit providers based on their proportional share of the monthly valid COS student ridership numbers submitted by the providers to TCAG. The student fees shall pay for proper identification for student riders and distribution by COS. The student identification shall be valid for one semester (spring) not to exceed a cost of 3% of the fees collected per semester. Future service shall run concurrent with valid semesters, generally running August through December, January through May, and June-July. AGENCY will provide COS Students with unlimited fixed route bus service on AGENCY Transit Service.
5. **DEFAULT.** If default is made by TCAG or AGENCY in any of the covenants or conditions of this Agreement, the non-defaulting party may terminate this Agreement upon 60 days advance written notice to the defaulting party.
6. **AMENDMENTS.** This Agreement cannot be changed or supplemented orally and may be modified or superseded only by written instrument executed by both parties.
7. **GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.
8. **BINDING EFFECT.** This Agreement is for the benefit of and shall be binding on all parties and their respective successors, heirs, and assigns.
9. **ATTORNEYS' FEES AND COSTS.** Each party shall bear its own attorneys' fees and costs for all such fees and costs incurred prior to the date of execution of this Agreement.
10. **BREACH OF AGREEMENT.** If either party breaches this Agreement, the prevailing party shall be entitled to all damages reasonably flowing from the breach.
11. **INDEMNIFICATION.** AGENCY and TCAG shall hold each other harmless, defend and indemnify their respective agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, arising out of the activities of AGENCY or TCAG or its agents, officers and employees under this Agreement. This indemnification shall be provided by each party to the other party regarding its own activities undertaken pursuant to this Agreement, or as a result of the relationship thereby created, including any claims that may be made against either party by any taxing authority asserting that an

employer-employee relationship exists by reason of this Agreement, and any claims made against either party alleging civil rights violations by such party under Government Code sections 12920 et seq. (California Fair Employment and Housing Act). This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

12. **EXECUTION IN COUNTERPARTS.** This Agreement may be executed in counterparts such that the signatures may appear on separate signature pages. A copy of an original, with all signatures appended together, shall be deemed a fully executed Agreement.
13. **SEVERABILITY.** If any provision of this Agreement is held to be void, voidable, or unenforceable, the remaining portions of the Agreement shall remain in full force and effect.
14. **INTERPRETATION.** The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against either party.
15. **COMPLIANCE WITH LAW.** TCAG agrees to perform the services contemplated by this Agreement in a professional and a competent manner and in compliance with all state or federal laws or regulations governing the services to be rendered pursuant to this Agreement.
16. **BOARD APPROVAL.** The parties recognize that the effectiveness of this Agreement is contingent upon approval by the AGENCY.
17. **OTHER DOCUMENTS/ACTS.** The parties agree to work together diligently and to execute related documents and perform related acts necessary for the successful performance of this Agreement.
18. **ENTIRE AGREEMENT.** This Agreement and its attachments, if any, constitute the entire agreement and understanding between the parties. There are no oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied, not contained in this Agreement. All prior understandings, terms or conditions are deemed merged into this Agreement and its attachments.
19. **NOTICES TO PARTIES.** All notices to be given to the parties to this Agreement shall be in writing and served by depositing same in the United States Mail, postage prepaid, registered or certified mail.

Notices to TCAG should be addressed to:
Ted Smalley, Executive Director
Tulare County Association of Governments
5955 S. Mooney Blvd.
Visalia, CA 93277

Notices to AGENCY should be addressed to:

City of Visalia
707 W. Acequia
Visalia, CA 93291
(559) 713-4341

TCAG or AGENCY may change its address of record for receipt of official notice by giving the other written notice of such change and any necessary mailing instructions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate the day and year first herein above written.

TULARE COUNTY ASSOCIATION OF GOVERNMENTS:

Name	Date
------	------

Executive Director

Title

AGENCY:

Name	Date
------	------

Title	Date
-------	------

APPROVED AS TO FORM
COUNTY COUNSEL

Deputy

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

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

Agenda Item Wording: Authorization to purchase six (6) compressed natural gas (CNG) replacement Dial-A-Ride buses from Bus West in the amount of \$133,191 each for a total of \$799,146 (\$720,000 CMAQ, \$79,146 LTF) and appropriate additional funds of \$150,000 to the \$654,000 previously budgeted.

Deadline for Action: December 20, 2010

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

Authorization to purchase six (6) compressed natural gas (CNG) replacement Dial-A-Ride buses from Bus West in the amount of \$133,191 each for a total of \$799,146 (\$720,000 CMAQ, \$79,146 LTF) and appropriate additional funds of \$150,000 to the \$654,000 previously budgeted.

Summary

The California Association of Coordinated Transportation (Cal ACT) completed a joint competitive bid process. The City is taking advantage of options that Cal ACT/Morongo Basin Transit Authority has in place with Bus West (commonly known as piggybacking). The price is based on a competitive bidding process conducted by the Cal ACT/Morongo Basin Transit Authority. The City of Visalia transit staff conducted extensive research into the options available from various bus manufacturers focusing on the City policy to purchase alternative fueled vehicles wherever possible. Of the available vendor options through the State bid or the Cal ACT Cooperative, Bus West could best meet the vehicle specifications and the delivery timelines.

Originally in 2009 \$654,000 was appropriated for this purchase through the CMAQ process and appropriated by Council based on the cost of existing buses in the most current State bid. In 2010 The State completed a new bid process which resulted in a higher cost for the same bus. Staff secured additional CMAQ funding totaling \$720,000 to cover the increased cost; however, \$79,146 was also required from available Local Transportation Funding (LTF) as match to cover the balance. Council will need to appropriate the additional \$150,000 needed to complete the purchase. The increase in the per vehicle cost and associated appropriation is due to the difference in the previous state bid and the new available bid process which occurred after the

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

CMAQ and City budget processes. As with all Transit expenses, funding for this purchase will come from the Transit enterprise fund; no General Fund monies will be used for this purchase.

Discussion

The City has purchased buses off the State bid in the past, including natural gas buses. The Cal ACT Cooperative is an approved option to the State bid. These buses are scheduled to replace 5 CNG buses that are 8 years old and 1 new CNG bus will be used for expansion. Current FTA guidelines require the City to keep federally funded small buses for a minimum of 7 years. These buses will be used for a minimum of 7 years, and most probably, for up to 3-5 additional years. The buses that are being replaced are over ten years old, will be considered for use in the LOOP bus fleet and then sold at auction.

The 2010-2011 transit operating budget is approximately \$6.5 million. Transit funding comes from two major sources, the Federal Transit Administration which will provide approximately \$2.3 million for capital and operating, and the Local Transportation Funding (LTF) which is derived from the ¼ cent county sales tax and can be used at the Council's discretion to support transportation in the City. LTF will provide approximately \$3.4 million for transportation related purposes including operations, and capital, and specifically can be used when grants require a match. In addition, there are several smaller sources of Transit funding such as the State Transit funding (varies, but approximately \$150,000 annually), advertising revenues (\$127,000 last year), Measure R (\$718,200), etc.

In addition, Staff regularly applies for and receives grant funding for specific purposes, like clean fuel vehicles. Congestion Mitigation Air Quality (CMAQ) grant funds totaling \$720,000 have been awarded for this project with no match required. The difference in cost of \$79,146 is proposed to be funded through the LTF. Adequate funds are available from this source.

This purchase is another major step toward making the City bus fleet 100% alternative fuel. With this purchase, the City will have an alternative fuel fleet of twenty-four (24) fixed route buses, twelve (12) Dial-A-Ride buses and three (3) CNG trolleys or a total of 39 out of 45 transit vehicles. This is consistent with current City policy to utilize alternative fuel wherever possible. Fueling the buses is performed via the CNG fueling facility, located on Cain Street between the Corporation Yard, and the bus operations facility, at a savings of over 30% compared with the cost of diesel or gasoline fuel. By 2016, the goal is to have the bus fleet comprised 100% of alternative fuel vehicles, although staff will look for opportunities to accelerate this effort wherever possible.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: None recommended

Attachments: None

Recommended Motion (and Alternative Motions if expected):

I move to approve the purchase of six (6) compressed natural gas (CNG) replacement Dial-A-Ride buses from Bus West in the amount of \$133,191 each for a total of \$799,146 (\$720,000 CMAQ, \$79,146 LTF) and appropriate additional funds of \$150,000 to the \$654,000 previously budgeted.

Financial Impact

Funding Source:

Account Number: 4511-00000-720000-0-9223

Budget Recap:

Total Estimated cost: \$ 799,146	New Revenue: \$ 0
Amount Budgeted: \$ 654,000	*Lost Revenue: \$
New funding required: \$ 145,146	New Personnel: \$
Council Policy Change: Yes_____ No <u>X</u>	

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: December 20, 2010

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

Agenda Item Wording: Authorization to endorse the 2010 Central California Children's Agenda

Deadline for Action:

Submitting Department: Administration

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

Department Recommendation:

It is recommended that the Visalia City Council support the proposed 2010 Central California Children's Agenda.

Summary/background:

In September of 2009, a 20-member Children's Agenda Regional Leadership Team, including Janet Hogan of First 5 Tulare County, began meeting to develop recommended policy strategies for improving the lives of children in the San Joaquin Valley. The Team met for a year, and developed six policy priorities based on the needs identified in the Valley. The priorities include a policy priority, and strategies for achieving the desired outcome. The Team is asking various agencies to join other Valley organizations, including the Children's Hospital of Central California, Central Valley Regional Center, and The California Endowment in endorsing this effort.

In offering support, the Visalia City Council is not committing to any specific action or any financial expenditures, but rather supporting the concepts outlined in the Agenda.

The six policy outcomes identified in the Agenda, and a couple of the strategies for achieving that outcome, are as follows:

1. Families bear children in communities where their basic needs for healthy physical and social-emotional growth and development are met.
 - a. Increase resources focused on the prevention of health and social problems in children before they occur.
 - b.. Improve access to services that ensure planned and healthy pregnancies.

For action by:

City Council
 Redev. Agency Bd.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

**Dept. Head LBC12610
(Initials & date required)**

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

**City Mgr _____
(Initials Required)**

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2. Children are born into families with caregivers who are prepared to provide loving relationships and support their emotional, spiritual and mental well-being.
 - a. Encourage hospitals and other health care providers to expand and extend outreach services to support new parents, including breastfeeding promotion and follow-up, and perinatal mental health screening.
 - b. Expand county-level public health support for evidence-based home visitation programs that offer family support and training, including parenting education.
3. Children enter school ready to learn and able to meet the requirements of today's educational environment.
 - a. Improve community awareness of the impact of early relationships on cognition and school readiness.
 - b. Increase access to high-quality preschool programs.
4. Children and youth attain and maintain optimal physical and mental health, and are safe and protected in their homes, schools and neighborhoods.
 - a. Increase family knowledge and utilization of preventive health and wellness programs by implementing community outreach models that are culturally and linguistically appropriate competent.
5. Youth have connections with each other, with caring adults and with their communities that strengthen resiliency against teen pregnancy, gang involvement, substance abuse and other risky behaviors.
 - a. Invest in expansion of recreational, service and employment opportunities for youth in both urban and rural communities.
 - b. Educate parents about how to talk to youth about the dangers of risky behavior such as early sexual activity, drug use and gang violence, and provide the emotional support needed to help them resist these activities.
6. Youth complete high school and maximize their potential for a productive life through job skills training, employment or further education.
 - a. Improve school climates and expand academic support services both during in-school and after school hours to assure that all youth complete high school, particularly boys and young men of color.
 - b. Commit the resources necessary to encourage school districts to provide career technical education programs that make youth competitive for living wage jobs.

A complete listing of the outcomes, description of the need, policy priorities and strategies for success are listed in the attached proposed Agenda.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Copy of proposed Central California Children's Agenda

Recommended Motion (and Alternative Motions if expected):

I move to approve providing the City of Visalia's endorsement to the 2010 Central California Children's Agenda.

City of Visalia Agenda Item Transmittal

Meeting Date: December 20, 2010

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

Agenda Item Wording: Update on Federal legislation and rulemaking pertaining to Federal Emergency Management Agency - National Flood Insurance Program

Deadline for Action: None

Submitting Department: Administration

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Direct staff to continue to monitor Federal legislation and rulemaking pertaining to the Federal Emergency Management Agency (FEMA) - National Flood Insurance Program (NFIP) and report to Council on re-introduction of Senate Bill S. 3994.

Summary/background: On August 2, 2010, the City Council authorized the Mayor to submit letters to Senator Dianne Feinstein and Senator Barbara Boxer urging their support for passage of House of Representatives Bill H.R. 5114 with recommended modifications. H.R. 5114 originated and was passed in the House and contained re-authorization and numerous revisions to the National Flood Insurance Program (NFIP). Several provisions of H.R. 5114 are favorable to owners of properties in Visalia recently brought into FEMA Special Flood Hazard Areas and now subject to flood insurance. H.R. 5114 subsequently moved to the U. S. Senate for consideration.

The City's legislative firm in Washington DC, Van Scoyoc Associates, has followed H.R. 5114 closely, and has lobbied the offices of Senator Feinstein and Senator Boxer seeking support for the bill. However, it appears that H.R. 5114 will not come up for a Senate vote in this current congressional session that is ending in a few days.

On December 1, 2010, Illinois Senator Dick Durbin and New York Senator Charles Schumer authored Senate Bill S. 3994 to address the impact of flood map revisions on property owners in southwestern Illinois (see attached Associated Press article) and regions of New York. This new bill appears to be a scaled back version of H.R. 5114. S. 3994 includes the following major provisions:

- Properties coming into Special Flood Hazard Areas (subject to flood insurance) due to flood maps adopted on or after September 30, 2007 would be provided a five year delay

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.

of mandatory flood insurance, followed by a five year period of gradually increasing insurance premiums (20% per year graduated increase).

- To qualify for the five year delay of mandatory flood insurance, the affected State or local government must provide notice *“in accordance with such standards as shall be established by the Director”* demonstrating that the local agency has–

“(A) developed an evacuation plan to be implemented in the event of flooding in such portion of the geographic area; and

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

- During the initial five year delay period, the “preferred risk rate” premium shall be available to properties newly coming into the flood plain.

The five year delay plus five year graduated premium increase would provide economic relief to landowners newly coming into the flood insurance program. In addition, the provisions would provide time for affected local governments to implement strategies and/or construct improvements to extract as many properties as possible from the Special Flood Hazard Area designation. While the evacuation plan and outreach provisions would be new FEMA requirements, the City would need to engage in the FEMA rule making process to ensure that these provisions can be readily satisfied by the City.

S. 3994 is not expected to be voted on in the current Congress ending in a few days. However, it is expected that the bill will be re-introduced in the next Congress starting January 2011. With Council’s permission, staff will follow this bill closely and return to Council upon its re-introduction to revisit the bill’s language, request a formal support position and request authorization to lobby for the bill’s passage.

FEMA National Flood Insurance Program Reform Public Meeting

On December 2, 2010, FEMA held a public meeting in Washington DC to discuss NFIP reform philosophies outlined by FEMA. Representatives of Van Scoyoc Associates attended the meeting on behalf of the City. FEMA is accepting written comments on NFIP reform issues by December 31, 2010. Van Scoyoc will prepare written comments to submit to FEMA, to address the following philosophies:

1. Flood insurance rates should be tied directly to actual risk.
2. Opposition to strategies that reduce premium costs in high risk areas by increasing premium costs in low risk areas (such as Visalia).
3. Support regionalization of the NFIP to achieve realistic insurance costs based on regional flood history/risk.

Prior Council/Board Actions: NA

Committee/Commission Review and Actions: NA

Alternatives: NA

- Attachments:** 1. Senate Bill S. 3994
2. Associated Press article

Recommended Motion (and Alternative Motions if expected): Move to accept FEMA NFIP legislative update.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

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

Copies of this report have been provided to: NA

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

Agenda Item Number (Assigned by City Clerk): 11a

Agenda Item Wording: Approve RDA Resolution Number 2010-04 authorizing investment of monies in the Local Agency Investment Fund (LAIF) by delegated authorities for the Redevelopment Agency of The City of Visalia.

Deadline for Action: None.

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost – 713-4474,
Liz Ybarra – 713-4598

Department Recommendation: Staff recommends that Council delegate authority to the Administrative Services Director/Treasurer Eric Frost, Finance Manager Renee Nagel, and Finance Manger Melody Murch, as well as each of their successors, to invest monies in the Local Agency Investment Fund for the Redevelopment Agency of The City of Visalia.

Local Agency Investment Fund: The current City of Visalia Statement of Investment Policy empowers the City by statute to invest in the Local Agency Investment Fund (LAIF). The LAIF was established by the State of California to enable treasurers to place funds in an investment pool. Each participating agency is limited to an investment of \$50.0 million per account. The City uses this fund for short term investments. Invested funds held in LAIF are available on demand and interest is paid quarterly.

Attachments:

Attachment #1: Redevelopment Agency of The City of Visalia Resolution authorizing investment of monies in the Local Agency Investment Fund.

Recommended Motion (and Alternative Motions if expected): Move to approve RDA resolution number 2010-04 authorizing the investment of monies in the Local Agency Investment Fund and delegating authority to the Administrative Services Director/Treasurer Eric Frost, Finance Manager Renee Nagel, and Finance Manager Melody Murch, as well as each of their successors, to invest those monies in LAIF for the Redevelopment Agency of The City of Visalia.

For action by:

City Council
 Redev. Agency Bd.
 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.

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)*

RDA RESOLUTION NO. 2010 - 04

RESOLUTION OF THE CITY COUNCIL OF THE REDEVELOPMENT AGENCY OF THE CITY OF VISALIA

AGENCY
ADDRESS: 707 W. Acequia Ave. Visalia, CA 93291

AGENCY
PHONE #: 559 713-4598

AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of the Redevelopment Agency of The City of Visalia.

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby authorize the deposit and withdrawal of the Redevelopment Agency of The City of Visalia monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the following Redevelopment Agency of The City of Visalia officers **or their successors in office** shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Eric Frost, Administrative Services Director/Treasurer _____

Renee Nagel, Finance Manager _____

Melody Much, Finance Manager _____

PASSED AND ADOPTED: STEVEN M. SALOMON, CITY CLERK

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

Attachment #1

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

Agenda Item Number (Assigned by City Clerk): 11b

Agenda Item Wording: Approve Resolution Number 2010-83 authorizing investment of monies in the Local Agency Investment Fund (LAIF) by delegated authorities for the City of Visalia.

Deadline for Action: None.

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost – 713-4474,
Liz Ybarra – 713-4598

Department Recommendation: Staff recommends that Council delegate authority to the Administrative Services Director/Treasurer Eric Frost, Finance Manager Renee Nagel, Finance Manager Melody Murch, as well as each of their successors, to invest monies in the Local Agency Investment Fund.

Local Agency Investment Fund: The current City of Visalia Statement of Investment Policy empowers the City by statute to invest in the Local Agency Investment Fund (LAIF). The LAIF was established by the State of California to enable treasurers to place funds in an investment pool. Each participating agency is limited to an investment of \$50 million per account. The City uses this fund for short term investments. Invested funds held in LAIF are available on demand and interest is paid quarterly.

Attachments:

Attachment #1: The City of Visalia Resolution authorizing investment of monies in the Local Agency Investment Fund.

Recommended Motion (and Alternative Motions if expected): Move to approve resolution number 2010-83 authorizing the investment of monies in the Local Agency Investment Fund and delegating authority to the Administrative Services Director Eric Frost, Finance Manager Renee Nagel, Finance Manager Melody Murch as well as each of their successors, to invest those monies in LAIF for The City of Visalia.

For action by:

City Council
 Redev. Agency Bd.
 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.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

RESOLUTION NO. 2010-83

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA

AGENCY
ADDRESS: 707 W. Acequia Ave. Visalia, CA 93291

AGENCY
PHONE #: 559 713-4598

AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of The City of Visalia.

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby authorize the deposit and withdrawal of The City of Visalia monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the Visalia City Council approves the following City of Visalia officers **or their successors in office** shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Eric Frost, Administrative Services Director _____

Renee Nagel, Finance Manager _____

Melody Much, Finance Manager _____

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

Attachment #1

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon CMC, Chief Deputy City Clerk

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

Agenda Item Number (Assigned by City Clerk): 11c

Agenda Item Wording: Second reading and adoption of Ordinances pertaining to the Mooney Blvd. Corridor Zoning Study Amendments, consisting of:

Ordinance 2010-12 approving Change of Zone No. 2010-09A: A request by the City of Visalia to change the zoning designation from C-R (Regional Retail Commercial) to C-SO (Shopping/Office Commercial), for all properties zoned C-R located on both sides of Mooney Boulevard between Beverly Drive and Walnut Avenue.

Ordinance 2010-13 approving Change of Zone No. 2010-09B: A request by the City of Visalia to change the zoning designation from PA (Professional/Administrative Office) to C-SO (Shopping/Office Commercial), for all properties zoned PA located on the east side of Mooney Boulevard between Noble Avenue and Beverly Drive.

Ordinance 2010-14 approving Change of Zone No. 2010-09C: A request by the City of Visalia to change the zoning designation from C-R (Regional Retail Commercial) to PA (Professional/Administrative Office), for property totaling approximately 2.8 acres located on the south side of Walnut Avenue approximately 940 feet east of Mooney Boulevard.

Ordinance 2010-15 approving Change of Zone No. 2010-09D: A request by the City of Visalia to change the zoning designation from C-R (Regional Retail Commercial) to PA (Professional/Administrative Office), for property totaling approximately 9.2 acres located south of Beech Avenue and north of Whitendale Avenue approximately 550 feet west of Mooney Boulevard.

Ordinance 2010-16 approving Zoning Text Amendment No. 2010-10B: A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance) to add certain permitted and conditionally-allowed uses (including supermarkets 30,000 sq. ft. or smaller, car washes, and convenience stores) in the Regional Retail Commercial (C-R) zone.

Ordinance 2010-17 approving Zoning Text Amendment No. 2010-10C: A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance) to reduce the front and street-side setback standards to 20 feet for buildings and to require

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.

25 feet for front and street-side landscaping for properties in the portion of Design District "A" that runs along Mooney Boulevard between Noble Avenue and Visalia Parkway.

Ordinance 2010-18 approving Zoning Text Amendment No. 2010-10D: A request by the City of Visalia to amend Title 17 of the Visalia Municipal Code (Zoning Ordinance) to add procedures for granting up to a twenty (20) percent administrative reduction of the parking requirements for properties in the portion of Design District "A" that runs along Mooney Boulevard between Noble Avenue and Visalia Parkway.

Deadline for Action: None

Submitting Department: Community Development Department /
Economic Development Department

Contact Name and Phone Number:

Chris Young, Community Development Director, 713-4392
Ricardo Noguera, Housing and Economic Dev. Director, 713-4190
Paul Scheibel, AICP, Planning Services Manager, 713-4369
Brandon Smith, AICP, Senior Planner, 713-4636

Recommendation: Staff recommends that the City Council conduct the second reading and adoption of Ordinance Nos. 2010-12 through 18.

Background/Summary: The second reading of Ordinances is the final action which the City Council must approve in order for the Mooney Blvd. Corridor Zoning Study Amendments to take effect. These Ordinances have not changed since the City Council approved the first reading for adoption of the Ordinances on November 15 and December 6, 2010.

The City Council has been considering a series of Amendments intended to provide regulatory relief to businesses attempting to locate on the Mooney Boulevard Corridor. The Amendments, if approved by the City Council, would officially adopt and implement the recommendations of the Mooney Blvd. Corridor Zoning Study (excepting the use definitions), which was presented to the Council on August 16, 2010.

On November 15, 2010, the City Council considered four sets of General Plan Amendments (GPAs) and Change of Zones (COZs) that would make land use designation and zoning map changes to accommodate uses which make a better fit in the built environments of certain areas. Council also considered four unique Zoning Text Amendments (ZTAs) which proposed changes to the City's Zoning ordinance through the addition of use definitions, additions to the Zoning Matrix, and changes to building space and parking space requirements.

After holding a public hearing, the City Council followed the Planning Commission's recommendation to approve the GPAs by Resolutions, and the COZs by adoption of the first reading of Ordinances. The Council also followed the Planning Commission's recommendation to deny the ZTA pertaining to use definitions, and to approve the ZTAs pertaining to changes to building space and parking space requirements by adoption of the first reading of Ordinances. With regard to the ZTA for the additions to the Zoning Use

Matrix, some Councilmembers questioned the desirability of allowing certain uses on the Mooney Boulevard Corridor, and requested that the item be continued for further discussion.

On December 6, 2010, the City Council discussed changes to the Zoning Use Matrix, particularly regarding the allowance of convenience stores, gas stations, car washes and grocery stores less than 30,000 square feet. The City Council ultimately approved the changes as recommended by the Planning Commission, which included retaining the above-mentioned uses as allowed uses on the Corridor. The Zoning Use Matrix attached to Ordinance 2010-16 includes the existing uses already allowed along the Mooney Corridor and those uses that are to be newly allowed. All Ordinances need to come back to City Council for a second reading.

If approved, the new Zoning designations and the Zoning Ordinance Text Amendments pertaining to the Zoning Use Matrix, building setbacks, and parking space requirements would take effect on January 19, 2011, which is 30 days from adoption.

Environmental Findings: An Initial Study was prepared for the project consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that environmental impacts are determined to be not significant. The City Council certified Negative Declaration No. 2010-73 on November 15, 2010.

Prior Council/Board Actions: On November 15, 2010, the City Council held a public hearing and:

- Approved on a 5-0 vote GPA Nos. 2010-08A, B, C, and D by adoption of Resolutions ;
- Approved on a 5-0 vote COZ Nos. 2010-09A, B, C, and D, and ZTA Nos. 2010-10C and D by adoption of the first readings of Ordinances;
- Denied on a 5-0 vote ZTA No. 2010-10A, related to new definitions that would be placed into the Zoning Ordinance, by adoption of Resolution; and
- Continued on a 4-1 vote (Lane No) ZTA No. 2010-10B related to the addition of new uses in the Zoning Use Matrix.

On December 6, 2010, the City Council held a work session to discuss the addition of new uses in the Zoning Use Matrix, and then approved on a 4-1 vote (Nelsen No) ZTA No. 2010-10B by adoption of the first reading of an Ordinance, as recommended by staff.

Committee/Commission Review and Actions: On October 25, 2010, the Planning Commission held a public hearing on the full package of amendments. The Commission voted 4-0-1 (Soltesz absent) to recommend approval of all amendments except for ZTA 2010-10A related to new definitions that would be placed into the Zoning Ordinance. The Commission then voted 3-1-1 (Salinas against, Soltesz absent) to recommend denial of ZTA 2010-10A.

Alternatives: None.

Attachments:

- Ordinance No. 2010-12 for COZ No. 2010-09A
- Ordinance No. 2010-13 for COZ No. 2010-09B
- Ordinance No. 2010-14 for COZ No. 2010-09C
- Ordinance No. 2010-15 for COZ No. 2010-09D
- Ordinance No. 2010-16 *with full Zoning Matrix* for ZTA No. 2010-10B
- Ordinance No. 2010-17 for ZTA No. 2010-10C
- Ordinance No. 2010-18 for ZTA No. 2010-10D

Recommended Motion (and Alternative Motions if expected):

I move to approve the second reading for adoption of Ordinance Nos. 2010-12 through 18, for Change of Zone Nos. 2010-09A, B, C, D, and Zoning Text Amendment Nos. 2010-10B, C, and D.

Environmental Assessment Status

CEQA Review: An Initial Study and Negative Declaration have been prepared for use with this project, consistent with the California Environmental Quality Act (CEQA). Negative Declaration No. 2010-73 was certified by the City Council on November 15, 2010. No further environmental review is needed.

NEPA Review: None Required

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

None.

Copies of this report have been provided to:

Planning Commission
Don Wright, Mooney Blvd. Business Association
Lisa Salazar, Visalia Chamber of Commerce
Glenn Morris, Visalia Chamber of Commerce
Hispanic Chamber of Commerce
Harvey May
Cathy Reilly

ORDINANCE NO. 2010 -12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING CHANGE OF ZONE NO. 2010-09A, A REQUEST BY THE CITY OF
VISALIA TO CHANGE THE ZONING FROM C-R (REGIONAL RETAIL COMMERCIAL)
TO C-SO (SHOPPING/OFFICE COMMERCIAL) FOR ALL PROPERTIES ZONED C-R
ALONG BOTH SIDES OF MOONEY BOULEVARD BETWEEN BEVERLY DRIVE AND
WALNUT AVENUE

WHEREAS, Change of Zone No. 2010-09A was initiated by the City of Visalia to change the zoning from C-R (Regional Retail Commercial) to C-SO (Shopping/Office Commercial) for all properties zoned C-R along both sides of Mooney Blvd. between Beverly Drive and Walnut Avenue; and

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

1. That no significant environmental impacts would result from this project, that no mitigation measures would be required, and that the City Council certified Negative Declaration No. 2010-73 by Resolution No. 2010-70.
2. The City of Visalia considered the Change of Zone in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Change of Zone is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That there is a distinct difference between the existing buildings along Mooney Blvd. that are north of Walnut Avenue from those that are south of Walnut Avenue. The buildings north of Walnut Avenue are generally smaller and are more often stand-alone sites, as opposed to multi-building shopping centers. This section of Mooney Blvd. is more similar in its size and design to other commercial areas in the city that are zoned C-SO. Changing the zoning in this section of Mooney Blvd. from C-R to C-SO will allow more uses that generally prefer smaller buildings to be able to locate within the area, thereby encouraging commercial occupancies.
5. That the development standards of Design District A will remain compatible with the established development patterns and setbacks on adjacent properties.

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on November 15, 2010.

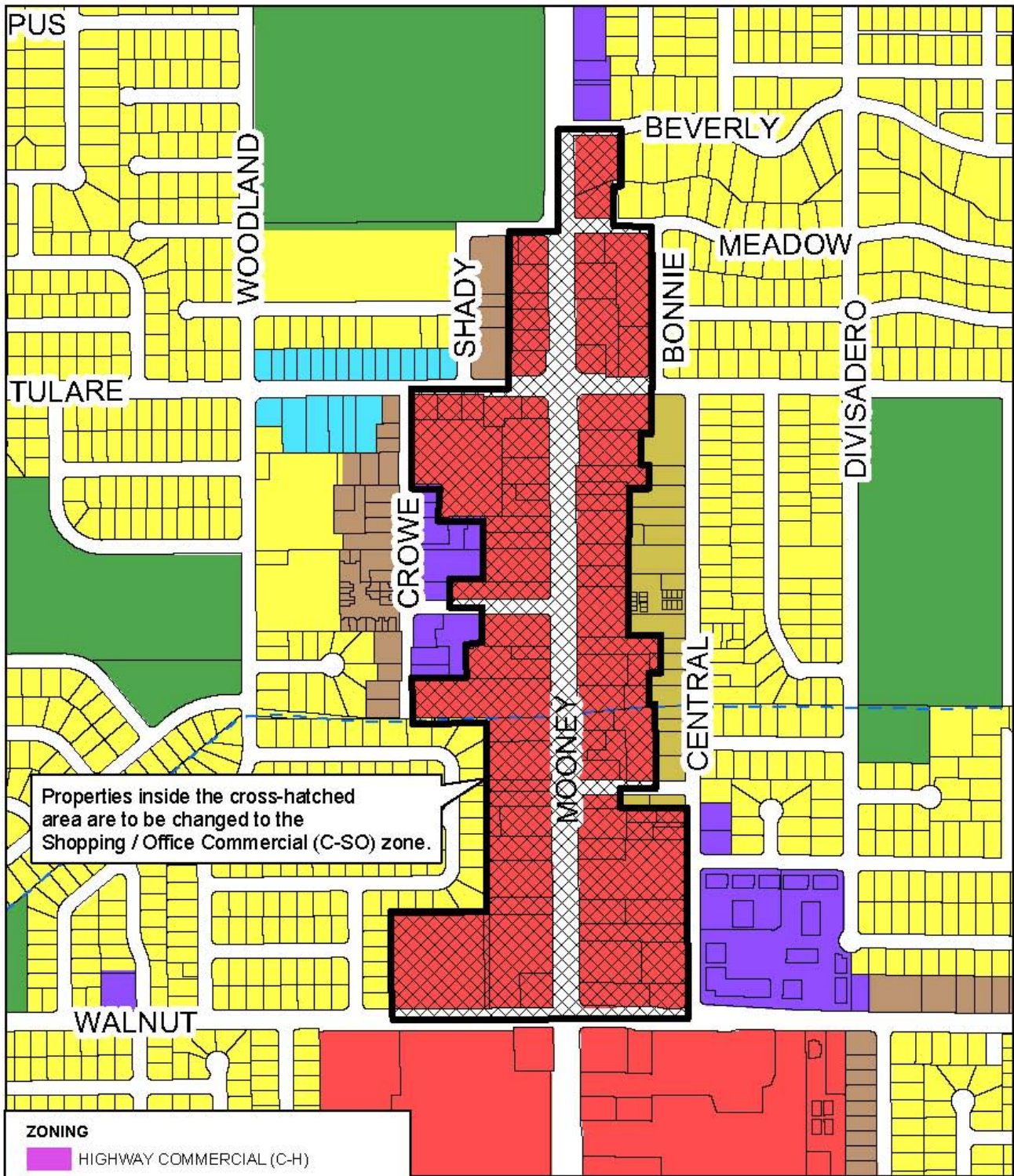
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1: On October 25, 2010, the Planning Commission recommended that the City Council of the City of Visalia approve Change of Zone No. 2010-09A.

SECTION 2: The official Zone Map of the City of Visalia shall be amended to show all properties currently zoned C-R (Regional Commercial) along both sides of Mooney Blvd.

between Beverly Drive and Walnut Avenue be zoned C-SO (Commercial Shopping/Office). See attached Exhibit A.

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



Properties inside the cross-hatched area are to be changed to the Shopping / Office Commercial (C-SO) zone.

ZONING

	HIGHWAY COMMERCIAL (C-H)
	REGIONAL RETAIL COMMERCIAL (C-R)
	SHOPPING / OFFICE COMMERCIAL (C-SO)
	OFFICE CONVERSION (OC)
	PROFESSIONAL / ADMIN. OFFICE (PA)
	QUASI-PUBLIC (QP)
	SINGLE-FAMILY RESIDENTIAL (R-1-6)
	MULTI-FAMILY RESIDENTIAL (R-M-2)
	MULTI-FAMILY RESIDENTIAL (R-M-3)

EXHIBIT A
 Ordinance No. 2010-12
 COZ No. 2010-009A

R

1:7,200



ORDINANCE NO. 2010 -13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING CHANGE OF ZONE NO. 2010-09B, A REQUEST BY THE CITY OF VISALIA TO CHANGE THE ZONING FROM PA (PROFESSIONAL ADMINISTRATIVE OFFICE) TO C-SO (SHOPPING/OFFICE COMMERCIAL) FOR ALL PROPERTIES ZONED PA ON THE EAST SIDE OF MOONEY BOULEVARD BETWEEN NOBLE AVENUE AND BEVERLY DRIVE

WHEREAS, Change of Zone No. 2010-09B was initiated by the City of Visalia to change the zoning from PA (Professional Administrative Office) to C-SO (Shopping/Office Commercial) for all properties zoned PA on the east side of Mooney Blvd. between Noble Avenue and Beverly Drive; and

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

1. That no significant environmental impacts would result from this project, that no mitigation measures would be required, and that the City Council certified Negative Declaration No. 2010-73 by Resolution No. 2010-70.
2. The City of Visalia considered the Change of Zone in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Change of Zone is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the zone change in this section of Mooney Blvd. from PA to C-SO would be more consistent with existing uses in the section and will allow more opportunities for additional commercial uses to locate there. The Change of Zone will also allow more uses that generally prefer smaller buildings to be able to locate within the area, thereby encouraging commercial occupancies.
5. That the development standards of Design District A will continue to be compatible with the established development patterns and setbacks on adjacent properties.

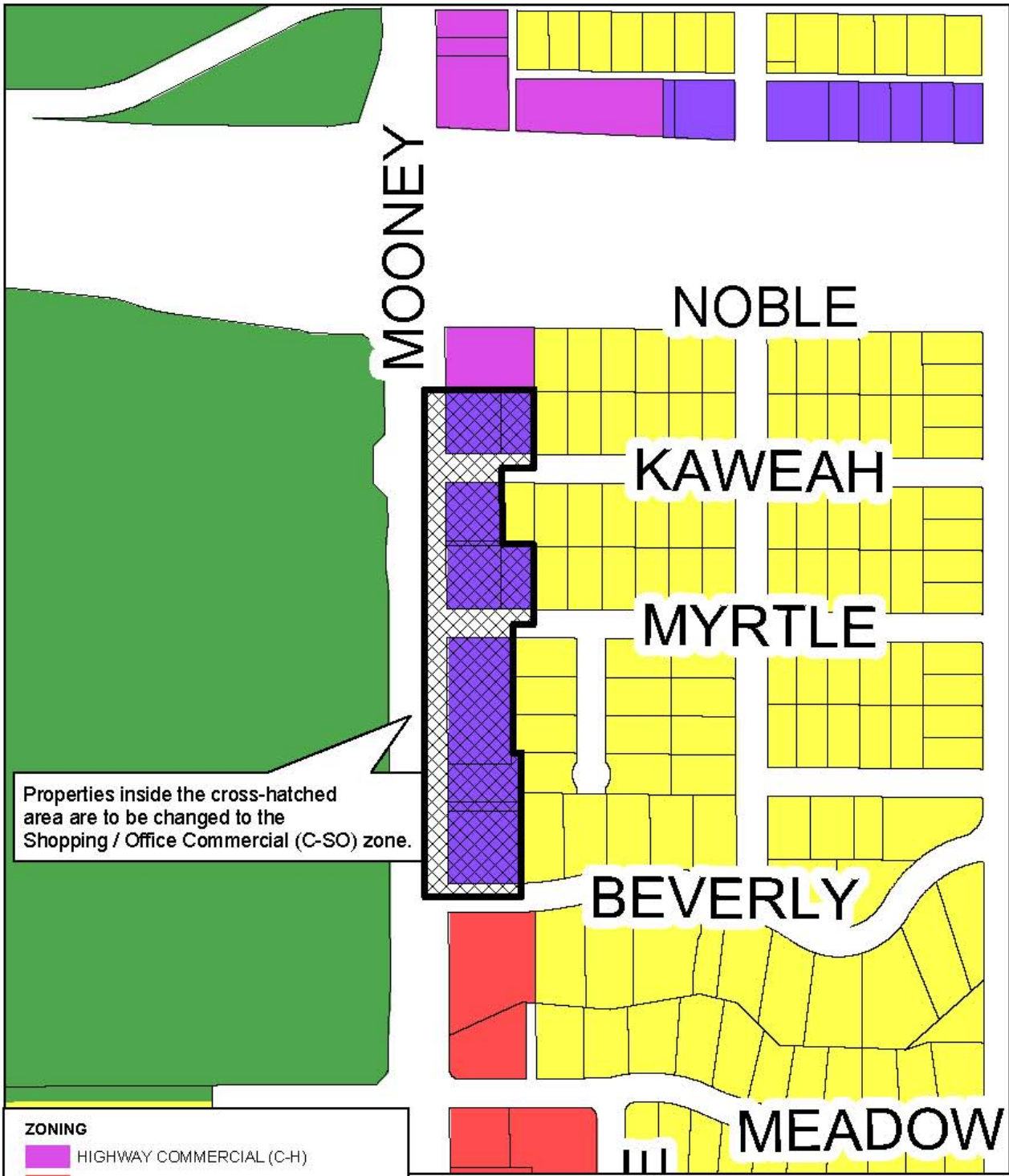
WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on November 15, 2010.

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

SECTION 1: On October 25, 2010, the Planning Commission recommended that the City Council of the City of Visalia approve Change of Zone No. 2010-09B.

SECTION 2: The official Zone Map of the City of Visalia shall be amended to show all properties currently zoned PA on the east side of Mooney Blvd. between Noble Avenue and Beverly Drive to be zoned C-SO (Commercial Shopping/Office). See attached Exhibit A.

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



Properties inside the cross-hatched area are to be changed to the Shopping / Office Commercial (C-SO) zone.

ZONING

	HIGHWAY COMMERCIAL (C-H)
	REGIONAL RETAIL COMMERCIAL (C-R)
	SHOPPING / OFFICE COMMERCIAL (C-SO)
	OFFICE CONVERSION (OC)
	PROFESSIONAL / ADMIN. OFFICE (PA)
	QUASI-PUBLIC (QP)
	SINGLE-FAMILY RESIDENTIAL (R-1-6)
	MULTI-FAMILY RESIDENTIAL (R-M-2)
	MULTI-FAMILY RESIDENTIAL (R-M-3)

EXHIBIT A
 Ordinance No. 2010-13
 COZ No. 2010-09B

F

1:3,600

ORDINANCE NO. 2010 -14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING CHANGE OF ZONE NO. 2010-09C, A REQUEST BY THE CITY OF VISALIA TO CHANGE THE ZONING FROM C-R (REGIONAL RETAIL COMMERCIAL) TO PA (PROFESSIONAL ADMINISTRATIVE OFFICE) FOR PROPERTY ON THE SOUTH SIDE OF WALNUT AVENUE APPROXIMATELY 940 FEET EAST OF MOONEY BOULEVARD

WHEREAS, Change of Zone No. 2010-09C was initiated by the City of Visalia to change the zoning from C-R (Regional Retail Commercial) to PA (Professional Administrative Office) for property located on the south side of Walnut Avenue approximately 940 feet east of Mooney Boulevard; and

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

1. That no significant environmental impacts would result from this project, that no mitigation measures would be required, and that the City Council certified Negative Declaration No. 2010-73 by Resolution No. 2010-70.
2. The City of Visalia considered the Change of Zone in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Change of Zone is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That changing the zoning in this area will allow more opportunities for additional office and medical offices uses to locate there, and that the Change of Zone will also solidify the area as a use buffer between the regional commercial and single-family residential uses.
5. That the development standards of Design District A will continue to be compatible with the established development patterns and setbacks on adjacent properties.

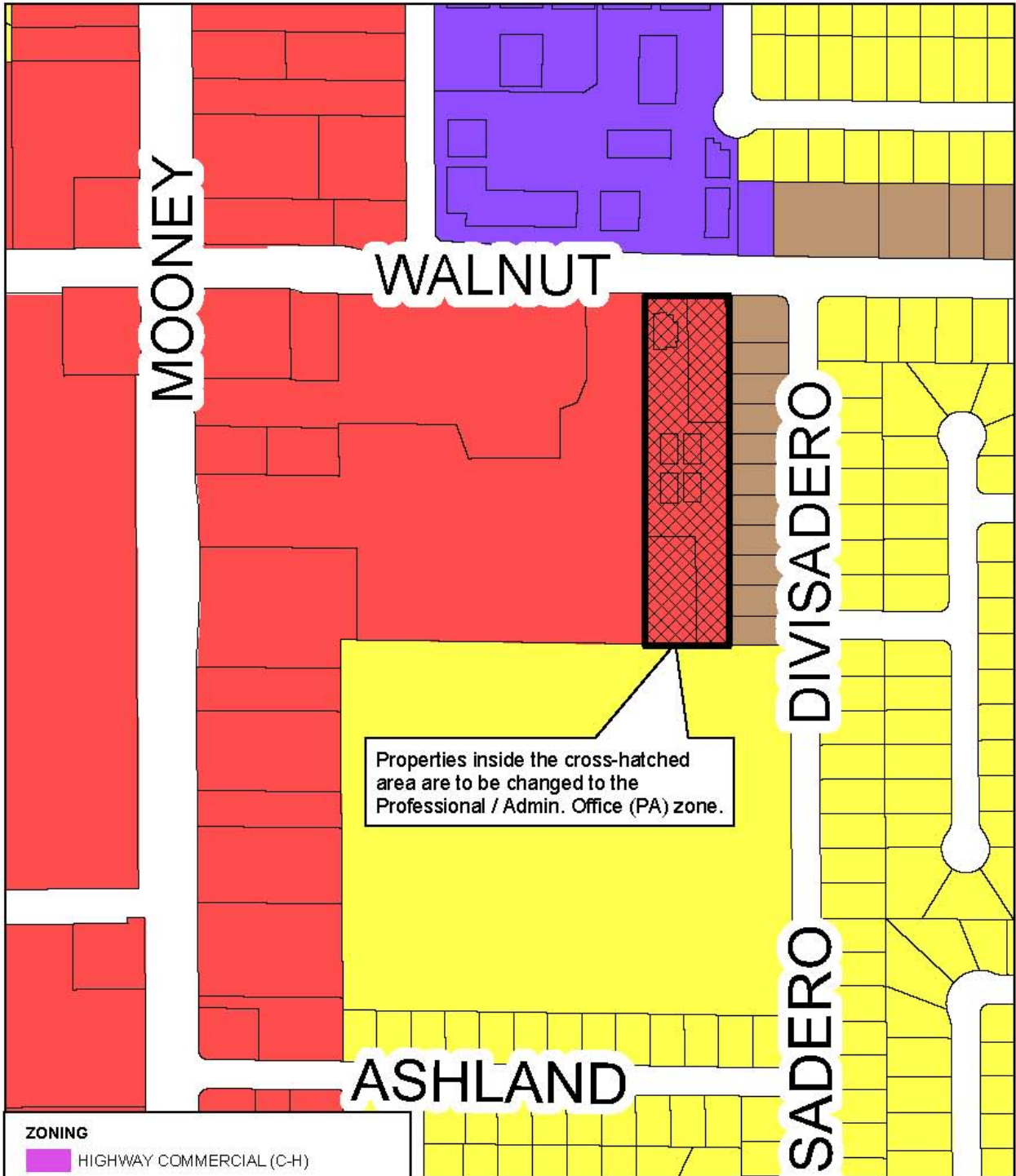
WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on November 15, 2010.

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

SECTION 1: On October 25, 2010, the Planning Commission recommended that the City Council of the City of Visalia approve Change of Zone No. 2010-09C.

SECTION 2: The official Zone Map of the City of Visalia shall be amended to show all properties developed with office buildings currently zoned C-R (Regional Commercial) located on the south side of Walnut Avenue approximately 940 feet east of Mooney Boulevard be zoned PA (Professional Administrative Office). See attached Exhibit A.

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



ZONING

	HIGHWAY COMMERCIAL (C-H)
	REGIONAL RETAIL COMMERCIAL (C-R)
	SHOPPING / OFFICE COMMERCIAL (C-SO)
	OFFICE CONVERSION (OC)
	PROFESSIONAL / ADMIN. OFFICE (PA)
	QUASI-PUBLIC (QP)
	SINGLE-FAMILY RESIDENTIAL (R-1-6)
	MULTI-FAMILY RESIDENTIAL (R-M-2)
	MULTI-FAMILY RESIDENTIAL (R-M-3)

F

EXHIBIT A
 Ordinance No. 2010-14
 COZ No. 2010-09C

1:3,600



ORDINANCE NO. 2010 -15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING CHANGE OF ZONE NO. 2010-09D, A REQUEST BY THE CITY OF VISALIA
TO CHANGE THE ZONING FROM C-R (REGIONAL RETAIL COMMERCIAL TO PA
(PROFESSIONAL ADMINISTRATIVE OFFICE) FOR PROPERTY LOCATED
APPROXIMATELY 550 FEET WEST OF MOONEY BLVD., SOUTH OF BEECH AVENUE,
AND NORTH OF WHITENDALE AVENUE

WHEREAS, Change of Zone No. 2010-09D was initiated by the City of Visalia to change the zoning from C-R (Regional Retail Commercial) to PA (Professional Administrative Office) for property totaling approximately 9.2 acres located approximately 550 feet west of Mooney Blvd., south of Beech Avenue, and north of Whitendale Avenue; and

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

1. That no significant environmental impacts would result from this project, that no mitigation measures would be required, and that the City Council certified Negative Declaration No. 2010-73 by Resolution No. 2010-70.
2. The City of Visalia considered the Change of Zone in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Change of Zone is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That changing the zoning in this area will allow more opportunities for additional office and medical offices uses to locate there, and that the Change of Zone will also solidify the area as a use buffer between the regional commercial and single-family residential uses.
5. That the development standards of Design District A will continue to be compatible with the established development patterns and setbacks on adjacent properties.

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on November 15, 2010.

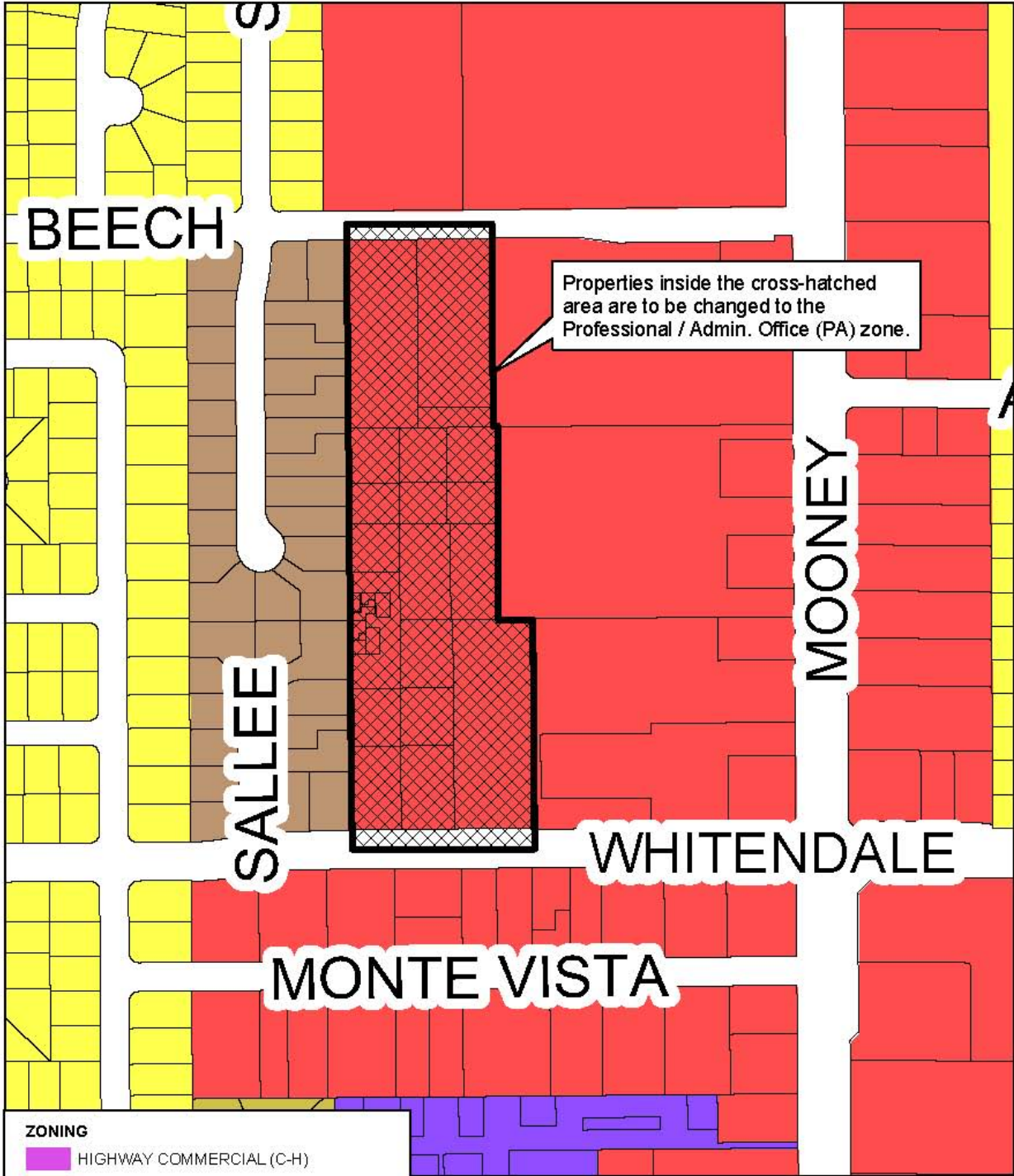
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1: On October 25, 2010, the Planning Commission recommended that the City Council of the City of Visalia approve Change of Zone No. 2010-09D.

SECTION 2: The official Zone Map of the City of Visalia shall be amended to show all properties developed with office buildings currently zoned C-R (Regional Commercial) located approximately 550 feet west of Mooney Blvd., south of Beech Avenue, and north

of Whitendale Avenue be zoned PA (Professional Administrative Office). See attached Exhibit A.

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



ZONING

	HIGHWAY COMMERCIAL (C-H)
	REGIONAL RETAIL COMMERCIAL (C-R)
	SHOPPING / OFFICE COMMERCIAL (C-SO)
	OFFICE CONVERSION (OC)
	PROFESSIONAL / ADMIN. OFFICE (PA)
	QUASI-PUBLIC (QP)
	SINGLE-FAMILY RESIDENTIAL (R-1-6)
	MULTI-FAMILY RESIDENTIAL (R-M-2)
	MULTI-FAMILY RESIDENTIAL (R-M-3)

EXHIBIT A
 Ordinance No. 2010-15
 COZ No. 2010-09D

F

1:3,600



ORDINANCE NO. 2010-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING ZONING TEXT AMENDMENT NO. 2010-10B, A REQUEST BY THE CITY OF VISALIA TO AMEND PORTIONS OF SECTION 17.18.050 OF THE VISALIA MUNICIPAL CODE (ZONING ORDINANCE) TO REVISE THE LIST OF ALLOWED AND CONDITIONAL USES IN THE REGIONAL RETAIL COMMERCIAL (C-R) ZONE

WHEREAS, a Zoning Ordinance Text Amendment request was filed by the City of Visalia, to revise the list of allowed and conditional uses in the Regional Retail Commercial (C-R) zones in the Visalia Zoning Ordinance, the specific text being identified in Exhibit A herein; and

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

1. That no significant environmental impacts would result from this project, that no mitigation measures would be required, and that the City Council certified Negative Declaration No. 2010-73 by Resolution No. 2010-73 on November 15, 2010.
2. The City of Visalia considered the Zoning Text Amendment in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Zoning Text Amendment is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the proposed amendment is consistent with the objectives, purpose and intent of Zoning Ordinance Section 17.02.020 by fostering a workable relationship among land uses, promoting the stability of existing land uses which conform to the district in which they occur, and ensuring that public and private lands ultimately are used for purposes which are appropriate and most beneficial for the city;
5. That the amendment will expand the number of uses allowed in the Regional Retail Commercial (C-R) zone while retaining the zone's focus of including uses that are primarily a regional commercial draw.

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on November 15, 2010, and

WHEREAS, after the public hearing was closed, the City Council of the City of Visalia continued the Zoning Text Amendment No. 2010-10B to December 6, 2010.

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

SECTION 1: On October 25, 2010, the Planning Commission recommended that the City Council of the City of Visalia approve Zoning Text Amendment No. 2010-10B.

SECTION 2 - List of uses as permit (P), conditional (C), and temporary conditional (T): Section 17.18.050 of the Visalia Municipal Code, pertaining to the list of permitted, conditional, and temporary conditional uses, shall be amended to read as follows (bold underline indicate new provisions; strikethrough indicates deleted provisions):

The following matrix represents all the permitted and conditional uses in the commercial, office, and industrial zone districts.

REPLACE THIS PAGE WITH ZONING MATRIX

ORDINANCE NO. 2010 -17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING ZONING TEXT AMENDMENT NO. 2010-10C, A REQUEST BY THE CITY OF VISALIA TO AMEND PORTIONS OF SECTION 17.30.160 OF THE VISALIA MUNICIPAL CODE (ZONING ORDINANCE) TO REDUCE THE FRONT AND STREET-SIDE SETBACK STANDARDS TO 20 FEET FOR BUILDINGS AND REQUIRE 25 FEET FOR FRONT AND STREET-SIDE LANDSCAPING IN DESIGN DISTRICT A

WHEREAS, a Zoning Ordinance Text Amendment request was filed by the City of Visalia, to amend the development standards applicable to a portion of Design District A in the Visalia Zoning Ordinance; and

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

1. That no significant environmental impacts would result from this project, that no mitigation measures would be required, and that the City Council certified Negative Declaration No. 2010-73 by Resolution No. 2010-70.
 2. That the City of Visalia considered the Zoning Text Amendment in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
 3. That the proposed Zoning Text Amendment is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
1. That the proposed amendment is consistent with the objectives, purpose and intent of Zoning Ordinance Section 17.02.020 by fostering a workable relationship among land uses, promoting the stability of existing land uses which conform to the district in which they occur, and avoiding a concentration of structures adjoining each other or juxtaposed too closely together in close proximity to each other.
 2. That the amendment will establish greater consistency between the setback development standards and actual building setbacks for the majority of existing buildings in Design District A, and will potentially allow for a greater density of building space to be constructed on the limited land along Mooney Blvd. and other land within Design District A while still requiring a landscaped setback from adjacent streets.

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on November 15, 2010.

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

SECTION 1: On October 25, 2010, the Planning Commission recommended that the City Council of the City of Visalia approve Zoning Text Amendment No. 2010-10C.

SECTION 2 – Design standards – Design district A): Section 17.30.160 of the Visalia Municipal Code, pertaining to development standards for property located within Design district A, shall be amended to read as follows (bold italics indicate new provisions): The following development standards shall apply to property located in district A. See Chapter 17.24 for additional BRP zone design standards:

- A. Building height: fifty (50) feet.
- B. Required yards:
 - 1. Front: thirty-five (35) feet minimum;
 - 2. Side: zero;
 - 3. Street side on corner lot: twenty-five (25) feet minimum;
 - 4. Side yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;
 - 5. Rear: zero;
 - 6. Rear yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum.
 - 7. ***Within the portion of Design district A that runs along Mooney Boulevard from Noble Avenue to Cameron Avenue and along Caldwell Avenue from Sallee Street to Packwood Creek, including where Design district A is located on both sides of Fairway Street, Monte Vista Avenue, Sunnyside Avenue, and Dorothea Avenue, the required Front yard shall be twenty (20) feet minimum and the required Street side on corner lot shall be twenty (20) feet minimum.***
- C. Parking as prescribed in Chapter 17.34.
- D. Site area: five acre minimum.
- E. Landscaping:
 - 1. Front: thirty-five (35) feet minimum;
 - 2. Street side on corner lot: twenty-five (25) feet;
 - 3. Side: five feet (except where a building is on sided property lines);
 - 4. Rear: five feet minimum. (Prior code § 7466)
 - 5. ***Within the portion of Design district A that runs along Mooney Boulevard from Noble Avenue to Cameron Avenue and along Caldwell Avenue from Sallee Street to Packwood Creek, including where Design district A is located on both sides of Fairway Street, Monte Vista Avenue, Sunnyside Avenue, and Dorothea Avenue, the required Front yard landscaping shall be twenty-five (25) feet minimum.***

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

ORDINANCE NO. 2010-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING ZONING TEXT AMENDMENT NO. 2010-10D, A REQUEST BY THE CITY OF VISALIA TO AMEND PORTIONS OF SECTION 17.30.160 AND ADDING SECTION 17.34.120 TO CHAPTER 17.34 OF THE VISALIA MUNICIPAL CODE (ZONING ORDINANCE) TO ADD PROCEDURES TO GRANT UP TO A 20 PERCENT ADMINISTRATIVE REDUCTION TO THE PARKING REQUIREMENTS FOR PROPERTIES WITHIN PORTIONS OF DESIGN DISTRICT A

WHEREAS, a Zoning Ordinance Text Amendment request was filed by the City of Visalia, to allow the City Planner or his/her designee to grant up to a 20 percent reduction in the off-street parking space requirements in the Visalia Zoning Ordinance, the specific text being identified in Exhibit A herein; and

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

1. That no significant environmental impacts would result from this project, that no mitigation measures would be required, and that the City Council certified Negative Declaration No. 2010-73 by Resolution No. 2010-70.
2. That the City of Visalia considered the Zoning Text Amendment in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Zoning Text Amendment is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the proposed amendment is consistent with the objectives, purpose and intent of Zoning Ordinance Section 17.02.020 by fostering a workable relationship among land uses, promoting the stability of existing land uses which conform to the district in which they occur, promoting a safe, effective traffic circulation system, and requiring adequate off-street parking and truck loading facilities;
5. That the amendment will encourage building reuse and expansion along Mooney Blvd. by providing an administrative procedure to more flexibly enforce the City off-street parking space requirements

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on November 15, 2010.

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

SECTION 1: On October 25, 2010, the Planning Commission recommended that the City Council of the City of Visalia approve Zoning Text Amendment No. 2010-10D.

SECTION 2 – Design standards – Design district A): Section 17.30.160 of the Visalia Municipal Code, pertaining to development standards for property located within Design district A, shall be amended to read as follows (bold italics indicate new provisions): The following development standards shall apply to property located in district A. See Chapter 17.24 for additional BRP zone design standards:

- A. Building height: fifty (50) feet.
- B. Required yards:
 - 1. Front: thirty-five (35) feet minimum;
 - 2. Side: zero;
 - 3. Street side on corner lot: twenty-five (25) feet minimum;
 - 4. Side yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum;
 - 5. Rear: zero;
 - 6. Rear yards abutting an R-A, R-1 or R-M district: fifteen (15) feet minimum.
- C. Parking as prescribed in Chapter 17.34. ***New uses within existing buildings or expansions of existing buildings located within the portion of Design district A that runs along Mooney Blvd. from Noble Ave. to Visalia Parkway and along Caldwell Avenue from Sallee Street to Packwood Creek, including where Design District A is located on both sides of Fairway Street, Monte Vista Avenue, Sunnyside Avenue, and Dorothea Avenue, may be eligible for an administrative parking reduction per Section 17.34.120.***
- D. Site area: five acre minimum.
- E. Landscaping:
 - 1. Front: thirty-five (35) feet minimum;
 - 2. Street side on corner lot: twenty-five (25) feet;
 - 3. Side: five feet (except where a building is on sided property lines);
 - 4. Rear: five feet minimum. (Prior code § 7466)

SECTION 3 – Off-street Parking: Chapter 17.34 of the Visalia Municipal Code, pertaining to off-street parking requirements, shall be amended to add new Section 17.34.120, reading as follows (bold italics indicate new provisions):

A. New uses locating in existing buildings or in an expansion of existing buildings shall not be prohibited because of a lack of off-street parking spaces if all the following requirements are met:

- 1. ***The use is located within the portion of Design District A that runs along Mooney Blvd. from Noble Ave. to Visalia Parkway and along Caldwell Avenue from Sallee Street to Packwood Creek, including where Design District A is located on both sides of Fairway Street, Monte Vista Avenue, Sunnyside Avenue, and Dorothea Avenue.***
- 2. ***The use is located in an existing building or shopping center that previously contained a use for which adequate parking was required on site; or***

the use is located in a building or shopping center that is being expanded from its original size, and the expansion results in the use not providing the required number of spaces.

- 3. The number of off-street parking spaces provided is more than the required number of off-street parking spaces multiplied by 80% (provided spaces > required spaces x 80%).***
- 4. The design of the parking area meets existing improvement standards as determined by the Site Plan Review Committee.***
- 5. The required amount of handicapped accessible parking spaces is provided. The required amount of handicapped spaces shall be calculated based upon the standard required amount of parking before reduction.***
- 6. An acknowledgement has been filed in a form acceptable to the city planner stating that the property owner accepts and desires the reduced on-site parking standards. Where a use's parking space requirement is calculated as part of a shopping center per Section 17.34.020(F)(14) and/or where there is an existing shared parking agreement in effect all property owners within the shopping center or subject to the shared parking agreement shall also first agree to the reduced parking standard.***

SECTION 4: This ordinance shall become effective 30 days after passage hereof.

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
1	A														
2	AGRICULTURAL-FARMING (see also Agricultural and Rural Residential Zones)														
3	Beekeeping														
4	Farmers' Market					T	T								
5	Grain Elevators/Silos														C
6	Greenhouses (commercial growers)												P	P	
7	Horse stables/Ranch (3 or more horses)														
8	Limited Raising of Small Animals, Livestock, and fowl on a Domestic Noncommercial Scale (2 cows, 4 sheep, goats, no pigs)* *not permitted 1/2 acre and less														
9	Raising of Livestock and Fowl, except Stockyards (commercial)														
10	Raising of Field, Truck or Orchard Crop & Horticultural Specialties												P		
11	Riding Academies/Stables														
12	Roadside Stands Selling Produce Grown on Site														
13	ANIMAL SHELTERS/HUMANE SOCIETIES													C	C
14	AUDITORIUMS (see THEATERS)														
15	AUTOMOTIVE (for gas stations see SERVICE STATIONS)														
16	Auto Leasing/Renting			C			C		P						
17	Auto Dismantling/Wrecking														C
18	Auto Machine Shops								P					P	
19	Auto Oil/Lube Shops		C	P	P	C	C		P						
20	Auto Repairs, Major-Overhauling, Rebuilding, Painting					C	C		P						
21	Automotive Supplies, Parts & Accessories		C	P	P	P	P		P						
22	Automotive Upholsterers								P						
23	Boat Sales/Service								P						
24	Car Washing														
25	- self service		C	C	C	C	C	C	P						
26	- automated		C	C	C	C	C	C	P					C	
27	Car Sales - New & Used														
28	- excluding major service/repairs						C		P						
29	- including major service/repairs						C		P						
30	Motorcycles, Sales and Service								P						
31	RV/Boat Storage Yards								P					P	
32	Recreational Vehicles Sales and Service								P					P	

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
66	COMMUNICATIONS														
67	Communication Equipment Building	C	C	C	P		C		P		C	C		P	P
68	Radio and TV Broadcasting Studios														
69	- with antenna off-site			P		P	P		P			C		P	P
70	- with antenna on-site			C					C					P	P
71	D														
72	DAYCARE, LICENSED														
73	Adult														
74	- six or few adults	P	P	P	P	P	P		P	P	P	P	P	P	P
75	- 7 to 12 adults	P	P	P	P	P	P		P	P	P	P	P	P	P
76	- 13 or more adults	C	C	C	C	C	C		C	C	C	C	C	C	C
77	Children														
78	- eight or fewer children	P	P	P	P	P	P		P	P	P	P	P	P	P
79	- 9 to 14 children	P	P	P	P	P	P		P	P	P	P	P	P	P
80	- 15 or more children	C	C	C	C	C	C		C	C	C	C	C	C	C
81	In Conjunction with Primary Use	P	P	P	P	P	P	P	P	P	P	P		P	P
82	E														
83	EATING & DRINKING ESTABLISHMENTS														
84	Bars/Taverns														
85	- within 300 feet of any residence/public use		C	C	C	C									
86	- not within 300 feet of any residence/public use		C	C	C	P									
87	- microbreweries/restaurant: brewing, limited bottling or packaging. Consumption on premises or distribution locally in kegs (not for resale)		C	C	C	P	C		C						
88	Cafeterias		P	P	P	P	P	P	P		C	P		C	C
89	Pizza/Sandwich Shops														
90	- serving wine/beer	C	P	P	P	P	P	P		C	C	P			
91	- no alcohol	P	P	P	P	P	P	P	P	C	C	P		C	C
92	Fast Food without Drive-Thru		P	P	P	P	P	P	P		C	P			
93	Fast Food without Drive-Thru Subject to Section 17.32.161													C	
94	Fast Food with Drive-Thru		C	C	C	C		C	C		C	C			
95	Fast Food with Drive-Thru Subject to Section 17.32.161													C	
96	Ice Cream Shop	P	P	P	P	P	P	P		C	C	P			
97	Night Clubs/Discotheques					C	C								
98	Sit-Down Restaurant/Cafe														
99	- with or without full bar using less than 25% of public area	C	P	P	P	P	P	P	P	C	C	P	C	C	C
100	- full bar using greater than 25% of public area		C	C	C	C	C	P		C	C	C			
101	Speciality food store					C									
102	ENCLOSED SOLID WASTE TRANSFER STATIONS								C					C	P
103	F														
104	FLORIST	P	P	P	P	P	P						C		

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
105	FORTUNETELLING/ PALM READER (see Municipal Code)			P											
106	FUEL STORAGE														
107	Propane/Butane				P			P						P	P
108	Propane/Butane (maximum 2000 gallons)					P			P						
109	Propane/Butane within 50 feet of Residential				C					C				C	C
110	Propane/Butane within 50 feet of Residential (maximum 2000 gallons)					C				C					
111	Above Ground Tanks - Installation of above ground tanks within 100 feet of a residential use or residential zoned property to dispense Class I, II, and III-A liquids <i>complying with the special</i>	C	C	C	C	C	C	C	C			C		C	C
112	Above Ground Tanks - installation of above ground tanks more than 100 feet from a residential use or residential zoned property to dispense Class I, II, and III-A liquids <i>complying with the special</i>	C	P	P	P	P	P	P	P			P		P	P
113	Pump & Underground Storage Tank														
114	- 500 gallons or less							P						P	P
115	- more than 500 gallons							C						P	P
116	Petroleum & Petroleum Products Storage													C	C
117	Public Fuel Dispensing (see SERVICE STATIONS)														
118	FUNERAL HOME/MORTUARY			C				C		C		C			
119	G														
120	GALLERIES-ART/PHOTOGRAPHY/CRAFTS		P	P	P	P	P	C	P			C			
121	H														
122	HOME BUSINESSES (see Chapter 17.32, Section 17.32.030)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
123	HOTELS AND MOTELS			C		C	C	P				C			
124	I														
125	J														
126	K														
127	KENNELS (located 500 feet or more from a residential zone)									C				C	
128	L														
129	LAUNDRY/DRY CLEANERS														
130	Dry Cleaners (cleaning plant)	P	P	P	P	P	P		P			P			
131	Dry Cleaners (cleaning plant including carpet/rug cleaning and dyeing)			P					P					P	
132	Pick-up Point	P	P	P	P	P	P		P	P		P			
133	Diaper Supply Service			P					P					P	
134	Linen & Uniform Supply			P					P					P	
135	Self service	P	P	P	P	P	P	P	P						

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
136	M														
137	MANUFACTURING/ ASSEMBLING														
138	Building & Construction Trade														
139	- building materials yards (storage & distribution)								P					P	P
140	- cabinetmaker/carpenter shops								P					P	P
141	- concrete & readymix manufacture & distribution													C	C
142	- contractors equipment storage yards								P					P	P
143	- drilling/dredging/ditching service								P						P
144	- lumberyard (see also RETAIL)								P					P	
145	- sheet metal shop								P					P	
146	Chemical Products (manufacturing, compounding, packaging, bottling)														
147	- agricultural chemicals (insecticides, fertilizer, herbicides)													P	P
148	- blending/compounding perfumes, cosmetics, etc.													P	P
149	- industrial chemicals (acids, alkalis, chlorine)													P	P
150	- ink manufacture														P
151	- laboratories (i.e., organic/inorganic)											C		P	P
152	- paint, dye & glue manufacturers													C	P
153	- pharmaceuticals											C		P	P
154	- manufacture of raw plastic materials, colorants, liquids, powders, resins													C	P
155	- soap detergent & other cleaning preparations													C	P
156	Food & Beverage - Preparation & Bottling/Packing & Distribution														
157	- animal & marine fats & oils (refining & rendering)														C
158	- beer & ale distributors								P					P	P
159	- breweries and wineries														C
160	- commercial bakeries								C					P	P
161	- dairy products processing & packaging													C	C
162	- fruit & vegetable brokers & shippers													P	P
163	- grain, feed & flour mills														C
164	- ice manufacturers & storage								P					P	P
165	- meat & poultry product processing including slaughtering														C
166	- meat and food locker, butchering, packaging								P					P	P

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
222	MEDICAL FACILITIES/SERVICES (for medical/dental offices see OFFICE)														
223	Hospitals, Acute Care (general medical/surgical)						C				C				
224	Ambulance Services/Medical Transport			C	C		C	C	C		C	C			
225	Convalescent Hospitals/Nursing Homes						C				C				
226	Clinics (medical group, urgent care/walk-ins, dental, counseling, rehabilitation)		C	C		<u>C</u>	C				C			C	C
227	Dialysis Centers			P		<u>C</u>	C		C	P	C			C	
228	Hospices										C				
229	Laboratories (medical testing & diagnostic)			P			C				C	P			
230	Medical Equipment/supplies (oxygen, prosthetics, walkers, etc.)			P	P	P	P		P		P				
231	Opticians - Dispensing		C			P	P				P				
232	Psychiatric Hospitals including										C				
233	Treatment of Substance Abuse														
234	Residential Alcohol/Substance										C				
235	Abuse Treatment Facility														
236	Rehabilitation Hospitals						C				C				
237	MUSEUMS (special interest/historical-public/private)					C	C				C				
238	N														
239	O														
240	OFFICES														
241	General Business and Professional (i.e., data processing services, employment agencies, insurance agencies, etc.)														
242	- less than 2,000 sq. ft.	P	P	P	P		P	P	P	P	P	P	P		
243	- more than 2,000 sq. ft.	C	C	P			P	C	C	P	P	P	P		
244	- less than 6,000 sq. ft.					P									
245	- more than 6,000 sq. ft.					C									
246	- up to 25% of total leased area for center	P	P					P		P	P	P	P		
247	- more than 25% of total leased area for center	C	C					C		P	P	P	P		
248	Medical (i.e., Physical therapists, physicians/surgeons, psychologists, dentists/ orthodontists, optometrists, etc.)	C	C	P	C	C	P	C		P	P		C		
249	Chiropractors	C	C	P	C	C	P	C		C	P		C		
250	Offices on the same site with a commercial/service establishment			P	P		P		P		P			P	P
251	Counseling/psychologist														
252	- individuals			P		<u>C</u>	P				P		P		

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
253	- groups			P		C					P				
254	Office Associated with Industrial Uses							P				P		P	P
255	Temporary Trailers (construction)	T	T	T	T	T	T	T	T	T	T	T	T	T	T
256	P														
257	PARCEL DELIVERY SERVICES/PARCEL DISTRIBUTION (UPS, Federal Express, etc.)			P				P	C			C		P	P
258	PARKING FACILITIES - FOR OFF-SITE USES			P	P	C	C	C	P	C	C	C		C	C
259	PARK & RIDE	C	C				C	C				C		P	P
260	PHOTOCOPY SERVICES/DESKTOP PUBLISHING														
261	With Printing Press			C	C	P	C			C	P			P	
262	Without Printing Press	P	P	P	P	P	P			P	P	P	P	P	
263	PHOTOGRAPHY/PHOTO SERVICES														
264	Photography Studio	C	P	P	P	P	P	C	C	C	C		C		
265	Photography Labs/Blue Printing/Microfilming (developing, printing - no retail on site)			P			C		P	C	C	P		P	
266	Photography labs (developing, printing - no retail on site)			P			C		P			P		P	
267	Photography Labs with Retail on Site		P	P	P	P	P	P	P						
268	Retail - Drop-off/Pick-up	P	P	P	P	P	P	P							
269	PLANNED CONVENIENCE CENTERS														
270	PLANNED UNIT DEVELOPMENTS (Subject to Chapter 17.26)	C	C	C	C	C	C	C	C	C	C	C	C	C	C
271	PRIVATE CLUBS AND LODGES			C		C*	C				C				
272	PRIVATE POSTAL SERVICE (Mail Boxes, Mailing Service) (see also PARCEL DELIVERY SERVICES)	C	P				P	P				P		P	
273	PUBLIC COMMUNITY SERVICES														
274	Community & Recreation Centers		C	C			C								
275	Fire Stations			C	C	C P	C	C	C		P	C		P	P
276	Police Stations & Substations		C	P	P	P	P	P	P		P	P		P	P
277	Post Offices						C				P				
278	Public Buildings, Offices & Grounds	C	C	C	C	P	P	P			C	C			
279	Public Golf Courses/Driving Ranges							C							
280	Public Libraries	C	C	C			P				C	C			
281	Public Parks/Playgrounds			C			P	C							
282	Post Office Substations	C	C	P	P	P	P	P		P	P	P		P	

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
320	RETAIL														
321	General Merchandise														
322	- less/equal to 4,000 sq. ft.	P						P				C			
323	- greater than 4,000 sq. ft.	C													
324	- less/equal to 6,000 sq. ft.		P												
325	- greater than 6,000 sq. ft.		C												
326	- less/equal to 40,000 sq. ft.			P				P							
327	- greater than 40,000 sq. ft.			C				C							
328	- less/equal to 60,000 sq. ft.				P	P									
329	- greater than 60,000 sq. ft.				C	P									
330	Building/Landscape Materials														
331	- lumberyards (see MANUFACTURING/ ASSEMBLING)														
332	- fencing stores/yards								P					P	
333	- floor & wall coverings		C	P		P	P		P						
334	Garden Centers/Nurseries														
335	- located within primary use		P	P	P				P						
336	- stand alone		C	C	C				P					P	
337	Glass Stores (windows, etc. for auto, residential, commercial)			P	P				P						
338	Hardware Stores including lumberyards								P						
339	Hardware Stores					P									
340	Hardware Stores less than 10,000 square feet	C	P	P	P		P		P						
341	Paint Stores			P	P	P			P						
342	Home Improvement			P	C	P			P						
343	Department Stores/Discount Stores (greater than 40,000 sq. ft.)			P	C	P	C								
344	Drugstore/Pharmacy														
345	- including general retail merchandise		P	P	P	P	P								
346	- not including general retail merchandise		P	P	P	P	P			C	P	P			
347	- not including general retail merchandise, up to 1,500 sq. ft.	P	P		P	P		P			P				
348	- with general retail merchandise, with restrictions: *parcel must be corner property at arterial/arterial or arterial/collector intersections. Parcel size not to exceed 60,000 sq. ft. Building size not to exceed 14,000 sq. ft.										C				
349	Farm Equipment Sales								P					P	
350	Feed Stores			C					P						

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
351	Food Stores														
352	- convenience store - 7000 sq. ft. or less	C	C	C	C	C	C	C	C			C		C	C
353	- liquor store within 300 feet of residential/public use			C	C		C								
354	- liquor store not within 300 feet of residential/public use	C	C	P	P		C								
355	- specialty food stores, i.e. bakery, delicatessen, butcher shop, meat market, health food, gourmet/imported food, etc.	P	P	P	P	P	P			C		C			
356	- supermarkets/grocery stores 30,000 sq.ft. or smaller	C	P	P	P	P	P								
357	- supermarkets/grocery stores over 30,000 sq.ft.	C	P	P	P		P								
358	Wine Tasting			C	C	C	C	C							
359	Appliances														
360	- small	P	P	P	P	P	P								
361	- large			P	P	P	C								
362	Furniture & Furnishings														
363	- new			P	P	P	P		P						
364	- secondhand *up to 10,000 square feet		P	P	P	P	P		P						
365	Gun Shops														
366	- within primary use		P	P	P	P	P								
367	- stand alone			P	C	P	P								
368	Magazine/Newspaper Sales (Freestanding Booth/Stand/Kiosk)														
369	- indoor	P	P	P	P	P	P	P	P	P	P	P			
370	- outdoor	C	C	C	C	C	C	C	C	C	C	C			
371	Outlet Stores														
372	- bakery			P											
373	- apparel			P	P	P									
374	- furnishings			P	P										
375	Pawnshops			P			C								
376	Pet Stores		P	P	P	P	P								
377	Pool/Spa Supplies/Equipment			P	P	P	P		P					P	
378	Secondhand Store/Thrift Shops														
379	- up to 2,000 square feet			P	P	P	P								
380	- greater than 2,000 square feet			P	C	P	C								
381	S														
382	SCHOOLS, PUBLIC AND PRIVATE (see also Quasi-Public and Residential Zones)														
383	Preschool/After-School Care			C	C		C			C	C	C	C		
384	Elementary Schools, K-6 or K-8														
385	Middle Schools														
386	High Schools														
387	Colleges/Universities (academic)					C						C			
388	Business, Trade, Vocational, or other Specialized Schools			C		C	C		C		C	C		C	
389	After Hours Academic Education Facilities (After 6:00 p.m.)			C	C	C	C			P	P	P			

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
390	SERVICE, COMMERCIAL														
391	Air Conditioning Shops							P						P	
392	Appliance, Electrical Equipment, Tools (disassemble & repair)														
393	- small	C	P	P			P	P							
394	- large			P			C	P						P	
395	Check-Cashing Service		C	P	C		C								
396	Chemical Stripping/Powder Coating							P						P	P
397	Chrome & Anodizing Shops							P						P	P
398	Courier Services			P			P	P	C		P				
399	Equipment Rental														
400	- construction			C				P						P	
401	- domestic			P	P		P	P							
402	Exterminators/Fumigators							P						P	
403	Gunsmith Shops, including incidental retail			P			C	P						P	
404	Heavy Machinery and Equipment (welding, cutting, grinding, casting, etc.)							P						P	P
405	Janitorial Service							P							
406	Lawn Maintenance & Tree Trimming							P						P	
407	Locksmiths	P	P	P	P	P	P	P							
408	Other Household & Maintenance Services							P						C	
409	Pet Grooming	P	P	P	P	P	P	P							
410	Printing Service (see also PHOTOCOPY SERVICES)		C		P		C								
411	Repair Shops							P						P	
412	Sharpening Service														
413	- tools, knives, saw blades, lawn mowers, etc.							P						P	
414	- small tools not including	C	P	P			P	P						P	
415	Sheltered Workshops	C	C	C				P			C			P	
416	Shoe Repair Shops	P	P	P	P	P	P	P							
417	Sign Painting & Fabrication							P						P	
418	Taxidermists			P			C	P						P	
419	Tailor, Dressmaking, & Alterations	P	P	P	P	P	P	P							
420	Upholstering Shops (furniture only)			P				P						P	
421	- Showroom with minimum 35% of gross receipts to be retail sales						C								
422	SERVICE STATIONS														
	Gasoline Service Stations														
423	Fuel dispensing only - not including major auto repair services of any kind (Ord. 2382)	C	C	C	C	C	C	P	P			C		P	
424	Also including major auto repair services			C	C	C		C	P					C	
	— fuel dispensing	C	C		C		C	P	P					P	

		COMMERCIAL								OFFICE				INDUSTRIAL	
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
425	Also including dispensing of diesel fuel and/or light servicing of trucks							C	P					C	

		COMMERCIAL							OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
463	Businesses which Initially Employ more than 750 Employees					<u>C</u>	C			C	C	C		C	C

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

City of Visalia
Agenda Item Transmittal

Meeting Date: December 20, 2010

Agenda Item Number (Assigned by City Clerk): 11d

Agenda Item Wording: Initiate a General Plan and Zoning Map Amendment to change the General Plan Land Use and Zoning designations from CS (Service Commercial) to P-C-DT (Planned Central Business District Retail) zone, on 20 parcels totaling 12.47 acres, located generally along Santa Fe Street and Tipton Street, between Center Avenue and Race Avenue (APNs 094-100-011, -038, -039, 094-240-001, -002, -013, -024, -025, -033, -040, -041, 094-250-002, -038, -039, -040,-041, 094-264-012, -015, -017, -018)

Deadline for Action: None

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

Contact Name and Phone Number:

Chris Young, Community Development Director - 713-4392
Ricardo Noguera, Housing and Economic Development Director, 713-4190
Paul Scheibel, AICP, Planning Services Manager – 713-4369

Department Recommendation: Staff recommends that the City Council initiate a General Plan (GPA) and Zoning Map (ZC) Amendment to change the land use and zoning designations of a 12.47 acre area along Santa Fe Street as shown on the attached maps. The proposed change is from CS (Service Commercial) to C-DT (Downtown Commercial). Staff's recommendation is premised on the conclusion that Downtown Commercial Zoning along this section of the Santa Fe Corridor will foster future development and uses that are complementary to both the existing Downtown Commercial District and the emergence of Santa Fe Street as key north/south corridor and major entry to the Downtown Area.

Background and Summary: City staff has been in contact with property owners and prospective tenants in the subject area. As a result of the discussions, staff has concluded that the existing CS zoning will not effectively facilitate the types of projects being contemplated for the area, including medical related uses which are not allowed in the CS zone. Given interest in downtown related uses for the corridor, it is recommended that the area be considered for a General Plan Amendment and zone change to a Downtown Commercial category. If authorized and approved, this change would expand tenant and development opportunities for these properties with potential uses that would complement the downtown.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____

Finance _____

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

City Mgr _____

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

If the City Council authorizes the action, the costs associated with the GPA/ZC and the environmental document will be paid by the Redevelopment Agency East Project Area. The costs are anticipated to be \$6,000. The processing time is anticipated to be 60-120 days from the date the applications are formally filed.

Discussion: The C-DT Zoning is recommended because it would extend the logical boundaries of the current Downtown Area eastward across Santa Fe to Tipton Street. The areas that would remain in CS Zoning are already predominately in use with heavier type service, machine shops, and commercial retail establishments. The area to the east, including the future Civic Center site at the northeast corner of Oak and Tipton, and the area farther to the east may transition to other zoning in the future under the East Downtown Strategic Plan. The area now being proposed for this zone change would become a logical transition area between the traditional Central Downtown Area and the future Civic Center and greater East Downtown area.

The proposed GPA/ZC would foster new developments with more urbanized site design standards (such as minimized building setbacks and higher floor area ratio buildings) and it would allow the types of professional and retail uses already being seen in the area (such as Buckman-Mitchel Insurance, Chamber of Commerce, the Portales Restaurant/Canby Architects bldg, Main Street Promenade Development). It would also complement the substantial investment the City has made in making Santa Fe Street an attractive and viable entrance to Downtown and as a vital north/south thruway for this part of the City. The recently completed Santa Fe Bridge and the street improvements made in conjunction with the Buckman-Mitchel and Main Street Promenade Developments are examples of this commitment and tangible progress.

Staff has conducted outreach to potentially affected property owners in this portion of the Santa Fe Corridor. On November 18, 2010, approximately 12 persons attended an open house/information session on the proposal. The response from these parties was generally very favorable because it would increase their property's development potential, while still grandfathering existing uses. In addition, the Downtown Visalians organization has expressed its support for the action should it be pursued. Their reasons in support of the action lie with the potential for improving the aesthetic appeal and viability of Santa Fe as an entry to the Downtown Area.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Recommended Motion (and Alternative Motions if expected): I move to initiate General Plan and Zoning map Amendments as recommended in the staff report.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review:

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

Copies of this report have been provided to:

Downtown Visalians
Chamber of Commerce
Property owners

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

Agenda Item Number (Assigned by City Clerk): 12a

Agenda Item Wording: Annual status report for the Visalia Public Finance Authority (VPFA)

Deadline for Action: n/a

Submitting Department: Administration / Finance

Contact Name and Phone Number:
Eric Frost 713-4474 / Liz Ybarra 713-4598

Department Recommendation: Staff recommends Council appoint the following Directors and Officers to the Board of Directors of the Visalia Public Finance Authority (VPFA):

Bob Link, Director	Steve Salomon, Manager
Amy Shuklian, Director	Leslie Caviglia, Secretary
Warren Gubler, Director	Eric Frost, Fiscal Officer
Mike Lane, Director	
Steve Nelsen, Director	

Summary/background: The VPFA is a joint powers authority between the City and the Redevelopment Agency that was formed in February 1991 to assist the City's financing needs. Annually, the Visalia City Council members, who also preside as the Board of Directors for the VPFA, must receive and acknowledge a VPFA status report. This status report also fulfills the VPFA's requirement to hold an annual information meeting. Additionally, directors and officers must be officially appointed on an annual basis.

The VPFA was used as the financing arm for several City projects. Currently, only one VPFA bond debt issue remains outstanding. In 2005, the VPFA refinanced its outstanding debt on the Convention Center and paid down the debt's principal by \$5 million. This action reduced the average interest cost from 5.7 to 4.0 percent and reduced the remaining term of the debt by 6 years.

Past Debt Issues include:

- In 1993, the VPFA was utilized to complete the issuance of the Mooney / Central Redevelopment bonds. These bonds were refinanced at a lower rate with a private bank loan in November 2004 and are now an obligation of the City.
- The VPFA was also used in 1996 to issue Golf Course Improvement bonds which were repaid by a General Fund loan to the Golf fund. The Mooney / Central loan and Golf Course loan are no longer debts of the VPFA but City Debts.

For action by:
 City Council
 Redev. Agency Bd.
 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.

VPFA Debt Summary

Debt	Issue Date	Orig. Principal	Principal Bal 6/30/2010	Maturity Date
2005 Refunding Certificates of Participation - Visalia Convention Center	May 2005	\$21,590,000	14,955,000	November 2020

The next debt service payments are due in June 2011 for \$349,800 (I) and December 2011 for \$1,709,800 (P&I).

Prior Council/Board Actions: The VPFA has been used to assist in several municipal financings, including the Mooney / Central Redevelopment, Golf Course improvements, and the Convention Center refinancing.

Committee/Commission Review and Actions:

Alternatives: No action required

Attachments:

Recommended Motion (and Alternative Motions if expected): Move to acknowledge the VPFA status report and approve the VPFA directors and officers

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*)

Annual appointment of the directors and officers.

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

Agenda Item Number (Assigned by City Clerk): 12b

Agenda Item Wording: Approve VPFA Resolution Number 2010-01 authorizing investment of monies in the Local Agency Investment Fund (LAIF) by delegated authorities for the Visalia Public Financing Authority of The City of Visalia.

Deadline for Action: None.

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost – 713-4474,
Liz Ybarra – 713-4598

Department Recommendation: Staff recommends that Council delegate authority to the Administrative Services Director/Treasurer Eric Frost, Finance Manager Renee Nagel, and Finance Manager Melody Murch, as well as each of their successors, to invest monies in the Local Agency Investment Fund for the Visalia Public Financing Authority of The City of Visalia.

Local Agency Investment Fund: The current City of Visalia Statement of Investment Policy empowers the City by statute to invest in the Local Agency Investment Fund (LAIF). The LAIF was established by the State of California to enable treasurers to place funds in an investment pool. Each participating agency is limited to an investment of \$50 million per account. The City uses this fund for short term investments. Invested funds held in LAIF are available on demand and interest is paid quarterly.

Attachments:

Attachment #1: The Visalia Public Financing Authority of The City of Visalia Resolution authorizing investment of monies in the Local Agency Investment Fund.

Recommended Motion (and Alternative Motions if expected): Move to approve VPFA resolution number 2010-01 authorizing the investment of monies in the Local Agency Investment Fund and delegating authority to the Administrative Services Director Eric Frost, Finance Manager Renee Nagel, Finance Manager, Melody Murch, as well as each of their successors, to invest those monies in LAIF for The City of Visalia.

For action by:

City Council
 Redev. Agency Bd.
 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.

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*)

VPFA RESOLUTION NO. 2010-01

RESOLUTION OF THE CITY COUNCIL OF THE VISALIA PUBLIC FINANCE AUTHORITY OF THE CITY OF VISALIA

AGENCY
ADDRESS: 707 W. Acequia Ave. Visalia, CA 93291

AGENCY
PHONE #: 559 713-4598

AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of the Visalia Public Finance Authority of the City of Visalia.

NOW THEREFORE, BE IT RESOLVED, that the Visalia City Council does hereby authorize the deposit and withdrawal of The City of Visalia monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the Visalia City Council approves the following Visalia Public Finance Authority of The City of Visalia officers **or their successors in office** shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Eric Frost, Administrative Services Director _____

Renee Nagel, Finance Manager _____

Melody Much, Finance Manager _____

PASSED AND ADOPTED: STEVEN M. SALOMON, CITY CLERK

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

Attachment #1

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

Dated:

STEVEN M. SALOMON, CITY CLERK

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 20, 2010

Agenda Item Number: 13

Agenda Item Wording: Second Reading of Ordinance No. 2010-20 to adopt the 2010 California Fire Code, 2010 California Administrative Code, 2010 California Referenced Standard Code, 2010 California Building Code, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Electric Code, 2010 California Historical Building Code, 2010 California Existing Building Code, 2010 California Residential Code, 2010 California Green Building Standards Code, and 2010 California Energy Code. These are State mandated changes to the Codes.

Deadline for Action: January 1, 2010

Submitting Departments: Community Development Department/Building Safety Division, Fire Department and Construction Review Committee.

Contact Name and Phone Number:
Dennis Lehman, Building Official, 713-4495
Mark Nelson, Fire Chief, 713-4218

Introduction: This is the second reading for adoption of an ordinance adopting the upcoming State mandated changes to the California Codes that are listed above. These State Code changes are effective January 1, 2011. As previously noted during a Work Session of the City Council on October 4, 2010, 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). Local amendments to the new Residential Code that are recommended by the City's Fire Chief are not included in this proposed ordinance but may be considered at a later date. The Fire Chief and the Building Official will work closely with the Home Builder's Association and the development community to draft and implement new policies which may void the necessity for a local code amendment.

Staff Recommendation: Conduct a public hearing, then approve the second reading and adopt Ordinance No. 2010-20 to adopt updates to the 2010 California Fire Code, 2010 California Administrative Code, 2010 California Referenced Standard code, 2010 California Building Code, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Electric Code, 2010 California Historical Building Code, 2010 California Existing Building Code, 2010 California Residential Code, 2010 California Green Building Standards Code, and 2010 California Energy Code, including Appendices as determined by the Building Official and Fire Chief.

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

For placement on which agenda:
 Work Session
 Closed Session

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 3

Review:

Dept. Head _____
(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.

Summary: On January 1, 2011, the 2010 California Building Standards, Title 24 Codes become effective. The 2010 Building Standards contain two new mandatory code volumes; the Residential Code (one and two-family) and the California Green Code (first in the country). Local amendments to the 2010 Building Codes are permitted at the discretion of the City Council. There are no proposed local amendments at this time, the Building Division and the Fire Department will continue to work with local developers concerning any proposed changes to the Building Codes and which can be presented to City Council at a later date.

Background: On July 1, 2010, the State of California, Building Standards Commission published the 2010 California Fire Code (CFC), 2010 California Administrative Code, 2010 California Referenced Standard code, 2010 California Building Code (CBC), 2010 California Plumbing Code (CPC), 2010 California Mechanical Code (CMC), 2010 California Electric Code (CEC), 2010 California Historical Building Code, 2010 California Existing Building Code, 2010 California Residential Code (CRC), 2010 California Green Building Standards Code (CALGreen), and 2010 California Energy Code. Local jurisdictions are required by state law to implement these State of California mandated codes along with local amendments by January 1, 2010.

The Building Safety Division, in order to address more specifically some code requirements, recommends adoption of some Appendices found in each code. The following Appendices have been identified to be adopted during this code cycle: 2010 California Building Code appendix B: Board of Appeal, C: Group U - Agricultural Buildings, F: Rodentproofing, H: Signs, I: Patio Covers, and J: Grading. 2010 California Residential Code appendix H: Patio Covers. 2010 California Mechanical Code appendix B: Procedures to be followed to Place Gas Equipment into operation, C: Installation and testing of oil (liquid) fuel-fired equipment, D: Unit Conversion Table. 2010 California Plumbing Code appendix A: Recommended Rules of Sizing the Water Supply system, B: Explanatory Notes on Combination Waste & Vent systems, D: Drainage Systems, I: Installation Standards, and K: Private Sewage Systems. 2010 California Green Building Standards Code appendix A4: Residential Voluntary Measures, A5: Nonresidential Voluntary Measures.

The Fire Chief recommends amendments to the California Building Code Section 903.2.18 and the California Residential Code Sections R313.2 and R313.3.1.1 Exception #4, and the adoption of the following Appendix in the California Fire Code: Appendix Chapter 4: Special Detailed Requirements Base On Use and Occupancy, B: Fire-Flow Requirements for Buildings, BB: Fire-Flow Requirements for Buildings, C: Fire Hydrant Locations and Distribution, CC: Fire Hydrant Locations and Distribution, D: Fire Apparatus Access Roads, E: Hazard Categories, F: Hazard Ranking, G: Cryogenic Fluids-Weight and Volume Equivalents, H: Hazardous Materials Management Plans and Hazardous Materials Inventory Statements, and I: Fire Protection Systems-Noncompliant Conditions.

The Code adoption process is to repeal the present ordinance chapters and replace them with the current code required by the state with local amendments recommended by City staff and Construction Review Committee.

2010 Fee schedules contained in any of the adopted codes are deleted and replaced by a fee schedule prepared by the Chief Building Official. The current existing building permit fees will remain the same and will have no increase at this time. The existing building permit fee schedules were prepared by the Chief Building Official and presented to and adopted separately by the City Council as resolution number 2007-34 dated June 2, 2007. A fee for

inspections and plan reviews of the new residential fire sprinkler system requirement is being developed for future consideration by City Council.

It is the recommendation of the Construction Review Committee, the Fire Department and the Division of Building Safety that these codes be adopted.

Prior Council/Board Actions: First reading of Ordinance 20-20 was conducted on December 6, 2010.

Committee/Commission Review and Actions: Construction Review Committee recommended Council Approval.

Alternatives: Take no action – State building code would become effective without local amendments and adoption of appendices January 1, 2011 by operation of law.

Attachments: Ordinance No. 2010-20

Recommended Motion (and Alternative Motions if expected): Move to adopt Ordinance No. 2010-20 repealing existing and adopting updated Building and Construction Ordinance Chapter 15.04 through Chapter 15.76 and repealing existing and adopting updated Fire Ordinance Chapter 8.20.010 as submitted.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

Copies of this report have been provided to:

**ORDINANCE NO. 2010-20
AN ORDINANCE OF THE CITY OF VISALIA
TO REPEAL AND ADOPT IN THEIR ENTIRETY
CHAPTERS 15.04 THROUGH 15.76
OF THE VISALIA MUNICIPAL CODE,
BUILDINGS AND CONSTRUCTION ORDINANCE,
AND TO REPEAL AND ADOPT SECTION 8.20.010
OF THE VISALIA MUNICIPAL CODE,
FIRE CODE ORDINANCE.**

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

SECTION 1: Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution and its Charter, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry. The City Council of the City of Visalia finds that the revisions to Chapters 15.04, 15.06, 15.08, 15.12, 15.16, 15.20, 15.24, 15.28, 15.32, and 15.36 of the Visalia Municipal Code as set forth below are necessary to promote the public health, safety and welfare of the citizens of the City of Visalia. The existing Chapters 15.04, 15.06, 15.08, 15.12, 15.16, 15.20, 15.24, 15.28, 15.32, and 15.36 are hereby repealed and replaced as follows: .

Chapter 15.04

CALIFORNIA ADMINISTRATIVE CODE

Sections:

15.04.010 Adoption of the 2010 California Administrative Code.

A. That certain administrative code, in book form known and designated as the 2010 California Administrative Code, California Code Regulations Title 24 Part 1, Published by International Code Council, is adopted as the technical Administrative Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

1. Any person who shall violate any of the provisions of the code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the city attorney based on a recommendation of the building official or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non compliance respectively be guilty of a misdemeanor, or infraction as determined by the city attorney.

2. Such violation shall be subject to penalties in accordance with Section [1.12.010](#).

15.06.010 Adoption of the 2010 California Referenced Standards Code.

A. That certain referenced code, in book form known and designated as the 2010 California Referenced Standards Code, is adopted as the technical Referenced Standards Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

1. Any person who shall violate any of the provisions of the code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the city attorney based on a recommendation of the building official or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non compliance respectively be guilty of a misdemeanor, or infraction as determined by the city attorney.

2. Such violation shall be subject to penalties in accordance with Section [1.12.010](#)

15.08.010 Adoption of the 2010 California Building Code.

A. That certain building code, in book form known and designated as the 2010 California Building Code, Title 24, Part 2, Volumes 1 and 2, and published by The International Code Council, is adopted as the Building Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

B. Appeals Board section 1.8.8 in the California Building Code shall be amended to read as follows:

Section 1.8.8 – Appeals Board

“1.8.8.1 General. Every city, county or city and county shall establish a local appeals board. “The local appeals board shall consist of persons appointed by the chief appointing authority.” The local appeals board shall be comprised of a least five voting members that shall serve at the pleasure of the city, county or city and county. Appointees shall not be employees of the jurisdiction and shall be qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances.”

1.8.8.2 Definitions. The following terms shall for the purpose of this section have the meaning shown.

Local Appeals Board. The board or agency of a city, county or city and county which is authorized by the governing body of the city, county or city and county to hear appeals regarding the building requirements of the city, county or city and county. Further, the appeals board shall hear appeals regarding the requirements of the city, county or city and county relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving. In any area in which there is no such board or agency, “Local appeals board” means the governing body of the city, county or city and county having jurisdiction over the area.

1.8.8.3 Appeals. Except as otherwise provided in law, any person, firm or corporation adversely affected by a decision, order or determination by a city, county or city and county relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any lawfully enacted ordinance by a city, county or city and county, may appeal the issue for resolution to the local appeals board.

The local appeals board shall hear appeals relating to new building construction and existing buildings.

C. Included specifically are 2010 California Building Code Appendices B (Board of Appeals), C (Group U – Agricultural Buildings), F (Rodentproofing), H (Signs), I (Patio Covers) and J (Grading).

D. Reference is made to three copies of the 2010 California Building Code, one copy filed in the office of the city clerk and two copies filed in the office of Building Safety Division of the city, which are now filed for full particulars of said Building Code.

(The city no longer needs to adopt these next two codes, 15.12 and 15.16, the Uniform Housing Code and the Uniform Code of the Abatement of Dangerous Buildings. These Chapters are being repealed and not being replaced. These provisions can be found in the California Health and Safety Code.)

~~15.12.010 Adoption of Uniform Housing Code.~~

~~—A.— That certain housing code, in book form known and designated as the Uniform Housing Code, 1997 Edition, as prepared and published by the International Conference of Building Officials, is adopted as the Housing Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.~~

~~—B.— Chapter 2 (Enforcement) of said Uniform Housing Code is deleted.~~

~~—C.— Reference is made to three copies of the Uniform Housing Code, 1997 Edition, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said Housing Code.~~

15.16.010 Adoption of the Uniform Code for the Abatement of Dangerous Buildings.

~~A. That certain abatement of dangerous buildings code, in book form known and designated as the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, prepared and published by the International Conference of Building Officials, is adopted as the Code for the Abatement of Dangerous Buildings of the city, to all intents and purposes and to the same effect as if each and every section, and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.~~

~~B. Chapter 2 (Enforcement) of said Uniform Code for the Abatement of Dangerous Buildings is deleted.~~

~~C. Reference is made to three copies of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, one copy filed in the office of the city clerk and two copies filed in the office of Building Safety Division of the city, which are now so filed for full particulars of said Code for the Abatement of Dangerous Buildings.~~

15.20.010 Adoption of the 2010 California Plumbing Code.

A. That certain plumbing code, in book form known and designated as the 2010 California Plumbing Code, Title 24, Part 5 as Published by the International Association of Plumbing and Mechanical Officials prepared and published by the International Association of Plumbing and Mechanical Officials, based on the 2009 Uniform Plumbing Code adopted as the plumbing code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

B. Appeals Board section 1.8.8 shall be deleted. Refer to 2010 California Building Code Section 1.8.8 as amended.

C. Included specifically are 2010 California Plumbing Code Appendix A (Recommended Rules for Sizing the Water Supply system), B (Explanatory Notes on Combination Waste & Vent Systems), D (Drainage Systems), I (Installation Standards), and K (Private Sewage Systems).

D. Section 808.0 of said California Code is amended to read as follows:

Section 808.0, Cooling Water. Discharge of cooling water into the sanitary sewer system is prohibited. Refer to Section [13.08.500](#) of City of Visalia Municipal Code (Prohibition on Unpolluted Water).

E. Reference is made to three copies of the 2010 California Plumbing Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said Plumbing Code.

15.24.010 Adoption of 2010 California Mechanical Code.

A. That certain mechanical code, in book form known and designated as the 2010 California Mechanical Code, Title 24, part 4 as Published by the International Association of Plumbing and Mechanical Officials, based on the 2009 Uniform Mechanical, adopted as the mechanical code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein, including the appendices, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

B. Appeals Board section 1.8.8 shall be deleted. Refer to 2010 California Building Code Section 1.8.8 as amended.

C. Included specifically are 2010 California Mechanical Code Appendix B (Procedures to be followed to Place Gas Equipment into operation), C (Installation and testing of oil (liquid) fuel-fired equipment), and D (Unit Conversion Tables).

D. Reference is made to three copies of the 2010 California Mechanical Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said Mechanical Code.

15.28.010 Adoption of the 2010 California Electrical Code.

A. That certain electrical code, in book form known and designated as the 2010 California Electrical Code, Title 24, Part 3, Published by BNI Productions, Inc. based on the 2008 National electrical code, copyright National Fire Production Association, is adopted as the Electric Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase, or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

B. Appeals Board section 89.108.8 shall be deleted. Refer to 2010 California Building Code Section 1.8.8 as amended.

C. Reference is made to three copies of the 2010 California Electrical Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said electrical code.

(The city no longer needs to adopt this code, 15.32, the Uniform Swimming Pool, Spa, and Hot Tub Code. This Chapter is being repealed and not being replaced. These provisions are now found in the 2010 California Building Code and 2010 Residential Code.)

15.32.010 Adoption of the Uniform Swimming Pool, Spa and Hot Tub Code.

~~A. That certain swimming pool code in book form known and designated as the Uniform Swimming Pool, Spa and Hot Tub Code, 2006 Edition, as prepared and published by the International Association of Plumbing and Mechanical Officials is adopted as the Swimming Pool, Spa and Hot Tub Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions set out below. If any section, subsection, sentence, clause or phrase of this chapter is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.~~

~~B. Chapter 1 (Administration) of said Uniform Code is amended to delete Table 1, Fees.~~

~~C. Reference is made to three copies of the Uniform Swimming Pool Code, 2006 Edition, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said Swimming Pool, Spa and Hot Tub Code~~

15.36.010 Adoption of the 2010 California Historical Building Code.

A. That certain building conservation code, in book form known and designated as the 2010 California Historical Building Code, California code and Regulations Title 24, part 8 as prepared and published by the International Code Council, is adopted as the Historical Building Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

B. Reference is made to three copies of the 2010 California Historical Building Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said 2010 California Historical Building Code.

SECTION 2: In addition to those changes described above, the City is hereby adding the following Chapters to the Visalia Municipal Code. Chapter 15.64 – Adoption of the 2010 California Residential Code; Chapter 15.68 – Adoption of the 2010 California Green Building Standards; Chapter 15.72 – Adoption of the 2010 California Energy Code; and Chapter 15.76 – Adoption of 2010 California Existing Buildings Code.

15.64.010 Adoption of the 2010 California Residential Code

A. That certain residential buildings code in book form known and designated as the 2010 California Residential Code, as prepared and published by the International Code Council is adopted as the Residential Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any

section, subsection, sentence, clause or phrase of this chapter is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

B. Appeals Board section 1.8.7 shall be deleted. Refer to 2010 California Building Code Section 1.8.8 as amended.

C. Included specifically are the 2010 California Residential Code Appendix H (Patio Covers).

D. Reference is made to three copies of the 2010 California Residential Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said 2010 California Residential Code.

15.68.10 Adoption of the 2010 California Green Building Standards Code.

A. That certain green standards building code in book form known and designated as the 2010 California Green Building Standards Code, as prepared and published by the International Code Council is adopted as the Green Building Standards Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

B. Included specifically are the 2010 California Green Building Standards Code Appendix A4 (Residential Voluntary Measures), and A5 (Nonresidential Voluntary Measures) including Tiers 1 & 2 which will remain voluntary measures.

C. Reference is made to three copies of the 2010 California Green Building Standards Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said 2010 California Green Building Standards Code.

15.72.010 Adoption of the 2010 California Energy Code

A. That certain energy standards code in book form known and designated as the 2010 California Energy Code, as prepared and published by the International Code Council is adopted as the Energy Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

B. Reference is made to three copies of the 2010 California Energy Code one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said 2010 California Energy Code.

15.76.010 Adoption of the 2010 California Existing Buildings Code

A. That certain existing buildings code in book form known and designated as the 2010 California Existing Buildings Code, as prepared and published by the International Code Council is adopted as the Existing Buildings Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

B. Reference is made to three copies of the 2010 California Existing Buildings Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said 2010 California Existing Buildings Code.

SECTION 3: Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution and its Charter, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry. The City Council of the City of Visalia hereby repeals existing Section 8.20.010 of the Visalia Municipal Code and replaces it with the following section adopting the 2010 California Fire Code. .

Chapter 8.20

UNIFORM FIRE CODE

Sections:

8.20.010 Adoption of the 2010 California Fire Code.

A. There is adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the 2010 California Fire Code, California Code of Regulations Title 24, Part 9, Based on 2009 International Fire Code, including Appendix Chapter 4 (Special Occupancy), Appendix B (Fire Flow Requirements), Appendix BB (Fire Flow Requirements), Appendix C (Fire Hydrant Locations and Distribution), Appendix CC (Fire Hydrant Locations and Distribution), Appendix D (Fire Apparatus Access Roads), Appendix E (Hazard Occupancy), Appendix F (Hazard Ranking), Appendix G (Cryogenic Fluids-Weight and Volume Equivalents), Appendix H (Hazardous Material Management Plans and Hazardous Material Inventory Statements), Appendix I (Fire Protection Systems-Noncompliant Conditions) thereof and the whole thereof adopted and incorporated as fully as if set out at length herein, the provisions thereof shall be controlling within the limits of the city, save and except such portions as are hereinafter deleted, modified, or amended, of which code not less than one copy has been and is now filed in the office of the city clerk and one copies are filed in the office of the city fire department and one in the office of the Building Division. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter in accordance with Ordinance Section 1.01.080.

B. Penalty provisions contained in California Fire Code Section 111.2.1.3, (Citations) are deleted, and the following penalty provisions are adopted: Persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the chief shall be subject to the penalty provisions of Ordinance Section 1.12.010.

C. The remainder of appendices in the California Fire Code are to be applied, when applicable, as policies determined by the Chief Building Official and the Fire Chief.

SECTION 4: 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 5: 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 6: Effective Date. This Ordinance, with the exception of Section 2, shall take effect thirty days after its adoption; Section 2 of this ordinance shall take effect sixty days its adoption.

SECTION 7: 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 AS TO FORM
BY CITY ATTORNEY:

City Attorney

City of Visalia Agenda Item Transmittal

Meeting Date: December 20, 2010

Agenda Item Number (Assigned by City Clerk): 14

Agenda Item Wording: Public Hearing to consider a temporary \$3 increase in Parking Fines to cover the additional \$3 surcharge being imposed by the State of California through Senate Bill 857 (SB 857). Adoption of Resolution 2010-85 approving the amendment to the City's Rates and Fees for the temporary \$3 increase in Parking Fines. The fee is recommended to sunset July 1, 2013.

Deadline for Action:

Submitting Department: Police/Administration - Finance

Contact Name and Phone Number:

Colleen Mestas, Chief of Police – x4214
Eric Frost, Administrative Services Director – x4474

Department Recommendation: After holding the Public Hearing, it is recommended that the Visalia City Council adopt Resolution 2010-85 which allows for the temporary increase to the City Parking Bail amount by \$3.00 for all parking violations except handicapped parking. The fee is recommended to sunset July 1, 2013.

Summary/background: In order to address the funding shortages of the court system, the state is increasing various court fees, including filing fees and penalty assessments. SB 857 levies an additional \$3 fee on all parking citations to be transmitted to the Trial Court Trust Fund. This fee is in addition to the \$4.50 currently in statute to fund court operations. The parking surcharge goes into effect December 18, 2010 and sunsets on July 1, 2013. Cities are required to transmit the additional \$3.00 to the county treasurer on a monthly basis for every citation collected. Based on our current average number of tickets issued, this increase will cost the City of Visalia approximately \$38,000 annually which has not been included in the two-year budget. Therefore, it is recommended that the City temporarily increase the parking bail from \$33.00 per parking violation to \$36.00 per parking violation to compensate for the \$3.00 increase mandated by SB857. The additional \$3.00 surcharge will be removed when the surcharge sunsets on July 1, 2013. The bail for unlawful handicapped parking will remain at \$300.00 per violation.

This item was brought before the Citizens Advisory Committee on Wednesday, December 1, 2010. The Committee approved the item emphasizing the importance that this is a temporary increase and will be removed when the \$3.00 surcharge sunsets on July 1, 2013.

For action by:

City Council
 Redev. Agency Bd.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head RN 12-9-10
(Initials & date required)

Finance RN 12-9-10
City Atty AP 12-9-10
(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.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Leave the parking bail at the current \$33.00 and pay additional court funding from the General Fund.

Attachments: Resolution 2010-85

Recommended Motion (and Alternative Motions if expected):
Following the public hearing, adopt Resolution 2010-85 approving the temporary increase to the City Parking Bail amount by \$3.00 for all parking violations except unlawful handicapped parking.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2010- 85

A RESOLUTION OF THE COUNCIL OF THE CITY OF VISALIA, APPROVING THE TEMPORARY INCREASE IN PARKING VIOLATION FINES TO COVER THE INCREASE IN STATE IMPOSED PARKING VIOLATION SURCHARGES

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

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

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

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

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

WHEREAS, the City Council of the City of Visalia has reviewed the proposed temporary \$3 increase in parking violations to cover the additional \$3 increase in surcharge imposed by the State of California; and

WHEREAS, the City Council of the City of Visalia did conduct a public hearing on the proposed rates and fee adjustments on December 20, 2010.

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

1. The fee and charge adjustments proposed herein comply with the *City of Visalia Administrative Policy on Fees and Charges*; or
2. The fee and charge adjustments proposed herein comply with the adjustment requirements required by the authorizing ordinances; or
3. The fee and charge adjustments proposed comply with the increase requirements contained in Government Code section 66016, et seq.
4. The fees and charge adjustments are statutorily exempt from the California Environmental Quality Act either as fees and charges related to ministerial projects or that meeting operating expenses, financial reserve needs, further capital projects for services, or the purchasing or leasing of supplies; and

5. The findings required by authorizing ordinances enumerated herein to adopt fees have been made as a part of the respective original adopting resolutions of the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia adopts the temporary \$3 increase in parking violations to cover the additional \$3 increase in surcharge imposed by the State of California. This increase will go into effect on December 21, 2010 and will sunset on July 1, 2013.