



# Visalia City Council Agenda

For the regular meeting of: Tuesday, January 17, 2006

Location: City Hall Council Chambers

Mayor: Jesus J. Gamboa  
Vice Mayor: Greg Kirkpatrick  
Council Member: Greg Collins  
Council Member: Donald K. Landers  
Council Member: Bob Link

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All items listed under the Consent Calendar are considered to be routine and will be enacted by one motion. If anyone desires discussion on any item on the Consent Calendar, please contact the City Clerk who will then request that Council make the item part of the regular agenda.

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

**5:00 p.m.**

1. Presentation and Acceptance of the Measure T Audit Report.
2. Item removed from Agenda.

*\*Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.*

## **ITEMS OF INTEREST**

### **CLOSED SESSION**

**5:30 p.m. (Or, immediately following Work Session)**

3. Conference with Legal Counsel – Anticipated Litigation (3)  
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC)
4. Public Employment  
Title: Chief of Police
5. Conference with Real Property Negotiators  
Property: Approximately 150,000 square feet of City owned property located on Airport property south of 198 west of John Jay Inn  
Under Negotiation: Price, terms, conditions of potential lease  
Negotiators: Steve Salomon, Mario Cifuentez, Anil Chagan, Sagar Kumar
6. Conference with Real Property Negotiators  
Property: Property located at 300 E. Main Street (APN # 094-293-004)  
Under Negotiation: Price, terms, conditions of sale  
Negotiators: Steve Salomon, Don Stone, Timothy F. & Billie K. Razarri

**- Convene jointly as the Visalia City Council and Redevelopment Agency for the following item only:**

7. Conference with real property negotiator

Property: Approximately 26-acres owned by the Community Redevelopment Agency of the City of Visalia located between Goshen, Ben Maddox Way, Mill Creek and Burke Street.

Under Negotiation: Price, terms and conditions for possible inclusion in a Disposition and Development Agreement.

Negotiating parties: Steve Salomon, Michael Olmos, Fred Brusuelas and Peter Herzog representing Regal Development Group

**- Adjourn as the Redevelopment Agency and remain seated as the Visalia City Council**

**REGULAR SESSION**

**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION -**

**SPECIAL PRESENTATIONS/RECOGNITION**

Jim Bean presents the Tulare County Waste Reduction Award to Visalia, Save Mart #67 and Power Equipment Company.

Barry Gleeson, Linda Harrison and Eva Jaramillo, Representatives for Mothers Against Drunk Drivers, Tulare/Kings/Fresno/Madera Counties recognition to Local Law Enforcement.

**CITIZENS REQUESTS** - This is the time for members of the public to comment on any matter within the jurisdiction of the Visalia City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item for discussion purposes. Comments related to Regular or Public Hearing Items listed on this agenda will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight. In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (speaker 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 address.

**CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION**

8. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.

a) Authorization to read ordinances by title only.

- b) Authorization for City Manager to enter into a professional services contract for special inspection and testing for the West Acequia Parking Structure to Technicon Engineering Services, Inc. in the amount of \$209,270. Project No. 3011-00000-720000-0-9536-2005.
- c) Approval of a letter of support for Imagine U Museum for a grant application for a First Five Tulare County Capital Project/Planning Grant.
- d) City Council receipt, review, and filing of the 2004-05 Impact Fee Report as required by State Law.
- e) Authorization to apply for a Tulare County First 5 capital project program grant for approximately \$120,000, in partnership with Tulare County Office of Education, Child Care Division to renovate the Head Start playground at the Manual Hernandez Community Center and approve matching funds in the amount of up to \$22,000 and authorize the City Manager or his designee, to execute, negotiate, and submit all necessary documentation pertaining to the grant.
- f) Request for authorization for transfer of \$3,000 from Federal asset forfeiture funds for Sober Graduation 2006.
- g) Reject all bids for the Oak Avenue Street Improvement Project (Santa Fe to Tipton Streets), project No. 1111-00000-720000-0-9682-2005 and authorize an additional appropriation of \$102,105.00 from the Gas Tax Fund (1111); Project No. 1111-00000-720000-0-9682-2005.
- h) Authorization to bid the re-construction of Parking Lot No. 4 and Alley Reconstruction at Stevenson Street and Acequia Avenue without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 6111-00000-720000-0-9534-2005.
- i) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation* of the final map(s) related thereto (if applicable):
  - 1. Authorize the Recordation of the Final Map for Oakwood Ranch subdivision, located at the Southeast corner of Chinowth Street and Houston Ave (42 Units) and the Formation of Landscape & Lighting District No. 06-03, Oakwood Ranch ; **Resolution 2006-03 and 2006-04 required.**
  - 2. Authorize the Recordation of the Final Map for Madison Heights, located on Velie Court between Houston Avenue and Roosevelt Avenue (17 lots) and the Formation of Landscape and Lighting District No. 06-01, "Madison Heights", **Resolution 2006-05 and 2006-06 required.** Also the Intention and Formation of Open Space District No. 90, "Madison Heights", **Resolution 2006-07 and 2006-08 required.** APN: 103-180-046.
- j) Authorization to record the final map of Sterling Oaks, Unit No. 2 Subdivision, located West of County Center between Riggins Avenue and Modoc Avenue; APN: 089-010-029.

**k) Second Reading of the following Ordinance(s):**

1. **Ordinance 2005-17** and approval of Conditional Zoning Agreement for Change of Zone No. 2004-32: a request by Fred Machado (Branum Group, agent) to change the Zoning designation on 48 acres from BRP (Business Research Park) to 6.0 acres of PA (Professional / Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size).
9. REGULAR ITEM - Award contract to Oral E. Micham, Inc. for the construction of two police sub-stations at 204 NW Third Avenue and 4100 S. County Center Drive in the amount of \$7,238,000 and making necessary budget appropriations to fund the project.
10. REGULAR ITEM - Request for City Council accept a joint application to annex approximately 160 total acres consisting of 56.9-acres, APN: 077-120-009, owned by T.E.C. Doe Properties and adjoining parcel to the west consisting of approximately 99.4-acres APN: 077-120-004 owned by John W. Wonder, and including a portion of Plaza Drive roadway and direct staff to process the annexation request. Subject sites are located at the northwest corner of Riggan Avenue & Plaza Drive for expansion of the Visalia Industrial Park.

**REPORT ON ACTIONS TAKEN IN CLOSED SESSION**

**REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS**

**Upcoming Council Meetings**

Friday, January 20, 2006 (Noon to 8 p.m.) & Saturday, January 21, 2006 (8:30 a.m. to 4 p.m.)  
(Visalia City Council Retreat – Visalia Convention Center)

Monday, February 6, 2006

Tuesday, February 21, 2006

Monday, February 27, 2006 (Joint City of Visalia/VUSD Meeting hosted by City of Visalia, 6-8 p.m., 5 p.m. dinner for elected officials & senior staff, Visalia Convention Center)

Work Session 4:00 p.m.

Regular Session 7:00 p.m.

City Hall Council Chambers

707 West Acequia Avenue

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.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 17, 2006

**Agenda Item Number (Assigned by City Clerk):** 1

**Agenda Item Wording:** Presentation and acceptance of the Measure T Audit Report

**Deadline for Action:** n/a

**Submitting Department:** Finance – Gus Aiello

**Contact Name and Phone Number:**

Gus Aiello, 713-4423

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\_\_

### Summary

As part of the passage of Measure T, the City is required to conduct an annual procedures audit by an independent audit firm. M. Green and Company LLP, Certified Public Accountants has performed an audit of the Measure T funds for the fiscal year ended 2004/2005. The final report, which indicates the Measure is being implemented as planned, is presented for Council review and acceptance.

### Discussion

At its March 29, 2004 meeting, Council approved an item which detailed various accountability policies for City staff to implement with regards to Measure T. One of these policies includes an annual audit of Measure T funds by an independent auditor. The City contracted M. Green and Company LLP, Certified Public Accountants, to conduct the audit of Measure T funds for the year ended June 30, 2005. The report is final and presented to Council for acceptance.

One of the policies noted above is the Citizens Advisory Committee (CAC) review and acceptance of the final audit report. At its December 7<sup>th</sup> meeting, the CAC heard a presentation from Justin Morales of M Green, who discussed the audit report in detail. The CAC made a motion to accept the report as written and recommends that Council do the same.

The audit conducted by M Green was not a financial audit in the classic sense, but an agreed upon procedures audit in which the City outlines the scope of work. In other words, M. Green was asked to review all the compliance agreements spelled out in the ballot proposition. (The agreed upon compliance procedures are included in the final audit report). In the end, the audit firm found that the City complied with the ballot measure as outlined in the audit procedures. M Green noted some findings during its audit, which will strengthen and further refine the manner in which Measure T is implemented. A summary of the major findings and the City's response follows:

### **Finding #1**

The Measure indicates that General Fund support for police and fire shall not be less than the prior year. For example, General Fund expenditures for 2004/05 will be more than 2003/04. The Measure does not indicate if grants and other sources of revenue shall be included in the year to year calculation. M. Green recommends the City and CAC specifically outline which revenues should be included in the year to year comparison.

### **City Response**

City management will exclude grant revenues from the year to year comparison as they are unpredictable, non-local revenues and time-limited, management excluded grants from the maintenance of effort calculations. All future year to year comparisons will be based solely on General Fund contributions.

### **Finding #2**

The Measure calls for establishing an economic uncertainty fund, but does not specify the timing of the fund. M. Green recommends establishing the fund at the beginning of the year, since the amount of funding is based on annual budgeted revenues.

### **City Response**

In the event there are excess revenues after meeting the current years plan, Measure T calls for the establishment of an economic uncertainty fund of up to 25% of annual budgeted revenues. During the first year of Measure T, the fund was established and funded for both Police and Fire in the amounts of \$687,000 and \$457,000, respectively.

City management concurs with M. Green's finding and will adjust the economic uncertainty fund, if applicable, to 25% of annual budgeted revenues.

### **Finding #3**

The Measure T plan calls for the construction of 2 police precincts and a 911 headquarters. These are multi-funded projects which each fund contributing a percentage of the overall costs. M Green recommends identifying if the percentage allocation needs to met as the projects are in progress, or after the projects are complete.

### **City Response**

City staff recommend that the funding allocations be reconciled on a year by year basis to ensure each fund contributes its budgeted amount.

### **Conclusion**

Measure T is being implemented according to plan. The results of the recent audit by M. Green provide recommendations on actions City staff can take to more effectively implement the Measure T plan. Staff agrees with and will implement the recommendations noted in the audit.

### **Prior Council/Board Actions:**

**Committee/Commission Review and Actions:** Citizens Advisory Committee review and approval.

**Attachments:** Attachment #1 Page 5 - CAC memo of acceptance of the Measure T audit report  
Attachment #2 - Fiscal year ended 2005 Measure T audit report

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move to accept the Measure T audit report for the fiscal year ended 2005.

***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes____ No____	

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

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

**NEPA Review:**

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

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**



## City of Visalia Agenda Item Transmittal

**Meeting Date:** January 17, 2006

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

**Agenda Item Wording:** Authorization for City Manager to enter into a professional services contract for special inspection and testing for the West Acequia Parking Structure to Technicon Engineering Services, Inc. in the amount of \$209,270. Project No. 3011-00000-720000-0-9536-2005.

**Deadline for Action:** January 17, 2006

**Submitting Department:** Administration

**Contact Name and Phone Number:**  
Phyllis Coring 713-4566

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 3 min.

### Department Recommendation and Summary:

Staff recommends that the City Council authorize the City Manager to enter into a professional services contract for special inspection and testing for the West Acequia Parking Structure to Technicon Engineering Services, Inc. in the amount of \$209,270. Funding for this service was included in the appropriation for the West Acequia Parking Structure approved by City Council on December 19, 2005.

In November, 2005, a Request for Proposal was issued for Special Inspection and Testing for the West Acequia Parking Structure. Proposals from three firms were submitted, however, one firm subsequently withdrew their proposal before the evaluation process. An interview was held for the two remaining firms, BSK and Technicon. The Chief Building Official, members of Engineering staff, the city project manager and the construction manager held the interview. Technicon Engineering Services was the firm selected by the panel as being the most qualified for this project.

Both firms submitted estimates for testing and inspection services. The contract price is an estimated maximum amount based on an assessment by the firm on the amount of effort required to provide the building code required inspections and project contract document required testing and inspections. The actual cost of the inspections and tests will be invoiced as performed on a time and material basis with oversight by the Construction Manager. The BSK's estimate was \$130,907. Hourly rates between the two firms are comparable. Technicon's proposal assumes more hours for inspection and testing which in large part accounts for the difference in cost estimates. Only hours expended will be invoiced to the city. Technicon had experience performing on a similar City of Visalia parking structure on East Acequia. They

identified additional costs related to a more complex foundation for this parking structure and the new code required special inspection of moment resistant space frames which form the structural skeleton of the West Acequia Parking Structure.

Both BSK and Technicon Engineering Services, along with a third firm, are included in the city annual contract for testing services. Because of the anticipated costs for these services, staff conducted a fully competitive process to allow any firm, including those not on the annual contract, to compete for the project, however only the two firms submitted proposals.

**Prior Council/Board Actions:** December 19, 2005 – Council awarded the budget appropriations and the contract for the construction of the West Acequia Parking Structure.

**Committee/Commission Review and Actions:** None

**Alternatives:** None recommended

**Attachments:** Draft Agreement

**City Manager Recommendation:**

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

I move to authorize the City Manager to enter into a professional services contract for special inspection and testing for the West Acequia Parking Structure to Technicon Engineering Services, Inc. in the amount of \$209,270. Project No. 3011-00000-720000-0-9536-2005.

***Financial Impact***

**Funding Source:**

Account Number: 3011-00000-720000-0-9536-2005.

**Budget Recap:**

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

Copies of this report have been provided to:



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 16, 2006

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

**Agenda Item Wording:** Approval of a letter for support for Imagine U Museum for a grant application for a First Five Tulare County Capital Project/Planning Grant

**Deadline for Action:** February 1, 2006

**Submitting Department:** Administration

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

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.): \_\_\_\_\_

**Department Recommendation and Summary:** It is recommended that the Council authorize staff to review the grant application being prepared by the Imagine U Children's Museum and if deemed appropriate, to prepare a letter for support which would be reviewed and signed by the Mayor prior to submittal.

Imagine U Children's Museum's purpose is to create a multicultural learning center filled with hands-on scientific, cultural and artistic exhibits for the whole family. A non-profit organization that opened in 2003, the Museum currently operates in a donated building at 700 E. Main. The Museum's Board of Directors know that their current location is temporary, and they are seeking a permanent site. The Tulare County First 5 Commission capital grant program could assist in this goal.

For the first time, capital monies and planning monies are available through the First 5 Tulare County Commission. The Commission has a total of \$500,000 available for one-time projects for organizations that serve Tulare County children ages 0 through 5. The Capital Project Grant program is to support existing organizations by providing one-time funding to purchase items with a value greater than \$5,000 or to fund building renovation or construction projects. The Planning Grant program is intended to foster collaboration and service integration among existing organizations by funding activities that will lead to expanded or enhanced services, lead to implementation of promising or innovative new services, or promote initiatives addressing significant needs of children ages 0 through 5. Planning Grant funds may not be used to support direct services.

The Request for Proposals became available November 28, and Imagine U representatives attended the Question and Answer Forum on December 8.

Since that time, they have been assessing their options. The organization is especially interesting in securing a permanent location, and is interested in finding a location and applying for First Five Commission funds to assist with paying for such a building. Imagine U is currently

discussing a purchase with an owner, but need additional time to determine a deal can be struck prior to the February 1 grant deadline.

If an appropriate building cannot be found and/or a purchase negotiated prior to the deadline, then the organization is interested in applying for a smaller planning grant that would enable them to bring together complimentary organizations that serve children and are interesting in work together on a site that could serve multiple organizations/agencies. (The site they are currently seeking has the potential to be used by several groups.)

The Imagine U staff and volunteers are working on both grant applications simultaneously so that they will be poised to file which every is most appropriate. Since the January 16 City Council meeting is the last meeting prior to the February 1 deadline, City staff is recommending that you authorized staff to review the application(s) and if appropriate, draft a letter for the Mayor's consideration.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

**City Manager Recommendation:**

<b>Recommended Motion (and Alternative Motions if expected):</b> Approval of a letter for support for Imagine U Museum for a grant application for a First Five Tulare County Capital Project/Planning Grant
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Copies of this report have been provided to:

## ***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

## ***Environmental Assessment Status***

**CEQA Review:**

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

**NEPA Review:**

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

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

**Review and Approval - As needed:****Department Head Review (Signature):****Risk Management Review (Signature):****City Attorney Review (Signature):****Administrative Services Finance Review (Signature):**

Others:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 17, 2006

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

**Agenda Item Wording:** The City Council receives, review, and file the 2004-05 Impact Fee Report as required by State Law.

**Deadline for Action:** January 17, 2006

**Submitting Department:** Finance Department

**Contact Name and Phone Number:**  
Eric Frost, Administrative Services Director (ext. 4474)  
Renee Nagel, Financial Analyst (ext. 4375)

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

For placement on which agenda:

Work Session  
 Closed Session  
Regular Session:  
 Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 10

**Department Recommendation and Summary:**

The 2004-05 Impact Fee Report is in compliance with the State Law, Government Code Section 66006(a) and (b), therefore no action is required other than to receive, review, and file the report.

Government Code Section 66006 requires agencies to provide information on each fund or account established for the collection of impact fees. This information must be made available within 180 days after the last day of the fiscal year. The information must provide the following:

- 1) A brief description of the type of fee in the fund.
- 2) The amount of the fee.
- 3) The beginning and ending balances of the fund.
- 4) The amount of fees collected and the interest earned.
- 5) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the improvement that was funded with fees.
- 6) An identification of an approximate date by which the construction of the public improvement will commence if the City determines that sufficient funds have collected to complete financing on an incomplete public improvement.
- 7) A description of each interfund transfer or loan made from the fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that will be received on the loan.
- 8) The amount of refunds made per Government Code Section 66001 (e).

Once the information is available to the public, but not less than 15 days from the date it is made available, the City Council must review the information at its next regularly scheduled meeting. A notice of the time and place of this meeting, including the address where the information may be reviewed, must be mailed at least 15 days prior to the meeting to any interested party who files a written request with the City for mailed notice of the meeting.

The 2004-05 Impact Fee Report provides information on the following Impact Fee Funds:

- 1) Public Facility - Civic Center (1041)
- 2) Public Facility - Corporation Yard (1043)
- 3) Public Facility - Library (1045)
- 4) Police Impact Fund (1051)
- 5) Fire Impact Fund (1061)
- 6) Park & Recreational Facilities Fund (1211)
- 7) Storm Sewer Construction Fund (1221)
- 8) Wastewater Trunk Line Construction Fund(1231)
- 9) Sewer Connection Fund (1232)
- 10) Transportation Impact Fund (1241)
- 11) Waterways Fund (1251)
- 12) Northeast Capital Improvement Fund (1711)

All Impact Funds are in compliance with the State Law, as shown below in Table 1 – Impact Fund Summary. Table 1 is a summary of all the Impact Funds. The Impact Fee Report shows an amount for future projects. This future project amount is taken from the 6 Year Capital Plan that was adopted with the City’s 2 Year Budget in June 2004. Additional appropriations since 6/30/05 are not reflected in this report.

Table 1 – Impact Fund Summary (\$ in thousands)

Fund	Beg. Cash Balance 7/1/04	Total Revenue	Total Expenses	Ending Cash Balance 6/30/05	Projects Approp. 6/30/05	Ending Resources Available	Bond/ Internal Loan Balances	Future Projects 2005/06 - 2009/10	Future Required Revenue
Public Facility - Civic Center Impact Fund	0	42	0	42	0	42	0	0	(42)
Public Facility - Corporation Yard Impact Fund	0	5	0	5	0	5	0	0	(5)
Public Facility - Library Impact Fund	0	5	0	5	0	5	0	(500)	(495)
Police Impact Fund	487	262	(200)	549	(2,073)	(1,523)	0	(5,497)	7,021
Fire Impact Fund	312	250	(162)	401	(780)	(379)	0	(4,819)	5,199
Park & Recreation Facilities Fund	3,759	1,688	(987)	4,460	(3,597)	863	0	(4,651)	3,789
Storm Sewer Construction Fund	1,544	1,721	(728)	2,536	(2,329)	207	0	(5,790)	5,583
Wastewater Trunk Line Construction Fund	4,885	1,845	(2,562)	4,168	(4,527)	(360)	(2,413)	(3,010)	5,782
Sewer Connection Fund	45	1,133	(1,147)	31	0	31	(8,766)	0	8,735
Transportation Impact Fund	2,791	3,710	(940)	5,561	(6,806)	(1,246)	0	(17,921)	19,167
Waterways Fund	(87)	639	(741)	(189)	(55)	(244)	(343)	(1,250)	1,837
Northeast Capital Improvement Fund	0	104	(82)	22	0	22	0	0	(22)
<b>Total</b>	<b>\$13,736</b>	<b>\$11,402</b>	<b>\$ (7,548)</b>	<b>\$ 17,590</b>	<b>\$(20,167)</b>	<b>\$ (2,577)</b>	<b>\$(11,522)</b>	<b>\$(42,940)</b>	<b>\$57,039</b>



The table shows that all funds, except the Public Facility - Civic Center, Public Facility - Corporation Yard, Sewer Connection Fund and the Northeast Capital Fund, require additional revenue to fund current and future capital projects.

The Public Facility - Civic Center and Public Facility - Corporation Yard are new impact fees that were approved by Council in FY 04/05. Staff will prepare a six year capital plan for these funds to be approved by Council during the 06/07 & 07/08 Two Year Budget.

The Sewer Connection Fund does not show any future capital improvement needs; however, the sewer connection impact fees are repaying a loan from the Wastewater Operations Fund for prior year capital improvements. The balance remaining on the loan from the Wastewater Operations Fund as of June 30, 2005 is \$5,573,162. In addition to the loan, the Sewer Connection Fund has an outstanding bond of \$3,192,895.

The Northeast Capital Fund does not show any future capital improvement needs; however, the impact fees collected were repaying a General Fund loan for prior year capital improvements. The Northeast Capital Fund paid off its General Fund loan in October 2004 and has a cash balance of \$21,823 as of June 30, 2005. Staff will prepare a six year capital plan for this fund to be approved by Council during the 06/07 & 07/08 Two Year Budget.

Finally, it is important to note that impact fees are the financial mechanism for developing infrastructure called out in each individual impact fee ordinance. All these fees should be examined annually to assure that the fee remains at a level appropriate for the projects that need to be built. Although the City does change these fees annually by inflation, recent cost escalations have grown much faster than inflation, making it necessary to review the fees more often than in the past.

A copy of the 2004-05 Impact Fee Report is attached for your review. A copy of the report was given to Mr. Robert Keenan of the Building Industry Association (B.I.A.).

**Prior Council/Board Actions:** Approval of the various Impact Fees and the 2004-05 C.I.P. Bud4get.

**Committee/Commission Review & Actions:** None

**Alternatives:** None

**Attachments:** 2004-05 Impact Fee Report  
2004-05 – 2009/10 Capital Improvement Program for selected funds

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

I move that the City Council receive and file the 2004-05 Impact fee Report as required by Government Code Section 66006 (a) and (b).

**City Manager/Executive Director Recommendation:**

**Financial Impact**

**Funding Source:**

Account Number: None (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$None	New Revenue: \$
Amount Budgeted: \$	Lost Revenue:\$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes___ No <u>X</u>	

**Copies of this report have been provided to: Mr. Robert Keenan, B.I.A.**

**Environmental Assessment Status**

**CEQA Review:**

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

**NEPA Review:**

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

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 17, 2005

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

**Agenda Item Wording:** Authorization to apply for a Tulare County First 5 capital project program grant for approximately \$120,000, in partnership with Tulare County Office of Education, Child Care Division to renovate the Head Start playground at the Manual Hernandez Community Center authorize the City Manager or his designee, to execute, negotiate, and submit all necessary documentation pertaining to the grant.

**Deadline for Action:** January 17, 2005

**Submitting Department:** Park and Recreation Department

**Contact Name and Phone Number:** Don Stone, 713-4497

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\_\_

**Department Recommendation and Summary:** Staff is recommending that Council authorize staff to partnership with the Tulare County Office of Education to apply for a Tulare County First 5 capital improvement grant in the amount of approximately \$120,000 to renovate the playground used by the Head Start program at the Manual Hernandez Community Center. Staff also requests Council approve the use of \$25,000 of funds allocated in Community Development Block Grant program for general park improvements for this project.

For the past 30 years Tulare County Office of Education (TCOE) has operated the Head Start Program at the Manual Hernandez Community Center. Under the terms of a lease agreement the City provides exclusive use of a classroom, restroom, and play yard and access to the kitchen in exchange for an annual payment of \$13,000. TCOE is responsible for improvements and maintenance of these areas. The play yard is outdated and needs to be updated to meet current requirements. The grass areas are worn, a play structure is over 15 years old, there is no drinking fountain, and the play area surface does not meet current standard for access by the disabled.

TCOE staff is proposing a complete renovation of the play yard including new play equipment, play surfacing, new picnic tables, irrigation system, a trike path, bollards to protect the play yard from the adjacent parking lot, and a shade structure. The estimated cost is \$114,000. Design, demolition, and staff time is estimated at \$6,000.

Tulare County First 5 is the local agency that administers programs under the California Children and Families Act. Funded through the tobacco tax this program supports programs providing health care, quality child care, and prevention/ intervention eservices, and early childhood/parent education for children and families 0 to five years of age. T.C. First 5 has earmarked \$500,000 for capital project / planning grants for projects meeting their objectives. Projects should be open to the public, serve disabled children, and address safety issues. The grant emphasis partnerships between agencies and community access to the facilities. The grant requires forty percent matching funds. The City's matching contribution of \$22,000 will come from funding previously allocated in the Community Block Grant program for undesignated park improvements. In exchange for City participation we will have access to the play yard when Head Start is not in session. This will provide the opportunity for Recreation Division staff to expand programming to parents with children five years and under.

The Head Start program has a long tradition of delivering comprehensive and high quality services designed to foster healthy development in low-income children in Tulare County. Head Start programs provide a range of individualized services in the areas of education and early childhood development; medical, dental, and mental health; nutrition; and parent involvement. In addition, the entire range of Head Start services is responsive and appropriate to each child's and family's developmental, ethnic, cultural, and linguistic heritage and experience.

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

**Committee/Commission Review and Actions:** Park and Recreation Commission reviewed on January 17, 2006

**Alternatives:** Do not apply

**Attachments:**

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** Move to authorize the application for a Tulare County First 5 capital project program grant for approximately \$120,000, in partnership with Tulare County Office of Education, Child Care Division to renovate the Head Start playground at the Manual Hernandez Community Center and approve the use of \$25,000 of Community Development Block Grant as the City's match for the project, and authorize the City Manager or his designee, to execute, negotiate, and submit all necessary documentation pertaining to the grant.

Copies of this report have been provided to: Ray Chavez, Tulare County Child Care Education Program

### ***Financial Impact***

**Funding Source:** Community Development Block Grant Program

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$ 22,000	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:\$	
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes_____ No_____		

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

**CEQA Review:**

Required? Yes  No  This project requires a categorical exemption.

Review and Action: Prior:  
Required:

**NEPA Review:**

Required? Yes  No

Review and Action: Prior:  
Required:

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

**City of Visalia**  
**Agenda Item Transmittal**

**Meeting Date:** January 17, 2006

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

**Agenda Item Wordng:** Request for authorization for transfer of \$3,000 from Asset Forfeiture Funds for Sober Graduation 2006

**Deadline for Action:** February 1, 2006

**Submitting Department:** Police Department

**Contact Name and Phone Number:** Asst. Chief Bob Williams, xt. 4227; Renny Collins, 805-0557;

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
  - Consent Calendar
  - Regular Item
  - Public Hearing

Est. Time (Min.): 5

**Department Recommendation and Summary:** That \$3,000 be expended from the Asset Forfeiture account designed to cover the total cost of the rental of the Visalia Convention Center for Sober Graduation 2006. This celebration has been financially supported by the Visalia Police Department's Asset Forfeiture Funds since 1987. Sober Grad provides a drug and alcohol free graduation celebration for Visalia Unified School students. The average attendance has been 1,500 students annually. This year's event will be held on Friday, June 2, 2006. The annual Sober Grad celebration is an event governed by a Board of Directors of which representatives from the Visalia Unified School District, the Visalia Police Department and other community members serve on. The event's budget is funded through donations.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

**City Manager Recommendation:**

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

***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$                      New Revenue: \$  
Amount Budgeted: \$                      Lost Revenue: \$  
New funding required:\$                      New Personnel: \$  
Council Policy Change: Yes\_\_\_\_ No\_\_\_\_

***Environmental Assessment Status***

**CEQA Review:**

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

**NEPA Review:**

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



Copies of this report have been provided to:

**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)*

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

## City of Visalia Agenda Item Transmittal

**Meeting Date:** January 17, 2006

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

**Agenda Item Wording:** Reject all bids for the Oak Avenue Street Improvement Project (Santa Fe to Tipton Streets), Project No. 1111-00000-720000-0-9682-2005 and authorize an additional appropriation of \$102,105.00 from the Gas Tax Fund (1111); Project No. 1111-00000-720000-0-9682-2005.

**Deadline for Action:** January 17, 2006 (30 days after bid opening)

**Submitting Department:** Public Works / Engineering

**Contact Name and Phone Number:**

Manuel Molina 713-4491; Jim Funk 713-4540; David Jacobs 713-4492

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 3 min.

**Department Recommendation and Summary:** Staff recommends that the City Council reject all bids for the Oak Avenue Street Improvement Project, Santa Fe to Tipton Streets; Project No. 1111-00000-720000-0-9682-2005. Additionally, staff recommends that City Council authorize an additional appropriation of \$102,105.00 from the Gas Tax Fund (1111) to fund improvements to railroad tracks along Oak Avenue between Santa Fe and Tipton Streets.

Originally, the Oak Avenue Street Improvement Project was bid in August 2005. Seal Rite Paving submitted the low bid of \$245,578.26. However, staff recommended on September 19, 2005 that all bids be rejected due to safety concerns raised by the California Public Utilities Commission (CPUC) staff. The existing Southern Pacific Railroad tracks will be located in the center of Oak Avenue when the work is completed. The CPUC is responsible for reviewing and approving all proposed railroad street crossings. CPUC staff raised concerns regarding the City's proposed use of diagonal parking along Oak Avenue and unrestricted movements from a future drive approach on the south side of Oak Avenue to the future parking lot for the new Chamber of Commerce building. The CPUC concerns were directed at the traffic movements on Oak Street that could conflict with trains passing through along Oak Street. Based on these concerns CPUC staff would not support the City's project as originally proposed. City staff subsequently met with CPUC staff to address concerns noted. The project was redesigned to eliminate the diagonal parking along Oak Avenue and added double yellow stripes on Oak Avenue and signage at the drive approach to restrict movements in and out of the driveway. Upon review, CPUC staff has indicated support for the City's application for the public improvements as modified.

In November 2005, the Oak Avenue Street Improvement Project was re-bid receiving a low bid of \$257,265.00, with the low bidder being Dawson-Mauldin Construction, Inc. The November 2005 bid is approximately \$11,700.00 more than the August 2005, additionally, due to the progress of the Chamber of Commerce's building, a portion of the project being constructed by the building's contractor, Forcum/Mackey, was deleted from the bid. The work by Forcum/Mackey includes the curb and gutter along Santa Fe Street and the curb and gutter along the south side of Oak Avenue. Staff compared Forcum/Mackey's cost proposal for installing the public improvements with the August 2005 bid and determined that the amount requested was reasonable. Installation of the curb and gutter will allow the on-site work to continue. The cost for Forcum/Mackey to install the improvements is \$44,793.00. In conclusion, the cost to construct the project at this time is as follows:

August 2005, Seal Rite Paving's low bid	\$245,578.26
November 2005, Dawson Mauldin's low bid	<u>\$257,265.00</u>
	\$ 11,686.74
Work performed by Forcum/Mackey	<u>\$ 44,793.00</u>
<b>Total Project Cost Increase</b>	<b>\$ 56,479.74</b>

Staff recommends the bids be rejected and that the project be re-advertised once final approval from the CPUC has been received and once the railroad track upgrades are nearing completion. Additionally, staff will have a chance to monitor construction costs in hopes of more favorable conditions.

As part of the City's 2004-2005 fiscal year Capital Improvement Program the City budgeted to construct Oak Avenue from Santa Fe Street to Tipton Street to facilitate development of that block. In addition to the customary public road improvements, the City is planning to fund the upgrade of the tracks to concrete lined panels and install new signal warning devices at the Tipton Street crossing. Rail improvements must be funded by the City, but San Joaquin Valley Railroad (SJVRR) has responsibility for the construction. The application including the most current design, has been submitted to the CPUC and is scheduled for review and authorization to construct on January 13, 2005.

On November 29, 2005 the City opened seven bids submitted for the Oak Avenue Street Improvement Project. The results of the bid opening are as follows:

1. Dawson-Mauldin Construction, Inc.	Selma, Ca.	\$ 257,265.00
2. Central Valley Asphalt	Lindsay, Ca.	\$ 270,244.00
3. Seal Rite Paving Co.	Clovis, Ca.	\$ 274,961.69
4. Travis Construction Co.	Hanford, Ca.	\$ 297,052.33
5. Lockwood General Engineering	Visalia, Ca.	\$ 332,519.55
6. R.J. Berry Jr., Inc.	Selma, Ca.	\$ 336,077.00
7. Lee's Paving Inc.	Visalia, Ca.	\$ 377,751.30

The improvements include curb and gutter along the east side of Santa Fe Street from Oak Avenue to the alley to the south, curb and gutter along the west side of Tipton Street from Oak Avenue to the alley to the south, new alley approaches at Santa Fe Street and Tipton Street, curb and gutter along the north and south side of Oak Avenue and pavement from Tipton Street to Santa Fe Street and a concrete parking apron along the south side of Oak Avenue. Decorative crosswalks will be installed at the intersection of Santa Fe Street and Oak Avenue

that will match the existing crosswalks constructed with the Transit Center project. The project start date and notice to proceed was subject to the January 13, 2006 CPUC approval date and it was scheduled to be completed within 35 working days. The Engineers Estimate for this project including project management, inspecting and testing is estimated to be \$ 270,000 the price does not include the cost of upgrading the tracks and warning devices.

With the addition of the Oak Avenue track upgrades, the warning device upgrades at Tipton Street and the improvements Forcum/Mackey is constructing, staff is requesting additional appropriations of \$102,105.00 from the Gas Tax Fund (1111) to cover all costs currently associated with the Oak Avenue public improvements. The following is a cost breakdown of each phase of the project; Railroad upgrades is \$434,105.00, the work to be performed by Forcum/Mackey including project management, testing and inspection is estimated to be \$47,000.00 for a combined total of \$481,105. The current budget allocation is \$379,000, so an additional \$102,105 is needed to fund the current project. There are sufficient funds in the Gas Tax Fund to allocate to this project without jeopardizing other approved projects. If Council elects to rebid the project, additional funds to cover the construction costs will be requested at the time the project is awarded.

<b>Description</b>	<b>Cost</b>	
Railroad Track Upgrade	\$ 434,105.00	(approved 12-5-05 Council meeting)
Forcum/Mackey	<u>\$ 47,000.00</u>	(\$43,793.00 contract + \$2,107.00 testing and inspection)
<b>Total</b>	<b>\$ 481,105.00</b>	
CIP Current Budget	<u>- \$ 379,000.00</u>	
<b>Additional Appropriation</b>	<b>\$ 102,105.00</b>	

Construction for the scope of work Forcum/Mackey will be performing began on December 19, 2005 and it is scheduled to be completed by January 23, 2006. San Joaquin Valley Railroad is anticipating a February 1, 2006 start date with an estimated time of completion of February 17, 2006.

**Prior Council/Board Actions:** September 19, 2005 – Council rejected all bids for the project.

**Committee/Commission Review and Actions:** None

**Alternatives:** None recommended

**Attachments:** Exhibit #1 (Location Map) and Exhibit #2 (Site Detail)

**City Manager Recommendation:**

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

I move to reject all bids for construction of the Oak Avenue Street Improvement Project (Santa Fe to Tipton Streets) Project No. 1111-00000-720000-0-9682-2005 and authorize an additional appropriation of \$102,105.00 from the Gas Tax Fund (1111).

***Financial Impact***

**Funding Source:**

Account Number: 1111-720000-0-0-9682-2005

**Budget Recap:**

Total Estimated cost: \$ 481,105.00	New Revenue:	\$
Amount Budgeted: \$ 379,000.00	Lost Revenue:	\$
New funding required:\$ 102,105.00	New Personnel:	\$
Council Policy Change: Yes____	No__X	

Copies of this report have been provided to:

**Tracking Information:** If approved, contracts must be forwarded to Contractor for execution (by Engineering staff), City Attorney, Risk Management and City Manager must execute once returned by Contractor.

***Environmental Assessment Status***

**CEQA Review:**

Required?	Yes	X	No
Review and Action:	Prior: Negative Declaration complete		
	Required:		

**NEPA Review:**

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 17, 2006

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

**Agenda Item Wording:** Authorization to bid the Re-construction of Parking Lot No. 4 and Alley Reconstruction at Stevenson Street and Acequia Avenue without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 6111-00000-720000-0-9534-2005.

**Deadline for Action:** None

**Submitting Department:** Public Works Department

**Contact Name and Phone Number:** Adam Ennis 713-4323,  
Jim Funk 713-4540, David Jacobs 713-4492

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  

**Department Recommendation and Summary:** Staff recommends that the City Council authorize Reconstruction of Parking Lot No. 4 and Alley Reconstruction at Stevenson Street and Acequia Avenue without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No.6111-00000-720000-0-9534-2005. The project area is generally located south of Acequia Avenue and west of Stevenson Street. The estimated cost of the project is \$235,753.

This parking lot and alley reconstruction is intended to provide a parking lot for the new structure at this location, City Hall and the City police Department.

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. In this case, the City will use locally generated parking in-lieu funds to finance the project.

**Alternatives:** Bid as a prevailing wage rate project.

**Attachments:** Location Map

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move to authorize the bid for Reconstruction of Parking Lot No. 4 and Alley Reconstruction at Stevenson Street and Acequia Avenue without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 6111-00000-720000-0-9534-2005.

Copies of this report have been provided to:

***Financial Impact***

**Funding Source:**

Account Number: 6111\_\_\_\_\_ (Parking In-Lieu Fees)

**Budget Recap:**

Total Estimated cost: \$235,753	New Revenue:	\$
Amount Budgeted: \$250,000	Lost Revenue:	\$
New funding required:\$0	New Personnel:	\$
Council Policy Change: Yes____ No__X		

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes No X

Review and Action: Prior:  
Required:

**NEPA Review:**

Required? Yes No x

Review and Action: Prior:  
Required:

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

**None**

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 17, 2006

**Agenda Item Number (Assigned by City Clerk):** 8i(1)

**Agenda Item Wording:** Authorize the Recordation of the Final Map for Oakwood Ranch subdivision, located at the Southeast corner of Chinowth Street and Houston Ave (42 Units) and the Formation of Landscape & Lighting District No. 06-03, Oakwood Ranch ;  
**Resolution 2006-03 and 2006-04 required .APN: 770-090-020**

**Deadline for Action:** None

**Submitting Department:** Community Development & Public Works

**Contact Name and Phone Number:**

Andrew Benelli     713-4340  
Peter Spiro         713-4256

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  

**Department Recommendation and Summary:**

***Final Map***

Staff recommends that City Council approve the recordation of the final map for Oakwood Ranch containing 11 Multi-family Lots (42 Units). All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$403,993.20 and Labor and Material Bond in the amount of \$201,996.60; 3) cash payment of \$108,388.41 distributed to various accounts; and 4) Final Map. Great Valley Land Company, LCC, is the developer of this subdivision.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. The Faithful Performance Bond can be reduced to 10% of the public construction costs after the Notice of Completion is recorded. The Faithful Performance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the Final Map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the Final Map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along Houston Ave (Collector), the developer is also installing a 20' wide of additional off-site pavement at Houston Ave to tie into the existing new pavement at the intersection with Demaree street, in addition, the developer is installing full street pavement at the project's frontage with Chinowth street. The City will be reimbursing the developer (Greg Nunley-Great Valley Land Company) approximately \$361,724.69 for the construction costs and the acquired right of way giving a combination of fee credits for Transportation Impact Fees and cash payment.

The proposed subdivision is within the service area of the Ranch pond/basin which is located north of Goshen Avenue/ east of Linwood Street. The pad elevations for the lots were set two feet higher than the highest elevation of the basin's berm and the lowest drainage drop inlet is two feet higher than the anticipated highest water mark at the basin. In addition, the overland flow issue was taken into consideration when designing this subdivision, and will enable the storm water to drain to Demaree Street via Houston Ave.

### ***Landscape & Lighting***

Staff recommends that the City Council: adopt Resolution No. 06-03 Initiating Proceedings for Formation of Assessment District No. 06-03, Oakwood Ranch; adopt the Engineer's Report as submitted; and adopt Resolution No. 06-04 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights and trees on local streets. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent. This process waives the requirement for a public hearing since the owners of this development have given their written consent to form this district. .

**Prior Council/Board Actions:** The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance the subdivision.

**Committee/Commission Review and Actions:** The tentative subdivision map for Oakwood Ranch subdivision was approved by the Planning Commission on December 08, 2003. The tentative map will expire on February 20,2006.

**Alternatives:** N/A

**Attachments:** Resolution Initiating Proceedings; Clerk's Certification; Resolution Ordering the Improvements; Exhibits "A", "B", "C", "D"

**City Manager Recommendation:**

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

"I move to authorize the recordation of the Final Map for Oakwood Ranch and I move to adopt Resolution No. 06-03 Initiating Proceedings for Formation of Assessment District No. 06-03 "Oakwood Ranch" and adopt Resolution No. 06-04 Ordering the Improvements for Assessment District No. 06-03 "Oakwood Ranch."

***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes____ No____		

**Copies of this report have been provided to:**

***Environmental Assessment Status***

**CEQA Review:**

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

**NEPA Review:**

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

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

RESOLUTION NO. 06-03

RESOLUTION INITIATING PROCEEDINGS  
FOR FORMATION OF  
ASSESSMENT DISTRICT 06-03  
Oakwood Ranch  
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to form an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:  
  
Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The proposed district shall be designated "Assessment District No. 06-03, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 06-03, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Oakwood Ranch".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 06-03

Oakwood Ranch

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 06-03, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 17<sup>th</sup> day of January, 2006 by its Resolution No. 06-03 & 04

This document is certified, and is filed with you, pursuant to Section 22641 of the Streets and Highways Code.

RESOLUTION NO. 06-04

RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 06-03  
Oakwood Ranch  
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for "Assessment District No. 06-03, City of Visalia, Tulare County, California" and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2005-06.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
  - a. Clerk's Certification to County Auditor
  - b. Resolution Initiating Proceedings
  - c. Resolution Ordering Improvements
  - d. Engineer's Report:
    - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
    - Exhibit B - Landscape Location Diagram
    - Exhibit C - Tax Roll Assessment
    - Exhibit D - Engineer's Report

PASSED AND ADOPTED

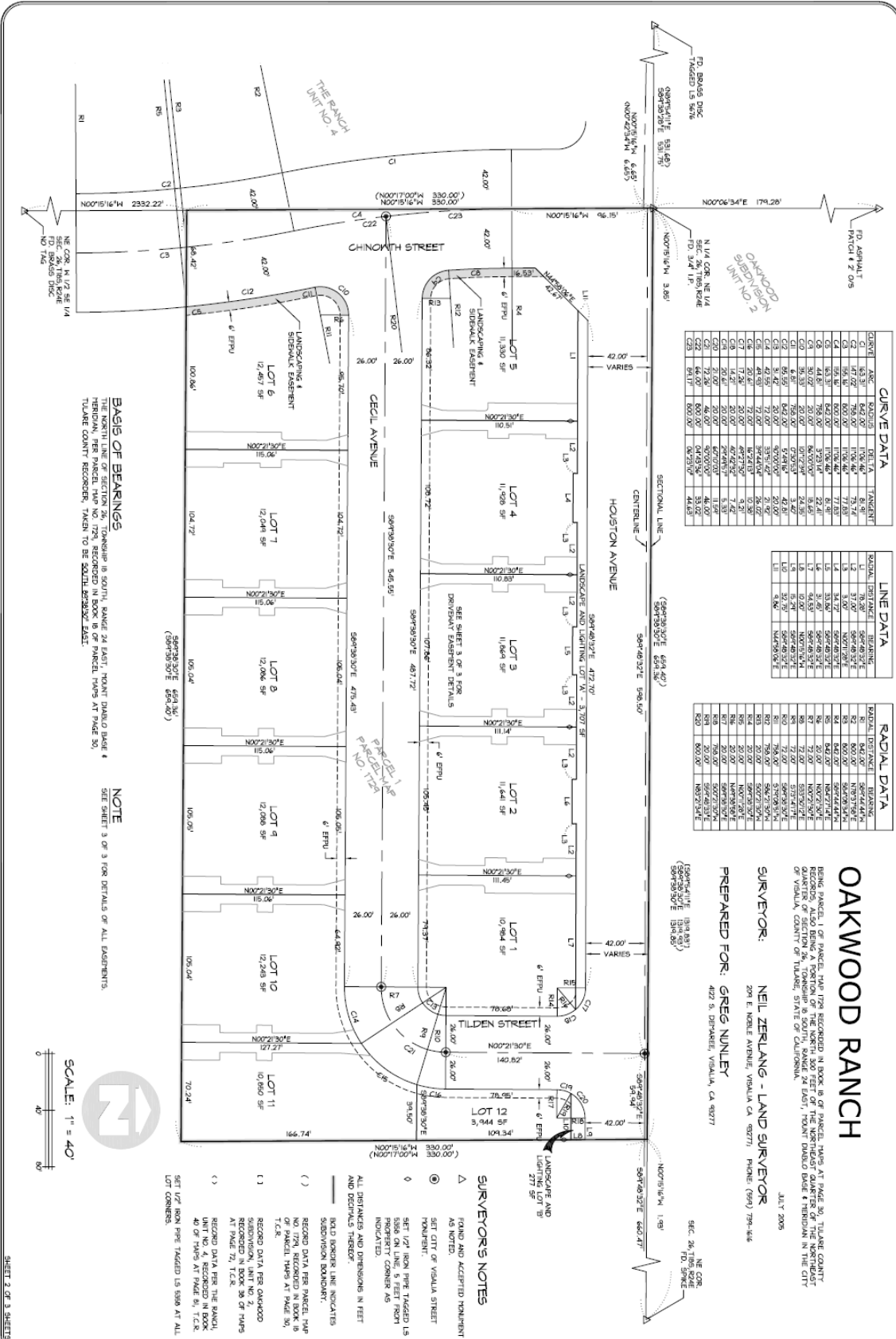
# Exhibit "A"

Assessment Diagram  
Assessment District No. 06-03  
City of Visalia, Tulare County, California





**Exhibit "A"**  
**Assessment Diagram**  
**Assessment District No. 06-03**  
**City of Visalia, Tulare County, California**



**CURVE DATA**

CHORD	ARC	ANGLE	DELTA	TANGENT
C1	43.31'	64.20°	176.46'	81.91'
C2	47.02'	78.00°	176.46'	75.74'
C3	50.73'	91.80°	176.46'	71.57'
C4	54.44'	105.60°	176.46'	67.40'
C5	58.15'	119.40°	176.46'	63.23'
C6	61.86'	133.20°	176.46'	59.06'
C7	65.57'	147.00°	176.46'	54.89'
C8	69.28'	160.80°	176.46'	50.72'
C9	72.99'	174.60°	176.46'	46.55'
C10	76.70'	188.40°	176.46'	42.38'
C11	80.41'	202.20°	176.46'	38.21'
C12	84.12'	216.00°	176.46'	34.04'
C13	87.83'	229.80°	176.46'	29.87'
C14	91.54'	243.60°	176.46'	25.70'
C15	95.25'	257.40°	176.46'	21.53'
C16	98.96'	271.20°	176.46'	17.36'
C17	102.67'	285.00°	176.46'	13.19'
C18	106.38'	298.80°	176.46'	9.02'
C19	110.09'	312.60°	176.46'	4.85'
C20	113.80'	326.40°	176.46'	0.68'
C21	117.51'	340.20°	176.46'	-3.49'
C22	121.22'	354.00°	176.46'	-7.66'
C23	124.93'	367.80°	176.46'	-11.83'

**LINE DATA**

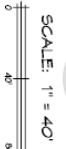
BEARING	BRASS	BEARING
L1	70.30'	S89°48'37"E
L2	31.70'	S89°48'37"E
L3	34.72'	S89°48'37"E
L4	34.72'	S89°48'37"E
L5	31.70'	S89°48'37"E
L6	31.70'	S89°48'37"E
L7	48.63'	S89°48'37"E
L8	0.90'	S89°48'37"E
L9	0.90'	S89°48'37"E
L10	32.75'	S89°48'37"E
L11	4.80'	N45°00'00"E

**RADIAL DATA**

BEARING	BRASS	BEARING
R1	842.00'	N07°19'36"E
R2	800.00'	N07°19'36"E
R3	800.00'	N07°19'36"E
R4	842.00'	N07°19'36"E
R5	842.00'	N07°19'36"E
R6	842.00'	N07°19'36"E
R7	842.00'	N07°19'36"E
R8	842.00'	N07°19'36"E
R9	842.00'	N07°19'36"E
R10	842.00'	N07°19'36"E
R11	842.00'	N07°19'36"E
R12	842.00'	N07°19'36"E
R13	842.00'	N07°19'36"E
R14	842.00'	N07°19'36"E
R15	842.00'	N07°19'36"E
R16	842.00'	N07°19'36"E
R17	842.00'	N07°19'36"E
R18	842.00'	N07°19'36"E
R19	842.00'	N07°19'36"E
R20	842.00'	N07°19'36"E

**BASIS OF BEARINGS**  
 Bearings are shown in spiral, based on North Pointing Brass & Tironium. The parcel map NO. 7051, RECORDED IN BOOK 16 OF PARCEL MAPS AT PAGE 30, TULARE COUNTY RECORDER, TAKEN TO BE SOUTH MERIDIAN EAST.

**NOTE**  
 SEE SHEET 3 OF 3 FOR DETAILS OF ALL EXPANSIONS.



**OAKWOOD RANCH**

BEING PARCEL 1 OF PARCEL MAP 728 RECORDED IN BOOK 16 OF PARCEL MAPS AT PAGE 30, TULARE COUNTY RECORDS. ALSO BEING A PORTION OF THE NORTH 300 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF VISALIA COUNTY OF TULARE STATE OF CALIFORNIA.

**SURVEYOR:** NEIL ZERLANG - LAND SURVEYOR  
 208 E MOBLE AVENUE, VISALIA, CA 93271 PHONE: (559) 799-1444

**PREPARED FOR:** GREG NINLEY  
 422 S. DEWATER, VISALIA, CA 93277

DATE: 2008

**Exhibit "B"**

Landscape Location Diagram  
Oakwood Ranch

**Exhibit "C"**

Tax Roll Assessment  
Oakwood Ranch  
Fiscal Year 2005-06

<b>APN #</b>	<b>Assessment</b>	<b>Owner</b>	<b>Lot #</b>	<b>District</b>
To Be Assigned	\$320.92	Great Valley Land	06-0301	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0302	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0303	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0304	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0305	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0306	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0307	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0308	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0309	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0310	Oakwood Ranch
To Be Assigned	\$320.92	Great Valley Land	06-0311	Oakwood Ranch

## **Exhibit "D"**

Engineer's Report  
Landscape & Lighting Assessment District 06-03  
Oakwood Ranch  
Fiscal Year 2005-06

### General Description

This Assessment District (District) is located at the South East corner of Chinowth Street and Houston Ave. Exhibit "A" is a map of Assessment District 06-03. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district are 11.

### Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The lighting is to provide safety and visual impressions for the area. The block wall provides security, aesthetics, and sound suppression. The maintenance of the landscape areas, street lights and block walls is vital for the protection of both economic and humanistic values of the development. In order to preserve the values incorporated within developments, the City Council has determined that landscape areas, street lights and block walls should be included in a maintenance district to ensure satisfactory levels of maintenance.

### Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls and street lights. The lots not adjacent to landscape areas, block walls and street lights benefit by the uniform maintenance and overall appearance of the District.

### Estimated Costs

The estimated costs to maintain the District includes the costs to maintain turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements.

## Exhibit "D"

Engineer's Report  
Landscape & Lighting Assessment District 06-03  
Oakwood Ranch  
Fiscal Year 2005-06

The quantities and estimated costs are as follows:

Description	Unit	Amount	Cost per unit	Total Cost
Turf Area	Sq. Ft.	1700	\$0.125	\$212.50
Shrub Area	Sq. Ft.	4700	\$0.125	\$587.50
Water	Sq. Ft.	6400	\$0.050	\$320.00
Electricity	Sq. Ft.	6400	\$0.008	\$51.20
Trees In Landscape Lots	Each	22	\$25.00	\$550.00
Trees In Local Street Parkways	Each	18	\$25.00	\$450.00
Street Lights	Each	8	\$105.00	\$840.00
Project Management Costs	Lots	11	\$18.00	\$198.00
<b>TOTAL</b>				<b>\$3,209.20</b>
10% Reserve Fund				\$320.92
<b>GRAND TOTAL</b>				<b>\$3,530.12</b>
<b>COST PER LOT</b>				<b>\$320.92</b>

### Annual Cost Increase

This assessment district shall be subject to a maximum annual assessment ( $A_{max}$ ) for any given year "n" based on the following formula:

$$A_{max} \text{ for any given year "n"} = (\$3,530.12) (1.05)^{(n-1)}$$

where "n" equals the age of the assessment district with year one (1) being the year that the assessment district was formed;

The actual annual assessment for any given year will be based on the estimated cost of maintaining the improvements in the district plus any prior years' deficit and less any carryover. In no case shall the annual assessment be greater than maximum annual assessment as calculated by the formula above. The maximum annual increase for any given year shall be limited to 10% as long as the annual assessment does not exceed the maximum annual assessment as calculated by the formula above.

The reserve fund shall be maintained at a level of 10% of the estimated annual cost of maintaining the improvements in the district. If the reserve fund falls below 10%, then an amount will be calculated to restore the reserve fund to a level of 10%. This amount will be recognized as a deficit and applied to next year's annual assessment.

**Exhibit "D"**

Engineer's Report  
Landscape & Lighting Assessment District 06-03  
Oakwood Ranch  
Fiscal Year 2005-06

Example 1. The estimated year four cost of maintaining the improvements in the district is \$3,847.83 [a 9% increase over the base year estimated cost of \$3,530.12]. The maximum annual assessment for year four is  
$$\$4,086.56 [A_{\max} = (\$3,530.12) (1.05)^{(4-1)}].$$

The assessment will be set at \$3,847.83 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$3,989.04 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$3,530.12]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$79.78 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is  
$$\$4,086.56 [A_{\max} = (\$3,530.12) (1.05)^{(4-1)}].$$

The year four assessment will be set at \$3,989.04 plus the deficit amount of \$79.78 which equals \$4,068.82 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$3,847.83 [a 9% increase over the base year assessment of \$3,530.12] and damage occurred to the masonry wall raising the year five expenses to \$4,694.35 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$4,232.61 (a 10% increase over the previous year) and below the maximum annual assessment of  
$$\$4,290.88 [A_{\max} = (\$3,530.12) (1.05)^{(5-1)}].$$

The difference of \$403.47 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

**Exhibit "D"**

Engineer's Report  
Landscape & Lighting Assessment District 06-03  
Oakwood Ranch  
Fiscal Year 2005-06

City Engineer Certification

I hereby certify that this report was prepared under my supervision and this report is based on information obtained from the improvement plans of the subject development.

---

Andrew Benelli  
Public Works Director

RCE 50022

Date

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 17, 2005

**Agenda Item Number (Assigned by City Clerk):** 8i(2)

**Agenda Item Wording:** Authorize the Recordation of the Final Map for Madison Heights, located on Velie Court between Houston Avenue and Roosevelt Avenue (17 lots) and the Formation of Landscape and Lighting District No. 06-01, "Madison Heights", Resolution Nos. 2006-05 and 2006-06 required. Also the Intention and Formation of Open Space District No. 90, "Madison Heights", Resolution Nos. 2006-07 and 2006-08 required.

APN: 103-180-046

**Deadline for Action:** February 6, 2005

**Submitting Department:** Public Works

**Contact Name and Phone Number:**

Andrew Benelli 713-4340  
Greg Dais 713-4164

**Department Recommendation and Summary:**

***Final Map***

Staff recommends that City Council authorize the recordation of the final map for Madison Heights containing 17 single family lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$136,303.80 and Labor and Material Bond in the amount of \$68,151.90; 3) cash payment of \$52,046.66 distributed to various accounts; and 4) Final Map.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final

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



map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along Houston Avenue (Arterial). The City will be reimbursing approximately \$ 54,698.70 to the developer (Albert Sandoval and Russell Cook) by giving a combination of fee credits for Transportation Impact Fees and cash payment.

### ***Landscape & Lighting***

Staff recommends that the City Council: adopt Resolution No. 2006-05 Initiating Proceedings for Formation of Assessment District No. 06-01, Madison Heights; adopt the Engineer's Report as submitted; and adopt Resolution No. 2006-06 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights, trees on local streets and pavement on local streets. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent. This process waives the requirement for a public hearing since the owners of this development have given their written consent to form this district.

### ***Open Space District***

That the City Council adopt Resolution No. 2006-07, stating the intention and adopt Resolution No. 2006-08, stating the formation of Open Space District No. 90, Madison Heights.

In 1988 City Council adopted an update to the original 1979 Northeast Area Specific Plan. The specific plan lays the groundwork for required public improvements specific to the Northeast area and the maintenance thereof. The improvements consist of sidewalks/bike paths, center medians, frontage landscaping and decorative block walls. Policies 5 and 6 of Goal 5 of the specific plan speak to the issue of formation of maintenance districts and collection of fees for all development in the Northeast Plan area.

The Planning Commission has approved Madison Heights which is located on Velie Court between Houston Avenue and Roosevelt Avenue. This property is a single family project and is owned by Albert Sandoval and Russell Cook. One of the conditions of the tentative map requires the formation of an open space maintenance district for the maintenance of amenities within the Northeast Specific Plan area. As noted above, the Specific Plan requires open space maintenance districts to be established for the purpose of maintaining amenities such as landscaping along public streets, walkways, crosswalks, parking areas, drainage facilities, parkways, lighting, and sprinkler systems.

The owner(s) of all land within the boundaries of the proposed open space district have filed a petition with the City requesting that an open space district be formed and have given their consent to the formation of the proposed district.

**Prior Council/Board Actions:** The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance the subdivision.

On September 7, 2004, Council approved the Street Maintenance Assessment Policy establishing guidelines and processes for placing street maintenance costs into assessment districts.

**Committee/Commission Review and Actions:** The tentative subdivision map for Madison Heights subdivision was approved by the Planning Commission on October 25, 2004. The tentative map will expire on October 25, 2006.

**Alternatives:** N/A

**Attachments:** Resolution Initiating Proceedings; Clerk's Certification; Resolution Ordering the Improvements; Exhibits "A", "B", "C" and Open Space District No. 90.

**City Manager Recommendation:**

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

"I move to authorize the recordation of the Final Map for Madison Heights Subdivision and I move to adopt Resolution No. 2006-05 Initiating Proceedings for Formation of Assessment District No. 06-01 "Madison Heights" and adopt Resolution No. 2006-06 Ordering the Improvements for Assessment District No. 06-01 "Madison Heights."  
Also the Intention and Formation of Open Space District No. 90, "Madison Heights" Resolution No. 2006-07 and Resolution No. 2006- 08 required.

***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes_____ No_____		

**Copies of this report have been provided to:**

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

**CEQA Review:**

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

**NEPA Review:**

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

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

RESOLUTION NO. 2006-05

RESOLUTION INITIATING PROCEEDINGS FOR  
ASSESSMENT DISTRICT 06-01  
MADISON HEIGHTS  
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to form an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:  
  
Maintenance of pavement on local streets, streets trees in parkway, street lights and any other applicable equipment or improvements.
2. The proposed district shall be designated Assessment District No. 06-01, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 06-01, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Madison Heights".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 06-01  
MADISON HEIGHTS  
(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 06-01, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 17th day of January, 2006 by its Resolution No. 06-05 & 06

This document is certified, and is filed with you, pursuant to Section 22641 of the Streets and Highways Code.

RESOLUTION NO. 2006-06

RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 06-01  
MADISON HEIGHTS  
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 06-01, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2006-07.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
  - a. Clerk's Certification to County Auditor
  - b. Resolution Initiating Proceedings
  - c. Resolution Ordering Improvements
  - d. Engineer's Report for Landscape and Lighting District:
    - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
    - Exhibit B - Tax Roll Assessment for Landscape and Lighting District
    - Exhibit C - Engineer's Report

PASSED AND ADOPTED

# Exhibit "A"

## Assessment Diagram

### Assessment District No. 06-01

#### City of Visalia, Tulare County, California

## MADISON HEIGHTS

BEING A SUBDIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 18 WEST, AS PER MAP THEREOF RECORDED IN VOLUME 1 OF MAPS, AT PAGE 50, T.L.R., IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA.  
MAY 2005

**SURVEYOR:** NEIL ZERLANG - LAND SURVEYOR  
205 E. WHEEL AVENUE, VISALIA, CA. 93277; PHONE: (809) 784-6466

**PREPARED FOR:** ALBERT SANDOVAL & RUSSELL COOK  
1530 S. WALTER COURT, VISALIA, CA. 93242; PHONE: (559) 304-1160

**CURVE DATA**

STATION	CHORD BEARING	CHORD DISTANCE	CHORD AREA
1000	N 00° 00' 00" E	200.00	0.00
1001	N 00° 00' 00" E	200.00	0.00
1002	N 00° 00' 00" E	200.00	0.00
1003	N 00° 00' 00" E	200.00	0.00
1004	N 00° 00' 00" E	200.00	0.00
1005	N 00° 00' 00" E	200.00	0.00
1006	N 00° 00' 00" E	200.00	0.00
1007	N 00° 00' 00" E	200.00	0.00
1008	N 00° 00' 00" E	200.00	0.00
1009	N 00° 00' 00" E	200.00	0.00
1010	N 00° 00' 00" E	200.00	0.00
1011	N 00° 00' 00" E	200.00	0.00
1012	N 00° 00' 00" E	200.00	0.00
1013	N 00° 00' 00" E	200.00	0.00
1014	N 00° 00' 00" E	200.00	0.00
1015	N 00° 00' 00" E	200.00	0.00
1016	N 00° 00' 00" E	200.00	0.00
1017	N 00° 00' 00" E	200.00	0.00
1018	N 00° 00' 00" E	200.00	0.00
1019	N 00° 00' 00" E	200.00	0.00
1020	N 00° 00' 00" E	200.00	0.00
1021	N 00° 00' 00" E	200.00	0.00
1022	N 00° 00' 00" E	200.00	0.00
1023	N 00° 00' 00" E	200.00	0.00
1024	N 00° 00' 00" E	200.00	0.00
1025	N 00° 00' 00" E	200.00	0.00
1026	N 00° 00' 00" E	200.00	0.00
1027	N 00° 00' 00" E	200.00	0.00
1028	N 00° 00' 00" E	200.00	0.00
1029	N 00° 00' 00" E	200.00	0.00
1030	N 00° 00' 00" E	200.00	0.00
1031	N 00° 00' 00" E	200.00	0.00
1032	N 00° 00' 00" E	200.00	0.00
1033	N 00° 00' 00" E	200.00	0.00
1034	N 00° 00' 00" E	200.00	0.00
1035	N 00° 00' 00" E	200.00	0.00
1036	N 00° 00' 00" E	200.00	0.00
1037	N 00° 00' 00" E	200.00	0.00
1038	N 00° 00' 00" E	200.00	0.00
1039	N 00° 00' 00" E	200.00	0.00
1040	N 00° 00' 00" E	200.00	0.00
1041	N 00° 00' 00" E	200.00	0.00
1042	N 00° 00' 00" E	200.00	0.00
1043	N 00° 00' 00" E	200.00	0.00
1044	N 00° 00' 00" E	200.00	0.00
1045	N 00° 00' 00" E	200.00	0.00
1046	N 00° 00' 00" E	200.00	0.00
1047	N 00° 00' 00" E	200.00	0.00
1048	N 00° 00' 00" E	200.00	0.00
1049	N 00° 00' 00" E	200.00	0.00
1050	N 00° 00' 00" E	200.00	0.00

**RADIAL DATA**

STATION	CHORD BEARING	CHORD DISTANCE	CHORD AREA
1000	N 00° 00' 00" E	200.00	0.00
1001	N 00° 00' 00" E	200.00	0.00
1002	N 00° 00' 00" E	200.00	0.00
1003	N 00° 00' 00" E	200.00	0.00
1004	N 00° 00' 00" E	200.00	0.00
1005	N 00° 00' 00" E	200.00	0.00
1006	N 00° 00' 00" E	200.00	0.00
1007	N 00° 00' 00" E	200.00	0.00
1008	N 00° 00' 00" E	200.00	0.00
1009	N 00° 00' 00" E	200.00	0.00
1010	N 00° 00' 00" E	200.00	0.00
1011	N 00° 00' 00" E	200.00	0.00
1012	N 00° 00' 00" E	200.00	0.00
1013	N 00° 00' 00" E	200.00	0.00
1014	N 00° 00' 00" E	200.00	0.00
1015	N 00° 00' 00" E	200.00	0.00
1016	N 00° 00' 00" E	200.00	0.00
1017	N 00° 00' 00" E	200.00	0.00
1018	N 00° 00' 00" E	200.00	0.00
1019	N 00° 00' 00" E	200.00	0.00
1020	N 00° 00' 00" E	200.00	0.00
1021	N 00° 00' 00" E	200.00	0.00
1022	N 00° 00' 00" E	200.00	0.00
1023	N 00° 00' 00" E	200.00	0.00
1024	N 00° 00' 00" E	200.00	0.00
1025	N 00° 00' 00" E	200.00	0.00
1026	N 00° 00' 00" E	200.00	0.00
1027	N 00° 00' 00" E	200.00	0.00
1028	N 00° 00' 00" E	200.00	0.00
1029	N 00° 00' 00" E	200.00	0.00
1030	N 00° 00' 00" E	200.00	0.00
1031	N 00° 00' 00" E	200.00	0.00
1032	N 00° 00' 00" E	200.00	0.00
1033	N 00° 00' 00" E	200.00	0.00
1034	N 00° 00' 00" E	200.00	0.00
1035	N 00° 00' 00" E	200.00	0.00
1036	N 00° 00' 00" E	200.00	0.00
1037	N 00° 00' 00" E	200.00	0.00
1038	N 00° 00' 00" E	200.00	0.00
1039	N 00° 00' 00" E	200.00	0.00
1040	N 00° 00' 00" E	200.00	0.00
1041	N 00° 00' 00" E	200.00	0.00
1042	N 00° 00' 00" E	200.00	0.00
1043	N 00° 00' 00" E	200.00	0.00
1044	N 00° 00' 00" E	200.00	0.00
1045	N 00° 00' 00" E	200.00	0.00
1046	N 00° 00' 00" E	200.00	0.00
1047	N 00° 00' 00" E	200.00	0.00
1048	N 00° 00' 00" E	200.00	0.00
1049	N 00° 00' 00" E	200.00	0.00
1050	N 00° 00' 00" E	200.00	0.00

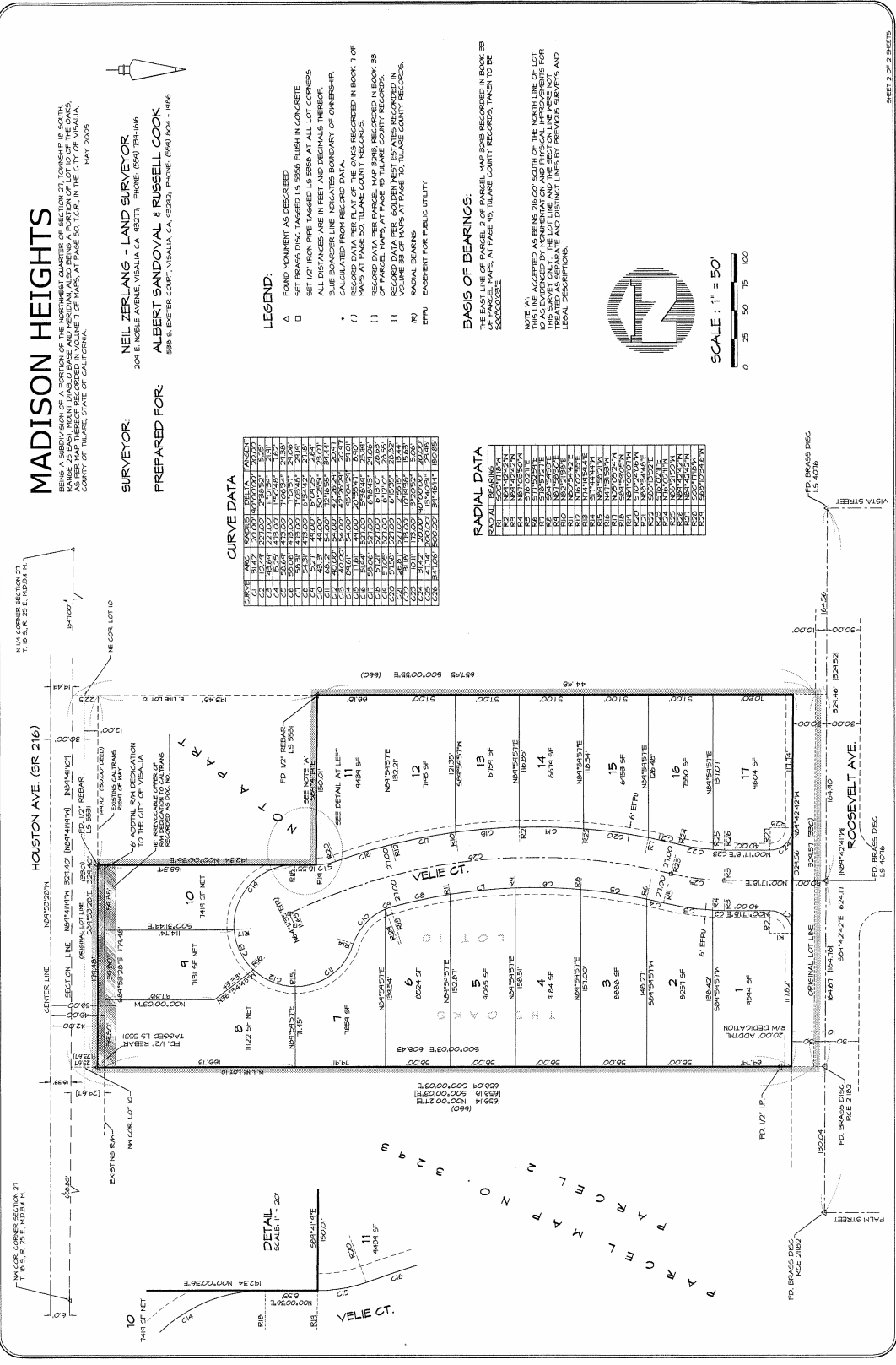
- LEGEND:**
- ▲ FOUND MONUMENT AS DESCRIBED
  - SET BRASS DISC TAGGED LS 5558 IN CONCRETE
  - SET 1/2" IRON PIPE TAGGED LS 5558 AT ALL LOT CORNERS
  - ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
  - BLUE BOUNDARY LINE INDICATES BOUNDARY OF OWNERSHIP.
  - \* CALCULATED FROM RECORD DATA
  - ( ) MAPS AT PAGE 50, TULARE COUNTY RECORDS
  - ( ) RECORD DATA PER PARCEL MAP 3703 RECORDED IN BOOK 39 OF PARCEL MAPS AT PAGE 19 TULARE COUNTY RECORDS
  - ( ) RECORD DATA PER PARCEL MAP 3703 RECORDED IN BOOK 39 OF PARCEL MAPS AT PAGE 19 TULARE COUNTY RECORDS
  - ( ) VOLUME 39 OF MAPS AT PAGE 50, TULARE COUNTY RECORDS.
  - (R) RADIAL BEARING
  - (E)U) EASEMENT FOR PUBLIC UTILITY

**BASIS OF BEARINGS:**  
THE EAST LINE OF PARCEL 2 OF PARCEL MAP 3703 RECORDED IN BOOK 39 OF PARCEL MAPS AT PAGE 19, TULARE COUNTY RECORDS, TAKEN TO BE S82°20'00"E.

**NOTE A):**  
THIS LINE ACCEPTED AS BEING 200.00 SOUTH OF THE NORTH LINE OF LOT 17 OF PARCEL MAP 3703 RECORDED IN BOOK 39 OF PARCEL MAPS AT PAGE 19, TULARE COUNTY RECORDS. THIS SURVEY ONLY - THE LOT LINE AND THE SECTION LINE HERE NOT BEING IDENTICAL AND DISTINCT LINES BY PREVIOUS SURVEYS AND LEGAL DESCRIPTIONS.



**SCALE: 1" = 50'**  
0 25 50 75 100



**Exhibit "B"**

Tax Roll Assessment for Landscape and Lighting District  
Madison Heights  
Fiscal Year 2006-07

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$197.59	06-0101	Madison Heights
To Be Assigned	\$197.59	06-0102	Madison Heights
To Be Assigned	\$197.59	06-0103	Madison Heights
To Be Assigned	\$197.59	06-0104	Madison Heights
To Be Assigned	\$197.59	06-0105	Madison Heights
To Be Assigned	\$197.59	06-0106	Madison Heights
To Be Assigned	\$197.59	06-0107	Madison Heights
To Be Assigned	\$197.59	06-0108	Madison Heights
To Be Assigned	\$197.59	06-0109	Madison Heights
To Be Assigned	\$197.59	06-0110	Madison Heights
To Be Assigned	\$197.59	06-0111	Madison Heights
To Be Assigned	\$197.59	06-0112	Madison Heights
To Be Assigned	\$197.59	06-0113	Madison Heights
To Be Assigned	\$197.59	06-0114	Madison Heights
To Be Assigned	\$197.59	06-0115	Madison Heights
To Be Assigned	\$197.59	06-0116	Madison Heights
To Be Assigned	\$197.59	06-0117	Madison Heights



## **Exhibit "C"**

Engineer's Report  
Landscape & Lighting Assessment District 06-01  
Madison Heights  
Fiscal Year 2006-07

### General Description

This Assessment District is located at Velie Court between Houston Avenue and Roosevelt Avenue. Exhibit "A" is a map of Assessment District 06-01. This District includes the maintenance of trees located in the local street parkway, pavement on local streets, street lights and any other applicable equipment or improvements. The maintenance of pavement on local streets includes preventative maintenance by means including, but not limited to overlays, chip seals/crack seals and reclamite (oiling). The total number lots within the district are 17.

### Determination of Benefit

The block wall and the lighting are to provide safety and visual impressions for the area. The maintenance of the trees in the local street parkway and street lights are vital for the protection of both economic and humanistic values of the development. In order to preserve the values incorporated within developments and to concurrently have an adequate funding source for the maintenance of all internal local streets within the subdivision, the City Council has determined that landscape areas, street lights, block walls and all internal local streets should be included in a maintenance district to ensure satisfactory levels of maintenance.

### Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally. The lots not adjacent to street lights benefit by the uniform maintenance and overall appearance of the District. All lots in the District have frontage on an internal local street and therefore derive a direct benefit from the maintenance of the local streets.

### Estimated Costs

The estimated costs to maintain the District includes the costs to maintain trees in the local street parkway, street lights, pavement on local streets and any other applicable equipment or improvements. The regular preventive maintenance of pavement on local streets is based on the following schedule: Chip Seal on a 15 year cycle; Overlays on a 10 year cycle; Crack Seal on an 8 year cycle and Reclamite on a 6 year cycle.

## Exhibit "C"

Engineer's Report  
Landscape & Lighting Assessment District 06-01  
Madison Heights  
Fiscal Year 2006-07

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	0	\$0.180	\$0.00
Shrub Area	Sq. Ft.	0	\$0.180	\$0.00
Water	Sq. Ft.	0	\$0.050	\$0.00
Electricity	Sq. Ft.	0	\$0.008	\$0.00
Trees In Landscape Lots	Each	0	\$25.00	\$0.00
Trees In Local Street Parkways	Each	21	\$25.00	\$525.00
Street Lights	Each	2	\$105.00	\$210.00
Chip Seal (15 year cycle)	Sq. Ft.	23720	\$0.190	\$300.45
Crack Seal ( 8 year cycle)	Sq. Ft.	23720	\$0.02933	\$86.97
Reclamite (6 year cycle)	Sq. Ft.	23720	\$0.0211110	\$83.46
Overlays (10 year cycle)	Sq. Ft.	23720	\$0.65	\$1,541.80
Project Management Costs	Lots	17	\$18.00	\$306.00
<b>TOTAL</b>				<b>\$3,053.68</b>
10% Reserve Fund				\$305.37
<b>GRAND TOTAL</b>				<b>\$3,359.05</b>
<b>COST PER LOT</b>				<b>\$197.59</b>

### Annual Cost Increase

This assessment district shall be subject to a maximum annual assessment ( $A_{max}$ ) for any given year "n" based on the following formula:

$$A_{max} \text{ for any given year "n"} = (\$3,359.05) (1.05)^{(n-1)}$$

where "n" equals the age of the assessment district with year one (1) being the year that the assessment district was formed;

The actual annual assessment for any given year will be based on the estimated cost of maintaining the improvements in the district plus any prior years' deficit and less any carryover. In no case shall the annual assessment be greater than maximum annual assessment as calculated by the formula above. The maximum annual increase for any given year shall be limited to 10% as long as the annual assessment does not exceed the maximum annual assessment as calculated by the formula above.

The reserve fund shall be maintained at a level of 10% of the estimated annual cost of maintaining the improvements in the district. If the reserve fund falls below 10%, then an

**Exhibit "C"**

Engineer's Report  
Landscape & Lighting Assessment District 06-01  
Madison Heights  
Fiscal Year 2006-07

amount will be calculated to restore the reserve fund to a level of 10%. This amount will be recognized as a deficit and applied to next year's annual assessment.

Example 1. The estimated year four cost of maintaining the improvements in the district is \$3,661.36 [a 9% increase over the base year estimated cost of \$3,359.05]. The maximum annual assessment for year four is \$3,888.52 [ $A_{max} = (\$3,359.05) (1.05)^{(4-1)}$ ]. The assessment will be set at \$3,661.36 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$3,795.73 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$3,359.05]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$75.91 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$3,888.52 [ $A_{max} = (\$3,359.05) (1.05)^{(4-1)}$ ]. The year four assessment will be set at \$3,795.73 plus the deficit amount of \$75.91 which equals \$3,871.64 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$3,661.36 [a 9% increase over the base year assessment of \$3,359.05] and damage occurred to the masonry wall raising the year five expenses to \$4,098.04 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$4,027.50 (a 10% increase over the previous year) and below the maximum annual assessment of \$4,082.95 [ $A_{max} = (\$3,359.05) (1.05)^{(5-1)}$ ]. The difference of \$70.54 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

I hereby certify that this report was prepared under my supervision and this report is based on information obtained from the improvement plans of the subject development.

---

Andrew Benelli  
Assistant Director Engineering

RCE 50022

Date

Open Space District No. 90  
Madison Heights  
Fiscal Year 2006-07

RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE VISALIA CITY COUNCIL  
A RESOLUTION OF INTENTION TO FORM  
OPEN SPACE DISTRICT NO. 90  
MADISON HEIGHTS

BE IT RESOLVED by the City Council in the City of Visalia, California, that:

1. In its opinion, the public interest and convenience require, and it is the intention of said Council to order the formation of a maintenance district in a portion of said City, pursuant to Title 12, Chapter 12.40 of the Ordinance Code of the City of Visalia, to be designated "Open Space District No. 90", by which name it shall hereafter be referred to and all subsequent proceedings, including the proceedings for the levy and collection of charges.
2. Said maintenance district, and the boundaries thereof, benefited and to be assessed for the maintenance and operation of improvements hereinafter referred to, are situated in the Northeast Specific Plan Area, City of Visalia, County of Tulare, State of California, and are particularly described on the attached map Exhibit A, and by this reference incorporated herein.
3. It is ordered that the expense of maintaining and operating parks and parkways, and appurtenance thereto, including, but not limited to, walkways, crosswalks, steps, safety zones, parking areas, platforms, seats, statuary, fountains, certain fencing, drainage facilities; poles, posts, wire, lights, conduits, tunnels, ramps and other suitable or necessary appliances for the purposed of lighting said places or public ways; water mains or sprinkler systems; and ornamental planning including lawns, shrubs and trees, all as now exist or may hereafter be constructed in or for said Maintenance District, and a benefit to said Maintenance District but not to benefit the City of Visalia as a whole, including the cost of necessary repairs, replacements, fuel, power, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, shall be charged to the owners of residential units within said Maintenance District above described. Council has hereby determined that said district will benefit by the maintenance and operation of said improvements and that the amount of \$44.28 per year will be charged and shall be collected either by billing by the City of Visalia or collected with property taxes by the County of Tulare.

Open Space District No. 90  
Madison Heights  
Fiscal Year 2006-07

PURSUANT TO GOVERNMENT CODE SECTION 6103,  
NO RECORDING FEE REQUIRED.

RECORDING REQUESTED BY:  
CITY OF VISALIA

WHEN RECORDED RETURN TO:  
CITY OF VISALIA  
ENGINEERING DEPT.  
315 E. ACEQUIA AVE.  
VISALIA, CA. 93291

RESOLUTION NO. 2006-\_\_\_\_\_

RESOLUTION ORDERING THE FORMATION  
OPEN SPACE DISTRICT NO. 90  
MADISON HEIGHTS

**WHEREAS**, pursuant to Title 12, Chapter 12.40 of the Ordinance Code of the City of Visalia, California, the City Council of said City did adopt resolution of intention to form Open Space District No. 90 in said CITY; and

**WHEREAS**, owners of all land within the boundaries of the proposed Open Space District No. 90 have filed their consent to the formation of the proposed district; and

**WHEREAS**, said Council did declare by adopting said resolution its intention to order, at the expense of maintaining and operating parks, parkways and appurtenance thereto, including, but not limited to; walkways, crosswalks, steps, safety zones, parking areas, platforms, seats, statuary, fountains, certain fencing, drainage facilities; poles, posts, wire, lights, conduits, tunnels, ramps and other suitable or necessary appliances for the purposed of lighting said places or public ways; water mains or sprinkler systems; and ornamental planting including lawns, shrubs and trees, all as now exist or may hereafter be constructed in or for said Maintenance District, and a benefit to said Maintenance District but not to benefit the City of Visalia as a whole, including the cost of necessary repairs, replacements, fuel, power, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, shall be charged to the owners of residential units within said Maintenance District above described, which district said Council hereby determined will be a district benefited by the maintenance and operation of said improvements and that the amounts so charged are to be collected through billing by the City or with property taxes collected by the County of Tulare.

Open Space District No. 90  
Madison Heights  
Fiscal Year 2006-07

**NOW, THEREFORE HEREBY BE IT RESOLVED** and ordered as follows:

1. That the public interest and convenience require and a maintenance district is hereby formed for the maintenance and operation of parks and parkways and appurtenances thereto, including, but not limited to walkways, crosswalks, steps, safety zones, parking areas, platforms, seats, statuary, fountains, certain fencing, drainage facilities; poles, posts, wire, lights, conduits, tunnels, ramps and other suitable or necessary appliances for the purposed of lighting said places or public ways; water mains or sprinkler systems; and ornamental planting including lawns, shrubs and trees, all as now exist or may hereafter be constructed in or for said Maintenance District, and a benefit to said Maintenance District but not to benefit the City of Visalia as a whole, which district said Council hereby determines will be the district benefited by the maintenance operation of said improvements.

2. That said district be, and is hereby designated as "Open Space District No. 90", by which name it shall hereafter referred to in all subsequent proceedings, including proceedings for the collection of charges in the amount of \$44.28 per year; that such charges be collected either by billing by the City of Visalia or collected with property taxes by the County of Tulare.

3. That the district and the boundaries thereof benefited and to be assessed for the maintenance and operation of the improvements described are situated in Tulare County, State of California, City of Visalia and are particularly described on the attached map Exhibit A, and by this reference incorporated herein.

Tax Roll Assessment for Open Space District No. 90  
Madison Heights  
Fiscal Year 2006-07

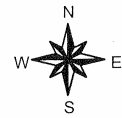
<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$44.28	1	Madison Heights
To Be Assigned	\$44.28	2	Madison Heights
To Be Assigned	\$44.28	3	Madison Heights
To Be Assigned	\$44.28	4	Madison Heights
To Be Assigned	\$44.28	5	Madison Heights
To Be Assigned	\$44.28	6	Madison Heights
To Be Assigned	\$44.28	7	Madison Heights
To Be Assigned	\$44.28	8	Madison Heights
To Be Assigned	\$44.28	9	Madison Heights
To Be Assigned	\$44.28	10	Madison Heights
To Be Assigned	\$44.28	11	Madison Heights
To Be Assigned	\$44.28	12	Madison Heights
To Be Assigned	\$44.28	13	Madison Heights
To Be Assigned	\$44.28	14	Madison Heights
To Be Assigned	\$44.28	15	Madison Heights
To Be Assigned	\$44.28	16	Madison Heights
To Be Assigned	\$44.28	17	Madison Heights

Exhibit "A"  
Open Space District No. 90  
Madison Heights  
Fiscal Year 2006-07

City of Visalia  
OPEN SPACE NO. 90 "MADISON HEIGHTS"



LOCATION MAP



Scale: 1" = 600'



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 17, 2006

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

**Agenda Item Wording:** Authorization to record the final map of Sterling Oaks, Unit No. 2 Subdivision, located West of County Center between Riggin Avenue and Modoc Avenue.

**APN:** 089-010-029

**Deadline for Action:** February 6, 2006

**Submitting Department:** Public Works

**Contact Name and Phone Number:**

Andrew Benelli 713-4340  
Greg Dais 713-4164

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

**Department Recommendation and Summary:** The recommendation is that City Council approve the recordation of the final map of Sterling Oaks, Unit No. 2 Subdivision containing 117 single family lots. All bonds, cash payments, subdivision map agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful performance bond in the amount of \$ 1,347,967.72 and Labor and Material bond in the amount of \$ 673,983.86; 3) Cash payment of \$ 437,250.37 distributed to various accounts; and 4) Final map. The project is being constructed by Centex Homes.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along Riggin Avenue (Arterial) and County Center (Collector). The City will be reimbursing approximately \$221,907.87 to the developer

(Ennis Homes) by giving a combination of fee credits for Transportation Impact Fees and cash payment.

**Prior Council/Board Actions:** Sterling Oaks, Unit No. 2 Subdivision was annexed into the Landscape and Lighting District No. 05-23 by City Council on December 5, 2005.

The tentative subdivision map for Sterling Oaks Subdivision was approved by the Planning Commission on September 22, 2003. The tentative map expired on September 22, 2005, the developer applied for a tentative map extension and currently it's valid through September 22, 2006.

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

**Alternatives:** N/A

**Attachments:** Location sketch and subdivision map.

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** Move to authorize recordation of the final map of Sterling Oaks, Unit No. 2 Subdivision.

***Financial Impact***

**Funding Source:**  
Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes ___ No ___	

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes No  
Review and Action: Prior: Environmental finding completed for tentative  
subdivision map.  
Required:

**NEPA Review:**

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 17, 2006

**Agenda Item Number (Assigned by City Clerk):** 8k(1)

**Agenda Item Wording:**

Second Reading of Ordinance 2005-17 for Change of Zone No. 2004-32: a request by Fred Machado (Branum Group, agent) to change the Zoning designation on 48 acres from BRP (Business Research Park) to 6.0 acres of PA (Professional /Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size).

Conditional Zoning Agreement No. 2005-02: Authorization for the City Manager to execute an agreement containing conditions for the development of a single-family residences and office buildings on the property subject to Change of Zone No. 2004-32.

The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34.)

**Deadline for Action:** None.

**Submitting Department:** Community Development - Planning

**Contact Name and Phone Number** Brandon Smith, Associate Planner (559) 713-4636

**Department Recommendation and Summary:** Staff recommends that the City Council conduct the second reading and adoption of Ordinance No. 2005-17 for Change of Zone No. 2004-32, and authorize the City Manager to execute Conditional Zoning Agreement No. 2005-02.

**Committee/Commission Review and Actions:**

On November 7, 2005, the City Council held a public hearing on General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32. The public hearing included the first reading of Ordinance No. 2005-17 prepared for the COZ, which included a provision for the preparation of a Conditional Zoning Agreement to specify building and land use development conditions for the securing of entitlements and subsequent development of the proposed residential area. The Council approved the General Plan Amendment and conducted the first reading of Ordinance No. 2005-17 for the COZ.

Conditional Zoning Agreement No. 2005-02, attached, includes conditions pertaining to the construction and phasing of the residential and office zones, vehicular circulation, assessment districts, and a public pedestrian trail. During the project's public hearing on November 7, two

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 10

conditions were added to into the agreement. These conditions would require that two-story office buildings shall be the required noise mitigation for the residential zoning and shall be developed in full prior to commencing construction of the residential area, and that the project's on-site vehicular circulation be designed to allow for a future vehicular crossing over the existing railroad line to Goshen Avenue. The agreement has been reviewed by both the City Attorney's office and the applicant's agent.

On August 8, 2005, the Planning Commission considered the GPA and COZ along with the project's Mitigated Negative Declaration, and approved the project on a 5-0 vote. Based on the applicant's development plan, which calls for 105 single-family residential lots and an office park consisting of approximately 89,000 sq. ft. of office space, a Tentative Subdivision Map and Conditional Use Permit for a planned unit development must be approved by the Planning Commission before any construction can commence on the site.

**Prior Council/Board Actions:**

The City Council approved General Plan Amendment No. 2004-31 and the first reading of Ordinance No. 2005-17 for Change of Zone No. 2004-32 on November 7, 2005.

**Alternatives:**

None recommended

**Attachments:**

- Ordinance No. 2005-17
- Conditional Zoning Agreement No. 2005-02
- Existing and Proposed Zoning Map
- Location Sketch

**City Manager Recommendation:**

**Recommended Motion:** I move to conduct the second reading of Ordinance No. 2005-17 for Change of Zone No. 2004-32, and to authorize the City Manager to execute Conditional Zoning Agreement No. 2005-02.

**Financial Impact**

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

**Environmental Assessment Status**

**CEQA Review:**

Required? No

Mitigated Negative Declaration No. 2005-71 was certified by the City Council on November 7, 2005; therefore no further environmental action is required.

Review and Action: Prior:  
Required:

**NEPA Review:**

Required? No

Review and Action: Prior:  
Required:

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

ORDINANCE NO. 2005-17

AMENDING THE ZONING MAP OF THE CITY OF VISALIA BY CHANGING THE ZONING DESIGNATION ON 48 ACRES FROM BRP (BUSINESS RESEARCH PARK) TO 6.0 ACRES OF PA (PROFESSIONAL / ADMINISTRATIVE OFFICE), 7.7 ACRES OF QP (QUASI-PUBLIC), AND 34.3 ACRES OF R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQ. FT. MIN. LOT SIZE), LOCATED ON THE NORTH SIDE OF GOSHEN AVENUE, APPROXIMATELY ¼ MILE EAST OF SHIRK STREET.

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

**Section 1:** The Planning Commission of the City of Visalia has recommended to the City Council the change of 48 acres of BRP (Business Research Park) zoned property on the City of Visalia Zoning Map to 6.0 acres of PA (Professional / Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size). The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34); and

**Section 2:** The official Zoning Map of the City of Visalia is hereby amended to show said property changes as illustrated in Exhibit "A" attached hereunto.

**Section 3:** This portion of property which contains the Zoning Designation of PA (Professional / Administrative Office) shall be designated to have Design District "B" on the City's officially adopted design district map.

**Section 4:** A Conditional Zoning Agreement shall be prepared by City staff with the applicant and approved by the City Council at the second reading of said Ordinance. The Conditional Zoning Agreement shall specify building and land use development conditions for the securing of entitlements and subsequent development of the proposed residential area. Said conditions shall specifically address the following:

- a. That the noise attenuation / mitigating feature shall be in the form of multi-story office buildings arranged as to create a continuous noise barrier, located in the approved Professional / Administrative Office (PA) zone between the existing Heavy Industrial (I-H) zone to the west and the approved Single-family Residential (R-1-6) zone to the east, and that no building permits for residences in the approved R-1-6 zone may be issued until Certificates of Occupancies have been issued for all said multi-story office buildings;
- b. That on-site vehicular circulation be designed as to allow for a future vehicular crossing via Roeben Street between the approved R-1-6 zoning and Goshen Avenue;
- c. Vehicular access to the subject site as approved by the City;
- d. Phasing of all project elements consistent with Item "a" above;
- e. Assessment districts for all common area landscaping;
- f. Dedication, construction, and maintenance of a public pedestrian trail;
- g. Superior circulation design; and,
- h. Development and infrastructure cost responsibility.

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

NO FEE REQUIRED PURSUANT  
TO CODE SECTION 6107  
RECORDING REQUESTED BY  
AND MAIL RESPONSE TO:

City of Visalia  
Planning Division  
315 East Acequia Avenue  
Visalia, CA 93291

**CONDITIONAL ZONING AGREEMENT NO. 2005-02**

**THIS AGREEMENT** made this \_\_\_\_ day of \_\_\_\_ 2006, by Fred Machado hereinafter called the "First Party" and the CITY OF VISALIA, a political subdivision of the State of California, hereinafter called, "Second Party."

**WITNESSETH**

**WHEREAS**, First Party is the owner of real property, herein called the "Property" situated in the City of Visalia, which Property is described in Item (d) of Exhibit I of this Agreement; and

**WHEREAS**, the Property is now zoned as specified in Item (a) of Exhibit I; and

**WHEREAS**, First Party has applied for a rezoning of the Property pursuant to which application the Property is being rezoned from its present classification to the classification or classifications specified in Item (b) of Exhibit I; and

**WHEREAS**, hearings have been held upon said application before the City Council of the City of Visalia, State of California, and after having considered the matter presented, it has been determined that certain conditions to the rezoning of said real property must be imposed so as not to create any problems inimical to the health safety and the general welfare of the City of Visalia and its residents.

**NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED** that inasmuch as the rezoning specified in Item (b) of Exhibit I is being granted, the rezoning shall be subject to the conditions specified in the following paragraphs:

1. That Exhibit I, as completed and attached hereto, is incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
2. That First Party shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.
3. In the event First Party, and successor in interest of First Party, or any person in possession of the property described in Item (d) of Exhibit I violates or fails to perform any of the conditions of this Agreement within thirty (30) days after notice thereof as provided in Paragraph 4, the City Council of the Second Party may instruct the City Attorney of Second Party to institute legal proceedings to enforce the provisions of this Agreement.



4. Notice of violation of provisions of this Agreement shall be sent to First Party at the address specified in Item (c) of the Exhibit I and to the street address of the property described in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the property shall also receive notice of such violation at an address other than as specified in Item (c) of Exhibit I by which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.
5. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
6. Zoning of the property as indicated in Item (b) of Exhibit I shall not be consummated until such time as the Agreement has been recorded in the office of the Tulare County Recorder.

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

BY: \_\_\_\_\_  
"First Party"  
Fred Machado

CITY OF VISALIA, A political  
subdivision of the State of California

ATTEST: \_\_\_\_\_  
Clerk of the City Council  
"Second Party"

BY: \_\_\_\_\_  
City Manager

**EXHIBIT I**  
**CONDITIONAL ZONING AGREEMENT NO. 2005-02**

(a) The property described in Attachment "A," is now zoned:

Business Research Park

(b) The zoning reclassification of a portion property described in Attachment "A," is from its present zoning to:

Quasi-Public (QP), Professional / Administrative Office (PA), Single-Family Residential, minimum 6,000 square-foot lot size (R-1-6)

(c) Notice to First Party pursuant to Paragraph No. 4, shall be addressed to:

Mr. Fred Machado  
7400 Morro Road, Suite A  
Atascadero, California 93422

(d) "Property" as used in this Agreement, includes:

Land located on the north side of Goshen Avenue approximately 850 feet east of Shirk Street in the City of Visalia, County of Tulare, State of California, and containing Assessor Parcel Numbers (APNs) of 077-100-019, 077-100-027, 077-100-028, and 077-100-034.

(e) The additional conditions with which First Party shall comply, pursuant to Paragraph No. 2, of this Agreement, are as follows:

- 1) The noise attenuation / mitigating feature required by Mitigated Negative Declaration No. 2005-71, prepared for the rezoning, shall be in the form of multi-story office buildings arranged as to create a continuous noise barrier, located in the approved Professional / Administrative Office (PA) zone between the existing Heavy Industrial (I-H) zone to the west and the approved Single-family Residential (R-1-6) zone to the east.
- 2) No building permits for residences in the area rezoned to R-1-6 may be issued until Certificates of Occupancies have been issued for all said multi-story office buildings, and until it can be demonstrated that exterior noise levels in the area rezoned to R-1-6 have been reduced to a level meeting the Community Noise Standards enforced by Chapter 8.36 of the Visalia Municipal Code.
- 3) A location for a public vehicular crossing connecting Roeben Street to Goshen Avenue shall be illustrated on the tentative subdivision map submittal which creates buildable lots for single-family residences in the area rezoned for R-1-6. The vehicular crossing shall be an extension of Roeben Street, currently located north of said Property, and shall provide a crossing over the San Joaquin Valley Railroad (SJVR) line which separates the area rezoned to R-1-6 from Goshen Avenue. The First Party and Second Party shall make a good faith effort to work with the SJVR Public Utilities Commission in pursuit of allowing said vehicular crossing.
- 4) Public vehicular access shall be provided via Doe Avenue and the street separating the R-1-6 and PA zones (Ethan Street) to the area rezoned for PA before a Certificate of Occupancy is issued for any office building constructed within this zone. The public vehicular access shall be constructed and paved at a minimum two-thirds (2/3) width of the ultimate planned right-of-way for these streets.

- 5) The area rezoned as PA shall contain a single planned office development constructed over a single phase and containing a thematic building design and landscape plan throughout the project's development.
- 6) Landscape and Lighting Assessment District(s) shall be created for all common area landscaping inside the Property, excepting the portion of the City Storm Basin that is not a park pond and not accessible to the public. The Landscape and Lighting Assessment District(s) shall include maintenance of the trees and landscaping around the perimeter of the pond, viewing platforms extending from the trail into the pond, a tot lot / playground located on the east side of the pond, and any portion of the pond which can be dually used as a public park.
- 7) The First Party shall dedicate to the City, at no cost, a public pedestrian trail with the recording of a tentative subdivision map which creates buildable lots for single-family residences in the area rezoned for R-1-6. The trail shall extend southerly from the existing trail on Roeben Street located north of Property, shall be located adjacent to Doe Avenue and the street separating the R-1-6 and PA zones (Ethan Street), and shall circumvent the City Storm Basin on the southwest corner of said Property. The trail shall culminate at the future public vehicular crossing described in item (3). The trail shall be maintained under a Landscape and Lighting Assessment District created for land inside said Property.
- 8) The First Party shall pay for the development and cost of and shall complete all public infrastructure affiliated with the said planned office development before any building permit is issued for residences in the area rezoned to R-1-6.

**City of Visalia**  
**Agenda Item Transmittal**

**Meeting Date:** January 17, 2006

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

**Agenda Item Wording:** Award contract to Oral E. Micham, Inc. for the construction of two police sub-stations at 204 NW Third Avenue and 4100 S. County Center Drive in the amount of \$7,238,000 and making necessary budget appropriations to fund the project.

**Deadline for Action:** none

**Submitting Department:** Community Development and Public Works and Finance

**Contact Name and Phone Number:**

Steve Salomon, City Manager, 713-4312  
Michael Olmos, Director of Community Development, 713-4332  
Bob Williams, Assistant Police Chief, 713-4227  
Eric Frost, Director of Finance, 713-4474  
Bob Nance, Economic and Redevelopment Manager, 713-4511  
Sharon Sheltzer, Project Manager, 713-4414

For action by:

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

For placement on which agenda:

Work Session  
 Closed Session  
Regular Session:  
 Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time

(Min.):\_\_10\_\_

**Department Recommendation and Summary:**

Staff recommends that Council:

- 1) authorize the City Manager to enter into contract with Oral E. Micham, Inc. for the construction of two police sub-stations at 204 NW Third Avenue and 4100 S. County Center Drive, for \$7,238,000, and;
- 2) appropriate additional money from the Police Measure T Sales Tax (\$1,089,367), Public Safety Impact Fee Funds (\$896,755) to fully fund project costs.

**Background**

On November 15, 2004 Council approved the schematic design and cost estimate for the two police stations, and amended the project budget to \$6,976,834. The budget included hard building construction costs (\$5,838,390) and soft indirect construction costs (\$1,138,444). Just before releasing the bid, staff estimated the hard construction cost construction budget at \$6,300,000.

The project bid process was closed on November 30. Four bids were received from contractors with the low bid at \$7,238,000 and the high bid at \$7,647,000:

1. \$7,238,000	Oral E. Micham, Inc.	Woodlake
2. \$7,442,000	Seals/Biehle General Contractors	Visalia
3. \$7,497,000	S.C. Anderson, Inc.	Bakersfield
4. \$7,647,000	Lewis C. Nelson and Sons, Inc.	Selma

The low bid is 12.9 % above the City's construction estimate of \$6,300,000. This can be accounted for by several reasons: First, staff believed that the City's prevailing wage exemption would lead to a substantial cost savings. Our estimate included a 10% reduction for the anticipated lower wage rates, but this was not realized. After the bidding process was completed, CM Construction Services, the construction management team hired for this project, surveyed the four bidding firms. All firms were either union or hired a majority of union sub-contractors, and therefore the wages were similar to prevailing wages. In addition, Hurricane Katrina has increased material costs and Valley contractors are very busy. Costs for bringing utilities to the south site are substantial. Further, the construction bids were within 6% of each other, a rather tight margin.

After completing the City's due diligence to check the references, bonds, license and insurance, staff recommends Oral E. Micham, Inc. be award this bid.

### **Financial Impact**

The proposed project is significantly more than originally anticipated. Although the current costs reflect market conditions, project alternatives and funding must be reviewed.

Staff met to review the alternatives to accepting this bid. The identified alternatives were:

1. ***Reject the bid and bid the project out later.*** The rationale for this approach would be that current Central Valley contractors are very busy and command a premium for their work at present. Additionally, Katrina appears to have caused basic building materials to have spiked in costs. Staff rejected this alternative because Visalia tends to be in a lagging market; the coastal areas tend to speed up and slow down before the City does. The coastal commercial construction markets remain very robust. No sign indicates that they will slow down. Waiting does not appear to have much benefit. And unlike the residential market, interest rate sensitivity is much less; the residential market might slow dramatically in response to rising interest rates but commercial building tends to be less sensitive to interest rate changes.
2. ***Reject the bid and redesign the building.*** Staff considered the option of starting the whole process over again. Monique Cayle from CM Construction Services estimated that a redesign which would eliminate many of the energy saving features of the building might cost up to \$1 million less. However, to design such a building would cost the City another \$500,000 in design costs, increase future maintenance costs and produce a less pleasing building. Additionally, such a decision could add another year to the production timeline.
3. ***Accept the bids and look for cost savings from material changes and non-functional design changes.*** Staff examined the possibility of accepting the bid as required by State law and then considering alternative materials or design changes that would not change the function of the building but might reduce costs. For example, a

change in roof tile from clay tiles to cement S-tiles could save \$20,000 without hurting the function or look of the building.

In the end, staff believed that the best course of action was to accept the bids and examine options for cost cutting measures.

Staff then considered the effect funding the project at this level would have. The project is funded from three sources: the General Fund, Measure T and Police Impact Fees. The shortfall is proposed to be funded from Measure T and Police Impact Fees. Because impact fees can only pay for expanded capacity caused by new construction, it is important to understand how much of the building is related to the need for increased response capacity. When the City developed the original Measure T Plan, which included a building plan, it was determined that the building plan would increase police facilities by 45%, an increase directly related to meeting growth needs. Measure T can be used to pay for current residents demand for service. The increase in funding, then, is proposed upon the percentage share of current residents versus new residents to be served by the police precincts, estimated at 55% and 45%, respectively.

As a result, the proposed increased funding for the police precinct project from Measure T would be \$1,059,367 (55% of the proposed cost increase). Police Impact Fees would pay an additional \$876,755 (45% of the proposed cost increase). The total budget is shown on Table I, Police Precincts Sources and Uses.

The increase use of funds will have the following impacts:

- **Measure T.** Measure T is primarily for expanding the number of police officers in the department. The ballot measure requires that Measure T monies be used to:
  - first, to fund that year's Measure T plan;
  - second, to fund the economic uncertainty fund;
  - third, to accelerate the plan; and,
  - lastly, to enhance other public safety efforts.

As a result, Finance prepared a cash flow which first funded the officers and then considered what monies would be available for construction of the police precincts and dispatch/headquarters building.

Measure T will accumulate sufficient funds to pay for its share of the police precincts out of cash. This action is better than what was originally anticipated. The original Measure T plan envisioned some type of financing for the building structures. Nevertheless, the increased precinct funding will reduce what will be available for the dispatch/headquarters building. The proposed dispatch/headquarters building as presented to Council in December currently has a significant funding gap. Measure T will not be able to pay cash towards the dispatch/headquarters building. As a result, Finance considered how much Measure T could finance towards the dispatch/headquarters.

Assuming that sales tax revenues grow at approximately the same rate as personnel expenses, Measure T can support approximately \$400,000 in annual debt service. This equals approximately \$5 million in bond capacity, assuming a 5% interest rate on a 20 year bond. Such a commitment, however, will leave no additional money for any commitments beyond the Measure T plan.

- **Police Impact Fees.** Police Impact Fees were revised this spring as part of the City's general effort to adjust fees to current market conditions. At that time, the fees were increased to reflect the November 2004 cost estimate for the precincts.

The Police Impact Fee analysis indicated that the City would have to advance funds to the impact fee and be willing to be repaid over time. The time frame used in the analysis was 20 years. The precinct construction budget cost increase over the plan's projected cost justifies a 17% increase in the Police Impact Fee. A further increase will probably be needed if the City continues forward with a plan similar to those presented in December for the dispatch/ headquarters building. But until that plan is settled, revising the fee for that item should wait.

If the Council approves the revised funding plan, staff would also ask the Council to authorize the following:

- Direct staff to revise the police impact fee by 17% and begin the appropriate process to increase this impact fee for the now known police precinct cost;
- Authorize a long-term advance (up to \$4 million) from the General Fund to the Police Impact Fee fund to enable the fund to meet its financial commitment.

Table I  
Police Precinct Sources and Uses

**SOURCES**

	<b>Current Budget</b>	<b>Proposed Addition</b>	<b>Proposed Budget</b>
Measure T	\$ 2,671,541	\$ 1,089,314	\$ 3,760,922
Police Impact Fees	3,296,293	896,755	4,193,048
General fund	1,009,000	0	1,009,000
	<u>6,976,834</u>	<u>1,986,136</u>	<u>8,962,970</u>

**USES**

Construction

Oral E. Micham, Inc	7,238,000	
Construction Contingency @ 3%	<u>217,000</u>	
		7,455,000

Indirect (soft) Costs for Buildings and Sites

Moveable furnishings	180,000
Construction testing	40,000

Utility extensions or connections	north	installed
	south - gas	10,000
	electric	60,000

Table I  
Police Precinct Sources and Uses  
(continued)

phone and	100,000
-----------	---------

	water		
Fiber optics	north	10,640	
	south	31,890	
Storm water management plan	south only	5,000	
Building permit	north	8,700	
	south	221,300	
Geotechnical report		2,560	
Surveys and easements		11,220	
Move stockpiled earth and dump piles	south only	22,380	
Construction Manager/ Staff time		248,000/50,000	
Architect		438,000	
Furniture design		3,900	
CA Water Co. design down payment	south only	4,000	
<u>Contingency (5%)</u>		<u>60,380</u>	
<b>Total Indirect Costs</b>			<u>1,507,970</u>
	Total Project Budget		<u><u>\$ 8,962,970</u></u>

The Police Impact Fee fund as of June 30, 2005 had \$500,000 in cash. The fund has generated about \$400,000 this year. Without revising fees, the fund will need to dedicate its revenues to repaying a General Fund advance for 9 years or so. The General Fund will also need to advance several million dollars to the Police Impact Fee fund.

Despite these challenges, the project has a viable financing plan which advances one of the goals of the community: continued emphasis on public safety.

**Next Steps**

If approved by Council, a Notice of Award and contract will be sent to Oral E. Micham, Inc. Upon determination by the City that a contract has been entered and Contractor has provided all of the information that he is required to provide pursuant to ITB 05-06-04, and upon receipt of bonds, the City will issue a Notice to Proceed to the Contractor.

**Prior Council/Board Actions:**

- November 15, 2004 Approved schematic design, cost estimate and financial plan
- June 21, 2004 Authorized selection of City-owned property to be used for the south side police precinct
- June 7, 2004 Authorized entering into contract with INDIGO Architects for \$230,000
- February 17, Authorized formation of a committee to select an architect for the police precinct

**Committee/Commission Review and Actions:**

**Alternatives:** none

**Attachments:** none

**City Manager Recommendation:**



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

Staff recommends that Council:

- 1) authorize the City Manager to enter into contract with Oral E. Micham, Inc. for the construction of two police sub-stations at 204 NW Third Avenue and 4100 S. County Center Drive, for \$7,238,000, and;
- 2) appropriate additional money from the Police Measure T Sales Tax \$(1,089,314), Public Safety Impact Fee Funds (\$896,755 ) to fully fund project costs.
- 3) direct staff to revise the police impact fees by 17% and begin the proper process for adjusting those fees; and,
- 4) authorize a line of credit to the Police Impact Fee fund of \$4,000,000 from a General Fund advance.

***Financial Impact***

**Funding Source:**

Account Number: north 3011 00000-720000-0-9628-2005  
south 3011-00000-720000-0-9733-2005

**Budget Recap:**

Total Estimated cost: \$8,962,970	New Revenue:\$	
Amount Budgeted: \$6,976,834	Lost Revenue:\$	
New funding required:\$ 1,986,136	New Personnel:	\$
Council Policy Change: Yes___	No__x__	

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

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

**NEPA Review:**

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

**Tracking Information:** Award contract, sign contract and send contractor Notice to Proceed.  
Make budget adjustments.

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 17<sup>th</sup>, 2006

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

**Agenda Item Wording:** Request for City Council to accept and process an application to annex approximately 160 total acres consisting of 56.9-acres, APN: 077-120-009, owned by T.E.C. Doe Properties and adjoining parcel to the west consisting of approximately 99.4-acres APN: 077-120-004 owned by John W. Wonder, and including a portion of Plaza Drive roadway and direct staff to process the annexation request with a minor Sphere of Influence amendment. Subject sites are located at the northwest corner of Riggins Avenue & Plaza Drive for expansion of the Visalia Industrial Park.

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.): \_\_\_\_\_

**Deadline for Action:** None

**Submitting Department:** Administration and Community Development

**Contact Name and Phone Number:**

Steve Salomon, City Manager, 713-4312  
Michael Olmos, Assistant City Manager, 713-4332  
Fred Brusuelas, Assistant Director, Community Development,  
713-4364

**Department Recommendation and Summary:**

Staff recommends the City Council authorize staff to accept and process a joint application to annex approximately 160 total acres consisting of 56.9-acres, APN: 077-120-009, owned by T.E.C. Doe Properties and adjoining parcel to the west consisting of approximately 99.4-acres, APN: 077-120-004 owned by John W. Wonder, and including a portion of Plaza Drive roadway and direct staff to process the annexation request with a minor Sphere of Influence amendment. Subject sites are located at the northwest corner of Riggins Avenue & Plaza Drive for expansion of the Visalia Industrial Park.

**Background:**

On June 13, 2005, staff presented the City Council with an update of activities and land use status of the Visalia Industrial Park. Upon completion of the review, the City Council authorized staff to meet with property owners and come back with request(s) to initiate annexations for those approximately 640 acres within the City's adopted Urban Development Boundary along both sides of Plaza Drive, north of Riggins Avenue. This land, upon annexation, was to be made available for industrial prospects seeking parcels of 40 acres or greater in size. This action was necessary in order for the Visalia Industrial Park to continue having an inventory of parcels of

sufficient size and configuration “ready-to-go” to meet the ongoing needs of potential industrial prospects.

The proposed 160 acre annexation is the first of the designated 640 acres designated for annexation by the City Council at the June 13, 2005 Work Session. The following is a summary of the two parcels making up the proposed annexation:

**T E C Doe 56.9-acre parcel**

**APN: 077-120-009**

This parcel is located at the northwest corner of Riggins Avenue and Plaza Drive (see attached location map). This site has most recently been used as agricultural farm land. The City has an existing 18-inch sanitary sewer main in Plaza Drive from Road 76 extending easterly to Kelsey Street. This line was installed in anticipation of expansion in the Industrial Park and northwest Visalia. Water can be extended from both the VF Corporation project located at the southwest corner of Riggins & Plaza and the planned California Water Service storage tank project located at the southwest corner of Riggins Avenue and Road 76 scheduled for construction later this year. Other available utilities include Southern California Gas Company with a high-pressure natural gas main in Plaza Drive and Southern California Edison facilities in both Riggins Avenue and Plaza Drive. Currently the City is working with VF Corporation for the widening and improvement of the south side of Riggins Avenue from Plaza Drive to Road 76.

Williamson Act: The property owner filed a Notice of Non-Renewal with the County, effective 2004. This parcel was protested by Council Resolution No. 1260 (adopted February 4, 1974) upon the creation of the Contract in 1974, and was within one mile of the City limits at the time of protest. Therefore, if Council exercises the protest with the annexation, the Contract and Preserve will automatically be removed upon annexation.

**John W. Wonder 99.4-acre parcel**

**APN: 077-120-004**

This parcel located adjacent to and west of the T E C Doe parcel (see attached location map) has most recently been used as agricultural farm land. The City has an existing 18-inch sanitary sewer main in Plaza Drive from Road 76 extending easterly beyond Plaza Drive. This line was installed in anticipation of expansion in the Industrial Park and northwest Visalia. Water can be extended from both the VF Corporation project located at the southwest corner of Riggins & Plaza and the planned California Water Service storage tank project located at the southwest corner of Riggins Avenue and Road 76 scheduled for construction later this year. Other available utilities include Southern California Gas Company with a high-pressure natural gas main in Plaza Drive and Southern California Edison facilities in both Riggins Avenue and Plaza Drive. Currently the City is working with VF Corporation for the widening and improvement of the south side of Riggins Avenue from Plaza Drive to Road 76.

Williamson Act: The property owner filed a Notice of Non-Renewal with the County, effective 2004. This parcel was not protested by the City of Visalia upon its creation in 1978.

**Proposed Annexation and Williamson Act Timelines:**

The two parcels have a General Plan land use designation of Heavy Industrial (as does the entire 640-acre expansion area), and would therefore be zoned Heavy Industrial (I-H) upon annexation. The I-H zone allows warehousing, distribution centers, and other similar uses as a permitted use in this zone. The parcels are located contiguous to the City limits and inside the 129,000 population Urban Development Boundary. Since both parcels are located entirely outside of the LAFCO’s adopted Sphere of Influence, an amendment to the Sphere to include

both parcels would be processed simultaneously with the annexation. LAFCO Policy allows for cities to request minor Sphere amendments of up to 200 acres in size in a five-year span without having to complete a Municipal Service Review. The City is able to annex this property with the minor Sphere amendment. (A MSR is expected to be adopted by LAFCO later this year, thereby allowing the remainder of the 640-acre Industrial Park expansion to proceed.)

An application for the annexation of both properties was received in November 2005 by Lou Ginise and Michael Porte, representing the property owners. If initiated by the City Council, Staff would begin the required noticing and environmental analysis for the annexation and Sphere amendment, and would bring the project and environmental documentation back to Council for a public hearing around March 2006. The conditions of approval for the annexation would include the requirement that parcels in the annexation area have a minimum size of 40 acres. If approved at that time, staff would file applications with LAFCO, and a public hearing would subsequently be held by the LAFCO Commission. Based on LAFCO's typical processing timeframe, the annexation and Sphere amendment would be recorded approximately four months from Council approval (July 2006). Upon recordation, staff would be prepared to bring a request to cancel the Land Conservation Contract covering the 100-acre John Wonder site.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

- Agriculture Preserve Map
- Aerial Photo

**City Manager Recommendation:**

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

**Financial Impact**

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes____ No____	

Copies of this report have been provided to:

**Environmental Assessment Status**

**CEQA Review:**

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

**NEPA Review:**

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

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**