

# Visalia City Council Agenda



For the regular meeting of: Monday, May 1, 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)**

**4:30 p.m.**

### **Public Comment on Work Session Items –**

1. Tulare County Economic Development Work Program Presentation by Paul Saldana.
2. Review the programming phase and estimated cost of the Northwest Fire and Training Facility, and authorize the Construction Manager to move forward with the project.
3. Discussion and Adoption of **Resolution 2006-43** in Support of AB 2174 (Villines) an Amendment to the California Penal Code relating to Court Appearances by Persons Accused of Driving Under the Influence and Authorization for Staff to send Letters of Support to the Appropriate Legislators and Committees.

*\*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**

**6:00 p.m. (Or, immediately following Work Session)**

4. Conference with Legal Counsel – Anticipated Litigation (1)  
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC)
5. Conference with Real Property Negotiators  
Property: 409 E. Murray Street (APN: 094-274-003)  
Under Negotiation: Price, terms condition of Purchase and Sale Agreement  
Negotiators: Steve Salomon, Michael Olmos, Colleen Carlson; Raul and Estella Miranda, Trustees of the Miranda Trust

6. Item removed from Agenda.

## REGULAR SESSION

7:00 p.m.

### PLEDGE OF ALLEGIANCE

INVOCATION - Paul Gendron, First Presbyterian Church

### SPECIAL PRESENTATIONS/RECOGNITION

Proclamation presentation in recognition of World Asthmas Day.

**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.

7. PUBLIC HEARING - regarding the increase in assessments for the Oakwest #5 Landscape and Lighting Maintenance Assessment District and voting results for the balloted district.

*(Upon completion of the public hearing, staff will open & tabulate ballots. The results, if available, may be reported at the end of the Consent Calendar.)*

### 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 to appropriate asset forfeiture funds and authorize payment to the U.S. Marshall's Office for expenses and commissions of the shared costs of two seized vehicles in the amount of \$7,697.64.
  - c) Authorization to submit a grant to the Federal Land Management Agency in conjunction with the Sequoia Kings Canyon National Park for transportation funding.
  - d) Adoption of a **Resolution 2005-40** confirming the report of the Chief Building Official regarding levying assessment in the amount of \$8,250.00 for City abatement of a failing lateral sewer line at 617 S. Santa Fe that posed an immediate threat to the neighborhood.

9. PUBLIC HEARING - Extension of East Downtown of **Interim Ordinance 2006-03** establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area (*A 4/5 vote is required to extend this ordinance*) and approval of **Resolution 2006-41** Extending Interim Ordinance 2006-03 for 10 months and 15 days .
10. REGULAR ITEM - Review and approve CAC non-profit funding recommendations and application for funding document.

**This regular meeting will be adjourned to Monday, May 8, 2006, 5 p.m., at the Visalia Convention for the following item:**

11. Award a contract for the Visalia Parkway Street Construction Project, located Visalia Parkway from Demaree Street to Dans Lane. Project #1241-00000-720000-0-9810-2005.

#### **REPORT ON ACTIONS TAKEN IN CLOSED SESSION**

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

#### **Upcoming Council Meetings**

Tuesday, May 2, 2006 (Joint City of Visalia/VUSD Meeting hosted by VUSD, 6-8 p.m., 5 p.m. dinner for elected officials & senior staff, VUSD District Offices)

Monday, May 8, 2006 Regular Adjourned Meeting, Visalia Convention Center, 5 p.m./

Monday, May 8, 2006 Special Meeting, Visalia Convention Center, 5:30 p.m. (Or, Immediately following Regular Adjourned Meeting)

Monday, May 15, 2006

Monday, May 22, 2006 Special Meeting, Visalia Convention Center

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**

## **Memo**



**To:** Visalia City Council  
**From:** Fred Brusuelas, Assistant Director Community Development  
**Date:** May 1, 2006  
**Re:** Agenda Item 1  
Work Session

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Paul Saldana, President and CEO of the Tulare County Economic Development Corporation (TCEDC) will update Council on a new five year strategy to enhance a number of current activities and to increase leadership in activities that can be more effective with regional coordination.

The presentation will highlight the efforts and successes of the TCEDC for the past 5 years as well as explaining the focus of the Organization in 2006 – 2011.

In addition, attention will be focused on new programs relating to tourism and higher education, which will be implemented in 2006/2007.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** May 1, 2006

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

**Agenda Item Wording:** Review the programming phase and estimated cost of the Northwest Fire and Training Facility, and authorize the Construction Manager to move forward with the project.

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

**Submitting Department:** Fire/Finance

**Contact Name and Phone Number:**

Doyle Sewell, 713-4486  
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  

**Recommendation**

The Northwest Fire project subcommittee and City staff recommend that Council approve a program budget for the Northwest Fire Station and Training facility in the amount of \$6.4 million, directing staff to move forward with the project.

**Summary**

On April 3, 2006, Council received an update on the programming phase and estimated costs of the Northwest Fire station and training facility project. At that meeting, Council directed staff and the construction manager of the project, BJ Perch, to come back to Council with detail of the current cost estimate. The estimate at that time was \$7.40 million. Since then, City staff and BJ Perch have met with Council members Landers and Link and have prepared programming options to potentially reduce the cost of the project by approximately \$1 million. Upon Council approval of a final program for the project, the architecture firm, RRM, will move forward with the design phase.

Table I - Northwest Fire Project Cost Detail, displays the original (Option A) and second (Option B) cost estimates in detail on the following page. Detailed cost estimates for each line item in Table I are included in Attachments #1 and #2 – Programming Information Package for City of Visalia Fire Station No. 5 and Training Facility.

Table I - Northwest Fire Project Cost Detail

**VISALIA FIRE STATION & TRAINING FACILITY**  
**Opinion of Probable Costs**

DESCRIPTION	Estimated Cost		
	Option A	Option B	Difference
3-Bay Fire Station & Site Improvements (Including Design Contingency & Escalation)	\$ 3,273,055	\$ 2,941,987	\$ (331,068)
Training Classroom/EOC.Community Room (Including Design Contingency & Escalation)	\$ 417,701	\$ 320,107	\$ (97,594)
Training Center & Site Improvements (Including Design Contingency & Escalation)	\$ 2,944,669	\$ 2,382,853	\$ (561,816)
<b>SUBTOTAL</b>	<b>\$ 6,635,425</b>	<b>\$ 5,644,947</b>	<b>\$ (990,478)</b>
Program & Design Fees (Program Management, Architectural & Engineering)	\$ 530,000	\$ 515,000	\$ (15,000)
Pre-construction Costs (CM at Risk Preconst. Contract, Survey, Soils, Bidding Costs)	\$ 105,000	\$ 105,000	\$ -
Permits & Inspection Fees (Building Permits, City Fees, Special Inspection & Testing)	\$ 132,709	\$ 112,899	\$ (19,810)
<b>SUBTOTAL</b>	<b>\$ 767,709</b>	<b>\$ 732,899</b>	<b>\$ (34,810)</b>
<b>TOTAL PROJECT COSTS</b>	<b>\$ 7,403,134</b>	<b>\$ 6,377,846</b>	<b>\$ (1,025,288)</b>
<b>Project Funding Sources</b>			
Measure T Fund	\$ 2,517,065	\$ 2,168,468	
Fire Impact Fee Fund	\$ 4,886,068	\$ 4,209,378	
<b>Total</b>	<b>\$ 7,403,134</b>	<b>\$ 6,377,846</b>	

**Discussion**

The Northwest Fire and Training facility is in the programming phase. The original estimate after competing initial programming is \$7.40 million, \$2.48 million, or 51%, higher than the original Measure T budget of \$4.92 million done in March 2003. On April 3, 2006 Council directed staff to detail the cost of the \$7.40 million program. In an effort to review the programming and costs more closely, City staff from Administration, Fire and Finance, along with BJ Perch, met with Council members Landers and Link. Options resulted from the meeting that may potentially reduce the cost of the project by approximately \$1 million, as detailed in Table I - Northwest Fire Project Cost Detail.

When discussing changes to the programming of the project, the following options were considered:

- Design the station to house one company versus two. This results in a decrease of one bay from three bays to two and eliminates three bunk rooms. In the event a second company is added in the future, the design allows building additional bunk rooms. The two bays could allow two apparatus to operate from the station. The programming change can potentially save \$331,000.

- The training facility has two major fire training props: a big box which can act as a store front or two story apartment building and single family structure. Although most fires in Visalia will be in single family homes, the more dangerous fires are probably in large structures. The compromise of foregoing the single family structure now saves \$531,000, which may be built later as funds become available.
- Construct the training room as a separate structure rather than part of the station itself. A savings of approximately \$100,000 will result as this will eliminate the requirement for this portion of the project to be an essential services building. An essential services building is one that can withstand stronger natural disasters such as earthquakes and storms. The proposed functions of the training room do not require it to be an essential services building.

### Programming Options

When considering options A and B from Table I - Northwest Fire Project Cost Detail, from a purely budgetary perspective option B is the obvious choice to assist in closing the gap of the original \$4.92 million budget. However, Council should consider the following:

- **Implement Option A at an estimated cost of \$7.40 million.** The original programming plan is a good plan. It provides the necessary station and training facilities.
- **Implement Option B at an estimated cost of \$6.39 million.** This option eliminates the residential training structure, reduces one bay on the station from 3 bays to 2 and eliminates three bunk rooms as the station will be designed for one company rather than two. The training room would be a separate structure rather than attached to the station. The residential training prop and a third bay can be added at a later date.
- **Form a training JPA with other Fire jurisdictions**, which would help defray the cost of the training facility. City staff has not researched this possibility but could do so if directed by Council.
- **Fund the Fire Station and postpone the training facility.** The Measure T plan was designed to address the safety needs of the citizens of Visalia. The most dramatic impact will come from the Fire Station. The training facility is needed, but could wait as additional Measure T funds are available and a potential collaborative with other Fire jurisdictions is explored.

### Project Funding

The two funding sources for the project, as noted in Table II – Northwest Fire Project Budget, are the Fire Measure T fund and the Fire Impact Fee fund. An analysis of the Measure T fund indicates that the fund is able to support its portion of the cost increase. Although revenues at the outset were lower than planned due to not receiving tax revenues on vehicles purchased by non- Visalia residents, the trend has reversed. Finance’s analysis over the 20 year Measure T plan anticipates a net increase of approximately \$2.4 million.

Fire impact fees are to help fund three major projects; the Northwest Fire Project, a Southeast Fire Station and a Public Safety Building. The expectation is for the General Fund to advance funds for these projects and let the impact fee revenues pay for those projects over time.

The analysis on Fire Impact fees reveals a need to increase the fee to cover the increase in cost. Currently impact fees are coming in higher than anticipated. For example, in 05/06 projected revenues are \$660,000 compared to the budgeted \$240,000. Even with this increase in revenues, Finance's analysis indicates a 40% fee increase in the current \$1,393.49 per acre is needed due primarily to increased construction project costs. If Council directed staff to pursue such a path and the fee increase was approved, the maximum General Fund loan amount would be approximately \$7.8 million over the next 17 years. This is assuming the project is approved at the \$6.40 million level.

**Construction Cost Increases**

Construction costs have dramatically increased over the past several years due to increased construction activity and worldwide demands for materials. The Lee-Saylor index, which is done by construction consultant Sierra West Group in Sacramento, indicates an increase of approximately 37% from 2002 to 2006.

**Public Concern**

Some members of the community have questioned the cost of this project. RRM, the architect on the Northwest Fire project, has provided data for Table II – Comparison by Square Foot, which details cost per square foot for two recently completed Fire Stations in Riverside. The costs per square foot were \$470 and \$478, for an average of \$474. The proposed cost per square for the Northwest Fire Station is \$332, significantly less than the Riverside projects.

Table II - Comparison by Square Foot

		Riverside Station No. 6	Riverside Station No. 13	Visalia Station No. 5
Site Area	(sf)	46,500	54,000	86,245
Building Area	(sf)	7,161	7,161	9,811
Construction Cost	\$	3,362,228	3,423,000	3,262,094
Cost per square foot	(\$/sf) \$	<b>470</b>	<b>478</b>	<b>332</b>

**Prior Council/Board Actions:**

**December 19, 2005** – Update to Council on the status of the Northwest fire station and training facility.

**July 18, 2005** – Authorization to enter into a contract with BJ Perch Construction, Inc. for Construction Manager at Risk services for the Northwest Fire Station and Training Facility.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** #1 - Programming Information Package for City of Visalia Fire Station No. 5 and Training Facility, detailing costs of the Fire Station and Training Facility at the \$7.40 million cost.

#2 - Programming Information Package for City of Visalia Fire Station No. 5 and Training Facility, detailing costs of the Fire Station and Training Facility at the \$6.40 million cost.

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move to approve the Northwest Fire Station and Training Facility program budget of \$6.4 million and authorize staff to move forward with the project.

***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:** May 1, 2006

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

**Agenda Item Wording:** Adoption of Resolution 2006-43 in Support of AB 2174 (Villines) an Amendment to the California Penal Code Relating to Court Appearances by Persons Accused of Driving Under the Influence and Authorization for Staff to Send Letters of Support to the Appropriate Legislators and Committees.

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

**Submitting Department:**  
Administration

**Contact Name and Phone Number:** Carol L. Cairns, Assistant City Manager 713-4324

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:**

Existing law provides that a person charged with a misdemeanor offense may appear by counsel except, under specified circumstances, if the accused is charged with an offense involving domestic violence. This bill would provide that a person accused of a misdemeanor driving under the influence offense would also be required to be present at specified times during the proceeding.

If Council adopts a resolution supporting AB 2174 (Villines) staff will send letters of support to the appropriate legislators and committees.

**Prior Council/Board Actions:**

n/a

**Committee/Commission Review and Actions:**

n/a

**Alternatives:**

Do not support AB 2174

**Attachments:**

Sample Resolution in support of AB 2174

Sample letters to legislator and committee chair

AB 2174-INTRODUCED

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move the City Council adopt Resolution 2006-43 in support of AB 2174 and authorize staff to send letters of support to the appropriate legislators and committees.

***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:

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

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

**Others:**

**RESOLUTION 2006 - 43**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA IN SUPPORT  
OF AB 2174 (VILLINES), AMENDMENT TO THE CALIFORNIA PENAL CODE  
RELATING TO COURT APPEARANCES BY PERSONS ACCUSED OF DRIVING  
UNDER THE INFLUENCE**

WHEREAS, cities throughout the State of California have long recognized the public safety risks created by persons that choose to drive while under the influence and spend considerable public safety resources removing such persons from public streets; and

WHEREAS, the City of Visalia is interested in seeking changes to legislation from time to time that would contribute to improved public safety for our citizens but have no adverse fiscal impact to cities or provide opportunities for more efficient use of public resources; and

WHEREAS, current law allows persons accused of misdemeanor driving under the influence offenses to appear in specified court proceedings by counsel and not be present; and

WHEREAS, this exception often prevents the court from apprehending persons who present a significant risk to the public and also prevents establishing a record of personal acknowledgement that continuing to drive while under the influence may result in death to other persons; and

WHEREAS, AB 2174 (Villines) provides for the amendments to the penal code that are sought to improve public safety for citizens in Visalia and throughout the State of California.

THEREFORE BE IT RESOLVED, that the City Council of the City of Visalia supports Assembly Bill 2174 amending the California Penal Code to require that persons accused of misdemeanor driving under the influence offense must appear in person at specified times during the court proceedings.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** May 1, 2006

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

**Agenda Item Wording:** Public Hearing regarding the increase in assessments for the Oakwest #5 Landscape and Lighting Maintenance Assessment District and voting results for the balloted district. (Upon completion of the public hearing, staff will open and tabulate ballots. The results will be reported at the end of the Consent Calendar.)

**Deadline for Action:** None

**Submitting Department:** Parks and Recreation

**Contact Name and Phone Number:**

Paul Shepard, Management Analyst

713-4209

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:**

1. That the City Council conduct a Public Hearing to accept public testimony on funding for the increased maintenance for the Oakwest #5 Landscape and Lighting district.
2. That the City Council approve the recommended adjustment to the Oakwest #5 Landscape and Lighting annual assessment amount (if the ballot measure passes).

**Summary:** In December 2004 the City acquired 6.65 acres in the Oakwest #5 subdivision for the purpose of maintaining a riparian setback along North Mill Creek Ditch and for the development of a storm basin. In March 2005 the City planted approximately seventy Valley Oak trees within the creek area and added mulch which is the minimal landscape treatment for a riparian area. At the time there was not sufficient funding available to construct a path and provide additional landscaping. Soon after the trees were planted staff began receiving requests from residents for a path and more landscaping.

At its February 21, 2006 meeting, Council authorized the City Manager to enter into an agreement with Lennar Fresno, Inc. to share in the expenses of landscaping the setback along North Mill Creek Ditch in the Oakwest #5 subdivision. Landscaping the setback is contingent on the approval by property owners of an increase of their Landscape and Lighting assessment to maintain the enhanced improvements.

The proposed project improvements include turf, shrubs, trees and an asphalt path. The project cost estimate is \$365,000 of which the Lennar company will contribute up to \$201,000 and the City will contribute \$164,000 from the Waterway Fund.

One hundred and twenty-five ballots were sent to the property owners in this L&L district and the public hearing was noticed on March 17<sup>th</sup>, 45 days prior to the public hearing in accordance with Proposition 218 requirements. Council is to hold the public hearing for the purpose of receiving public input on the recommended assessment increase. Upon completion of the public hearing, staff will open and tabulate the ballots, and the results will be reported later this evening at the end of the Regular Session. To pass the assessment increase, a simple majority (51%) of the returned ballots must approve the increase. The ballot proposes to increase the annual assessment for this district from \$99 to \$250 per lot.

**Prior Council/Board Actions:** February 21, 2006 Council authorized the City Manager to enter into an agreement with Lennar Fresno, Inc. and appropriated the City's portion of the project.

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

**Alternatives:**

**Attachments:** Sample ballot letter and location map.

<b><i>Financial Impact</i></b>			
<b>Funding Source:</b>			
Account Number: _____		(Call Finance for assistance)	
<b>Budget Recap:</b>			
Total Estimated cost: \$		New Revenue:	\$
Amount Budgeted: \$		Lost Revenue: \$	
New funding required: \$		New Personnel:	\$
Council Policy Change: Yes_____	No_____		

**City Manager Recommendation:**

<b>Recommended Motion (and Alternative Motions if expected):</b> 1) Move to open the Public Hearing to discuss recommended changes to the assessments for Oakwest #5 Landscape and Lighting District. 2) Move to approve the recommended assessment increase for the Oakwest #5 Landscape and Lighting District (if the ballot measure passes).
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Copies of this report have been provided to:

This document last revised: 4/27/06 3:18:00 PM  
By author:  
File location and name:



City of Visalia Corporation Yard  
336 N. Ben Maddox  
Visalia, CA 93291

March 9, 2006

JOHN DOE  
417 MAIN ST  
VISALIA CA 93291



**Subject:** To provide for the increased landscaping and improvements in your neighborhood, the City is asking you to approve an increase in the Landscape and Lighting assessments for the Oakwest 5 District.

Dear John Doe:

The Tulare County property tax roll and City records indicate that you are the owner of 417 MAIN ST, APN xxxxxxxxx, which is included in the Oakwest 5 Landscape & Lighting Maintenance Assessment District. You are being asked to vote on the enclosed ballot to increase your Landscaping and Lighting assessments.

The City already maintains common landscape and lighting in your neighborhood, funded by a benefit assessment. The City and Lennar of Fresno are proposing additional improvements in your subdivision along Mill Creek. To cover the increased maintenance costs of these new improvements, the City is requesting your approval of an assessment increase. The maintained landscaping and improvements visually enhance your neighborhood, add value to the surrounding properties and increase your quality of life. The City is requesting you consider and return the attached ballot indicating your choice, either approving or disapproving the assessment increase. The approval of the increase will allow the City and Lennar to move ahead with construction of the improvements.

**Proposal:** Increase the annual Landscape and Lighting assessment from \$99.08 to \$250.08 to cover the proposed landscaping and improvements along Mill Creek.

**John Doe**, owning property located at 417 MAIN ST in the Oakwest 5 Landscape & Lighting Assessment Maintenance District:

(Check one)

APPROVES

DISAPPROVES

Ballot Example

If you have questions or concerns, please contact Paul Shepard, with the Parks and Recreation Dept. at 713-4209. Thank you for your time and consideration.

City of Visalia City Clerk's Office  
425 E. Oak Ave., Suite 301  
Visalia, CA 93291

March 9, 2006

City of Visalia City Clerk's Office  
425 E. Oak Ave., Suite 301  
Visalia, CA 93291

Attn: **Oakwest 5, 03-18** District ballot

## BALLOT INSTRUCTIONS

### Completion and Return Instructions:

1. Fill out the ballot at the bottom of this page. Be sure to mark your choice, sign, and date the ballot (the ballot will not be counted without your signature).
2. Fold this page so the address above is visible.
3. Insert this page into the provided return envelope so the City Clerk's address is visible through the window of the envelope.
4. Place appropriate postage on the return envelope and mail it.
5. In order to be counted, the ballot must arrive at the above address (City Clerk's Office) on or before 5:00pm, May 1, 2006.
6. **ALTERNATIVE DELIVERY:** you may also hand deliver the ballot to the City Clerk's office at 425 E. Oak Ave., Suite 301, Visalia, CA., on or before 5pm on May 1, 2006. If delivered in person, the ballot **must** be in a sealed envelope, or it cannot be accepted.

If you have any question or concerns about the ballot process or assessment increase, please contact Paul Shepard, Management Analyst at (559) 713-4209.

## DISTRICT OAKWEST 5, 03-18 INFORMATION

### BALLOT

**Proposal:** Provide a landscape and lighting assessment increase of \$151 per lot to maintain the new landscaping and improvements along Mill Creek.

**John Doe**, owning property located at 417 MAIN ST in the Oakwest 5 Landscape & Lighting Assessment Maintenance District:

(Check one)

APPROVES

DISAPPROVES

\_\_\_\_\_  
(Property Owner Signature)

\_\_\_\_\_  
(Date)

This document last revised: 4/27/06 3:18:00 PM

By author:

File location and name:

Page 5

## City of Visalia Agenda Item Transmittal

**Meeting Date:** May 1, 2006

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

**Agenda Item Wording:**

**Authorization to appropriate asset forfeiture funds and authorize payment to the U.S. Marshall's Office for expenses and commissions of the shared costs of two seized vehicles in the amount of \$7,697.64**

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

**Submitting Department:** Police

**Contact Name and Phone Number:**

Ed Lynn ext. 4714

**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:**

It is recommended that the City Council authorize the appropriation of \$7,697 in Federal Asset Forfeiture funds to pay expenses and commissions to the U.S. Marshall's Service to acquire two vehicles seized by the Visalia Police Department.

The Visalia Police Department needs to replace two of the Narcotic Units unmarked vehicles. The vehicles needing to be replaced are a 1996 Chevrolet pick up and a 1998 Dodge Durango. Both vehicles have high mileage and have incurred frequent mechanical problems during the past year resulting in rising maintenance costs

The replacement vehicles, a 2004 Lincoln LS, and a 2001 Chevrolet Tahoe, have been seized by the Visalia Police Department during a recent narcotic investigation. By putting the vehicles into service, the Police Department is required to pay the U.S. Marshall's Service for their expenses and commissions regarding their part of the asset forfeiture.

By utilizing seized vehicles to replace existing vehicles there will be a substantial cost savings to the department. The replaced vehicles will be sold at auction and the monies returned to the asset forfeiture account.

This document last revised: 4/27/06 3:19:00 PM

By author: .

File location and name: H:\(1) AGENDAS for Council\2006\050106\Item 8b Two Seized Vehicles1.doc

**Budget:**

2004 Lincoln

Commissions and expenses \$4,973.82

2001 Chevrolet

Commissions and expenses \$2,723.82

**Grand Total** **\$7,697.64**

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

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

**Alternatives:** Do not authorize asset forfeiture funds to pay for seized vehicles.

**Attachments:** N/A

**City Manager Recommendation:**

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

I move that the City Council authorize the appropriation of \$7,697.64 from the Federal Asset forfeiture Fund; and that the City Council approve the expenditure of the Federal Asset Forfeiture Fund of \$7,697.64 to pay the expenses and commissions of the shared costs of seized vehicles that will be put into official use by the Visalia Police Department.

This document last revised: 4/27/06 3:19:00 PM

By author: .

File location and name: H:\(1) AGENDAS for Council\2006\050106\Item 8b Two Seized Vehicles1.doc

***Financial Impact***

**Funding Source:**

Account Number: 6212 551000 21204 21514 (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$ 7,697.64	New Revenue:\$
Amount Budgeted: \$	Lost Revenue:\$
New funding required:\$ 7,697.64	New Personnel:\$
Council Policy Change: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes No X

Review and Action: Prior:  
Required:

**NEPA Review:**

Required? Yes No X

Review and Action: Prior:  
Required:

**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:** May 1, 2006

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

**Agenda Item Wording:** Authorization to submit a grant in conjunction with the Sequoia Kings Canyon National Park for transportation funding.

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

**Submitting Department:** Administration

**Contact Name and Phone Number:** Leslie Caviglia, 713-4317;  
Monty Cox, 713-4591

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 Visalia City Council authorize staff to submit a joint grant application with Sequoia Kings Canyon National Park (SEKI) for transportation funding. The grant requests \$100,000 to fund the lease of vehicles for the National Park Service's internal shuttle, \$400,000 to purchase buses for the City's Gateway shuttle and \$40,000 for brand development and marketing planning.

In February, 2004, then Mayor Bob Link and City staff attended a meeting with the National Park Service (NPS) at the request of Congressman Devin Nunes. SEKI was interested in developing a partnership with local agencies to provide a Gateway shuttle into the park that would coordinate with and support the proposed internal shuttle. Both the internal and Gateway shuttle were recommended as part of the studies associated with the Giant Forest Restoration Plan. The City of Visalia agreed to partner with SEKI, and was successful in securing a \$1.1 million CMAQ grant to fund the shuttle.

Recently, the NPS approved the internal shuttle for a 3-year pilot program. Establishment of the internal shuttle makes the proposed Gateway shuttle more feasible. Without the internal shuttle, the Gateway shuttle would need to operate on more of a sightseeing basis, providing a full, scheduled tour of the park, rather than just a mode of transportation to the Park.

The financial assistance would fund shuttles to and within the Sequoia National Park Giant Forest, the last missing piece of the Giant Forest restoration plan. Over \$70 million dollars have been invested in implementing the Plan, all of which was based on the fact that shuttles would enable visitors to continue to enjoy the trails and features of the Giant Forest. Approval of this grant would assist the inauguration of the NPS planned and recommended Giant Forest shuttle and Gateway shuttle link by:

- A) providing moneys to lease busses for the internal Giant Forest Shuttle connecting overnight lodging and camping and foodservice facilities with popular day use trails and features, including the General Sherman Tree the world's largest tree;
- B) purchasing busses to compliment the \$1.1 million CMAQ grant the City received to link San Joaquin Valley communities and intermodal transportation hubs within the Giant Forest;
- C) fund a branding and marketing plan to support the joint shuttle operation.

Since the SEKI shuttle is a 3-year pilot program, the local Park can only apply for leasing money. Since the Gateway shuttle is envisioned to be an on-going program, the City can request funds to purchase buses. If the NPS chooses not to fund the internal shuttle after 3 years, it is City staff's belief that some type of shuttle service will be needed to meet the needs of the visitors and address the access problems associated with visitation to the Sherman Tree, Moro Rock and Crescent Meadow as a result of the Restoration Plan implementation. Therefore, if the internal shuttle is not renewed after three years, City staff has indicated in the grant that the City will work with the National Park service, the hospitality industry, and other Gateway communities to develop a sightseeing shuttle that could be used to transport people to the park to work, for overnight stays and/or for roundtrip sightseeing trips that provide opportunities for visitors to visit the major features within the park and learn more about the Park through interpretive opportunities on the shuttle.

The grant is for 2006/2007 funding. Additional funding will be available for at least two more years. The Park and City will be eligible to apply for additional monies in future years.

The internal shuttle will be funded by part of the \$10 entrance fee increase that SEKI implemented at the beginning for the year. Any money not used to fund the internal shuttle will be used to address the deferred maintenance needs of the Park. If the money for bus leasing is approved, it would allow more money to be used to address the Park's long list of maintenance issues.

The Gateway Shuttle will be initially funded through user fees, advertisement and, primarily, the CMAQ grant funding. If the money for the bus purchase is approved, it will allow the City to subsidize the shuttle longer and provide more time to develop on-going Gateway shuttle funding, as well as provide an opportunity for the City to provide off-season sightseeing service to large groups and bus tours.

**Prior Council/Board Actions:**

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

**Alternatives:** To not apply for the grant.

**Attachments:** Copy of draft grant (Final wording may vary slightly based on recommendations from NPS staff.)

**City Manager Recommendation:**

Copies of this report have been provided to:

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

I move to approve the staff request to submit a joint application with the Sequoia Kings Canyon National Park for transportation funds to support the internal and Gateway Shuttles.

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes                      No  
Review and Action: Prior:  
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_____	

**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:** May 1, 2006

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

**Agenda Item Wording:** Adoption of a Resolution confirming the report of the Chief Building Official regarding levying assessment in the amount of \$8,250.00 for City abatement of a failing lateral sewer line at 617 S. Santa Fe that posed an immediate threat to the neighborhood.

**Resolution Number** 2006-40

**Deadline for Action:** March 6, 2006.

**Submitting Department:** Building and Safety Division

**Contact Name and Phone Number:** Dennis Lehman, Chief Building Official. (559) 713-4495. Tim Burns, Code Enforcement Officer (559) 713-4172.

**Department Recommendation:**

Staff recommends adoption of Resolution #2006-40 levying a property assessment for 617 S. Santa Fe stemming from the installation of a main sewer line installation in the amount of \$8,250.00; outside building foundation to new connection into City main. This work was ordered by the Building Official to abate an immediate threat to public health and safety.

**Background:** The Building & Safety Division received a complaint that there was a collection of raw sewage in front of the apartment complexes at 615 and 617 S. Santa Fe. An inspection conducted on Tuesday, January 24, 2006 confirmed the presence of raw sewage in a garden bed directly in front of the apartment complex and in the gutter directly in front of the apartment complex. The leaking sewage was caused by a broken sewer lateral. Research of this situation determined that the property did not have a direct lateral sewer line connecting from the apartment complex to the main sewer as required by code. The sewer line was connected to the lateral sewer line for the property located at 615 S. Santa Fe. The property owner Johnny Estrada was immediately contacted and directed to repair the sewer line. Tim Burns, Code Enforcement Officer, on Thursday, January 26, 2005, contacted Mr. Estrada and determined that Mr. Estrada was not in a financial position to pay for the required repair work. To alleviate an immediate health and safety threat, Mr. Estrada agreed to the City taking action to repair the sewer lateral and also agreed to the City placing a lien on the property.

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

This document last revised: 03/15/2006

By author: Julie Pereira

File location and name: H:\(1) AGENDAS for Council\2006\050106\Item 8d Abatement Assessment Lehman.doc

By taking corrective action through the authority and implementation of an Immediate Danger Summary Abatement process the City was able to avoid the relocation of 3 rental tenants. Council authorization to place a property assessment will reimburse the City for the cost of the repairs.

The subject property is listed as follows:

<u>Property/Description</u>	<u>APN</u>	<u>WORK DONE BY THE CITY</u>	<u>COST</u>
617 S. Santa Fe Street	097-064-030	Installation of lateral sewer line	\$7,500.00.
617 S. Santa Fe Street	097-064-030	Administrative Fee	\$750.00.

**Prior Council/Board Actions:** None

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

**Alternatives:**

**Attachments:** (Exhibit A) Immediate Danger Notice dated February 17, 2006; Pictures; Invoice #20857 from Value Plumbing.

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

Move to adopt Staff recommends adoption of Resolution #2006- 40 levying of installation main sewer line from 617 S. Santa Fe in the amount of \$8,250.00; outside building foundation to new connection into city lateral. Disconnected existing sewer line that was tied-in to building on next property.

**City Manager Recommendation:**

This document last revised: 03/15/2006

By author: Julie Pereira

File location and name: H:\(1) AGENDAS for Council\2006\050106\Item 8d Abatement Assessment Lehman.doc

***Financial Impact***

**Funding Source:**

Account Number: 1931-65608-545501 Central Redevelopment Area (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$ 8,250	New Revenue:\$0
Amount Budgeted: \$0	Lost Revenue:\$0
New funding required:\$0	New Personnel:\$0
Council Policy Change: Yes _____ No <u>x</u>	

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

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

**NEPA Review:**

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

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

Others:

This document last revised: 03/15/2006

By author: Julie Pereira

File location and name: H:\(1) AGENDAS for Council\2006\050106\Item 8d Abatement Assessment Lehman.doc

**RESOLUTION NO. 2006-40**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
CONFIRMING THE REPORT OF THE CHIEF BUILDING OFFICIAL  
REGARDING ASSESSMENTS OF ABATEMENT COST AT 617 S. SANTA FE IN THE  
CITY OF VISALIA FOR WHICH A FAILING SEWER LATERAL LINE HAS BEEN  
ABATED AND POSED A THREAT TO THE HEALTH AND SAFETY.**

**WHEREAS**, the properties in the City of Visalia described by assessor parcel number and street address in Exhibit "A" were determined to be in violation of the Visalia Municipal Code which prohibits maintaining open and abandoned dilapidated structures which constitute public nuisances: and

**WHEREAS**, notices and orders of the City of Visalia Building Department, as provided in Chapter 8.40.010 of the Visalia Municipal Code, were provided to the record owners of the aforementioned properties; and

**WHEREAS**, the properties in question were duly posted as provided in Chapter 1.13.030B (3) (a) of the Visalia Municipal Code; and

**WHEREAS**, this assessment proceeding was duly noticed and a public hearing held on May 01, 2006, in the Council Chambers of the City of Visalia.

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

1. That the Chief Building Official caused work to be performed by contractors for removal of public nuisances and submitted and filed with the City Clerk a Report and Assessment List which described the costs incurred by the City to abate such public nuisances and which is attached hereto as Exhibit "A", and made a part hereof by this reference.

2. The costs incurred and described in the Report and Assessment list, attached hereto as Exhibit "A" are hereby confirmed.

3. The cost of Abating and Removing a substantial threat to public health & safety as described in Exhibit "A", are hereby made a lien and special assessment against said properties and the Chief Building Official is directed to notify the property owner of and record the lien created herein as required under Government Code Section 38773.1(b) - (c).

4. That the City Attorney is hereby authorized to commence any action necessary for collecting the sum due including foreclosure on the lien established herein as provided for in Government Code Section 38773.1 (c).

This document last revised: 03/15/2006

By author: Julie Pereira

File location and name: H:\(1) AGENDAS for Council\2006\050106\Item 8d Abatement Assessment Lehman.doc

5. That the property owner named in said Exhibit "A" may pay, or cause to be paid, the charges stated therein at the office of the Finance Department, 707 W. Acequia, Visalia, California, at any time prior to the time the lien imposed under Government Code Section 38773.1 and Visalia Municipal Code Section 8.40.020 is foreclosed or placed on the property tax rolls for collection as described in paragraph 6 below.

6. At the discretion of the City Attorney, and in the event such charges assessed and confirmed against the property as listed in Exhibit "A" are not paid in full prior to collection or foreclosure, such assessment or balance due remaining thereof, may be recorded on the assessment roll, and said assessment shall constitute a special assessment against and a lien upon the property. The amount of said assessments remaining unpaid against the property will then be entered and extended on the property tax roll, and pursuant to law, the County tax collector shall include such amounts on the tax bill applicable to the property for collection therein.

This document last revised: 03/15/2006

By author: Julie Pereira

File location and name: H:\(1) AGENDAS for Council\2006\050106\Item 8d Abatement Assessment Lehman.doc

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

**Meeting Date:** May 1, 2006

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

**Agenda Item Wording:** Extension of Interim Ordinance 2006-03 establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area (*A 4/5 vote is required to extend this ordinance*) and approval of **Resolution 2006-41** Extending Interim Ordinance 2006-03 for 10 months and 15 days.

**Deadline for Action:** None

**Submitting Department:** Community Development

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

**Contact Name and Phone Number:** Mike Olmos 713-4332; Fred Brusuelas 713-4364; Alex Peltzer 636-0200

**Recommendation and Summary:** Staff recommends Council extend for a period of 10 months and 15 days the attached Ordinance No. 2006-03 "Interim Ordinance Establishing Prohibited and Permitted Uses and Development Standards for a Portion of the East Downtown Strategic Plan Area". This interim ordinance was adopted on March 20, 2006 pursuant to California Government Code Section 65858 and has an initial life of 45 days. An extension of interim ordinance adopted pursuant to Section 65858 requires a four-fifths vote by Council. Ordinance No. 2006-03 will expire on May 4, 2006 unless extended by Council.

On December 19, 2005, Council approved the East Downtown Strategic Plan and authorized several steps towards implementation. The steps included the establishment of an interim ordinance to establish an overlay zone that would prohibit new uses incompatible with the Strategic Plan, modify the list of permitted and conditional uses allowed in a portion of the plan area consistent with the plan concepts, and modify development standards and in lieu parking standards. The interim zone would be in effect until permanent General Plan, zoning, parking, and design district standards can be developed, reviewed with East Downtown property owners and interested parties, processed pursuant to planning procedures, and eventually considered for adoption by Planning Commission and Council. Staff is assembling a consultant team to prepare the permanent General Plan and code amendments. The process for adoption is expected to

take approximately one year, including preparation of the necessary environmental finding.

A copy of the adopted interim ordinance to establish the East Downtown Overlay Zone is attached. The proposed zone was developed by City staff and the East Downtown urban design consultant Bruce Race, with assistance from Assistant City Attorney Alex Peltzer. On February 13, the proposed zone was reviewed at a meeting with interested property owners in the East Downtown area, and reviewed with the Downtown PBID Board of Directors on February 14. No significant issues were raised during those meetings.

The ordinance has several significant features, including the following:

- The East Downtown Overlay Zone applies to a portion of the East Downtown Strategic Plan area, as shown on the attached map. The East Downtown Strategic Plan Area is bounded by Bridge Street on the west, Murray/Goshen Avenue on the north, Ben Maddox Way on the east, and Mineral King Avenue on the south. The current underlying zone districts in this area are the CDT (Central Business District) and CS (Service Commercial). An area located in the southeast portion of the East Downtown Strategic Plan area is not included in the interim zoning area due to the almost exclusively service commercial nature of the area.
- The East Downtown Overlay Zone supersedes the requirements of underlying zone designations to implement the concepts contained in the Strategic Plan. The Overlay Zone establishes interim land use regulations for the overlay district consistent with the Strategic Plan concepts, and prohibits most service commercial land uses that are allowed under the current CS Zone district.
- Service commercial uses that became nonconforming under the interim overlay district will be subject to nonconforming use provisions contained in the Zoning Ordinance. In general, these provisions allow legally nonconforming uses to be maintained indefinitely, and expanded up to 20% upon granting of a conditional use permit. Further, if a nonconforming use is discontinued, it can be re-established with a similar or more restrictive nonconforming use so long as said re-establishment occurs within 180 days and provided no structural alterations are made to the building. Visalia Municipal Code Sections 17.40.060 (Nonconforming Uses) and 17.40.070 (Expansion of Nonconforming Uses and Structures) are attached.
- The ordinance allows up to a maximum of (i.e., no more than) 50% of required parking to be provided on-site. The establishment of a maximum limit for on-site parking is intended to facilitate higher density urban development in the East Downtown by encouraging property owners to devote most or all of their sites to retail, office, and mixed use buildings and not for parking. Remaining parking obligations will be satisfied through the in lieu parking district program, or through private off-site parking facilities. Up to 100% of required parking in the

interim overlay area can be purchased through the in lieu parking program. The current in lieu parking fee is \$3329.18 per space. The fee is subject to periodic modification by Council.

- The East Downtown Overlay Zone contains modified parking requirements. The parking standards contained in the Overlay Zone will require less parking than current standards. Reduced parking standards are reflective of the high density urban perspective of the East Downtown Strategic Plan, and will provide an incentive for private sector investment in the East Downtown area.

Government Code Section 65858 authorizes cities, including charter cities, to enact an interim zoning ordinance pending the development and adoption of contemplated General Plan and zoning amendments and related development standards. This interim ordinance has an initial life of 45 days and will expire on May 4<sup>th</sup>. After notice and public hearing, Council may extend the interim ordinance for an additional period of 10 months and 15 days, after which the ordinance will expire, unless extended again by Council for one additional year. The maximum life of an interim ordinance with all permitted extensions is 2 years. Given the need for significant amendments to plans and codes to establish permanent requirements to implement the East Downtown Strategic Plan, at least one extension of the interim ordinance will be needed to complete the work.

At least ten (10) days prior to expiration of the interim ordinance or any extension, Council is required to issue a written report describing the measures taken to alleviate conditions which led to adoption of the interim ordinance. The first written report was issued by Council on April 3, 2006.

**Committee/Commission Review and Actions:** The Planning Commission received an update on the interim ordinance on March 13, 2006.

**Prior Council/Board Actions:** December 19, 2005 – Council approved the East Downtown Strategic Plan and authorized implementation measures, including preparation of the interim ordinance.

March 6, 2006 – Council introduced Interim Ordinance

March 20, 2006 – Council adopted Interim Ordinance

April 13, 2006 – Council issued first written report on measures taken to date to alleviate conditions that led to adoption of Interim Ordinance.

**Alternatives:**

Do not extend interim ordinance, recognizing that uses incompatible with the Strategic Plan could be established in the East Downtown area before permanent General Plan and code changes are completed.

**Attachments:**

- 1. East Downtown Overlay Zone (Ordinance No. 2006-03)
- 2. Map of Interim Ordinance Area
- 3. Visalia Municipal Code Sections 17.040.060 & 17.040.070
- 4. Resolution 2006-41

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** Move to extend Ordinance No. 2006-03, an interim ordinance establishing the East Downtown Overlay Zone, for a period of 10 months and 15 days, and adopt Resolution 2006-41 in support of Interim Ordinance No. 2006-03.

***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

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. 2006-03**

**AN INTERIM ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF VISALIA ESTABLISHING PROHIBITED AND PERMITTED USES AND  
DEVELOPMENT STANDARDS FOR A PORTION OF THE EAST DOWNTOWN STRATEGIC PLAN  
AREA**

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

**SECTION 1 – Preamble and Findings.**

- A. The City of Visalia, by and through its City Council and Planning Department, has commenced a study to identify possible land use changes for the area east of the traditional core downtown office, commercial and retail district. The initial draft of the study, known as the East Downtown Strategic Plan (hereinafter referred to as the “Plan”), has been considered and approved by the City Council. The Plan, as currently drafted, identifies several potential changes to Visalia City ordinances relating to the zoning and development standards applicable to the subject area. Such potential changes would be beneficial to and essential to the safeguarding of the public health, safety and welfare.
- B. Among the general goals of the East Downtown Strategic Plan are the encouragement of developments that mix residential and commercial uses, the provision of development standards that provide for denser and more pedestrian friendly development patterns, and the encouragement of a higher degree of economic development and redevelopment within the area.
- C. Section 65858 of the California Government Code provides that the legislative body of a city may enact an urgency interim ordinance prohibiting uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body or planning department is considering or studying or intends to study within a reasonable time.
- D. The current zoning and development standards that apply to the land within the Plan area allow for the establishment of uses and development of land in a manner that would be contrary to goals of the Plan. It is anticipated that several such projects could and will be proposed before the long-term ordinance proposals can be studied, drafted, proposed and enacted. The City Council finds that such anticipated development projects within the Plan area that would be contrary to the goals of the Plan, and therefore further finds that such development projects constitute a current and immediate threat to the public health, safety or welfare, and that approval of subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat.
- E. The City Council further finds that the above-identified threat to the public health, safety or welfare constitutes an emergency.
- F. In order to immediately address the above-identified threat, while at the same time allowing the greatest degree of economic development within the area encompassed by Plan, the City Council enacts the following interim ordinance in accordance with Section 65858 of the California Government Code and in accordance with the pertinent provisions of the City’s Charter.

**SECTION 2 - Definitions.**

- A. East Downtown Overlay Zone shall refer to the land within the area roughly bounded by Goshen and Murray Streets on the north, Mineral King Avenue on the south, Ben Maddox Way on the east and Bridge Street on the west, and more particularly depicted on the map entitled “East Downtown Overlay Zone.” A copy of the East Downtown Overlay Zone map is attached hereto for reference. The official original map of the East Downtown Overlay Zone is on file with the City Clerk and the Director of Planning, and is adopted and made a part of this ordinance. The actual parcels of land covered by the East Downtown Overlay Zone shall be determined by reference to the map on file, and not by reference to the above general description.
- B. Primary Commercial Street shall refer to the following streets (unless otherwise noted, the entire length of the street that lies within the East Downtown Overlay Zone shall be included in the

Primary Commercial Street designation): Santa Fe Street, Main Street, Burke Street, Oak Street between Bridge Street and 300 feet east of Tipton Street, Mineral King Avenue between Bridge Street and Tipton, and Mineral King Avenue for 300 feet on either side of Burke Street.

- C. Mixed Use Commercial Development shall mean any development of two stories and taller that mixes two or more commercial uses.
- D. Mixed Use Residential Development shall mean any development of two stories and taller that mixes commercial and residential uses.
- E. Live-Work Development shall mean a development of one or more stories that features a residential component connected to a commercial component and that is designed to allow the resident of the residential component to work or maintain a business in the connected commercial component.

**SECTION 3 – Allowable Land Uses.**

- A. The provisions of Visalia Municipal Code Section 17.18.050, including the uses identified in the matrix referred to therein which would otherwise be applicable, shall have no application to land within the East Downtown Overlay Zone. The only land uses that shall be allowed within the East Downtown Overlay Zone shall be those identified in this section.
- B. The purpose of the East Downtown Overlay Zone is to promote infill development that is compatible with downtown commercial uses and mixed-use neighborhoods identified in the Plan. To the extent this purpose is in conflict with the purposes identified in Visalia Municipal Code Section 17.18.010 that would otherwise be applicable, the purpose stated herein shall prevail.
- C. Nothing in this ordinance shall affect, supersede or alter the provisions of 17.40, relating to the continued existence and one-time expansion, subject to conditional use permit, of non-conforming uses.
- D. If a development, of a type that is listed in this section as being permitted, conditionally permitted or temporarily permitted, would otherwise require a Planned Development Permit according to the provisions of Visalia Municipal Code Chapter 17.26, such development shall comply with that chapter and obtain a Planned Development Permit in addition to complying with this ordinance.
- E. No residential uses, whether part of a purely residential development or a Mixed Use Residential development, shall be allowed on the ground floor of any building on any parcel that has frontage on any Primary Commercial Street.
- F. The first floor of any development located on any parcel that has frontage on any Primary Commercial Street shall be limited to the uses identified by asterisks in the list of permitted and conditionally permitted uses set forth in sub paragraph G below.
- G. The following uses shall be designated as Permitted, Conditional or Temporary within the East Downtown Overlay Zone, and such designations shall have the same meaning and effect as provided in Title 17 of the Visalia Municipal Code:

**PERMITTED, CONDITIONALLY PERMITTED, TEMPORARY AND FIRST FLOOR USES**

P=Permitted use

C=Conditional use

T=Temporary use

\*=use allowed or conditionally allowed on the first floor Primary Commercial Street

<b>Agricultural</b>	
Farmers Market	C*
<b>Auditoriums</b>	C*
<b>Banks and Financial Institutions</b>	
Walk-up automatic teller	P*
Branch office with out drive-up	P*

Branch office with drive-up	C
Main office	P

**Barber, Hairstylist, Tanning Centers  
Massage Therapists, and Day Spas**

Stand alone	P*
Located with primary permitted use	P
Tattooist located within above use	P

**Bed and Breakfast Accommodations**

Traditional	P
Inns	P*

**Bus Depots**

Stations (passenger service)	C*
Public and private transfer point	C*

<b>Catering Services</b>	P
--------------------------	---

<b>Christmas Tree Sales</b>	T
-----------------------------	---

**Other Seasonal Commercial Uses/**

<b>Special Events</b>	T*
-----------------------	----

**Churches and Other Religious Institutions**

Up to 200 seats	C
-----------------	---

<b>Clothing/Costume Rental</b>	P*
--------------------------------	----

**Communications**

Radio and TV Broadcasting Studio -with antenna off-site	P
--	---

**Daycare, Licensed**

Adult	
-six or fewer adults	P
-7 to 12 adults	P
-13 or more adults	C

Children	
-eight or fewer children	P
-9 to 14 children	P
-15 or more children	C

In conjunction with primary permitted use	P
---	---

**Eating and Drinking Establishments**

Bars/Taverns	
--bars	C*
-micro breweries/restaurant brewing, limited	P*
-bottling or packaging, consumption on premises or distribution	

locally in kegs	C*
Cafeterias	C
Pizza/Sandwich Shops	
-Serving wine/beer	P*
-No alcohol	P*
Fast Food without Drive-thru	P
Ice Cream Shop	P*
Night Clubs/Discotheques	C*
Sit-down Restaurant/Café	
-with or without full bar using less than 25% of public area	P*
-full bar using greater than 25% of public area	C*
Specialty Foods Store	P*
<b>Florist</b>	P*
<b>Galleries-Art/Photography/Crafts</b>	P*
<b>Home Business (live-work)</b>	P
<b>Hotels and Motels</b>	C*

#### Laundry/Dry Cleaners

-cleaning plant	C
-pick-up point	P*
-self service	P

#### Manufacturing/Assembling

Cabinetmaker/carpenter shops w/ retail	C
Printing and publishing	
-desktop, blueprint, photocopy	C
-publishing, printing, and/or binding	C
Raw Materials Manufacture with retail component	
-kiln works for clay products	C

#### Medical Facilities/Services

Convalescent hospitals/ nursing homes	C
Clinics (medical groups, urgent care/walk-ins, dental, counseling, rehabilitation)	C
Dialysis centers	C
Opticians – Dispensing	P

### ***Mixed-use Commercial***

Development two stories and taller  
which mixes commercial uses C\*

**Museums** P\*

<b>Offices</b>	
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General Business and Professional	
-less than 2,000 SF	P
-more than 2,000 SF	C
Medical	C
Chiropractor	C
Counseling/psychologist	
-individuals	P
-groups	C
Temporary (construction) Trailers	T

**Parking Facilities for Off-site Uses** C

**Park and Ride** C

### ***Photocopy Services/Desktop Publishing***

With printing press C  
Without printing press P\*

### ***Photography/Photo Services***

Photography Studio P\*  
Photography Labs  
-with retail on site P\*  
-retail drop-off/pick-up P

### ***Planned Unit Developments***

(subject to Chapter 17.26) C\*

**Private Clubs and Lounges** C

### ***Private Postal Service***

Mail boxes, mailing service P\*

<b>Public Community Services (Public or Government Ownership)</b>	
---	--

Community and Recreational Centers	C
Fire Stations	C
Police Stations and Substations	P
Post Office	C
Public Buildings, Offices and Grounds	C

Public Libraries	P
Public Parks/Playgrounds	P

<b>Railroads</b>	
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Passenger Stations	P*
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<b>Recreation Facilities</b>	
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Athletic and Health Clubs	P*
Bowling Alleys	C
Circus, Carnivals, Fairs, Festivals	
Revivals/Assemblies	T
Dance and Music Studios	P*
Martial Arts	C*
Pool Halls/Billiard Parlors	C*
Video Machines/Coin Operated Games	
-1 to 4 machines	C
Other Recreational Facilities	C

### Residential Uses

Single Family Subdivisions	
-under 20 units per acre	C
-over 20 units per acre	P
Multi-family (townhouses, apartments, condominiums)	
-under 20 units per acre	C
-over 20 units per acre	P
Mixed-use Residential	
-projects two stories and over	
which mix commercial and residential	
uses	C*

<b>Retail</b>	
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General Merchandise	
-less then/equal to 20,000 SF	P*
-greater than 20,000 SF	C*
Building/Landscape Materials	
-floor and wall coverings	C
Garden Centers/Nurseries	
-located within primary use	C
-stand alone	C
Glass Stores	C
Hardware Stores	
-less than 10,000 SF	P*
Paint Stores	C
Home Improvement	C
Drug Store/Pharmacy	
-including general retail	
merchandise	C*
-not including general retail	
merchandise	P*
Food Stores	
-convenience-7,000 SF or less	C*
-liquor store	C*
-specialty food store	P*
-supermarket/grocery stores	C*
Wine Tasting	P*

Appliances	
-small	P*
-large	P
Furniture and Finishes	
-new	P*
-secondhand	P*
Magazine/Newspaper Sales (freestanding booth/stand/kiosk)	
-indoor	P*
-outdoor	P*
Pawnshops	C
Pet Stores	C*
Secondhand Thrift Stores	
-up to 2,000 SF	P*
-greater than 2,000 SF	C*

<b>Schools, Public and Private</b>
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Pre-school/After School Care	C
Elementary Schools, K-6 or K-8	C

<b>Service Commercial</b>
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Appliances, Electrical Equipment, Tools (repair)	
-small	C
Locksmiths	C
Pet Grooming	C
Printing Service	C
Tailor, Dressmaking, Alterations	C

<b>Theaters</b>
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Auditoriums	C*
Movie	C*
Live Performance	C*

<b>Utilities</b>
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Business Offices	P
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<b>Veterinary Services</b>
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Animal Care Clinic (no boarding)	C*
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<b>Other</b>
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Other Uses Similar in Nature and Intensity as Determined by the City Planner	C*
Business which Initially Employ more than 750 Employees	C

#### SECTION 4 - Development Standards

- A. The development standards established by this section shall be applicable to all developments within the East Downtown Overlay Zone. If the standards established by this section are in conflict with the provisions of Visalia Municipal Code Chapter 17.30, then the provisions of this section shall prevail. Otherwise, the provisions of Visalia Municipal Code Chapter 17.30 shall also be applicable to the developments subject to this ordinance.

- B. The parking standards in this section shall apply to all developments within the East Downtown Overlay Zone. If the standards established by this section are in conflict with the provisions of Visalia Municipal Code Chapter 17.34, then the provisions of this section shall prevail. Otherwise, the provisions of Visalia Municipal Code Chapter 17.34 shall also be applicable to the developments subject to this ordinance.
- C. If use of off-site or in-lieu parking to satisfy parking requirements for a development is either required or allowed by the Development Standards established by this Section, then the provisions of Article 2 of Chapter 17.30 of the Visalia Municipal Code shall govern all aspects of the use of in-lieu parking for the subject development, including but not limited to the manner in which in-lieu parking fees are calculated and imposed. Further, the area to which the in-lieu parking program established by Chapter 17.30 applies, as established by Visalia Municipal Code Section 17.30.025, is hereby expanded to include all lands within the East Downtown Overlay Zone.
- D. In general, buildings associated with Mixed Use Residential and Mixed Use Commercial Developments shall, to the greatest extent practicable, be located at the sidewalk (i.e., with zero setback) in order to contribute to the continuity of pedestrian edges. Buildings associated with Live-Work Developments may be located facing the sidewalk or be set back as residential development would be; however, if located on a Primary Commercial Street, buildings should be located at the sidewalk.
- E. Development Standards. The following are the development standards that are applicable to development within the East Downtown Overlay Zone:

**Required Setbacks**

<u>Type of Use</u>	<u>Primary Comm. Street</u>	<u>Street Frontage</u>	<u>Rear at Resid.</u>
Commercial and Mixed-use	16' from curb max. or zero feet from PL, whichever is greater	16' from curb max. or zero feet from PL, whichever is greater	15' min.
Residential/Live-Work	NA	15' from PL max.	10' min.

**Parking Requirements**

<b>Type Of Use</b>	<b>Total Rqd.</b>	<b>On-site</b>	<b>Off-site/in-lieu Fees</b>
Commercial Retail	4/1,000 SF	up to 50% max	up to 4/1,000 SF
Office	3/1,000 SF	up to 50% max	up to 3/1,000 SF
Commercial Mixed-use	Blended requirement	up to 50% max	up to 2/1,000 SF
Residential Mixed-use	Blended requirement	up to 100%	up to 3/1,000 SF for commercial.
Residential Apartments	1/DU and .25 visitor parking	100 %	NA – All required to be on-site
Residential Townhouses	2/DU for 2+ BR 1/DU for 1BR and Studio	100%	NA – All required to be on-site
Live-Work	2/DU	1/DU	1/DU

**SECTION 5 – Effective Date and Duration**

This ordinance shall go into effect immediately upon adoption by four fifths of the City Council, and shall remain in effect for 45 days thereafter, unless extended by vote of the City Council following notice as specified in Government Code section 65858.

**PASSED AND ADOPTED:**

**17.40.060 Nonconforming uses.**

A nonconforming use is one which lawfully existed prior to the effective date of this chapter, but which is no longer permitted in the zone or design district in which it is located. The continuance of a legal nonconforming use is subject to the following:

A. Change of ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status; provided, that the use and intensity of use does not change.

B. If a nonconforming use is discontinued for a continuous period of one hundred eighty (180) days, it shall lose its legal nonconforming status, and the continued use of the property shall be required to conform with the provisions of the chapter.

C. A nonconforming use of a permanent structure may be continued; provided, there is no increase or enlargement of the area, space or volume occupied by such a nonconforming use, except as provided in Section 17.40.070. In the event no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or more restrictive nature, provided that this change occurs within the one hundred eighty (180) day period as indicated in Section 17.44.060(H).

D. Additional development of any property on which a legal nonconforming use exists shall require that all new uses conform to the provision of this chapter.

E. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed. (Ord. 2001-13 § 4 (part), 2001; prior code § 7545)

**17.40.070 Expansion of nonconforming uses and structures.**

An existing legal nonconforming use or legal nonconforming structure may be minimally expanded or changed subject to the granting of a conditional use permit after a noticed public hearing as specified in Chapter 17.38, and if all of the following findings are made:

A. That such expansion or change is minimal. An expansion or change is considered to be minimal if the expansion comprises generally twenty (20) percent or less additional square footage of structure or site area or twenty (20) percent increase or less in intensity as measured by additional vehicle trips, parking need generation, etc., over what was existing at the time of adoption of an ordinance making the use or structure nonconforming;

B. That such expansion or change will not adversely affect or be materially detrimental to adjoining properties;

C. That there is a need for relief of overcrowded conditions or for modernization in order to properly operate the use;

D. That the use and/or structure is existing and has not been discontinued for a one hundred eighty (180) day continuous period;

E. That the expansion shall not increase the discrepancy between existing conditions and the standards of coverage, front yards, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the zone in which the structure is located. (Prior code § 7546)

[http://www.amlegal.com/nxt/gateway.dll/California/visalia\\_en/title17zoning/chapt...](http://www.amlegal.com/nxt/gateway.dll/California/visalia_en/title17zoning/chapt...) 02/23/2006

RESOLUTION NO. 2006-41

A RESOLUTION OF THE VISALIA CITY COUNCIL EXTENDING INTERIM  
ORDINANCE NO. 2006-03 FOR 10 MONTHS AND 15 DAYS

WHEREAS, Interim Ordinance No. 2006-03 was adopted by the Visalia City Council on March 20, 2006 by a 5-0 vote; and

WHEREAS, Interim Ordinance No. 2006-03 temporarily establishes prohibited uses, allowed uses and development standards for a portion of the East Downtown Strategic Plan Area, generally bounded by Murray/Goshen Avenue on the north, Ben Maddox Way on the east, Bridge Street on the west, and Mineral King Avenue on the south; and

WHEREAS, Interim Ordinance No. 2006-03 was adopted pursuant to California Government Code Section 65858 and would expire 45 days from the date of adoption unless said interim ordinance is extended by vote of the City Council following notice called for by Government Code Section 65858; and

WHEREAS, the notice called for in Government Code Section 65858 for consideration of extension of Interim Ordinance No. 2006-03 has been provided; and

WHEREAS, a public hearing was held by the City Council on May 1, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Visalia City Council hereby extends Interim Ordinance No. 2006-03 for a period of 10 months and 15 days.

## City of Visalia Agenda Item Transmittal

**Meeting Date:** May 1, 2006

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

**Agenda Item Wording:** Review and approve CAC nonprofit funding policy recommendations and application for funding document.

**Deadline for Action:** April 24, 2006

**Submitting Department:** Tom Sherry, CAC Chairperson  
Brian Summers, CAC Nonprofit subcommittee member  
Gus Aiello, Finance

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

**Contact Name and Phone Number:**

Tom Sherry, 733-6291  
Brian Summers, 733-6531  
Gus Aiello, 713-4423

### Summary

Council has directed the Citizens Advisory Committee (CAC) to administer the nonprofit funding process and make recommendations on which nonprofit agencies to fund. The CAC's nonprofit subcommittee has made recommendations to the entire CAC, which makes the following policy recommendations for Council approval.

### Discussion

The City has a history of funding non-profit agencies as outlined in Table I – Nonprofit Funding. Council has directed the CAC to prepare a process to administer funding to nonprofit agencies and make recommendations to Council on which nonprofits to fund.

Table I - Nonprofit Funding

ORGANIZATION	2001/02	2002/03	2003/04	2004/05	2005/06	TOTAL
Boys and Girls Club	15,000	20,000	20,000	20,000	20,800	95,800
Enchanted Playhouse	0	6,000	6,000	6,000	6,240	24,240
GI Forum/ North Visalia Boxing Club	10,000	15,000	15,000	15,000	15,600	70,600
Police Activities League (PAL)	10,000	15,000	15,000	15,000	15,600	70,600
Pro-Youth - Heart	10,000	20,000	20,000	20,000	20,800	90,800
YMCA (UCYC)	20,000	25,000	25,000	25,000	26,000	121,000
<b>Total Nonprofit Support</b>	<b>65,000</b>	<b>101,000</b>	<b>101,000</b>	<b>101,000</b>	<b>105,040</b>	<b>473,040</b>

At the outset of completing its task, the CAC prepared a competitive process to begin awarding grant funding to eligible nonprofit agencies beginning in fiscal year 06/07. However, at its meeting on April 5, 2006, the CAC unanimously voted to recommend that Council authorize funding to the same nonprofits it currently does (at the current levels or with an appropriate cost of living adjustment) for the next fiscal year and begin the competitive process in fiscal year 07/08.

The CAC members feel that ceasing funding within ninety (90) days of the end of the fiscal year is not ample time for the nonprofits to adjust their budgets to reflect any decreases in funding. Rather than cut funding, the CAC recommends to put all nonprofit agencies on notice that beginning in fiscal year 07/08, the new competitive process will begin. Currently funded nonprofits will be welcome to participate in the new process, so long as they are eligible.

With the recommended extension to the current nonprofits comes the responsibility to complete an application for funding, which includes detail on the agency, its programs and how the City funds are spent. Also required will be the establishment of performance measures to report the progress of the nonprofits project or program and an annual presentation to the CAC regarding the same.

### **CAC Recommendations**

As noted above, the CAC recommends continuing funding to the current nonprofit agencies for the next fiscal year, putting them on notice that the funding process as it currently exists will cease after the one year period. The CAC has also prepared its recommendations for Council approval for the competitive process beginning in fiscal year 07/08.

The following are the CAC's policy recommendations and incorporate the Council's comments from its annual planning retreat. Council may wish to amend some of the recommendations and set a policy to better reflect its nonprofit funding goals. In establishing its recommendations, the CAC members agreed that funding for a nonprofit organization should be seen as one time assistance to establish a project or program as opposed to continuous funding for operations. The CAC did not consider the amount of funding available as this may be out of the purview of the CAC. Funding level recommendations should be set by City Council. Following are the CAC's policy recommendations:

- Who to fund  
Funding should be made available to nonprofit and local government agencies to fund programs or projects to benefit youth, including at risk youth. A minimum of twenty five percent (25%) of all budgeted funds should specifically fund gang prevention/intervention activities.
  
- Activities to Fund  
Funding may be used for operations or capital expenditures. However, the CAC recommends that preference be given to nonprofits requesting funding for capital expenditures versus operational expenditures.
  
- Length of funding

Chosen nonprofits will be funded for a maximum of three years. CAC members feel a three year funding cycle will allow a non-profit to fully implement its proposed program. After the three year period, the program or project would no longer be eligible for funding. An option is to have a four year funding cycle to coincide with the City's two year budget process.

- Self sustaining programs  
After the three year period noted above, the project or program should be self sustaining. City funding should be viewed as start up funds to fund a specific project or program meeting the guidelines as set forth.
- Matching funds  
The CAC's recommendation requires a minimum cash or in-kind matching funds of twenty five percent (25%) of the grant award. Preference should be given to requests that offer a higher match, provided all other guidelines for funding are met. Council shall have the right to waive or make exceptions to this requirement.

### **Application Process**

The CAC has developed a proposed funding application document for Council review and approval. Upon approval, this document will be used to solicit applications for funding from eligible nonprofit and local government agencies in the City of Visalia.

The proposed application document includes the following criteria in order to be funded:

- Applicants must be a nonprofit organization or local government agency.
- The project or program to be funded should be completed or self sustaining within three years from date of implementation.
- The project or program to be funded by the City of Visalia Nonprofit Funding Program must benefit underserved youth, including at-risk youth, or gang prevention/intervention activities.

### **Conclusion**

As directed by Council, the CAC has made recommendations and developed an application process to accommodate funding to nonprofit agencies. The CAC recommends continuing to fund the current nonprofits for the next fiscal year. These agencies will be put on notice that the current funding method will cease at the end of fiscal year 06/07, at which time the new competitive process will begin.

The CAC has also prepared a process to administer distribution of funds beginning in fiscal year 07/08. Included for Council approval is the application all interested nonprofit agencies must complete.

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

**Committee/Commission Review and Actions:** Citizens Advisory Committee review and approval of nonprofit funding application document.

**Attachments:** Recommended Nonprofit Application for Funding  
Notes from the Council retreat of January 20 - 21, 2006

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move to approve the CAC's nonprofit funding policy recommendations and application for funding document.

***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:** May 1, 2006

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

**Agenda Item Wording:** Award a contract for the Visalia Parkway Street Construction Project, located on Visalia Parkway from Demaree Street to Dans Street. Project # 1241-00000-720000-0-9810-2005.

**Deadline for Action:** June 1, 2006 (30 days after bid opening)

**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:** The Public Works Department recommends that the City Council adjourn the May 1, 2006 meeting for this item to May 8, 2006, to award this contract. Bid Openings for this project are scheduled for May 2, 2006. Staff is expediting this matter to ensure the timely completion of the Visalia Parkway Street Construction Project.

The Visalia Parkway Street Construction Project will construct a new segment of Visalia Parkway between Demaree Street and Dans Street. See the Project Location Map on Exhibit #1 and Site Plan on Exhibit #2. This section of Visalia Parkway is intended to provide a second access for the new Cottonwood Creek School scheduled to open in the Fall of 2006 and provide better traffic circulation in this area. Visalia Parkway will ultimately have two lanes in each direction and a landscaped median island. This project will construct the northern half of the roadway and provide a single lane in each direction. The street will be a two-lane road until full build out occurs in the future when it will become a four-lane road and extension across Packwood Creek to County Center Street is completed. The project also includes signaling the Visalia Parkway and Demaree Street intersection and construction of transition lanes west, north and south of the intersection. In addition, paving and a median curb will be installed along the school frontage. The street is shown as an arterial street as part of the April 2001 Circulation Element.

The Visalia Parkway Street Construction Project is planned to be completed by August 11, 2006. Staff expects the street will open to through traffic before August 1<sup>st</sup>.

**Prior Council/Board Actions:** Authorization to bid as a non-prevailing wage project on April 3, 2006.

**Committee/Commission Review and Actions:**

**Alternatives:** Do not award contract.

**Attachments:** Exhibit # 1 - Location Map and Exhibit #2 - Site Plan.

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move to adjourn the meeting of May 1, 2006 for this agenda item to the meeting date of May 8, 2006.

***Financial Impact***

**Funding Source:**

Account Number: 1241-00000-720000-0-9810-2005

**Budget Recap:**

Total Estimated cost: \$500,000	New Revenue:	\$
Amount Budgeted: \$500,000	Lost Revenue:	\$
New funding required: \$0	New Personnel:	\$
Council Policy Change: Yes _____	No <u>X</u>	

Copies of this report have been provided to:

This document last revised: 4/28/06 9:02:00 AM

By author: Leslie Caviglia

File location and name: H:\(1) AGENDAS for Council\2006\050106\Item 11 Award Const. Contract-VP Demaree To Dans.doc

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes  No

Review and Action: Prior: Negative Declaration With Mitigated Measures completed February 2006

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:**