

# Visalia City Council Agenda

For the regular meeting of: Monday, July 17, 2006



Location: City Hall Council Chambers

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

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

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## **EMPLOYEE INTRODUCTIONS:**

Public Works Director Andrew Benelli introduces Sarah Pescatore, CAD Technician Community Development.

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

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

1. Annual presentation by PROTEUS, Inc. regarding the program at the Wittman Center in Village Park. Presentation by Juan Guerrero, Program Director for the Wittman Center, PROTEUS, Inc.
2. Authorization for the City Manager to modify the existing Contract for Services, with the consulting firm Moule & Polyzoides, for the Southeast Area Master Plan, to change the plan adoption and implementation format to a Specific Plan. The 850 acre site is located on the south side of Caldwell Avenue, to Avenue 272, between Santa Fe Street and Lovers Lane.
3. Authorization to direct staff to develop a Three Year Lease Agreement with a Two Year Option between the City of Visalia and Top of The Third, Inc. for professional baseball at Recreation Park Stadium and develop a \$2,000,000 funding plan for Phase 3 Renovation.
4. Review and approve the revised Groundwater Recharge Fund Capital Improvement budget and future Capital Improvement Program (CIP) requests.

*\*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)**

5. Conference with Legal Counsel – Anticipated Litigation (1)  
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC)
6. Item removed from Agenda.
7. Conference with Real Property Negotiators  
Property: 625 E. Douglas Avenue, between Burke and Santa Fe  
Under Negotiation: Price, terms, conditions of potential lease  
Negotiators: Steve Salomon, Leslie Caviglia, Vince Elizondo, Bill Whitlatch obo Imagine U Museum
8. Conference with Real Property Negotiators  
Property: 52-acre Modoc Basin located north of Riggin Avenue and west of Demaree St.  
Under Negotiation: Price, terms conditions of purchase  
Negotiators: Steve Salomon, Alex Peltzer, Andrew Benelli, Modoc Ditch Company
9. Public Employee Performance Evaluation  
Title: City Attorney, City Manager

## **REGULAR SESSION**

### **7:00 p.m.**

#### **PLEDGE OF ALLEGIANCE**

**INVOCATION** – Richard James, St. Paul’s Episcopal Church

#### **SPECIAL PRESENTATIONS/RECOGNITION**

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

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

10. 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) Appointment of Karen Davidson and Mary Wheeler as Disability Advocacy Committee Members and Rosemarie Holbert and Kathleen Papove as Alternate Members.
  - c) Approval of **Resolution 2006-61** designating Vice Mayor Greg Kirkpatrick as the voting delegate and Council Member Don Landers as the voting alternate for the 2006 League of California Cities Annual Conference.
  - d) Request authorization to grant utility easements to Southern California Edison for the City owned land at 525 N. Cain Street.
  - e) Authorize the City Manager to execute an agreement with the College of the Sequoias that provides for participation in the Federal Work Study Program for the 2006/07 fiscal year.
  - f) Authorization for staff to negotiate a contract with First Arts non-profit organization for \$30,000 for specific event organization in 2006/2007.
  - g) Authorize the transfer of city surplus furniture to Valley Oak SPCA.
  - h) Authorize staff to purchase seven Solid Waste refuse trucks (cab and chassis) from Central Valley Kenworth and three side loader refuse truck bodes from Ruckstell California Sales and award the purchases as a sole source.
  - i) Request authorization for City Manager to execute contracts with TPG Consulting, Inc. and Crawford Multari and Clark, for the preparation of General Plan Amendments, zoning amendments and environmental findings to implement the East Downtown Strategic Plan and authorize Administrative Services Director to make the necessary budget adjustments for a total fee of \$62,155.
  - j) Approval of a two-year contract with the Urban Tree Foundation in an amount not-to-exceed \$50,000 per year to provide services for grant writing, grant administration, and consulting related to the City's Urban Forestry Program.
  - k) Authorization to recruit up to a department head level position to oversee programs for Economic Development and Redevelopment programs.
  - l) **Introduction of the following Ordinance(s):**
    1. **Ordinance 2006-09** Authorizing Sale of Real Property at 120 W. Center Street.

m) Authorization to record the final parcel map for the following:

1. Tentative Parcel Map 2005-28, located at the northeast corner of Central Street and Harvard Avenue. APN 096-303-008.

n) Authorization to file a Notice of Completion for the following:

1. Construction of the first phase of Burke Park, a 5.8 acre neighborhood park and storm basin, located at the southwest corner of Burke and Monte Vista Avenue #3011-72000-0-9321-2005.
  2. Riggin Ranch, containing 33 lots, located southeast corner of Riggin Avenue and Linwood Street.
  3. Akers Street Improvements from Caldwell Avenue to Whitendale Avenue, Project No. 1241-00000-720000-0-9263-2000.
11. REGULAR ITEM - Consideration of the expenditure plan for the proposed Transportation Sales Tax Measure.
  12. REGULAR ITEM - **Introduction of Ordinance 2006-12** Amending Portions of Titles 16 and 17 of the Visalia Municipal Code pertaining to the Review of Planning Commission Decisions by the City Council.
  13. PUBLIC HEARING - Annexation 2006-04, Giddings Street/Riggin Avenue, initiation of annexation of a County Island, generally located south of Riggin Avenue, between Divisadero Street and Conyer Street, **Resolution 2006-62 required.**
  14. REGULAR ITEM - **Introduction of Amended Interim Ordinance 2006-03** establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area designated as Zone 1; generally located north of Mineral King Avenue and west of Ben Maddox Way. *(A 4/5 vote is required to adopt this ordinance.) Amendment is to ensure clarity of parking standards as originally proposed and approved by the Council.*
  15. PUBLIC HEARING - **Introduction of Interim Ordinance 2006-10** establishing prohibited and permitted uses and development standards for a portion of Northeast Downtown, designated as Zone 2; generally located north of Murray/Goshen Avenue and east of Santa Fe. *(A 4/5 vote is required to adopt this ordinance.)*
  16. PUBLIC HEARING -
    - a. General Plan Amendment No. 2006-01: amendment of General Plan Policies No. 4.1.19 and 4.1.20, to allow up to 40 multi-family dwelling units in the R-M zones as a "Permitted" use, and over 40 units as a "Conditional" use in the R-M zones; and adoption of General Plan Policy No. 4.1.22 which encourages the establishment and adoption of Good Neighbor Policies for multi-family residential developments to address their long term operation and management. **Resolution 2006-63 required.** *(A separate Motion by the Council is required.)*

- b. **Introduction of Ordinance 2006-11** Zoning Ordinance Text Amendment No. 2005-16: to amend Sections 17.16.020 (B) and 17.16.040 (J) to allow up to 40 multi-family units in the R-M Zones as a "Permitted" use and over 40 units as a "Conditional" use in the R-M Zones; and adoption of Section 17.16.190 which establishes that multi-family residential development shall be subject to model Good Neighbor Policies to address their long term operation and management.

**This regular meeting will be adjourned to Monday, July 24, 2006, 5 p.m., at the Visalia City Hall Council Chambers for the following item(s):**

17. REGULAR ITEM - Award a contract for the construction of a storm drain lift station for the Ranch Basin on Goshen Avenue between Demaree and Akers Street. Project #1221-00000-720000-0-9430-2006.
18. REGULAR ITEM - Award a contract to extend Oak Street one block to Tipton for two temporary corner parking lots. Project #1111-00000-720000-0-9682-2005.

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

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

#### **Upcoming Council Meetings**

Monday, July 24, 2006 - Adjourned Regular Meeting beginning at 5 p.m. City Hall Council Chambers

Monday, August 7, 2006

Monday, August 21, 2006

Tuesday, September 5, 2006

Work Session 4:00 p.m.

Regular Session 7:00 p.m.

City Hall Council Chambers

707 West Acequia Avenue

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

## City of Visalia Agenda Item Transmittal

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Annual presentation by PROTEUS, Inc. regarding the program at the Wittman Center in Village Park.

**Deadline for Action:** N/A

**Submitting Department:** Parks & Recreation

**Contact Name and Phone Number:** Vincent Elizondo, 713-4367

**Department Recommendation:**

Accept the City staff report and the presentation provided by PROTEUS, Inc. regarding the operation of the Wittman Center and provide future direction regarding updates on the program.

**Summary/background:** In July 2003, the City entered into a five-year agreement with PROTEUS to manage and operate the Wittman Community Center located at 315 Pearl Street in Visalia. The mission of PROTEUS is to provide high quality recreational and educational youth and community programs at the Wittman Center.

The contract is managed by the Parks and Recreation Department. In addition to periodic site visits by the City, PROTEUS also provides quarterly written reports to the City outlining the current program, average daily and monthly attendance, fundraising efforts, and other information the PROTEUS Board desired to include. The last quarterly report is provided in this report as Exhibit A. In addition, PROTEUS has made annual reports on the progress of their program to the Citizens Advisory Committee (CAC).

The City currently provides PROTEUS, Inc. with \$89,440 in compensation on an annual basis for services rendered to manage and operate the Wittman Center.

A stipulation in the contract requires PROTEUS to provide the City Council with an annual report on the Wittman Center program, the current budget, and fundraising plans during a Council Work Session in June of each year during the term of the agreement.

Representatives from Proteus plan on being at the Council work session of July 17, 2006 to provide the City Council with an overview of the current program.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

**Prior Council/Board Actions:** Approved a five-year contract with PROTEUS to manage and operate the Wittman Community Center on June 23, 2003.

**Committee/Commission Review and Actions:**

**Attachments:** Exhibit A – Most recent quarterly report as submitted by PROTEUS.

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

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:**

Authorization for the City Manager to modify the existing Contract for Services, with the consulting firm Moule & Polyzoides, for the Southeast Area Master Plan, to change the Scope of Work for the plan adoption and implementation format from a Master Plan to a Specific Plan, and increasing fees for services by \$90,000.

The 850 acre site is located on the south side of Caldwell Avenue, to Avenue 272, between Santa Fe Street and Lovers Lane.

**Deadline for Action:** None.

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Andrew J. Chamberlain, AICP 713-4003  
Fred Brusuelas, AICP 713-4364

**Department Recommendation and Summary:** Staff recommends that:

- 1) the City Council authorize the City Manager to execute an amendment to the existing Contract for Services for the Southeast Area Master Plan, with the consultants, Moule & Polyzoides, to add a Specific Plan component as detailed in the Attachment from the May 15, 2006 Council workshop. The amended "Scope of Work" adds specific plan requirements to satisfy state law and community needs, including the identification of economic strategies, plan-wide policies, infrastructure, civic initiatives, phasing and financing necessary to carry out the plan; and,
- 2) authorize an additional fee for services of \$90,000 from the General Fund Balance to pay for this contract adjustment.

**Funding:**

Approval of this item will increase the General Fund appropriation for this action by an additional \$90,000. This expenditure is incorporated into recommended motion for the item. This would increase the total consultant fee for the Southeast Area Master Plan from \$667,210 to \$757,210.

**For action by:**

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

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 30

**Review:**

**Dept. Head** MO 7/14/06  
(Initials & date required)

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

**City Mgr** CC 7/14/06  
(Initials Required)

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



### **Previous Council Action:**

On May 15, 2006, the Council heard a workshop presentation from staff related to changing the Master Plan status of the Southeast Area Plan to a Specific Plan. The request included a contract change with the consultant for an additional fee of \$90,000.00 for the change to a specific plan. A review of the consultant actions and proposed change in the scope of work are included in the attached information which was a part of the previous Council Transmittal on May 15, 2006.

During the workshop, the Council asked for additional input from the Task Force (property owners) related to their desires for a Master or Specific Plan. Council also requested additional information related to this kind of project and area housing market prices. The item was further continued from the June 19<sup>th</sup> Council meeting, to July 17<sup>th</sup> at the request of the Kaweah Delta District Hospital, which owns approximately 100 acres in the project area. On June 26<sup>th</sup>, the city staff had a meeting with the Hospital Board and presented the project. A follow-up meeting was conducted on July 11<sup>th</sup> with Hospital representatives to receive final feed-back from the Hospital Board.

### **Specific Plan vs. Master Plan**

The staff presentation to the City Council on May 15<sup>th</sup> covered the differences between a Specific Plan and Master Plan. See attached excerpts of the May 15<sup>th</sup> meeting. As previously discussed, the significant characteristic of a Specific Plan is that it is a regulatory document adopted by ordinance. The Specific Plan has the same standing as a Zoning Regulation or other Municipal Code requirement. The Specific Plan can also be amended at any time it is deemed necessary by the City Council. This is typically accomplished through the city's established public hearing review process.

If the City Council authorizes the preparation of a Specific Plan for the Southeast Area it will represent the highest level of commitment that can be made to implement the Plan's vision for vibrant and desirable neighborhoods in the Southeast Area. If a Specific Plan is prepared and adopted by the City Council it will lock-in: (a) the street pattern to establish certainty that the streets will connect in a logical and organized fashion; (b) the form based zoning that will achieve desired aesthetic results; (c) the wide variety of residential and commercial land uses that give the property owners multiple choices for development; (d) the open space areas that create the preservation of natural resources along the creek (e) the park land for the preservation of the Valley Oak grove on the site for recreation and the establishment of small open space nodes and public plazas throughout the plan area and; a focus on the pedestrian environment to provide a "walk-able network of neighborhoods".

### **General Plan vs. Southeast Plan**

Economic opportunities and land use choices will abound with a Specific Plan adoption of this proposed Traditional Neighborhood Design Plan. Within the 850 acre Master Plan Area the current General Plan has seven conventional land use designations. The Southeast Plan will have four Traditional Neighborhood land use designations. The Southeast Plan will have fewer zone designations but will have a wider range of land use choices including mixed residential and commercial uses for property owners and developers to consider. The Southeast Plan by virtue of its Traditional Neighborhood Approach will be superior for neighborhood design, property owner land use options, simple development review, land use efficiency, and certainty of development regulations and processing for the long term.

The Southeast Plan will not be significantly dissimilar to that of the current General Plan land uses and proportionate allocation of those land uses within the 850 acre area. There are some differences for the better. Conventional development of the land within the 850 acre project area in accordance with the current General Plan will yield approximately 3,500 dwelling units and 84 acres of conservation/ park land. The Southeast Plan Traditional Neighborhood Design will yield up to 5,000 dwelling units and over 104 acres of conservation/park land, in addition to the small open spaces and plazas. Other land uses within the Southeast Plan such as quasi-public, commercial and office are similar to that of the current General Plan land use designations, with the exception of the Medical Services District designation. The Medical Services District designation of the Southeast Plan will comprise at least 50 acres of land to accommodate Hospital District long range planning. Although, not significantly different from land use proportions of the General Plan, when this area is developed in accordance with the adopted plan, the Southeast Area will have superior land use efficiency, superior design, and superior choices that could not be achieved with a conventional General Plan or conventional development.

### **Task Force Input on the Specific Plan**

Staff individually polled a majority of the property owners, who are also Task Force members to determine their interest and issues with the recommendation to add a specific plan component to the project. Two members did not want the specific plan. The two members indicated that they desired flexibility of a Master Plan (opportunity to modify the plan). Two different task force members felt that the specific plan was the preferred action because it provided greater certainty and consistency with the plan. Eight other members indicated that either the Specific or Master plan was acceptable. They indicated a comfort level with whatever the City Council deemed appropriate. The Hospital District and School District representatives were in the latter group, indicating that the desired final plan should contain enough flexibility for the school or medical uses, and that either plan would work. The BIA representative indicated that they were in favor of the master plan because of the potential for more flexibility.

Staff found that there is not a clear majority who desire either a master or specific plan. It does appear that a majority of the members would accept a specific plan. A Task Force meeting is planned for noon on July 17<sup>th</sup>, at which time additional input from the members may be provided and related to Council at the study session. Flexibility in future application of the plan was the main concern of those favoring the master plan.

### **Economic Analysis**

Attached herewith is a paper titled "Economic Issues Related to the Southeast Area Master Plan" paper that explains relevant economic issues associated with development of the Master Plan. Also attached herewith is a 65% complete Economic Analysis section which is a part of the scope of work for the Master Plan. This analysis does not include a market analysis comparison of a typical house in the City and in the Plan area.

The City Council asked staff to provide some economic information regarding market feasibility of the proposed 850 acre South East Area Plan. Questions have been asked as to the market feasibility of implementing the Master Plan. The basis for this question is that the proposed plan is different from conventional and customary development. The unfamiliarity with this type of "New Urbanism Plan" generates numerous economic and market questions that must be answered.

It must be remembered that the basis for the City Council decision to have a Southeast Area Master Plan was the desire for a contemporary planning framework that moves the City toward higher density, mixed use, neighborhood design with enhanced amenities, and connectivity. There are those who will venture into the new way of doing things on the basis of opportunity and those that will not venture based upon uncertainty. In this regard, the city staff has had meetings with interested developers who have asked when the plan will be approved so that they can move forward with their development project. Another interested development group has asked when annexation of their land can occur for development and when can they submit plans.

The attached draft 65% completed economic analysis will answer some of the questions raised by City Council and the community. The consultant firm of ERA Economic Research Associates is required as part of the Southeast Area Master Plan contract to provide economic analysis and implementation strategies. The attached draft document does give answers to numerous economic questions on a macro basis. The report also indicates that a more detailed analysis is needed to answer project level economics. This level of analysis generally serves the builder/developer/investor and is typically prepared prior to project development.

Due to the wide range of land use options and residential type choices in the plan, it is difficult to establish a typical or average cost above conventional development costs. Many factors such as land prices, labor costs and building material costs affect the end price of the product. In general land development costs will be reflected in the market place with products that the market can afford. This is typically accomplished by adjusting lot sizes, building sizes and selection of amenities.

The Southeast Area Master Plan will have amenities that may or may not be found in conventional plans. A resultant effect of the amenities proposed in the Master Plan is a more desirable place to live and work in which many people are willing to pay a premium. The "Lakes" project is an example of a residential project in the market place that people are willing to pay a premium. Other projects such as "Bella Serra" and "Rancho Santa Barbara" are also examples of premium oriented development. This is due to doing something different in the way of building types, lot sizes and amenities. These projects and other like kind projects have been accepted and sold in the market place. This illustrates the point that the City of Visalia is not comprised of 100% conventional mass produced housing with each dwelling having an average price per square foot. There are market segments for development in Visalia to accommodate a wide range of choices and options that have a wide range of per square foot costs. The market place will dictate what builders will construct and what consumers will buy. The Southeast Area Plan will offer a very different living and working environment on a larger scale than currently exists in Visalia. Because the plan will create more livable and attractive neighborhoods many developers and consumers will find this desirable.

#### Conclusion:

The overall success of the Southeast Area Master Plan will be influenced by the level of long term city commitment to the plan. Because Visalia is a desirable place to live and work many people are willing to live and work in Visalia. There are numerous communities surrounding Visalia that have choices for a different living and working environment, yet Visalia continues to grow and remain the top choice for many. It is expected that growth in the city will continue and ultimately reach the 165,000 population as projected in the City's General Plan by the year 2020. The Southeast Area Plan will likely develop over a period of decades and during that period of time Visalia will grow in population and employment that can accommodate those who choose the living and working environment that the Southeast Area has to offer. Adoption of a Specific Plan for the Southeast Area will establish the level of city commitment needed to

achieve the vision in which persons may continue to have choices for living and working in a quality environment.

**Prior Council/Board Actions:**

On July 13, 2005, the City Council awarded the contract for the Southeast Area Master Plan, authorized the City Manager to execute a contract with the consulting firm of Moule and Polyzoides.

**Committee/Commission Review and Actions:**

The Southeast Area Master Plan Task Force met on May 8<sup>th</sup> to consider the proposed change to a specific Plan. The Task Force is proposed to meet on July 17<sup>th</sup> to receive an update from staff and to provide any further comment on the project, and the 65% Draft.

**Alternatives:**

None recommended.

**Attachments:**

- Attachment from previous City Council Transmittal – Change in Scope of Work
- Consultant Work Outline for Specific Plan
- Excerpt from Draft Plan Materials – David Bergman - Draft Economic Analysis and Implementation Strategies - Preliminary Analysis
- Paper: Economic Issues Related to the Southeast Area Master Plan

**City Manager Recommendation:**

**Recommended Motion:** I move to amend the existing Contract for Services with Moule & Polyzoides, and to authorize the City Manager to execute a supplemental contract for the addition of a “specific plan” component to the existing Southeast Area Master Plan, consistent with the attached Specific Plan Proposal from the consultants dated May 2, 2006, whereby the planning implementation shall become the Southeast Area Specific Plan at the increased cost for services of \$90,000. That the \$90,000 be appropriated from the General Fund Balance to fund this work.

***Environmental Assessment Status***

**CEQA Review:** Not required

**NEPA Review:**

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

Copies of this report have been provided to:

## Attachment – Excerpt from Previous City Council Transmittal – May 15, 2006

### Review of Consultant Actions:

On March 15, 2006, the consultant conducted a one day Discovery Workshop to prepare for the Charrette. The Charrette was conducted on April 9<sup>th</sup> through the 14<sup>th</sup>, 2006.

As a result of the work already done on this project, the City Council and Consultant raised the issue of making the plan a Specific Plan rather than a Master Plan. While the master plan may be adopted as a guideline document, the specific plan is adopted by ordinance as a “regulatory” document which establishes development regulations which may include types of uses, design standards, and density requirements. Specific plans may be amended as often as deemed necessary.

### Change in Scope of Work

The attached memorandum from the consultant, Exhibit “A”, outlines the proposed change in the scope of work. Chapter Three of the table of contents is where most of the specific plan enhancements would occur for economics and infrastructure, along with Chapter One. The cost estimate is \$90,000.00 which is a preliminary estimate, the consultant has indicated that a more detailed estimate should be available by the time of the Council meeting.

To change the plan from a master plan to a specific plan requires detailing plan components related to providing added detail to the infrastructure (plan for services), plan strategies and financing options to complete the plan. The consultants would also be identifying the plan consistency with the general plan, wherein how the plan meets the intension of, and carries out the goals, objectives, and policies established in the general plan. Exhibit “B” is the proposed table of contents for the Southeast area Plan. Exhibit “C” is the California Government Code sections related to the establishment of a specific plan. The amended “Scope of Work” would be required to meet the requirements of the Code.

1. What is the final deliverable per the existing contract? The contract calls for a final “turn-key” plan which includes a Master Plan Document with a TND (Traditional Neighborhood Development) component in a Form Based Code. It would also include the General Plan Land Use Element enabling language finding the Master Plan in conformance with the goals, objectives and policies of the General Plan, a “splice” in the Zoning Ordinance identifying the Plan Area as subject to all applicable standards of the Master Plan Document, and an EIR for the Plan Area as described in the Master Plan. The Master Plan is adopted by Resolution, enabling (encouraging) development to follow the pattern established in the Master Plan, though as a Master Plan, following the plan is not required.

2. What will the change to a Specific Plan provide which is not already in the Master Plan? Basically, the Specific Plan can be very similar to the Master Plan with the following exceptions:

- Specific Plan may be adopted by ordinance – this requires development over time to be consistent with the plan, and elevates plan changes to a level similar to a zone change.
- Specific Plan is expanded to include added detailed information on the infrastructure required to accomplish the plan.
- Specific Plan is expanded to include an Economic Component which describes strategies matched to the plan area which are intended to help accomplish the plan. These strategies may include incentives to develop in the area. Some incentives may be provided by the

simple virtue of having many of the plan area details already provided so as to reduce developer planning costs and time, and may result in a more streamlined process for permitting of plans which are consistent with the Specific Plan.

The added components of the Specific Plan serve to bring focus and clarity to the plan area, whereby some of the guess-work is eliminated and the product is more of a known commodity from beginning to end. The Specific Plan strives to provide as much detail and answer as many questions up front as possible.

While the Specific Plan is more detail oriented than the Master Plan, both plans provide a basic *form based code* which can typically be utilized on areas directly adjacent to the subject site with very little problem. Since the Plan Document and codes are developed for a subject site, using them in other areas of town is possible, but other locations really need a Plan Document and codes tailored to that particular area and its site specific needs. This may be a different approach to the commercial areas or other varieties of street sections and architectural styles.

In the end, the specific plan provides the best basis for the completion of the plan. As witnessed in the design Charrette, the plan area is a comprehensive plan based upon creating an urban fabric with high quality, desirable amenities, comfortable streets and public spaces that are used formally and informally by the neighborhood. With parking in the rear and street trees as a predominant feature, the goal is to produce a friendly, safe walking environment, to provide basic amenities within walking distance of housing and creating opportunities to get people out of their cars. This plan is best realized when all of the components are planned for and eventually incorporated into the whole, a master plan does not provide the long term staying power to get the ultimate job done. Creating new urban spaces of this type is a long term commitment which is best served as a specific plan. Much of this revolves back to the Project Strategies which were used at the Discovery Workshop and Charrette, along with the Traditional Neighborhood Principles

## City of Visalia Agenda Item Transmittal

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:**

City Council direct staff to develop a Three Year Lease Agreement With a Two Year Option Between the City of Visalia and TOP OF THE THIRD, INC. For Professional Baseball at Recreation Park Stadium and develop a \$2,000,000 funding plan for Phase 3 Renovation.

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

**Submitting Department:** Administration

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

**Department Recommendation:**

Staff recommends that City Council direct staff to develop a new contract and direct staff to create a \$2,000,000 funding plan for improvements consisting of:

- A New Right Field Concession Stand
- Restrooms
- Administration/Ticket Offices
- Maintenance Building
- Dugout Improvements to Meet Compliance
- Field Lighting
- ADA Compliant Access and Seating
- an Additional 400 Seats, and
- Remodel of the Existing Concession Stand

Funding for the improvement plan will be as follows:

- a) \$1 million would be funded over two years via a \$500,000 allocation from the General Fund.
- b) \$1 million would be funded from a 15 year, 6% Bank Loan supported by the General Fund and paid for from the proposed revenues.

Annual Proposed Revenues for 2007:

	<i>Option 1</i>	<i>Option 2</i>
a) Naming Rights to the Field	\$10,000	-
b) Surcharge on ticket sales @ \$1 per ticket	\$70,000	\$29,500)*
c) Special Events @ 5 pr year	<u>\$20,000</u>	<u>\$26,000</u>
Total	\$100,000	\$55,500

\* Reserved and General Admission Tickets (70,000) \$.25 = \$17,500

**For action by:**

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

**For placement on which agenda:**

- Work Session  
 Closed Session

**Regular Session:**

- Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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



Premium Seats (VIP Lounge) (4,500) \$1.00 = \$4,500  
Other Events (7,500) \$1.00=\$7,500

Option 1 involves a \$1 surcharge on all tickets for capital improvements in the stadium beginning 2007. Option 2 involves a tiered approach with general admission tickets being increased \$.25 for 2007 and 2008 and then increasing to \$.50 in 2009 and 2010. Premium seats are charged \$1.00 as well as special event tickets. TOP of the THIRD, Inc. believes the tiered approach is a more equitable method to introduce the surcharge and to develop ongoing revenue for capital improvements.

In addition Option 2 does not include any revenue for naming rights of the stadium. TOP of the THIRD, Inc. has expressed that in order to attract interest in the naming rights at a minimum annual \$20,000, Phase 4 will need to be completed. The reasoning for this is that Phase 4 includes the new luxury boxes, grandstand addition of 800 seats, shading for grandstands, new press box, and left field picnic deck, all of which attract the corporate level sales and sponsorship.

The City and TOP of the THIRD, Inc. will develop details for Phase 4 Renovations. In order for Phase 4 to move forward TOP of the THIRD agrees to:

- raise the community interest by growing the attendance to 90,000 and
- raise corporate interest to gain additional advertising revenues, including naming rights sponsorship.

Revenues to the City also need to reach \$100,000 annually.

If these milestones are accomplished and the City agrees to Phase 4, TOP of the THIRD would be willing to commit to a long-term, **10-year lease** with the City. This lease would be unprecedented for Visalia baseball and indicates the commitment TOP of the THIRD, Inc. has for baseball in the community and for developing a partnership with the City.

In exploring options for additional funding sources, at least one councilmember has suggested the City consider selling the 1.2 acres that is bordered by the 2<sup>nd</sup> base fence line on the north, the alley on the south, and Giddings on the west. This property could eventually be utilized for a multi-story, mixed use building with viewing access to the stadium. Staff will obtain the data on the property and report back to Council as to the potential uses and value. (aerial photo attached)

The City currently contracts with an hourly outside vendor to provide field maintenance. TOP OF THE THIRD, INC. estimates they can provide the maintenance at a lesser costs by hiring a full time employee who would be responsible for field maintenance as well as general facility maintenance and other stadium upkeep.

Of the approximately \$52,000 a year the City spends on maintaining the field and premises, staff recommends that the City transfer \$47,000 for field and property maintenance to TOP OF THE THIRD, INC. TOP OF THE THIRD, INC. will then be responsible for field maintenance and minor repairs to the stadium and facilities and \$5,000 will be set aside annually for repair and replacement of the field maintenance equipment.

This will also entail a one time cost of \$25,000 to purchase used mowing and field maintenance equipment consisting of such items as a mower, edger, aerator and infield groomer.

**Background.** This is Phase 3 of the original 4 Phase Renovation Plan that Council reviewed in November 2002. The Phase 1 consisted of building the new deck and picnic area, replacing the old seats, creating a new entrance gates and new wrought iron perimeter fencing. The cost of Phase 1 was \$980,000. Phase 2 consisted of the construction of the new home team clubhouse at a cost of \$683,719.

In order to complete the renovation and secure additional revenues as a result of increased ticket sales, increased seating, and increased concession sales, it is important to complete Phase 3 in its entirety.

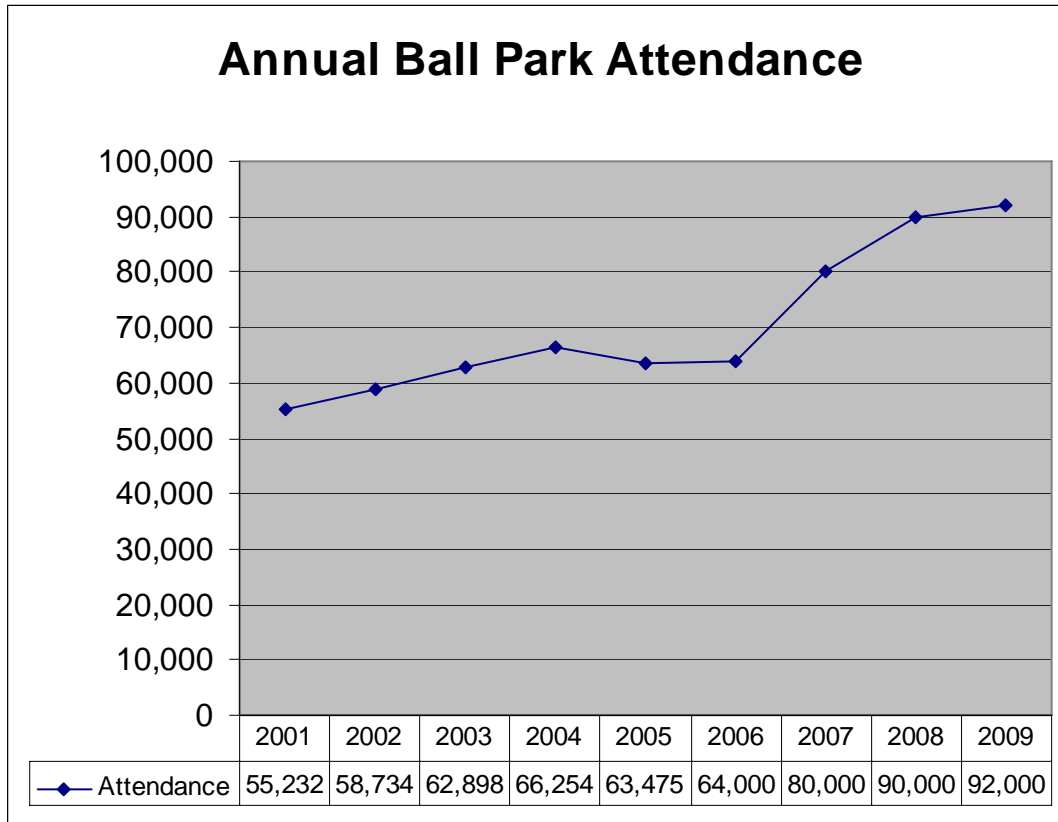
### **History.**

Visalia Minor League Baseball dates back to 1910. The California League has played at Recreation Stadium since 1946. More than 5 million fans have watched professional baseball at Recreation Park Stadium over the past 60 years. In 1978 the Oaks were recognized by the Cal League as one of the best teams in Minor League Baseball history. Dozens of Visalia alumni have ascended to the Major Leagues from Hall of Fame recipient Kirby Puckett to Cy Young winner Barry Zito.

The current owners of the team, TOP OF THE THIRD, INC., purchased the team in 2001. They have been working closely with the City to improve the facilities at Recreation Park Stadium and to increase attendance and revenues. The field has been improved, advertising and marketing outreach has been increased, skyboxes have been repaired, new seats have been installed, new wrought iron fencing has replaced old chain link, lighting was improved, a new deck and picnic area added and most recently a new clubhouse. The improvements have definitely been an asset to the stadium and have drawn additional attendance to the games.

The renovations to date have improved team and fan facilities. The new clubhouse is being described as the best-in-the league. The fan facilities consisting of the picnic area and deck and new seats have added to increased attendance which is up 18% since 2001 as shown on Chart I, Annual Ball Park Attendance.

### **Chart I**



2006, 2007, 2008 and 2009 are projected attendance

**Completed Phases:**

The City has completed the following Phases:

**Phase 1** which included new seats, new perimeter fencing, new patio and picnic area and lighting.(\$980,000)

**Phase 2** was the construction of the new 3,000 sq. ft .home team clubhouse. (\$683,719).

Two remaining phases remain, namely:

**Phase 3** consists of the improvements to the right field services: concessions, restrooms, administration/ticket offices, dugouts, field lighting, ADA compliant access, increased permanent seating, maintenance building and remodel of existing concession stand. (\$2,000,000)

**Phase 4** will consist of grandstand expansion, roof/shade structure, modern press box, limited premium seating, playing field improvements, 3<sup>rd</sup> base dugout, second leftfield picnic deck, outfield wall repair, new scoreboard and additional parking. (\$2,200,000). This phase, however, is not recommended until the park reaches 90,000 in annual attendance, increased corporate sponsorship and \$100,000 revenue to the City.

**Reasons Supporting Continued Renovation:**

Recreation Park Stadium is a historic asset to the community. The City Council has directed and supported the efforts to renovate the stadium and increase its capacity both for baseball and other special events.

The Stadium hosts 70 games each year. It houses the only professional sports team in Tulare County. The program provides family entertainment at an affordable price (average admission is \$5). It provides jobs for teens (40 part-time summer jobs) and provides 2,000 free tickets each year to underprivileged youth.

Phase 3 will be on the Right field side of the stadium. A new concession stand, conference room, administrative/ticket offices, new restrooms, 400 new permanent seats and additional picnic area will be added. The existing concession stand is not capable of servicing current attendees so the new concession stand is needed. It will allow for faster service, more variety and storage capacity. These new renovations will enable more people to attend the park for mixed uses in the stadium. This in turn will lead to increased sales and revenues.

The current ball park configuration appears to be at its functional capacity limited by available rest rooms and available concessions. Simply increasing ticket sales does not ensure continued attendance as many customers are hesitant to wait in long concession lines and restroom facilities are very limited. Sustained increased attendance will require improved facilities.

#### **Revenue Projections/Current and Projected by Owner:**

With Phase 3 in place, revenues are projected to increase through increased general admission and group ticket sales, greater concession sales and additional event rentals. City staff is currently evaluating other events that could be held at the stadium. There are 15-30 dates that are available for other activities. Such things as: religious gatherings, fairs, concerts, festivals, corporate events, car shows, celebrity baseball are all bookings that could take place in the stadium. With the addition of a portable stage (which was approved subject to a match in the FY 2006/08 Budget), speakers and lighting, the City could have the ability to promote a variety of events. With the capability to seat approximately 2,600 and full concessions available, revenues of \$50,000-\$100,000 annually could be realized to the City. If Phase 3 is approved a revenue sharing agreement will be developed in the new lease between the City and TOP OF THE THIRD, INC. to promote these events.

As an example of the community willing to attend outdoor special events, the recent Blues and Brews event that has been held at Recreation Stadium the past three years went from several hundred in attendance in 2004 to 1,000 in 2005 and 1,429 attended this year despite the tough heat. The main issues were lack of restroom facilities and seating area. With improved facilities, events such as this would most likely bring in several hundred more attendees.

Staff is in the process of creating a committee consisting of representatives from the Convention Center, Recreation, Finance, Administration, the Oaks and the private sector to develop policy regarding operations, marketing and revenue sharing related to utilizing the stadium for special events.

The owners are confident that attendance will continue to increase at Recreation Stadium as the stadium is renovated and upgraded. This is seen in many stadiums throughout the country as indicated by the attached chart. As the existing stadiums are new or significantly renovated the attendance is boosted by some 92%.

Professional Baseball Facility Standards requires that minor league baseball stadiums meet 33 requirements. Currently, Recreation Park fails to meet compliance on 22 requirements. Phase

3 would upgrade the stadium to full compliance on 13 of these 22 requirements. Phase 4 would bring the ballpark to full compliance. (chart attached)

The owners are also confident that with the improved stadium facilities the market penetration will also increase significantly. The "Market Penetration" chart indicates that Visalia would be able to increase its market penetration by 25-40% with stadium improvements. (chart attached)

For Visalia size markets, the average market penetration is 74.1%. Market penetration is calculated by dividing ballpark attendance by market area population. Visalia Ball club's current market penetration of 15.4% is due primarily to facility limitations. The ballpark today lacks certain basic necessities such as adequate restrooms, concessions and amenities such as kids play areas, hospitality, premium seating, and large group area capacity.

The 120 new (since 1990) minor league ballparks built around the country contain all the basic necessities as well as many amenities appealing to all fan groups (kids, families, corporate executives, groups of all sizes, etc.). A new Visalia ballpark with full amenities conservatively projects out to 70% penetration (287,000 attendance), however, a significantly renovated ballpark conservatively projects a market penetration of 25%-40% (102,000-164,000 attendance).

Minor League Baseball's popularity continues to be on the rise throughout the country. Attendance is consistently high in new or improved stadiums. It is a very affordable family entertainment that is hard to duplicate. It is a quality of life asset that also creates jobs, improves the surrounding area, provides opportunities for youth and brings the community together.

Financial Analysis: City staff has reviewed tax returns from the current owner. Over the last three years, the team has had net operating income or losses of (\$27,000), \$20,000 and \$27,000, respectively. The team projected fiscal results subsequent to the completion of different phases at the park are shown below as Table I, Expected Operating Income.

Table I  
Expected Operating Income

	<b>2005/06 (as is)</b>	<b>2007 (w/RF renovations)</b>	<b>2008 (Phase 4)</b>
<b>Revenues:</b>			
Corporate Advertising	\$185,119	\$230,000	\$260,000
Season Tickets and mini-plans	90,000	125,000	140,000
Group Sales	88,383	130,000	150,000
Gate Sales	65,000	70,000	73,500
In-Ballpark Revenues (Food concessions & souvenirs)	<u>183,000</u>	<u>310,000</u>	<u>403,000</u>
Total Gross Revenue	\$612,102	\$865,000	\$1,026,500
(Less CGS (35%) cost of goods/services)	<u>(214,236)</u>	<u>(302,750)</u>	<u>(359,275)</u>
Total Net Revenue	<u>\$397,866</u>	<u>\$562,250</u>	<u>\$667,225</u>

**Expenses:(projecting 4% annual increase)**

PBA-dictated costs(Prof. Baseball Agree.)	116,560	125,885	130,920
(Equipment, team travel, umps)			
Insurance, Acctg. Legal	47,083	50,850	52,884
Stadium Operations (utilities, phone)	50,540	54,580	56,763
Payroll	226,540	244,663	254,450
Advertising (rely on trade)	<u>3,957</u>	<u>4,274</u>	<u>4,445</u>
 Total Expenses	 \$444,677	 \$480,251	 \$499,461
(Not including interest, taxes, depre./amortization)			
 Earnings before debt/taxes etc.(EBITDA)	 (46,811)	 81,999	 167,764
 Interest	 <u>(125,000)</u>	 <u>(125,000)</u>	 <u>(125,000)</u>
 Pre-tax Earnings	 <u>(\$171,811)</u>	 <u>(\$43,001)</u>	 <u>\$42,764</u>

**CHANGES TO CURRENT LEASE:**

1. Of the approximately \$52,000 a year the City spends on maintaining the field and premises, staff recommends that the City transfer \$47,000 for field and property maintenance to TOP OF THE THIRD, INC. TOP OF THE THIRD, INC. will then be responsible for field maintenance and minor repairs to the stadium and facilities and \$5,000 will be set aside annually for repair and replacement of the field maintenance equipment.

Any field or property repair amount over \$2,000 will need approval from the City of Visalia. Major repairs over \$2,000 will require and be paid for by the City. The City will retain responsibility for repairs having to do with major electrical, lighting, plumbing and structural.

The City currently contracts with an hourly outside vendor to provide field maintenance. TOP OF THE THIRD, INC. estimates they can provide the maintenance at a lesser costs by hiring a full time employee who would be responsible for field maintenance as well as general facility maintenance and other stadium upkeep.

This will also entail a one time cost of \$25,000 to purchase used mowing and field maintenance equipment consisting of such items as a mower, edger, aerator and infield groomer.

2. The City and TOP OF THE THIRD, INC. will enter into a revenue sharing agreement regarding special events. Staff will report the details of the agreement to Council when the new lease is finalized.

3. The City will include a surcharge on tickets beginning 2007. (refer to annual revenues pg. 1)

4. Naming Rights to be pursued by Ball Club and City to help offset City investment in renovations. Details will be provided in the finalized new lease.

5. City and Ball Club will develop details for Phase 4 Renovations. In order for Phase 4

to move forward TOP of the THIRD agrees to:

- raise the community interest by growing the attendance to 90,000; and
- raise corporate interest to gain additional advertising revenues, including naming rights sponsorship.

Revenues to the City also need to reach \$100,000 annually.

If these milestones are accomplished and the City agrees to Phase 4, TOP of the THIRD will commit to a long-term (10 additional years) lease with the City.

The net effect of the proposed lease arrangements would be the following expected income:

Table II

<u>Potential New Annual Ballpark Revenues</u>	
Naming Rights	10,000
Ticket Sales @ 1 per ticket	70,000
Special Events @ 5 per year	20,000
Total	\$100,000

### **Financing Plan**

The proposal to fund the ball park expansion would be as follows:

- a) \$1 million would be funded over two years via a \$500,000 allocation from the General Fund.
- b) \$1 million would be funded from a 15 year, 6% Bank Loan supported by the General Fund and paid for from the proposed new revenues.

The Council has tentatively set aside the General Fund contribution amount. If Council directs staff to proceed with this plan, staff would seek a bank loan to cover the additional \$1 million.

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

Approval of Phase 1 and Phase 2

### **Committee/Commission Review and Actions:**

### **Alternatives:**

Continue renovation in additional phases  
Do not continue renovation

### **Attachments:**

Owner Biography  
1.2 Acres/Recreation Park

Professional Baseball Facility Standards  
Chart I-Minor League Attendance  
Chart 2-Market Penetration  
Renderings of Phase 3 and Phase 4

**Recommended Motion (and Alternative Motions if expected):** I move that the City Council direct staff to develop a Three Year Lease Agreement With a Two Year Option Between the City of Visalia and TOP OF THE THIRD, INC. For Professional Baseball at Recreation Park Stadium and develop a \$2,000,000 funding plan for Phase 3 Renovation as part of the lease.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

**Agenda Item Number (Assigned by City Clerk):** 4

**Agenda Item Wording:** Review and approve the revised Groundwater Recharge Fund Capital Improvement budget and future Capital Improvement Program (CIP) requests.

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

**Submitting Department:** Administration / Finance Division

**Contact Name and Phone Number:**

Eric Frost, 713-4474  
Renee Nagel, 713-4375

**Department Recommendation:** That the City Council review and approve the revised Groundwater Recharge Fund Capital Improvement budget and future Capital Improvement Program (CIP) requests, increasing the 06/07 and 07/08 appropriations by \$470,000 and \$500,000, respectively.

**Summary/background:**

On June 26<sup>th</sup> Council adopted the City's Capital Improvement Program with the Operating Budget. The Council recently approved groundwater extraction fees. The capital projects they fund were inadvertently left out of the Groundwater Recharge Fund.

It is recommended that Council reviews and approves the attached revised Capital Improvement Program (CIP) budget for the Groundwater Recharge Fund. The Capital Improvement Program presents the 2006/07 and 2007/08 fiscal years for appropriation. Four additional years are presented for planning purposes.

**Fund Analysis:**

The Groundwater Recharge Fund's revenues are derived from three fees: the Groundwater Recharge Fee, Groundwater Extraction Fee, and the Groundwater Mitigation Fee.

1. **The Groundwater Recharge Fee** is collected from the monthly City utility bill and is based on the size of the water service line that range from \$.35 to \$39.65 a month. First priority of recharge fees is for the agreement with Tulare Irrigation District and Kaweah Delta Water Conservation District for the acquisition of water and other activities to improve groundwater levels.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 30

**Review:**

**Dept. Head** EF 7/6  
(Initials & date required)

**Finance** EF 7/6  
**City Atty** NA  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

2. **The Groundwater Extraction Fee** became effective January 2006 and is charged to Calwater or any municipal water provider for the extraction of water. This fee is \$14 per acre foot of water pumped.
3. **The Groundwater Mitigation Fee** became effective August 2005 and is charged to any person seeking to annex property. This fee is \$950 per acre of land to be developed, the assignment appropriate water rights or a combination of the two.

All fees in this fund are to be used for acquisition of water, groundwater recharge facilities, and other activities to improve groundwater levels and increase supply of water to the City.

In FY 2006/07 & 2007/08, staff is recommending increasing the Capital Improvement Plan by a total of \$970 thousand as shown in Table 1 – Capital Program Comparison below:

Table 1 – Capital Improvement Program Comparison

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Revised Groundwater Plan	\$540,000	\$520,000	\$335,000	\$795,000	\$330,000	\$835,000
Adopted Groundwater Plan	\$ 70,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 40,000	\$ 60,000
Difference to be Approved	\$470,000	\$500,000	\$315,000	\$775,000	\$290,000	\$775,000

The revised plan has a total of 7 projects and 5 of them are proposed to be funded in the two year budget. A detail list of the projects is shown in the Revised Underground Water Recharge Capital Improvement Program attached. In addition, staff has attached the original Capital Improvement Program for comparison.

**Prior Council/Board Actions:** June 26, 2006 Council adopted the City’s Operating Budget and Capital Improvement Budget for FY 06/07 & 07/08.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** (pg 4) Revised Groundwater Recharge Fund Capital Improvement Program  
(pg 6) Original Groundwater Recharge Fund Capital Improvement Program

**Recommended Motion (and Alternative Motions if expected):**  
Review and approve the revised Groundwater Recharge Fund Capital Improvement budget and future Capital Improvement Program (CIP) requests.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** 7/17/2006

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

**Agenda Item Wording:** Appointment of Karen Davidson and Mary Wheeler as Disability Advocacy Committee Members and Rosemarie Holbert and Kathleen Papove as Alternates Members.

**Deadline for Action:** N/A

**Submitting Department:** Parks and Recreation Department

**Contact Name and Phone Number:** Jane Garcia Dicken,  
Recreation Supervisor, 713-4277

**Department Recommendation:** It is recommended that the Visalia City Council appoint Karen Davidson and Mary Wheeler as Disability Advocacy Members, currently there are two vacancies. It is also recommended that the City Council appoint Rosemarie Holbert and Kathleen Papove as alternates to the Disability Advocacy Committee.

**Summary/background:**

On May 8<sup>th</sup> 2006, the Disability Advocacy Committee interviewed Rowena Ellen Cranston, Karen Davidson, Rosemary Holbert, Kathleen Papove, David Perry, and Mary Wheeler.

Tira Bosby and Mary Guarisco did not respond to e-mails or phone calls.

The Committee was given the opportunity to review the applications and the candidates were given the opportunity to introduce themselves and discuss why they would like to serve on the Disability Advocacy Committee. The Committee voted unanimously to appoint and recommend the applicants as proposed.

On June 7, 2006 the Citizens Advisory Committee reviewed the recommendation of the Disability Advocacy Committee and unanimously approved the recommendation.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:** 5/8/2006 Disability Advocacy Committee meeting and 6/7/2006 Citizens Advisory Committee

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

Dept. Head VAE 7/5  
(Initials & date required)

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

City Mgr \_\_\_\_\_  
(Initials Required)

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

**Alternatives:**

**Attachments:** Committee applications.

**Recommended Motion (and Alternative Motions if expected):** That the Visalia City Council appoint Karen Davidson and Mary Wheeler to serve on the Disability Advocacy Committee and Rosemarie Holbert and Kathleen Papove serve as Alternate Members to the Disability Advocacy Committee.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

# City of Visalia Agenda Item Transmittal

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Approval of Resolution 2006-61 designating Vice Mayor Greg Kirkpatrick as the voting delegate and Council Member Don Landers as the voting alternate for the 2006 League of California Cities Annual Conference.

**Deadline for Action:** 8/15/2006

**Submitting Department:** City Clerk/Administration

**Contact Name and Phone Number:** Roxanne Yoder, Chief Deputy City Clerk 713-4512; Leslie Caviglia, Deputy City Manager 713-4317

**Department Recommendation:** Approve Resolution 2006-61 designating Vice Mayor Greg Kirkpatrick as the voting delegate and Council Member Don Landers as the voting alternate for the 2006 League of California Cities Annual Conference.

**Summary/background:** The League of California Cities Annual Conference is scheduled for September 6-9 in San Diego. An important part the Annual Conference is the Annual Business Meeting, scheduled for Saturday morning, September 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

League bylaws require that a city's voting delegate and alternate must be designated by the city council by resolution affirming the names of the voting delegate and voting alternate. This procedure is to ensure the integrity of the voting process at the Annual Business Meeting.

Both Vice Mayor Greg Kirkpatrick and Council Member Landers have confirmed that at this point, they anticipate being present and available on the final day of the conference for the business meeting, and have agreed to serve in this capacity.

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

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

**Alternatives:**

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

**Attachments:** Resolution 2006-61

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

Approve Resolution 2006-61 designating Vice Mayor Greg Kirkpatrick as the voting delegate and Council Member Don Landers as the voting alternate for the 2006 League of California Cities Annual Conference.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**RESOLUTION 2006-61**

**DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR 2006 LEAGUE ANNUAL CONFERENCE**

**Whereas**, the League of California Cities will hold its Annual Conference September 6-9 in San Diego; and

**Whereas**, an important part of the Annual Conference is the Annual Business Meeting, scheduled for Saturday morning, September 9, whereby the League membership considers and takes action on resolutions that establish League policy; and

**Whereas**, in order to ensure the integrity of the voting process at the Annual Business Meeting and to remain consistent with League bylaws, a city's voting delegate and voting alternate must be designated by the city council by resolution;

**NOW, THEREFORE, BE IT RESOLVED**, in accordance with League bylaws the Visalia City Council hereby designates Vice Mayor Greg Kirkpatrick as the voting delegate and Council Member Don Landers as the voting alternate for the 2006 League of California Cities Annual Conference.

PASSED AND ADOPTED: 8/7/06

STEVEN M. SALOMON, CITY CLERK

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2006-\_\_ passed and adopted by the Council of the City of Visalia at a regular meeting held on July 17, 2006.

Dated: 7/\_\_/06

STEVEN M. SALOMON, CITY CLERK

By Roxanne Yoder, Chief Deputy



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Request authorization to grant utility easements to Southern California Edison for the City owned land at 525 N. Cain Street.

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

**Submitting Department:** Administration – Transit Division

**Contact Name and Phone Number:**  
Monty Cox, Transit Manager, 713-4591

**Department Recommendation:**

That the City Council authorize the City Manager to sign the Grant of Easements to Southern California Edison (SCE) for installation of utilities for the construction of the Operations and Maintenance facility located at 525 N. Cain Street.

**Summary/background:**

On October 3, 2005, The City Council authorized awarding a contract to Lewis Nelson & Son for the construction of the Operations and Maintenance facility located at 525 N. Cain Street. Part of the contractor's work is to install utilities to each of these lots. Each utility company requires an easement for the installation of their conduit or pipe, vaults, manholes and appurtenant equipment or fixtures.

On behalf of Southern California Edison, Spectrum Land Services has prepared an easement description that has been reviewed and approved by the City attorney.

**Prior Council/Board Actions:**

October 3, 2005 Approval of contract with Lewis Nelson & Son for construction of the Operations and Maintenance facility.

**Committee/Commission Review and Actions:**

N/A

**Alternatives:** NA

Subject: Encina utility easements  
Sharon Sheltzer

This document last revised: 7/14/06 3:04:00 PM

File location and name: H:\(1) AGENDAS for Council\2006\071706\Item 10d Transit SCE Easement.doc

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

**Attachments:** Grant of Easement

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

That the City Council authorize the City Manager to sign the Grant of Easements to Southern California Edison (SCE) for installation of utilities for the construction of the Operations and Maintenance facility located at 525 N. Cain Street.

***Environmental Assessment Status***

**CEQA Review:** not required

**NEPA Review:** N/A

**Tracking Information: Sign Grant of Easements, forward copies to utility companies and record.**

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Authorize the City Manager to execute an agreement with the College of Sequoias that provides for the City's participation in the Federal Work Study Program for the 2006/07 fiscal year.

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

**Submitting Department:** Administrative Services/Human Resources

**Contact Name and Phone Number:** Janice Avila, Human Resources Manager, 713-4417

**Department Recommendation:**

Authorize the City Manager to execute an agreement with the College of the Sequoias that provides for the City's participation in the college's Federal Work Study Program. The main objectives of this program are:

- To develop employment and learning opportunities that will improve low-income students' skills and readiness for the transition from school to work.
- To increase the low-income college students' awareness of employment opportunities within public service.
- To provide for ongoing cooperative efforts between the College of the Sequoias and the City by creating opportunities for low-income disadvantaged college students to become involved in Visalia, both as a community and as an organization with diverse employment opportunities.

**Summary/background:**

For the past six years, the City has had the opportunity to participate in this federally-funded program that provides low-income disadvantaged students an opportunity to work in a part-time job while attending college. Through this program, the City of Visalia and College of the Sequoias have been able to develop a successful partnership that has allowed the City to provide part-time employment and learning opportunities for eligible students.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 5

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

Because of the success in the past, we are interested in participating in this program again this year. The students who participated in last year's program were assigned to the Parks and Recreation Department, Convention Center, Transit, Administration.

The Federal Work Study Program is funded by the fiscal year July 1 through June 30. The students are placed into the part-time "student worker" positions with the City. The student workers are paid as employees of the College of the Sequoias (as such, the college assumes all liability for social security, worker's compensation, unemployment insurance and any other mandated employment benefit).

The total number of hours each student may work is determined by the amount of the student's Federal Work Study award. The City will be notified of the total number of work hours available for each student worker. Each student worker will be paid minimum wage. When a student worker's accumulated gross earnings are reached, the student must end his/her participation in the Federal Work Study Program.

As in past years, the College of the Sequoias will be charging a twenty-five (25%) administration fee for each participant in the program. This administration fee will be based upon the wages earned by each student worker. The college will send a monthly invoice to the City. The administration fee will be divided among the City departments who have a student worker assigned.

Eligible students will receive a work study award for a value of up to \$2,500 for the 2006/07 fiscal year. This dollar award equates to approximately 370 hours of work at the anticipated minimum wage of \$6.75 per hour. Assuming the student works approximately 15 hours per week, the student will be able to work for approximately 24 weeks. In the example, the administrative cost to the City for the student worker will be approximately \$625. The costs for participating in this program have been included in the FY 2006/07 budget for hourly employees.

Note: The amount of each student's work study award will vary based on the student's financial need. If the student's award is less than the amount shown in the example, then the student will be eligible for fewer hours of work.

All departments are encouraged to consider participating in this work study program. This program requires a commitment from the department to provide a meaningful part-time employment opportunity. The supervisors of these students will be required to provide on-the-job training and be a mentor to the students.

**Prior Council/Board Actions:** July 11, 2005

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** Work Study Agreement between the College of the Sequoias and the City of Visalia.

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

I move to authorize the City Manager to execute an agreement between the City of Visalia and the College of the Sequoias that provides for the City's participation in the Federal Work Study Program for the 2006/07 fiscal year.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Authorization for staff to negotiate a contract with the First Arts non-profit organization for \$30,000 for specific event organization in 2006/2007.

**Deadline for Action:** N/A

**Submitting Department:** Administration

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

**Department Recommendation:**

It is recommended that the Council authorize staff to negotiate a contract with First Arts to provide specific event organization in fiscal year 2006/2007 for a total sum of \$30,000.

**Summary/background:**

At the Council's annual planning retreat this year, the Council specifically requested that staff look at how the City could offer additional support to the arts in the community.

During the recent budget adoption, the Council approved a total of \$80,000 in the 2006/2007 budget for support for the arts, and \$50,000 in 2007/2008. The major expenditure in the 2006/2007 budget allocation is the development of a community plan for encouraging, supporting and promoting the arts throughout the community. This comprehensive undertaking will be more fully explained in August when Elena Brokaw, Ventura Community Services Director and a former arts consultant, makes a presentation to the Council regarding the Ventura plan, and what local officials and the community at large can do to ensure the success of the plan, both in the development and implementation stages. The estimated cost of hiring a consultant and developing the plan is \$40,000.

In the interim and to ensure that the current art programs are continued while the comprehensive plan is developed, staff is recommending that we look at opportunities to enhance and/or expand current cultural events. As part of that endeavor, we are recommending that the City contract with First Arts to conduct a minimum of 8 arts market days in the downtown, to organize a Dia de los Muertos event, and an arts and music festival. The specific requirements of the agreement would include the following:

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** LBC 7/3/06

**Finance** EF 7/6/06

**City Atty** N/A

**City Mgr**

**Arts Markets** - 8 or more market days held during at least 4 different events) in the downtown that include at least 20 booths, live music, food, free hands-on children's activities, live artists demonstrations and live theater and/or dance performances. (Total budget: \$60,000)

**Dia de los Muertos** – A 2-day event that includes a candlelight costume fiesta with dinner, dancing, candlelit altars, mariachis, etc. a free family fiesta during the day with Mariachis, dancing, altars, traditional arts and crafts activities, a minimum of 6 altars, masks and other appropriate displays throughout the community, opportunities for schools to learn about this tradition and participate, a costumed candlelight procession and at least 3 workshops on activities such as sugar skulls, mask making, Salsa and Mexican dance lessons, etc. (Total budget: \$32,000)

**A Multicultural Arts and Music Festival** – A 3-day event that turns the streets of downtown into a world bazaar with flags and décor from other countries on display in the downtown, special displays in local galleries, a minimum of 5 live performances, (could include African drumming, bagpipes, a Chinese Lion Dance, etc.) either wandering through the downtown or performing on a center stage, opportunities for schools to adopt a culture and participate in the event, at least 15 arts/culture booths/ethnic displays in a bazaar-type setting, several workshops/demonstrations on cultural activities (could include Thai & Chinese cooking, tango, tantarella or Irish dance lessons, a Bocce Ball tournament, etc.) (Total budget: \$27,000)

The contract would include specific performance requirements, including a provision that they raise significant matching funds through sponsorships and/or grants for each event. Each event will be considered separately, and payment would be made when the organization meets specific performance measurements. One half of the payment for each event would be made upon verification that at least one-half of the sponsorship/grants projected for each event has been raised, and the remaining half would be paid upon verification that the event has completed the Special Events Committee process.

At Council's direction, staff will enter into a contract with First Arts to plan, organize, fund and execute these events.

Staff will be coming back with another recommendation regarding the remaining \$10,000 in cultural funding, probably something that would fund a continuing theatre/performing arts event through an established organization/company.

**Prior Council/Board Actions:**

At the Council retreat earlier this year, Council asked staff to bring back recommendations for supporting the arts in Visalia.

**Committee/Commission Review and Actions:**

N/A

**Alternatives:**

**Attachments:**

Budgets for the events

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

I move that we authorize the City Manager to enter into a contract with First Arts to provide specific event organization in fiscal year 2006/2007 for a total sum of \$30,000.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

First Arts



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Authorize the transfer of city surplus furniture to Valley Oak SPCA.

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

**Submitting Department:** Administration

**Contact Name and Phone Number:**

Carol Cairns, Assistant City Manager 713-4324

**Department Recommendation:**

Staff recommends that City Council authorize the transfer of city surplus furniture to Valley Oak SPCA.

**Summary/background:**

On June 26, 2006, City Council approved the relocation of a Visalia Unified School District modular building to the Valley Oak SPCA to provide additional work space. The City contracts with Valley Oak SPCA to provide animal control services for the city.

The city is in the process of disposing of various surplus furniture and staff requests authorization to partially furnish the modular building with city surplus furniture. Staff believes this is appropriate since the city owns the property and facilities and the Valley Oak SPCA contracts to provide the required animal control services required of the city.

The items proposed for transfer to Valley Oak SPCA are as follows:

- 7 desks
- 10 chairs
- 15 folding chairs including storage rack
- 4 partition sets
- 1 credenza
- misc. shelving

**For action by:**

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

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

**Prior Council/Board Actions:** June 26, 2006 – City Council authorized relocation of modular building to Valley Oak SPCA site.

**Committee/Commission Review and Actions:**

**Alternatives:** City Council may choose to not authorize transfer of surplus furniture.

**Attachments:**

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

I move to authorize the transfer of city surplus furniture to Valley Oak SPCA.

***Environmental Assessment Status***

**CEQA Review: No**

**NEPA Review: No**

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

Copies of this report have been provided to:

# City of Visalia Agenda Item Transmittal

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Authorize staff to purchase seven Solid Waste refuse trucks (cab and chassis) from Central Valley Kenworth and three side loader refuse truck bodies from Ruckstell California Sales and award the purchases as a sole source.

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

**Submitting Department:** Public Works

**Contact Name and Phone Number:** Andrew Benelli, X4340  
Jim Bean, X4564

### Department Recommendation

Staff recommends that the Council approves the purchase of seven Solid Waste refuse trucks (cab and chassis) from Central Valley Kenworth and three side loader refuse truck bodies from Ruckstell California Sales as sole source.

### Summary/Background

The City's Vehicle Replacement program recommends the acquisition of seven natural gas refuse trucks to replace five existing diesel vehicles in fiscal year 06 /07. The additional trucks that will be purchased will service new growth. The cost of the vehicles is \$1,378,326 which includes axle scales and global positioning systems. The total amount allocated in the FY 06/07 budget to purchase the trucks is \$1,850,000. The funds that are remaining will be used to purchase bodies for four of the trucks by separate bid. Some funds will also be used to install communication radios, scales and other accessories that are not supplied with the truck. The current bids require that the trucks are ordered by July 30<sup>th</sup> 2006. After that date the manufacturer has stated that prices will increase by 2%, which will raise the total cost of the trucks and bodies by approximately \$28,000.

Staff is recommending that the City continues to be proactive in meeting California emission standards by purchasing natural gas powered trucks (alternative fuel) instead of diesel powered trucks. The State of California requires that solid waste collection vehicle fleets meet stricter emission controls than other commercial vehicles.

### Grants

The City has been awarded two grants to help off-set the higher costs of alternative fueled trucks when compared to diesel fueled trucks. A grant from the San Joaquin Valley Air Pollution

### 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.): 2

### Review:

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

Control District has been approved in the amount of \$270,000 and a grant from Federal Highway funds has been approved for FY 06/07 in the amount of \$161,000.

**Justification for Sole Source Purchases**

Staff recommends that the cab and chassis are purchased from Central Valley Kenworth. Staff does not recommend considering bids from other vendors for several reasons. Central Valley Kenworth is the only dealership in the valley that sells the Crane Carrier trucks. Crane Carrier manufactures the only truck that is available with John Deere compressed natural gas engines. The two grants that have been awarded to the City specify that the trucks have John Deere engines. The John Deere and Cummins engines are the only two compressed natural gas engines that are used in solid waste vehicles. Staffs research on these two types of engines has indicated that the John Deere engine is a more reliable natural gas engine.

Staff recommends purchasing three bodies from Ruckstell California Sales. Ruckstell is the only manufacturer in the valley that sells and installs Heil refuse bodies. Heil is the only manufacturer that builds a split body that works with Visalia existing 30,000 split cans. The City has been using Heil bodies for the last twenty years and staff recommends continuing with Heil bodies to keep the refuse bodies standardized for parts. The trucks will be completed in approximately 120 days and then shipped to the Heil where the bodies will be installed. The trucks will be delivered to the City in April 2007. The bodies for the other new trucks will be bid separately at a later date. The other trucks will have front loader or roll off bodies. There are several vendors that can supply acceptable bodies of this type.

**Department Recommendation:**

Authorize staff to purchase seven refuse trucks (cab and chassis) from Central Valley Kenworth and three truck bodies from Ruckstell California Sales as sole source.

**Prior Council/Board Actions:**

In June 2004 Council awarded the purchase of eight refuse trucks to Central Valley Kenworth and Ruckstell California Sales as sole source FY 2004/05. In December 2005, Council awarded the purchase of six refuse trucks to Central Valley Kenworth and Ruckstell California Sales as a sole source FY 2005/06.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** None

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

I move to authorize staff to purchase seven Solid Waste refuse trucks and three side loader bodies and award the purchases to Central Valley Kenworth and Ruckstell California Sales as sole source.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Request authorization for City Manager to execute contracts with TPG Consulting, Inc. and Crawford Multari and Clark, for preparation of General Plan Amendments, zoning amendments and environmental findings to implement the East Downtown Strategic Plan and authorize Administrative Services Director to make the necessary budget adjustments for a total fee of \$62,155.

**Deadline for Action:** none

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Steve Salomon, City Manager, 713-4312  
Michael Olmos, Director of Community Development, 713-4332  
Fred Brusuelas, Assistant Community Development Director,  
713-4364  
Sharon Sheltzer, Project Manager, 713-4414

**Department Recommendation and Summary:**

Council is recommended to authorize City Manager to execute contracts with:

- A.
1. TPG Consulting, Inc. for the preparation of various amendments to the City's General Plan and City Parking District, and preparation of a Mitigated Negative Declaration for this work, for \$26,500, and a reconnaissance level Biological Resource Survey by Live Oak Associated Inc., as a TPG sub-consultant. for \$6,675
  2. Crawford Multari and Clark Associates who will coordinate with TPG during preparation of Zoning Code provisions to implement East Downtown Visalia Strategic Plan, for a fee of \$28,980, and
- B. Council is recommended to authorize Administrative Services Director to make the necessary budget adjustments including the appropriation of \$62,155 from the Civic Center Reserve Fund.

Background

On December 19, 2005 Council approved many of the recommended tasks presented in the Civic Center Master Plan and East Downtown Strategic Plan Agenda Item Transmittals. Among the recommendations presented and authorized by Council were:

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):   1  

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

### Engineering Services

- Engineering for storm water drainage, groundwater recharge, and year-round water circulation in Mill Creek and Jennings Ditch
- Engineering for streets, utilities extension, storm water drainage and preparation of bid plans and specifications for the initial phase of public improvements to be installed in support of the Police and Fire Administration and Civic Center buildings.

### Central Park and Streetscape Plans:

- Develop the design for the Parks and streetscape

### Planning for Future Development

- Initiate the process to prepare a Master Framework Plan for the areas to the north and east of East Downtown
- Amend the General Plan, Zoning and related documents to be consistent with the East Downtown Strategic Plan, including a new design district
- Review parking opportunities and constraints

### Architectural Services

- Prepare plans and specifications for the construction of the Public safety building

### Administrative

- Appoint an internal technical advisory team
- Encourage the expansion of the PBID into the East Downtown area

### Progress

Staff requested and received the attached proposals for all three of the planning/study items. On April 17, 2006 the City Council approved contracts with Provost and Pritchard for the hydrology study and with Bruce Race for the East/Central Visalia Framework Plan. Both of these studies are underway. Proposals were received and reviewed from TPG Consulting, Inc. and Crawford Multari and Clark Associates.

After receiving and reviewing nine proposals, on June 23, 2006 six interviews were conducted with Landscape Architect and Civil Engineering teams for the Master Plan for the East Downtown Strategic Plan, and the street and utility infrastructure/park and streetscape design to support the Civic Center development. References were checked and a follow up Request for Proposals is now being prepared.

The First Interim Zoning Ordinance for East Downtown was adopted on March 20, 2006. The area north of Murray/Goshen for the Second Interim Zoning Ordinance has been defined, the property owners were invited to attend an informational meeting on April 26, 2006, and a Notice of Public Hearing and copies of the ordinance were mailed to property owners and additional owners within a 300' radius during the month of June. An Interim Ordinance has been prepared for this area known as Zone 2, and is recommended to be adopted this evening.

A City technical advisory team was formed including representatives from Community Development, Finance and Engineering. This team has had several meetings to discuss financing, construction/ design delivery methods, scheduling and to review proposals. The Strategies Committee of the PBID included the expansion of the PBID area into the East Downtown area in it's "to do" list.

## Scope of Work Summaries for Two Recommended Proposals

1. Proposal for the preparation of various amendments to the City's General Plan and Parking District and environmental work- TPG Consulting, Inc.

- Task 1- General Plan Amendment involving development of narrative to define the needed land use designations, along with related goals, policies and implementation measures. The General Plan Amendment process will include review for internal consistency amongst all the adopted General Plan elements with recommended necessary amendments to any of those elements.
- Task 2- Recommendations for revisions to the City Parking District to expand the district boundary, consistent with, and in furtherance of the Strategic Plan.
- Task 3- The City anticipates that a Mitigated Negative Declaration will be needed for the previously listed tasks
- Task 4-Oversight of the reconnaissance level Biological Resource Survey to be performed by Live Oak Associates, Inc. including the following tasks:
  - \* The collection of all current information relevant to biological resources within the designated study area
  - \* Review of zoning designations within the study area
  - \* Review of City General Plan policies relevant to biological resources in order to assess consistency of the proposed Strategic Plan with those policies
  - \* Assessment of possible impacts to biotic resources from provisions of the Strategic Plan, and
  - \* Recommended mitigation measures for potentially significant impacts resulting from implementation of the proposed Specific Plan

Timeline: completion prior to the statutory expiration of the adopted Interim Zoning Ordinance 2006-03 in March 2007.

Cost: \$33,175

2. Proposal to Prepare Zoning Code provisions to implement East Downtown Visalia Strategic Plan Crawford Multari & Clark Associates

- Task 1- Meet with City Staff and TPG to review the City's objectives for the Zoning Code amendments and finalize the Scope of Work
- Task 2- Prepare up to six new form-based zoning classifications to address the land use and urban design concepts in the Strategic Plan. Each zone will identify: allowable generalized building types, development standards for building placement, height and profile, requirements for parking placement, regulations for allowable land use types, and other regulations as determined by the City.
- Task 3- After meeting with Staff, a preliminary draft will be prepared
- Task 4- Prepare a public review draft

Timeline: 2 months

Cost: \$28,980

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

April 17, 2006 Issuance of written report regarding Interim Ordinance 2006-03

07/14/2006 This document last revised:

By author: Sharon Sheltzer 3:07 PM

File location and name:



April 17, 2006 Approve contracts with Provost and Pritchard and Bruce Race  
 March 20, 2006 Adoption of Interim Ordinance  
 Dec. 19, 2005 Civic Center Master Plan Update- Selected Alternate 2-A, authorized staff to issue RFQ for professional services  
 Dec. 19, 2005 Authorization to implement the Action Plan for the East Downtown Strategic Plan  
 Oct. 3, 2005 Approved the East Downtown Strategic Plan  
 June 20, 2005 Approval of Civic Center Master Plan task Force Members  
 May 2, 2005 Direction for development of a Civic center Master Plan  
 April 18, 2005 Amendment to contract with RACESTUDIO for \$131,600  
 Feb. 22, 2005 Approved Alternate I of the Civic Center Master Plan and created a Master Plan Committee

**Committee/Commission Review and Actions:**

The Planning Commission held a workshop/study session on August 8, 2005 with the East Downtown Task Force.

On Feb. 13, 2006 Bruce Race gave an update on the East Downtown progress to the Planning Commission.

**Alternatives:** N/A

**Attachments:** Three proposals

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** Move to authorize City Manager to execute contracts with:

A.

1. TPG Consulting, Inc. for the preparation of various amendments to the City's General Plan and City Parking District, and preparation of a Mitigated Negative Declaration for this work, for \$26,500, and a reconnaissance level Biological Resource Survey by Live Oak Associated Inc., as a TPG sub-consultant. for \$6,675
2. Crawford Multari and Clark Associates who will coordinate with TPG during preparation of Zoning Code provisions to implement East Downtown Visalia Strategic Plan, for a fee of \$28,980, and

B. Council is recommended to authorize Administrative Services Director to make the necessary budget adjustments including the appropriation of \$62,155 from the Civic Center Reserve Fund

**Financial Impact**

**Funding Source:**

Account Number: 0013 Civic Center Reserve Fund (\$62,155)

**Budget Recap:**

Total Estimated cost: \$62,155	New Revenue:\$
Amount Budgeted: \$	Lost Revenue:\$
New funding required:\$ 62,155	New Personnel:\$
Council Policy Change: Yes___ No__x_	

Copies of this report have been provided to:

**Environmental Assessment Status**

**CEQA Review:**

Required? Yes  No  To be completed by TPG Consulting, Inc.

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*)

Prepare and execute two contracts for professional services.

**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:** July 17, 2006

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

**Agenda Item Wording:** Approval of a two-year contract with the Urban Tree Foundation in an amount not-to-exceed \$50,000 per year to provide services for grant writing, grant administration, and consulting related to the City's Urban Forestry Program .

**Deadline for Action:** N/A

**Submitting Department:** Parks & Recreation Department

**Contact Name and Phone Number:** Vincent Elizondo, 713-4367

**Department Recommendation:**

Approval of a two-year contract with the Urban Tree Foundation in an amount not to exceed \$50,000 per year to provide services for grant writing, grant administration, and consulting related to the City's Urban Forestry Program.

**Summary/background:** Mr. Brian Kempf is the Director and sole employee of the Urban Tree Foundation (UTF). For the past five years, Mr. Kempf has provided consulting services for the City's urban forestry program. This City is once again proposing to renew an agreement with the UTF.

Specifically during the past two-years, Mr. Kempf has accomplished the following:

He developed standards for street trees, assisted in the landscape design of several parking lot projects, supervised the improvement and installation of several trail projects along Mill Creek, volunteered as a member of the Trails and Waterway Task Force, authored or assisted in the writing of numerous successful grants for \$1.5 million to install 3,000 trees throughout the City, provided trainings to Parks Division and Urban Forestry staff on proper tree trimming techniques, provided expert advice regarding the pruning of oak trees, and made numerous presentation on the value of trees in various public forums.

Mr. Kempf is an acknowledged expert in this field. He is the author of the state standards for nursery tree stock, has written numerous articles on trees, advices other cities on their street tree projects, and has received state-wide awards.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

Mr. Kempf will provide the following services under the terms of the proposed agreement:

- As requested, assist in Review of Landscape Plans for Development Projects.
- Advise various City departments, including Parks & Recreation, on matters related to urban forestry and street landscapes.
- Continue to write grants (as funds become available) to obtain funding for projects related to urban forestry and waterways.
- As requested by various departments, provide training on topics related to urban forestry and tree care.
- Provide project management for the Environmental Enhancement and Mitigation Grant (s).
- Manage the implementation of the Prop. 12 and 40 Urban Forestry Grants to older neighborhoods with street trees and neighborhood parks.
- Manage the installation of irrigation and landscape for Land and Water Conservation Fund Grant along the various Mill Creek trail projects.
- Provide project management services for the Transportation Enhancement Mitigation Grants.

The contract is funded through a variety of sources. The majority of the agreement will be paid by grants that Mr. Kempf was successful in writing. Under this contract Mr. Kempf will be completing work on an Environmental Enhancement and Mitigation Grant that is funding the planting of 1,000 trees in the Downtown District, and both Proposition 12 and 40 grants to retrofit neighborhoods and street trees and plant new trees in parks. Each grant contains a line item for the coordination of the project. Mr. Kempf's time for this program is monitored and the City is reimbursed for expense.

The Park and Recreation Department budget includes approximately \$25,000 per year in general fund monies that can be utilized for various aspects of the program. Other City departments can also use the services of the UTF for various tasks as requested.

In the new contract, City staff is proposing an increase in Mr. Kempf's hourly rate from \$50.00 to \$60.00 per hour due to the increased costs of travel expenses (due to gasoline) and the rising costs of general liability insurance (as mandated by the City). Mr. Kempf has been at the same \$50 rate for the past four years.

**Prior Council Actions:** Approved a two-year contract with the UTF in June 2004 which terminates on June 30, 2006.

**Committee/Commission Review and Actions:**

**Attachments:** Exhibits A, B, & C.

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

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

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

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Authorization to recruit up to a department head level position to oversee programs for Economic Development and Redevelopment programs.

**Deadline for Action:** None

**Submitting Department:** Administration

**Contact Name and Phone Number:** Steve Salomon 713-4312

**Department Recommendation:** Request Council authorization to recruit up to department head level position to oversee programs including but not limited to economic development, redevelopment, downtown revitalization, property transactions, affordable housing, and neighborhood preservation (code enforcement, substandard housing, and abatement).

**Summary/background:**

During the past few months, City Administration and the Community Development Department have reviewed our organizational structure to determine the most appropriate method to meet the management needs for economic and redevelopment, downtown revitalization, affordable housing and neighborhood preservation.

Management of economic and redevelopment and housing programs has been overseen in the past by an Economic Development and Redevelopment Manager. This position is currently vacant. The former position had a wide range of responsibilities, including industrial recruitment and retention, downtown revitalization efforts (PBID activities and expansion, parking district expansion), downtown real estate transactions (land purchases and sales), Brownfields abatement (contaminated sites), and affordable housing programs (first time homebuyer, housing rehabilitation, emergency repairs, affordable senior and family housing construction). In consideration of the significant duties of the former

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

position, and with the addition of the neighborhood preservation program (code enforcement, substandard housing) authorized by Council in the new budget, it is appropriate to elevate this position to the department head level. Further, it is important to continue the City's success in downtown revitalization which, as the downtown expands, requires significant and increasingly complex strategic work. This restructuring will ensure high priority to job creation/retention, downtown revitalization, affordable housing, and neighborhood preservation and restoration. The restructuring will also allow the City to recruit a well qualified individual to manage this significant and wide ranging group of responsibilities.

If filled at the department head level, the position will be a member of the City's Department Head team and will be involved in community-wide programs and policy and organizational issues affecting the areas of responsibility for the new position. The salary range for the full time position plus benefits will be equitable with department head positions with similar levels of responsibility.

**Prior Council/Board Actions:** NA

**Committee/Commission Review and Actions:** NA

**Alternatives:** NA

**Attachments:** None

**Recommended Motion (and Alternative Motions if expected):** Move to authorize the City Manager to recruit a manager for Economic Development and Redevelopment programs as described herein up to a department head position.

*Environmental Assessment Status*

**CEQA Review:** NA

**NEPA Review: NA**

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

Copies of this report have been provided to:



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Introduction of Ordinance 2006-09  
Authorizing Sale of Real Property

**Deadline for Action:** None

**Submitting Department:** Administration; Community  
Development

**Contact Name and Phone Number:**  
Steve Salomon, City Manager: 713-4312  
Michael Olmos, Assistant City Manager: 713-4332  
Colleen Carlson, Consultant: 627-4400

**Department Recommendation:**

1. Approve the first reading of an ordinance to sell a portion of the real property and improvement at 120 W. Center Street

**Summary/background:**

On June 12, 2006, Council approved a Purchase and Sale Agreement to sell the property and building described in the proposed ordinance. The building is currently used by Administrative Services for storage. It is not required for further public use or necessity. The items contained in the building will be inventoried, sorted and relocated to other City facilities as determined appropriate by Administrative Services.

**Prior Council/Board Actions:** June 12, 2006: Council approved a Purchase and Sale Agreement regarding the property.

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

**Alternatives:** None recommended.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):   1  

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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**Attachments:** Map

**Recommended Motion (and Alternative Motions if expected):** I move to approve the first reading of the ordinance to sell the Property identified in the proposed ordinance.

***Environmental Assessment Status***

**CEQA Review:** The property sale has been evaluated under CEQA and determined categorically exempt from CEQA per Section 15302 and 15312(a). Additional environmental analysis may be required when buyer proceeds with development entitlement for this property.

**NEPA Review: None**

**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)*

Track escrow.

Copies of this report have been provided to:

City of Visalia GIS

Disclaimer... Contact Us... 09/08/06

Refresh Map

**Layers**

Visible	Active	Layer Name
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	address
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Street names
<input type="checkbox"/>	<input type="checkbox"/>	Fire Stations
<input type="checkbox"/>	<input type="checkbox"/>	Police Offices
<input type="checkbox"/>	<input type="checkbox"/>	Benchmarks
<input type="checkbox"/>	<input type="checkbox"/>	City Limits
<input type="checkbox"/>	<input type="checkbox"/>	Bikeways
<input type="checkbox"/>	<input type="checkbox"/>	Railroad
<input type="checkbox"/>	<input type="checkbox"/>	Waterways
<input type="checkbox"/>	<input type="checkbox"/>	Hotels
<input type="checkbox"/>	<input type="checkbox"/>	Parcels
<input type="checkbox"/>	<input type="checkbox"/>	Aerial Photo (March 2001)
<input type="checkbox"/>	<input type="checkbox"/>	Aerial Photo (Apr 2003)
<input type="checkbox"/>	<input type="checkbox"/>	Census Blocks 2000
<input type="checkbox"/>	<input type="checkbox"/>	Subdiv Names
<input type="checkbox"/>	<input type="checkbox"/>	Subdivisions
<input type="checkbox"/>	<input type="checkbox"/>	Historic District
<input type="checkbox"/>	<input type="checkbox"/>	Local Registry
<input type="checkbox"/>	<input type="checkbox"/>	Design Dist
<input type="checkbox"/>	<input type="checkbox"/>	School Names
<input type="checkbox"/>	<input type="checkbox"/>	Schools
<input type="checkbox"/>	<input type="checkbox"/>	Park Names

Measure

*Lot size = 58' x 38' = 2204 S.f.*  
*per GIS Building = 32' x 58' = 1856 S.f.*  
*See Attached Plat map*  
*Portion of APN: 094-335-006-000*

<http://204.155.47.66/website/base03/viewer.htm>

5/5/2006



ORDINANCE NO. 2006-09

AUTHORIZING SALE OF REAL PROPERTY TO  
MICHAEL AND DIANE FARLEY AND MICHAEL AND CINDY LAMPE OR THEIR VESTEE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City of Visalia owns all the legal and beneficial interest in certain real property commonly referred to as 120 W. Center Street, Visalia, California (APN: 094-335-006) and has determined to convey a portion of it to Michael and Diane Farley and Michael and Cindy Lampe ("Buyers"), or their vestee, and

Section 2: Said real property is located in the area bounded by Locust and Court and Center and Murray and the portion to be conveyed to Buyers is more particularly and legally described in Exhibit "A", attached hereto and made a part hereof, and

Section 3: The City Council of the City of Visalia, having considered evidence submitted in oral and written form, finds the subject real property is not now, nor will be of public use or necessity, and

Section 4: Said City Council finds and determines that said portion of the real property should be sold, and

Section 5: The City of Visalia wishes to sell and Buyers or their vestee wish to purchase said real property and the rights and entitlement, all on the terms and conditions set forth in a Purchase and Sale Agreement and Escrow Instructions.

Section 6: Having found the subject property to have no further public use or necessity, the Council hereby authorizes the transfer of ownership in and to said described portion of the real property to Buyers or their vestee as per the terms and conditions of the above-mentioned agreement.

Section 7: This ordinance shall become effective thirty days after passage hereof.

PASSED AND ADOPTED:

\_\_\_\_\_  
JESUS GAMBOA, MAYOR

ATTEST:

APPROVED BY CITY ATTORNEY:

\_\_\_\_\_  
STEVEN M. SALOMON, CITY CLERK

\_\_\_\_\_  
DANIEL M. DOOLEY

## EXHIBIT "A"

Legal Description of the eastern portion of property located at 120 W. Center  
Portion of APN 094-335-006

The east 38 feet of Lot 7 in Block 20 of the City of Visalia, County of Tulare, State of California, as per map recorded in Book 3, Page 48 of Maps in the office of the County Recorder of said County.

Except the south 65 feet.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2005

**Agenda Item Number (Assigned by City Clerk):** 10m(1)

**Agenda Item Wording:** Authorization to record the final parcel map for Tentative Parcel Map 2005-28, located at the northeast corner of Central Street and Harvard Avenue. APN 096-303-008

**Deadline for Action:** N/A

**Submitting Department:** Public Works

**Contact Name and Phone Number:**

Andrew Benelli 713-4340  
Ken McSheehy 713-4447

**Department Recommendation:** The recommendation is that City Council approve the recordation of the final parcel map of Tentative Parcel Map 2005-28.

**Summary/background:** The final parcel map is creating 2 parcels, Parcel #1 being 0.30 acres and Parcel #2 being 0.25 acres in size. No public improvements are required with this map. An easement for street purposes is being offered at the corner of Harvard Ave. and Central St.

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

**Committee/Commission Review and Actions:** Tentative Parcel Map 2005-28 was approved by the Planning Commission on October 24, 2005

**Alternatives:** N/A

**Attachments:** 1.) location map; 2) final parcel map

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):   1  

**Review:**

**Dept. Head** \_\_\_\_\_  
**(Initials & date required)**

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

**City Mgr** \_\_\_\_\_  
**(Initials Required)**

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

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

Move to authorize recordation of the final parcel map of Tentative Parcel Map 2005-28.

***Environmental Assessment Status***

**CEQA Review:**

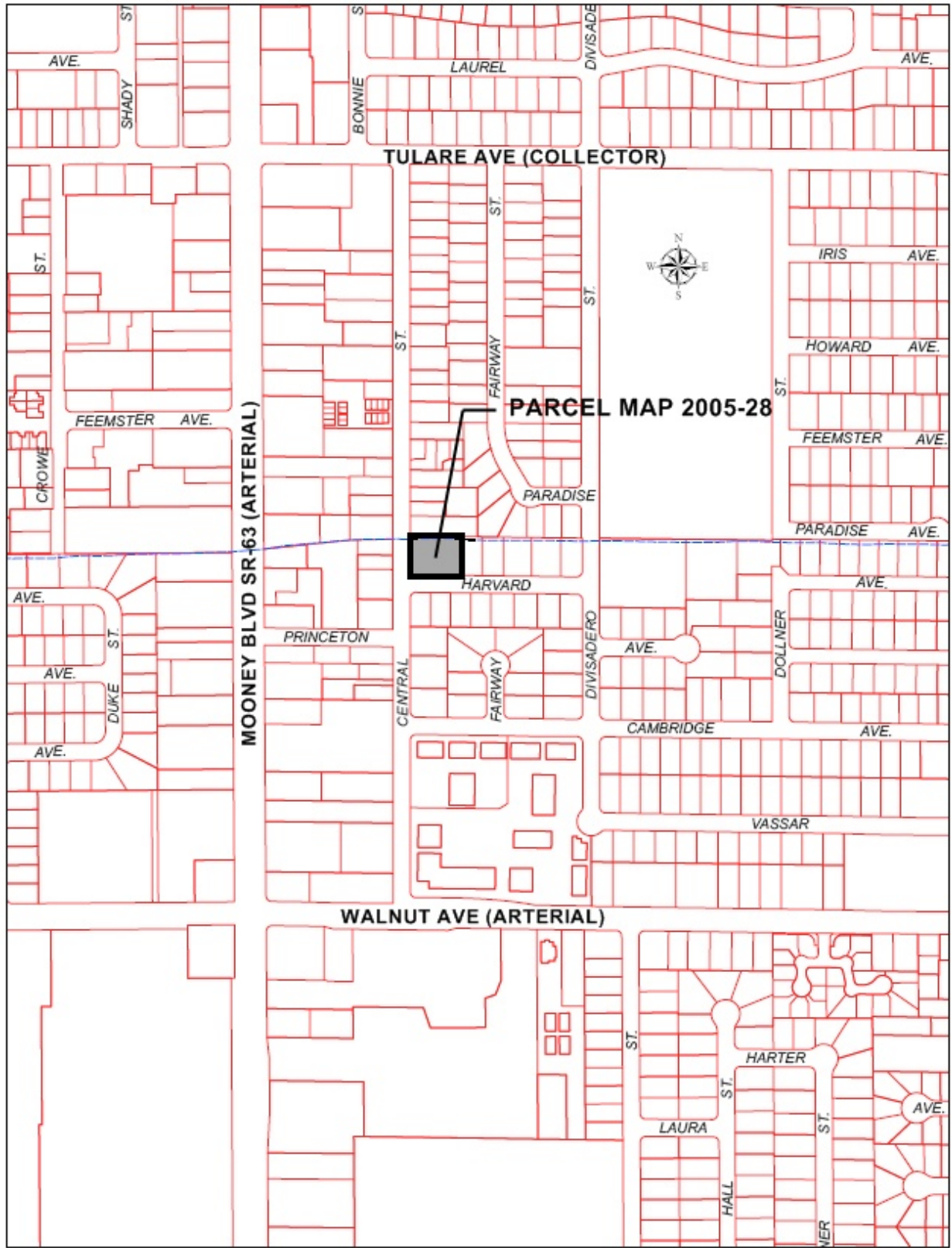
**NEPA Review:**

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

Copies of this report have been provided to:



# LOCATION MAP





# City of Visalia Agenda Item Transmittal

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

**Agenda Item Number (Assigned by City Clerk):** 10n(1)

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Project No. 3011-720000-0-0-9321-2005, for the construction of the first phase of Burke Park, a 5.8 acre neighborhood park and storm basin, located at the southwest corner of Burke Street and Monte Vista Avenue.

**Deadline for Action:** None

**Submitting Department:** Park and Recreation, Public Works Department

**Contact Name and Phone Number:** Vince Elizondo, 713-4397; Andrew Benelli 713-4340.

**Department Recommendation:**

That authorization be given to file a Notice of Completion on Project No. 059321 for the construction of Burke Park, a 5.8 acre neighborhood park and storm basin. McMillin Homes acted as the contractor on the project and completed the project at a final cost of \$ 428,748, approximately \$21,000 less than the amount of the contract.

**Summary/background:** In May 2004 Council authorized staff to purchase a 5.78 acre parcel at a cost of \$270,000 from McMillian Homes for a neighborhood park / storm pond. The City agreed that the park would be developed during the first phase of the Rancho Santa Fe subdivision.

Staff has worked with McMillin's staff and a landscape architect to develop the park plan. As directed the park area was expanded to approximately 4 acres and the basin is now under 2 acres in area. Included in the park is 3.2 acres of turf area, 160 trees, 450 shrubs, picnic tables, drinking fountain, benches, a .4 mile concrete walking path, half-court basketball, a children's playground that includes swings, two play structures, and climbers. Storm basin improvements in this phase include a excavation, 48" outlet pipe, two inlets, fencing, and landscaping. The park design meets City landscape and irrigation standards and has been reviewed by the maintenance supervisor. The Park and Recreation Commission reviewed and approved the plan at the November 2004 meeting. The park is located to serve homes in a 1/2 mile radius south of Walnut Avenue to Caldwell and Santa Fe Street to Lovers Lane.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1 Min.

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

**Prior Council/Board Actions:** Award of contract at the Council meeting of June 20, 2005, Acquisition of site Council approved May 3, 2004.

**Committee/Commission Review and Actions:** November 16, 2004 Park and Recreation Commission approved the park plan.

**Alternatives:** None

**Attachments:** Location sketch.

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

I hereby move to authorization to file a Notice of Completion for Project No. 3011-720000-0-0-9321-2005, for the construction of the first phase of Burke Park, a 5.8 acre neighborhood park and storm basin, located at the southwest corner of Burke Street and Monte Vista Avenue.

***Environmental Assessment Status***

**CEQA Review:** Environmental finding completed previously for tentative subdivision map.

**NEPA Review:**

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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

**Agenda Item Number (Assigned by City Clerk):** 10n(2)

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Riggan Ranch, containing 33 lots, located southeast corner of Riggan Avenue and Linwood Street.

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

**Submitting Department:** Public Works Department

**Contact Name and Phone Number:** Andrew Benelli 713-4340,  
Norm Goldstrom 713-4638

**Department Recommendation:**

Staff recommends that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Nicholas A. & Nancy S. Volosin. The Volosin's have submitted a maintenance bond in the amount of \$64,308.83 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

**Prior Council/Board Actions:** Final Map recording was approved at Council meeting of June 6, 2005.

**Committee/Commission Review and Actions:** The tentative subdivision map for Riggan Ranch was approved by Planning Commission on November 24, 2003.

**Alternatives:** N/A

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

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1 Min.

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

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

I hereby authorize filing a Notice of Completion for Notice of Completion for Riggan Ranch.

**Environmental Assessment Status**

**CEQA Review:** Environmental finding completed for tentative subdivision map.

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

**Agenda Item Number (Assigned by City Clerk):** 10n(3)

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Project No. 1241-00000-720000-0-9263-2000, the Akers Street Improvements from Caldwell Avenue to Whitendale Avenue.

**Deadline for Action:** None

**Submitting Department:** Public Works Department

**Contact Name and Phone Number:** David Jacobs 713-4492,  
Jim Funk 713-4540, Fred Lampe 713-4270

**Department Recommendation:** Staff recommends that authorization be given to file a Notice of Completion for Project No. 1241-00000-720000-0-9263-2000, the Akers Street Improvements from Caldwell Avenue to Whitendale Avenue.

**Summary/background:** The project has improved the half mile portion of Akers Street between Caldwell Avenue and Whitendale Avenue from a two-lane undivided arterial to a four-lane divided arterial. Median islands with street lights have been installed from Caldwell Avenue to Whitendale Avenue. Storm drains were constructed and curb, gutter, and sidewalk have been installed. The traffic signals at the intersection of Akers Street and Caldwell Avenue are modified to accommodate the wider roadway and new lane configuration. The north side of Caldwell Avenue was also widened for 350 feet west of Akers Street with curb, gutter, and sidewalk added. In a separate contract the Urban Tree Foundation will install landscaping and irrigation in Akers Street median islands from Caldwell Avenue to Whitendale Avenue.

All of the work on this project has been completed by R. J. Berry Jr., Inc. at a final cost of \$1,332,907.93. The original contract amount was \$1,218,692.25. The overage of \$114,215.68.00 is about 9.4% of the original contract amount. Three changes in the project caused the majority of the extra cost.

1) The original agreements with property owners adjacent to the project included installing sidewalks. At the request of residents adjacent to the project the city staff was compiling information from the Southern California Edison Company to underground the electrical lines in

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

the area. The project was bid without sidewalks to allow for the possibility of an undergrounding project. After the project was bid the residents adjacent to the project contacted city staff and requested the City install sidewalks as part of the street project. The sidewalks were added to the project at a cost of \$27,594.00 (2.3%) and the city staff has stopped pursuing undergrounding the electrical lines.

2) During the design phase the city staff tried to determine if the existing pavement was structurally adequate for the traffic volume Akers will carry. Two pavement areas were determined to be in good condition when test holes were bored. One large area of pavement adjacent to the Visalia United Methodist Church, about 40,000 square feet, had thick enough asphalt and base rock layers to be saved. A second area of pavement adjacent to the Lisendra Heights Subdivision, about 25,000 square feet, had a thin asphalt layer and what appeared to be an adequate base rock layer. To match the needed grades the asphalt surface and some of the base rock was to be removed from this section and a thick asphalt surface added. During construction when the asphalt surface was removed it was determined that the base rock in front of Lisendra Heights was not structurally adequate. The existing pavement section in this area was removed. The area was regraded, recompacted, and rebuilt with new base rock at a cost of \$43,460.83 (3.6%).

3) In June 2000, SBC bored telephone cable across Akers Street at Whitendale Avenue. On April 15, 2003, holes developed in the pavement at the intersection of Akers Street and Whitendale Avenue. Video inspection of the existing twelve inch sewer main in the intersection showed damage at the location of the SBC bore. Temporary street repairs were performed at that time. A portion of this contract was to permanently repair the sewer pipe and the street damage caused by the SBC project. Repairs performed were more extensive than anticipated. The size of the SBC conduit and the concrete slurry on top made it prohibitive to move. The damaged portion of the existing sewer pipe had to be abandoned. Sewer flow is now permanently routed into a 36-inch trunk sewer parallel to and twenty feet west of the damaged sewer. This was accomplished by constructing a new manhole over each sewer line and connecting the two with a twelve inch pipe. The additional sewer and street repairs added \$26,282.00 (2.2%) to the price of the contract. City staff is negotiating with SBC for compensation for the cost of repairs.

The remaining \$16,878.85 (1.4%) is divided between seven items.

1) An old well site was discovered under juniper bushes in right of way purchased at 3247 S. Akers Street. The well had to be properly abandoned per city standards at a cost of \$2,180.00.

2) Additional wiring was needed to complete the upgrades at the traffic signal at Akers Street and Caldwell Avenue. The cost was \$3,650.00.

3) Several field adjustments were made to existing driveways and driveway approaches to accommodate residents and the Jehovah's Witnesses Church and to better match their properties with the new construction. The total cost was \$5,384.75.

4) Seven weeks after the original request for removal there were four Southern California Edison light pole bases in the way of the northbound lane widening. Edison crews were busy with emergencies caused by above average rain in the area and heavy snowfall in the Sierras. In order to keep the project moving forward and take advantage of breaks in the weather, R. J. Berry Jr., Inc. removed the bases at a cost of \$300.00 each. The total cost was \$1,200.



5) Several existing survey monuments were damaged during the pavement grinding phase of the road construction. The contractor was paid \$2,794.00 to have a surveyor replace the monuments and file corner records with the County.

6) Portions of the existing irrigation system at Westport Village on the east side of Akers Street were damaged and removed when the street was widened. The repairs that were required to make the system operational were not part of the contract. The contractor was paid \$1,992.10 to repair the irrigation system.

7) Some of the line item quantities such as asphalt, curb and gutter, and median curb were adjusted slightly for overage and underage. The savings totaled (\$322.00).

**Prior Council/Board Actions:** City Council Certified the Mitigated Negative Declaration prepared for the Akers Street Widening with Resolution 2000-16 on April 3, 2000.

Council approved several property purchases for additional right of way for both Akers Street and Caldwell Avenue from June 2001 to May 2004.

Council authorized staff to bid this project as a non-prevailing wage project on June 6, 2005.

Council awarded the construction contract to R. J. Berry Jr., Inc. on September 19, 2005

**Committee/Commission Review and Actions:**

**Alternatives:** Do not file the notice of completion.

**Attachments:** Location map, Disclosure, and Contract Proposal

**Recommended Motion (and Alternative Motions if expected):** I move that authorization be given to file a Notice of Completion for Project No. 1241-00000-720000-0-9263-2000, the Akers Street Improvements from Caldwell Avenue to Whitendale Avenue.

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

**CEQA Review: Mitigated Negative Declaration, February 2000**

**NEPA Review:**

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

Record a Notice of Completion with the County Recorder

Pay the contractor's 10% withholding 35 days from recording date.

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Consideration of the expenditure plan for the proposed transportation sales tax measure.

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

**Submitting Department:** Administration, Community Development

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

**Department Recommendation:**

It is recommended that the Visalia City Council support on-going efforts to put a well-thought out transportation sales tax measure with a carefully drafted, readily justifiable, expenditure plan on a ballot sometime after January, 2007. It is also recommended that the Council decline to approve the proposed expenditure plan for the November, 2006 election

**Summary/background:**

At the request of the Tulare County Association of Government's Board (TCAG) at their May meeting, representatives from the cities in Tulare County and the County of Tulare formed a technical committee to work on the proposed transportation sales tax measure. Representatives of every city's staff, and County staff, were involved, although not every city was represented at every meeting. The group met on June 1, 8, 15, and 23.

All of the cities, the County and TCAG agree that a transportation sales tax is needed to help fund critical projects throughout the County, and to provide necessary "match" monies for future state and federal transportation grants. However, such a tax program carries certain responsibilities and complications that must be fully understood and addressed to prove to voters that the program will be carried out responsibly and effectively, and to ensure the measure is equitably and efficiently implemented.

As representatives from the cities and the County worked through the issues associated with putting a measure on the ballot, many significant matters were raised. At the June 23 meeting, which was the committee meeting prior to the June TCAG meeting, it became apparent to almost every committee member that there were still many issues the committee did not fully understand, there was not consensus on any of the major issues, not all elected officials were aware of the proposed tax, let alone the details of the plan, and that while the deadline to put a

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

<b>Dept. Head</b>	<u>  LBC  </u>
<b>Finance</b>	_____
<b>City Atty</b>	_____
<b>City Mgr</b>	<b>SMS</b> __

measure on the ballot in November, 2006 could still be met, it was not the best strategy for achieving a successful two-thirds vote. Some of the issues that, in our estimation, still need to be considered are:

**Overall Issues:**

\*The portion of the expenditure plan that will implement Phase I and Phase II projects will receive 50% of the anticipated income from the measure or \$326.4 million over 30 years. That figure is only about 33% of the monies needed to fund the projects promised over the next 30 years. Of the \$652 million the transportation measure is projected to generate over 30 years, the expenditure plan (in rounded numbers) calls for it to be divided into the following categories:

*Regional Projects	\$326.4 million	50%
*Local Programs	\$228.4 million	35%
*Transit/Bicycle/Environmental	\$91.3 million	14%
*Administration	\$6.5 million	1%
 Total:	 \$652 million	 100%

\*The projects are broken into two phases. Phase I includes only regional projects, and is estimated to cost \$546.3 million, far less than the amount estimated to be distributed to that category in the expenditure plan. Phase II, which includes the projects the local agencies recently proposed, would require an additional \$366.4 million to construct, and the plan indicates that these projects will not be built until years 15-30. The expenditure plan indicates it will use significant funding from the State Transportation Improvement Program funding (STIP or State Program) to complete the projects listed in the expenditure plan as Phase I and Phase II. While the STIP has been a significant source of funding, in recent years, it has also fallen far short of expectations. Most recently, it was diverted from local governments because of the state budget crisis. In past years, it was diverted to southern California to deal with the ravages from the Northridge earthquake. The Plan calls for \$19.5 million in current dollars from the State Program every year for the next 30 years in order to complete the projects promised in the plan. Given past history, and the financial problems that still plague the state, that could be an aggressive projection for the next 30 years. In the last four years, the State Program funding has been:

2003-2004	\$3.2 million
2004/2005	\$ 0
2005/2006	\$6.4 million
2006/2007	\$1.7 million

*(An additional \$21.3 million may have been available in 2005/06 had the local agencies been ready to proceed with construction. In 2007/2008, the TCAG staff believes \$20 million will be available for local projects, especially if the ballot measure passes this November to insure Prop. 42 revenues are harder for the state to retain rather than passing on to local governments. Revenues for other years were not readily available from the TCAG staff.)*

* The projected expenses/revenues in the plan are:	
Phase I Regional Transportation Projects (RTP)	\$546,300,000
Phase II projects (Projects proposed by cities/county)	\$366,481,000
Local Agency funding:	\$228,486,367
Transportation/Bike Paths/Environmental:	\$132,720,000
Total:	\$1,273,987,367
Projected Funding from Sales Tax:	\$652,800,000
Local contributions	\$ 2,900,000
Deficit projected but not guaranteed to be funded from State Program	\$ 587,000,000
<i>Deficit/Unfunded:</i>	<i>\$ 31,287,367</i>

*(Approximately 50% of the amount needed to cover the cost of the projects listed in the measure expenditure plan would come from the measure.)*

\*The sales tax program, including selection of the project construction order, all policies governing expenditures and plan modifications will be overseen by the TCAG Board, with each County Supervisor having a vote for a total of 5 votes. and the Cities each having one vote. In an earlier 4-1 vote, the Council indicated it would only support the measure if the sales tax proceeds and expenditures were governed by an independent board with an equitable voting requirement, which is not what is currently proposed.

\*The Committee had proposed a separate Joint Powers Authority (JPA) that would require an affirmative vote from representatives from 60% of the entities in the JPA representing 60% of the population to approve an item relating to the implementation of the ballot measure. This voting mechanism would have made it difficult for any one agency or small group of agencies to dominate. This was the proposal that was presented to the TCAG Board, but not supported by a majority of the Board of Supervisors.

**Selection of Projects:**

\*According to the plan, only projects in Phase I will be constructed using sales tax monies in the first 15 years. Most of these projects were selected a number of years ago based on a certain set of TCAG criteria, but those projects are not necessarily the key projects for reducing congestion and improving air quality. For instance, the Lovers Lane/Hwy 198 intersection upgrade; the Ben Maddox interchange improvements and the Shirk Avenue improvements are some of the most critical transportation challenges currently facing the City. These are Phase II projects, and therefore funding through the transportation tax measure is delayed and uncertain.

\*The Phase I projects attributed to Visalia are not the projects that will most effectively eliminate our congestion problems. The projects Visalians really need are in the Phase II category and are not slated to be funded until years 15-30. While other funding mechanisms could be used to advance those projects, it seems that a comprehensive prioritization process would be a better approach than constructing less critical projects first and incurring financing and interest costs for the most critical projects.

\*There were no criteria (ie: congestion, air pollution, road conditions, population served, level of service) established for placing a project on what has become the Phase II list; cities and the county self-selected these projects. It may be difficult to explain to the voters why they should support these projects, and why projects that will address critical needs are not on the list to be funded until the second half of the measure's lifespan.

\*There was no prioritization of the project list; either by local agencies, or by the technical committee as a whole. In fact, on the final day the committee met, some cities were still submitting new projects.

\*The bike path and transit projects are not well defined, nor was there any criteria or prioritization used in developing the list. These projects represent \$132 million over the next 30 years.

### **Implementation Issues:**

\*The process for future amendments to the plan should be well thought out to ensure the will of the voters is implemented and the projects most important to the Cities and the County as a whole are delivered in a timely manner. Currently, the plan only talks about an annual amendment passed by the TCAG Board, but not how or who could propose an amendment, or what process would be used to evaluate or prioritize a proposed amendment.

\*The expenditure plan states that the TCAG Board can amend the plan every year with a majority vote; however, it does not include any public process in considering the amendments. Whereas in Measure T the Citizen's Oversight Committee has to review and provide a recommendation on any proposed changes, and the Council must hold a public hearing before voting on any proposed changes, the transportation expenditure plan does not guarantee any similar process. While the plan indicates the Citizen's Committee can review proposed changes, it doesn't ensure such a review. It appears that changes can be considered at a regular meeting of the Board that is called in accordance with the 72-hour Brown Act notice, without any long-range notice to the public, or the local agencies involved so the proposed change(s) can be adequately reviewed.

\*With 5 of the 13 votes, the Board of Supervisors would have an inequitable voice in amending the plan, especially because it does not require any approval by a majority of the cities. As now designed, the Board and any two cities could amend the plan and virtually control how the plan is implemented for a majority of the population throughout Tulare County. This is of great concern given the large number of other issues noted in this memo that are yet to be developed/resolved.

\*The accumulation and expenditure of the contingency fund monies needs to be more thoroughly developed and consideration given to some of the inconsistencies that could occur over the next 30 years.

\*More incentives should be offered for agencies to seek additional funding including grants, bond funds, matching funds, private sector participation, federal earmarks and other types of available funding, and additional consideration should be given to determining what impact new monies would have on project prioritization.

\*What a transportation project is should be defined. While it notes that the monies will be used for transportation projects, there does not appear to be a definition. Some measures have required that projects meet the guidelines for gas tax usage in order to qualify for measure money. It would appear that some definition should be included so agencies don't become too creative in defining a project as a transportation issue and thwart the will of the voters.

\*More consideration should be given to how cost overruns and revenue shortfalls will be addressed and what criteria will be used to assess and prioritize such projects. Again, we've learned through the implementation of Measure T that carefully considering how to resolve these issues prior to voter approval can ensure the measure can be implemented effectively and efficiently.

### **Election:**

\*From today, there is just over 12 weeks to form an election committee, raise money and actively campaign for the measure....a measure that has yet to be fully developed. While the election is actually 17 weeks away, the large number of absentee voters in the last couple of elections indicates that the campaign must peak about the time the absentee ballots go out, in about 12 weeks..

\*Estimates are that it will take at least \$300,000 to fund the campaign, with some projecting it will take \$500,000 to run a successful campaign.

Given the high number of unresolved questions listed above, and others that will surely rise, the governance issue is especially important. As we have learned in implementing the City's successful Measure T, actual implementation is much more complex than it would first appear. Situations change, funding changes, and there are many issues that have to be revised and considered on an on-going basis. Ensuring that a governing body with equitable voting requirements is overseeing the implementation is especially imperative. As of the June 23 meeting, consensus had not been achieved on any of the above issues, and local agencies were still bringing up new areas of concern.

Simply put, there is not enough time to resolve issues regarding the expenditure plan, plan amendments, and governance before the November 2006 election. City staff believes the transportation sales tax concept is a good idea that should be supported by the City, but we are very concerned this current effort will fail because it is incomplete, cannot be adequately explained to the voters, and does not yet have a proper governance structure. Time is needed to work these out so the voters and participating jurisdictions will have faith and trust in this program. Therefore, staff believes that the transportation sales tax election should be deferred to allow time to work towards a successful election.

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

June 5, 2006 - Authorization for the City's Representative to the Tulare County Association of Governments to support to the proposed county transportation sales tax measure at the June TCAG meeting, providing specific provisions are included in the measure and the implementation plan

**Committee/Commission Review and Actions:**

N/A

**Alternatives:**

To support the Measure

**Attachments:**

Proposed expenditure plan

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

I move to support on-going efforts to put a well-thought out sales tax measure with a carefully drafted expenditure plan on a ballot sometime after January, 2007, but to decline to approve the proposed expenditure plan for the November, 2006 election.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

**Agenda Item Number (Assigned by City Clerk):** 12

**Introduction of Ordinance 2006-12:** Amending Portions Of Titles 16 And 17 Of The Visalia Municipal Code Pertaining To The Review Of Planning Commission Decisions By The City Council

**Deadline for Action:** None

**Submitting Department:** City Attorney and Community Development, Planning Division

**Contact Name and Phone Number:** Alex Peltzer, Assistant City Attorney (636-0200), Paul Scheibel, Principal Planner (713-4369)

**Department Recommendation:** Staff recommends that the City Council consider the information contained in this report, and either:

- A. Introduce Ordinance 2006-12,** Amending Portions Of Titles 16 And 17 Of The Visalia Municipal Code Pertaining To The Review Of Planning Commission Decisions By The City Council
- B. Do Not Introduce Ordinance 2006-12,** for first reading;  
or,
- C. Return the item to staff,** with further direction as the City Council deems appropriate.

**Summary/background:** The proposed Subdivision and Zoning Ordinance Text Amendments are the result of previous City Council direction to staff to draft changes to the City's Appeal process so that the City Council, acting as a body, may review Planning Commission decisions. It is anticipated that reviews would be precipitated as a result of the City Council's desire to consider City-wide policy implications of the Planning Commission's decision in the absence of an "interested person" who would otherwise file an Appeal. As proposed, at least two Council members would be required to submit an Appeal in writing to the City Manager within the prescribed Appeal timeline. No Appeal filing fee (currently \$318) would be required, and the City Council members filing the Appeal would retain their ability to participate in the public hearing and to vote on the Appeal.

**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.):\_40\_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

**Planning Commission Review:** On July 10, 2006, the Planning Commission reviewed the proposal, and heard public testimony from four persons who spoke in opposition to the Amendments, and one letter was received opposing the proposal (see Exhibit E, yellow colored exhibit). The main reasons cited by the opponents were compromise of the Planning Commission's roles in the discretionary review process, creation of uncertainty among project proponents, and the potential for councilmembers to effect policy changes through the Appeal process, circumventing the established City policy adoption process.

The Planning Commission voted 4-0 (Commissioner Salinas absent) to recommend denial of the Amendments. In summary, the Planning Commission believed the proposed action would undermine the Planning Commission's decision authority, and that it would blur the distinct roles and responsibilities of the Council and Commission. The Commission further determined the process would compromise the appealing Council members' impartiality on the matter.

The Commission also criticized the proposed ordinance because the Commission believed that where policy direction from the City Council to the Commission is warranted, it should come through joint meetings and workshops, and ultimately adoption of formal policies which can be applied by the Commission. Otherwise it is a disservice to the project applicant to use their project as the vehicle to review a certain policy.

A further criticism of the currently proposed ordinance voiced by members of the Planning Commission is that a Councilmember call for review would not need to be accompanied with a specific reason or basis for the appeal. Some members of the Commission noted that that this makes the process less "open" or "public", and that it would stymie any ability for the project proponents and the City to negotiate a compromise during the period for which the matter would be under review.

The Planning Commission and one of the public opponents questioned whether other cities have a similar Appeal process. The result of staff's survey in response to this question is contained in Exhibit D (green colored exhibit) of this report. The Commission endorsed the component of the Amendments related to establishing a standard 10-day appeal period for all discretionary decisions.

**City Attorney's Analysis:** The City Attorney has reviewed the comments on the key issues raised at the Planning Commission hearing, and has provided analysis in response as follows:

*Appealing Councilmembers' Impartiality.* The City Attorney previously provided a memo on a related matter, in which it was concluded that a council member who initiates an appeal under the current "interested party" provisions would likely have a conflict that would prevent that council member from hearing the matter. However, that memo also concluded the following:

We would likely reach a different conclusion if the Municipal Code were amended to provide for appeal by interested persons *or* city council members, and, in the case of council appeals, to allow for the appeal to provide no specific grounds for appeal. **In such cases, there appears to be significant case law supporting the proposition that an appeal by a council member does not automatically bar the member from voting on the appeal.**

The City Attorney's memo noted that the above conclusion is based on case law, including *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4<sup>th</sup> 547; and *Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4<sup>th</sup> 1205. Although some members of the Planning Commission voiced concern that the conflict issues were not vitiated by the proposed ordinance, no authority has been presented to the City Attorney that would support that concern.

*Disruption of Community Policy and Development Review Processes:* One answer to this criticism is that the proposed ordinance leaves in place the system whereby the decisions of the Planning Commission become final if not appealed to the City Council through either of the two mechanisms; it is anticipated that the vast majority of Planning Commission decisions will become final without review by the City Council, and only those projects implicating community-wide policy decisions would be reviewed. Often, community-wide policy decisions cannot be anticipated until a specific project is proposed, and therefore allowing the Council to address these issues in relation to a specific project is sometimes necessary and appropriate.

*No Reasons Stated for Appeal Filings:* Staff's position is that this provision is necessary to ensure that a councilmember does not prejudge or predetermine his or her position in advance of the appeal hearing, and therefore furthers the interest of preventing a disqualifying conflict for a council member. Further, this provision was found in several of the sample ordinances reviewed from other cities, apparently for the same purpose. Staff therefore continues to believe it is an appropriate and necessary provision for the ordinance.

**Prior Council/Board Actions:** On July 10, 2006, the Planning Commission unanimously (4-0, Commissioner Salinas absent) voted to recommend denial of Subdivision and Zoning Ordinance Amendments 2006-01.

**Alternatives:** The City Council may approve, modify, or not approve the Subdivision and Zoning Ordinance Text Amendments. The City Council may alternately return the matter to staff with further direction as the City Council deems appropriate.

**Attachments:**

- Exhibit A- Ordinance No. 2006-\_\_\_\_\_.
- Exhibit B- Planning Commission Staff Report, July 10, 2006
- Exhibit C- Memo from Assistant City Attorney Alex Peltzer outlining the details of the proposed ordinance.
- Exhibit D- Summary of survey of neighboring and similar cities
- Exhibit E- Correspondence Received

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

I move to introduce Ordinance 2006-12, Amending Portions Of Titles 16 And 17 Of The Visalia Municipal Code Pertaining To The Review Of Planning Commission Decisions By The City Council, for first reading,

***Environmental Assessment Status***

1. **CEQA Review:** The project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2006-70)

**NEPA Review:** None

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

Copies of this report have been provided to:

Planning Commission  
Building Industry Association  
Visalia Chamber of Commerce  
Tulare/Kings County Hispanic Chamber of Commerce

ORDINANCE NO. 2006-\_\_\_\_\_

**AMENDING PORTIONS OF TITLES 16 AND 17 OF THE VISALIA MUNICIPAL  
CODE PERTAINING TO THE REVIEW OF PLANNING COMMISSION  
DECISIONS BY THE CITY COUNCIL**

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

**Section 1: Recitals and Findings.** This ordinance is adopted with reference to the following findings of the city council:

- A. The planning commission of the City of Visalia has a long history of providing the vital service of reviewing and considering proposed development, and ensuring that such development is consistent with the City's adopted General Plan and, more generally, is consistent with the values and objectives of the greater community.
- B. For all substantive decisions of the planning commission, the Visalia Municipal Code provides an opportunity for appeal to the city council; however, under current ordinance provisions, any such appeal may be made only by an "interested party."
- C. The city council finds that the "interested party" appeal process has the effect of creating an adversarial setting which does not fully serve the goal of ensuring that vital development decisions receive full and ample consideration by the city council, particularly where the decision involves a project that will have community wide impact and implicates issues of community-wide concern or interest.
- D. The city council desires to create a process whereby the members of the council can initiate a review of a planning commission decision in a manner that does not create an adversarial process and which maximizes the opportunity for public input.
- E. The city council finds that the changes to the regulations of Title 17 of the Visalia Municipal Code (Zoning) made by this ordinance are required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020, in that the additional public discourse that would be afforded by these changes will serve to promote the public health, safety and welfare of the city, and of the public generally and to facilitate growth and expansion of the municipality in a precise and orderly manner.

**Section 2 – Uniform Appeal Procedures for Map Decisions:** Section 16.04.040 of the Visalia Municipal Code, pertaining to appeal procedures applicable to planning commission decisions made pursuant to Title 16 (Subdivisions), shall be amended to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

**16.04.040 Appeals.**

A. ~~Planning Commission Actions.~~ The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten days after the action which is the subject of the appeal. ~~An appeal~~ *Such notice* shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. *A member of the city council may call for the review of any planning commission decision by making such request in writing to the city manager within 10 days of the planning commission's action. Such request shall not state the grounds for the request, or take a position regarding ultimate approval or denial of the proposed development subject to review. If the city manager receives two such requests, the matter shall be considered to be under appeal, and the city council shall set the matter for hearing in the manner prescribed by subparagraph C. below.*

C. Upon the filing of an appeal, ~~or upon the receipt by the city manager of a call for review of the matter from two city council members,~~ the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal ~~or receipt of council member requests. The city clerk shall give ten calendar days notice to the applicant, the appellant (if any and if the applicant is not the appellant) and property owners within three hundred (300) feet of the proposed location as to the time and date when the appeal will be considered by the city council. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the planning commission.~~

D. *In holding the hearing on the matter, the Council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next regular Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.*

**Section 3 – Uniform Appeal Procedures for Zoning Decisions:** The following new section 17.02.145, pertaining to appeal procedures applicable to planning commission decisions made pursuant to Title 17 (Zoning) shall be added to Chapter 17.02 of the Visalia Municipal Code:

**17.02.145 Appeal to city council.** Where the planning commission is authorized to make any decision pursuant to the provisions of Title 17 of the Visalia Municipal Code and that decision is to be subject to appeal to the city council, the following procedure shall apply.

A. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten days after the action which is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. A member of the city council may call for the review of any planning commission decision by making such request in writing to the city manager within 10 days of the planning commission's action. Such request shall not state the grounds for the request, or take a position regarding ultimate approval or denial of the proposed development subject to review. If the city manager receives two such requests, the matter shall be considered to be under appeal, and the city council shall set the matter for hearing in the manner prescribed by subparagraph C. below.

C. Upon the filing of an appeal, or upon the receipt by the city manager of a call for review of the matter from two city council members, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member requests. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the planning commission.

D. In holding the hearing on the matter, the Council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next regular Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.

**Section 4 - Ambiguities:** Section 17.02.050 of the Visalia Municipal Code, pertaining to ambiguity decisions of the planning commission, shall be amended

to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

**17.02.050 Ambiguity.**

Except as otherwise expressly provided pursuant to other provisions of this title, if ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or with respect to height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in processing of materials, it shall be the duty of the planning commission to ascertain all pertinent facts and by resolution, set forth its findings and interpretations, and thereafter such interpretations shall govern unless appealed to the city council *or review of such interpretation is requested to be reviewed by the city council pursuant to section 17.02.145.* Upon review, ~~s~~Such interpretation may be approved, disapproved or modified by the city council.

**Section 5 – Appeals of Site Plan Review Committee Determinations:**

Section 17.28.050 of the Visalia Municipal Code, pertaining to planning commission decisions on appeals of site plan review committee decisions, shall be amended and 17.128.060 shall be deleted, to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

**17.28.050 Appeals to the planning commission.**

The applicant or any interested person may appeal, in writing, setting forth his reason for such appeal to the commission. Such appeal shall be filed with the city planner within ten days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Section 17.28.040. The decision of the commission shall be final unless appealed to *or reviewed by the council pursuant to Section 17.02.145.*

**~~17.28.060 Appeals to the city council.~~**

~~— The applicant or any interested person may appeal, in writing, setting forth his reason for such appeal to the city council. Such appeal shall be filed with the city clerk within fifteen (15) days after the planning commission's decision. The appeal shall be placed on the agenda of the council's next regular meeting after the appeal is filed. The council shall review the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Section 17.28.040. The decision of the council shall be final. (Prior code § 7427)~~

**Section 6 – Conditional Use Permits:** Section 17.38.120 of the Visalia Municipal Code, pertaining to planning commission decisions regarding



conditional use permits, shall be amended, and section 17.38.130 shall be deleted, to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

**17.38.120 Appeal to city council.** *The decision of the City planning commission on a conditional use permit shall be subject to the appeal and city council review provisions of section 17.02.145.*

~~— A. — Within five working days following the date of a decision of the city planning commission on a conditional use permit application, the decision may be appealed to the city council by the applicant or any other interested party. An appeal shall be made on a form prescribed by the commission and shall be filed with the city clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the commission or wherein its decision is not supported by the evidence in the record.~~

~~— B. — The city clerk shall give ten calendar days notice to the applicant, the appellant (if the applicant is not the appellant) and property owners within three hundred (300) feet of the proposed location as to the time and date when the appeal will be considered by the city council.~~

**17.38.130 — Action by city council.**

~~— The city council shall hold a public hearing to consider the appeal no less than ten or more than forty-five (45) calendar days following receipt of the appeal. The city council may affirm, reverse or modify a decision granting a conditional use permit. The council shall, on the basis of the record transmitted by the city planning commission and such additional evidence as may be submitted, make the findings prerequisite to the granting of a conditional use permit prescribed in Section 17.38.110. If substantial new information is received prior to the close of the public hearing before the city council, the matter shall be forwarded back to the planning commission for reconsideration and action.~~

**Section 7: Variances** - Section 17.42.110 of the Visalia Municipal Code, pertaining to planning commission decisions on variance applications, shall be amended, and section 17.48.120 shall be deleted, to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

**17.42.110 Appeal to city council.** *The decision of the City planning commission on a variance or exception application shall be subject to the appeal and city council review provisions of section 17.02.145.*

~~— A. — Within five (5) working days following the date of a decision of the city planning commission on a variance or exception application, the decision may be appealed to the city council by the applicant or any other interested party. An appeal shall be made on a form prescribed by the commission and shall be filed with the city clerk. The appeal shall specify errors or abuses of discretion by the commission, or decisions not supported by the evidence in the record.~~

~~—B.— The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council.~~

**~~17.42.120 — Action of city council.~~**

~~—A.— The city council shall review and may affirm, reverse or modify a decision of the city planning commission on a variance or exception application; provided, that if a decision denying a variance or exception is reversed or a decision granting a variance or exception is modified, the city council shall, on the basis of the record transmitted by the city planner and such additional evidence as may be submitted, make the findings prerequisite to the granting of a variance or exception as prescribed in Section 17.42.090(A) or (B), or 17.42.100(A), whichever is applicable.~~

~~—B.— A variance which has been the subject of an appeal to the city council shall become effective immediately after review and affirmative action by the city council.~~

**Section 8 – Sign Variance Decisions:** Section 17.48.110 of the Visalia Municipal Code, pertaining to planning commission decisions on sign variance applications, shall be amended to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

**17.48.110 Variance and exceptions.**

A. Variance Purposes. The planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this chapter. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from street locations or traffic conditions in the immediate vicinity that would affect the signing of said site or building.

B. Exception Purposes. The planning commission may grant an exception to the physical design standards if it can be demonstrated that such an exception is necessary to facilitate an improved aesthetic relationship between the signs and the structures upon which they are mounted.

C. Variance Powers of City Planning Commission. The city planning commission may grant exceptions to the regulations prescribed in this chapter, in accordance with the procedures prescribed in this chapter.

D. Exception Powers of City Planning Commission. The city planning commission may grant exceptions to the regulations prescribed in this chapter, in accordance with the procedures prescribed in this chapter.

E. Application Procedures. Application for a variance or exception shall be made to the city planning commission on a form prescribed by the commission and shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty which would result from the strict interpretation and enforcement of this chapter;
5. The application shall be accompanied by such sketches or drawings which may be necessary to clearly show applicant's proposal;
6. Additional information as required by the historic preservation advisory board;
7. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application;
8. The application shall be filed with the city planner. He shall give notice to the applicant of the time when the application will be considered by the commission, and he may give notice of the time to any other interested party.

F. Hearing and Notice.

1. The city planning commission shall hold a public hearing on an application for a variance.
2. Notice of a public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing.

G. Investigation and Report. The city planner shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission.

H. Public Hearing Procedure. At a public hearing the city planning commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.42.090.

I. Variance Action of the City Planning Commission.

1. The city planning commission may grant a variance to a regulation prescribed within this chapter. The variance may be granted as applied for, or as modified by the commission; provided that, on the basis of the application and staff report and/or evidence submitted, the commission is able to make the following findings:
  - a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or

unnecessary hardship inconsistent with the purposes of the sign and zoning ordinance;

b. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district;

c. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;

d. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district;

e. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

2. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.

3. The city planning commission may deny a variance application.

J. Exception Action of the City Planning Commission. The planning commission may approve, conditionally approve or deny a request for an exception to the physical design standards of this chapter. For the planning commission to approve an exception, the following findings must be made:

1. That the granting of the exception is necessary to attain a high aesthetic sign design which would be restricted if the provisions of this chapter were strictly applied;

2. That the granting of an exception would not adversely affect the visibility of signing on adjacent properties;

3. That the granting of an exception would not constitute a granting of a special privilege.

K. Appeal to City Council. *The decision of the City planning commission on a variance or exception application shall be subject to the appeal and city council review provisions of section 17.02.145.*

~~1. Within ten days following the date of a decision of the city planning commission on a variance or exception application, the decision may be appealed to the city council by the applicant or any other interested party. An appeal shall be made on a form prescribed by the commission and shall be filed with the city clerk. The appeal shall specify errors or abuses of discretion by the commission, or decisions not supported by the evidence in the record.~~

~~— 2. — The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council.~~

~~— L. — Action of City Council:~~

~~— 1. — The city council shall review and may affirm, reverse or modify a decision of the city planning commission on a variance or exception application; provided, that if a decision denying a variance or exception is modified, the city council shall, on the basis of the record transmitted by the city planner and such additional evidence as may be submitted, make the findings prerequisite to the granting of a variance or exception as prescribed in Section 17.48.110(I)(1), (I)(2) or (J), whichever is applicable.~~

~~— 2. — A variance or exception which has been the subject of an appeal to the city council shall become effective immediately after review and affirmative action by the city council.~~

~~L M.~~ Revocation. A variance or exception granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.

~~M N.~~ New Application. Following the denial of a variance or exception application or the revocation of a variance or exception, no application for the same or substantially the same site shall be filed within one year of the date of denial of the variance or exception application or revocation of the variance or exception.

**Section 9: Effective Date:** This ordinance shall become effective thirty days after passage hereof.

PASSED AND ADOPTED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Steven M. Salomon, City Clerk

APPROVED AS TO FORM  
BY CITY ATTORNEY:

\_\_\_\_\_

Daniel M. Dooley

## SUMMARY OF CITY SURVEY

Includes all Cities in Tulare County, selected neighboring cities, and similarly sized cities outside of the area.

CITY	CITY COUNCIL REVIEW/APPEAL PROCESS	NUMBER OF COUNCIL MEMBERS NECESSARY	FEE FOR APPEALS	FILING COUNCILMEMBER RECUSES SELF	COMMENTS
Tulare	No	NA	Unk	NA	
Farmersville	No	NA	Unk	NA	
Exeter	Yes	NA	Unk	No	CC review and confirmation of PC decisions are part of entitlement process
Woodlake	Yes	NA	Unk	No	CC review and confirmation of PC decisions are part of entitlement process
Dinuba	Yes	4	Unk	No	Requires City Council motion to review PC action
Porterville	Yes	NA	NA	No	No Planning Commission
Lindsay	Yes	NA	NA	NA	No Planning Commission
Reedley	No	NA	NA	NA	
Selma	Yes	1	\$250	Yes	Planning Commission is recommending body only
Hanford	No	NA	\$800	NA	
Lemoore	Yes	1	\$300	No	Subdivisions Only
Kingsburg	No	NA	No	NA	
Carlsbad	Yes	1	\$760	Yes	
Bakersfield	No	NA	\$675	NA	Filing fee only if outside mailing radius
Pasadena	Yes	1	65% of Application fee	No	
Roseville	Yes	NA	\$319	Yes	CM files appeal on behalf of City Council
Sunnyvale	Yes	1	\$117	No	
Lancaster	Yes	1	Unk	No	
Palmdale	Yes	1	\$100	Yes	
Simi Valley	Yes	2	Unk	No	

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Public Hearing – Annexation 2006-04, Giddings Street / Riggin Avenue, initiation of annexation of a County island, generally located south of Riggin Avenue, between Divisadero Street and Conyer Street. (Resolution No. 2006-62 required.)

**Deadline for Action:**

**Submitting Department:** Administration

**Contact Name and Phone Number:** Phyllis Coring, Special Projects Manager 713-4566

**Department Recommendation:**

Staff recommends that Council adopt Resolution No. 2006-62 initiating Annexation 2006-04, Giddings Street / Riggin Avenue Island. This is an annexation of a county island, approximately 88 acres in size, surrounded by the City. Filing fees will be expended from CIP Acct. # 0011-00000-720000-0-9514-2006.

**Summary/Background:**

Giddings Street / Riggin Avenue Island

Giddings Street / Riggin Avenue Island consists of approximately 88 acres and contains 318 parcels. It is generally located south of Riggin Avenue, between Divisadero Street and Conyer Street. There are a total of 318 residences in the island with an estimated population of 925 and is surrounded by the City.

This annexation is being processed through the special "Island Annexation" legislation enacted by the State, as described below. A "Question and Answer" pamphlet that provides information regarding some of the questions staff anticipated might be asked was included with the public hearing notice that was sent to property owners. In addition, on July 6, a neighborhood meeting was held for the property owners in the "island" to provide an opportunity to ask questions and for staff to provide information and to describe the annexation process.

The Visalia Land Use Element designates the site as Low Density Residential and the territory within the island would be zoned R-1-6, Single Family Residential, upon annexation. The

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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



Tulare County zone classification for this unincorporated island is R-1, Single Family Residential.

City Services, including Police and Fire protection, will be provided to the island upon annexation. Sanitary sewer service is available to approximately one-third of the properties in the island. Eighty of the 318 parcels are connected to the system. Where there is existing curb and gutter along the streets in the island, the streets will be swept once monthly. Many of the city services, such as Park and Recreation programs, are already available to the residents of the island, and following annexation, the full complement of city services and programs will be provided.

### Infrastructure

Council previously entered into a contract for design of sanitary sewer systems in the county islands that are not currently served, with the intent of installing sewer lines. This county island became eligible to be annexed through the island annexation legislation due to an amendment in state law that, among other things, increased the size of island permitted, so is not included in the original design contract. A system will also be designed for this area, however, so service will ultimately be available throughout the entire neighborhood.

Most of the streets in these subdivisions have suffered from lack of maintenance. Upon annexation, new streets to the city are logged into the street maintenance program and each spring the condition of the street is evaluated to develop a priority for maintenance.

### Costs to Property Owners

Property taxes to not increase as a result of annexation. The City and County entered into a tax sharing agreement that identifies how the property taxes that are collected would be shared between the two agencies. Costs to property owners that would be incurred through annexation include storm water and waterway fees, which are charged for properties that are developed. The current rate per parcel/ per month is \$2.47 plus 24¢/1000 sq. ft. of parcel area, so the fee varies depending upon the size of the parcel. Most of the parcels are already paying this fee. A ground water recharge fee is also charged for parcels connected to California Water Service, once inside the city. That fee rate varies depending upon size of the service and is usually 35¢/month for residential uses. If there are businesses run from the home, a Business Tax and Home Occupation Permit would be charged. In addition, if a home has an alarm system, a yearly fee would be required to be paid to the Visalia Police Department.

### Island Annexations

This island annexation, Giddings Street / Riggin Avenue, is being processed through special State Legislation that became effective January 1, 2000 and that will sunset January 1, 2007. This legislation provides a streamlined process for island annexations that meet certain criteria. This state legislation provides a window of opportunity to create a more efficient method for local government to deliver public services and eliminate the costly duplication of services that result when two agencies, the City and the County, provide similar urban services within the same general geographic area. The legislation provides that island annexations initiated by City Council must be approved by the Local Agency Formation Commission (LAFCO) if specific criteria are met. The criteria are:

- It does not exceed 150 acres in area, that area constitutes the entire island
- The territory constitutes an entire unincorporated island located within the limits of a city.

- It is surrounded, or substantially surrounded, by the city to which annexation is proposed.
- It is substantially developed or developing.
- It is not prime agricultural land.
- It will benefit from the annexation or is receiving benefits from the annexing city.

Four additional county islands will be presented to Council for annexation within the next several months.

### Effective Date of Annexation

The resolution and proposal questionnaire include a request to LAFCO that the effective date of the annexation be set for December 1, 2006, to allow for LAFCO noticing requirements for a public hearing, which staff expects will be in October and the time period before the Notice of Completion may be filed. Staff believes that it will be helpful for residents of the island and service providers to know specifically when the change in jurisdiction will take place.

### Summary

A resolution initiating the annexation along with the Proposal Questionnaire and Plan for Services that are required is attached. Should City Council adopt the resolution, staff will file the proposed annexation with LAFCO. Staff anticipates that the LAFCO hearing would be held in October.

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

### **Committee/Commission Review and Actions:**

The Planning Commission reviewed this potential island annexation on June 26, 2006 and forwarded it to the City Council with the finding that it is consistent with the Visalia General Plan.

**Alternatives:** None recommended.

**Attachments:** Location Map  
Resolution  
Proposal Questionnaire  
Plan for Services

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

I move that Council adopt Resolution No.2006-62, initiating Annexation 2006-04, Giddings Street / Riggin Avenue Island.

***Environmental Assessment Status***

**CEQA Review:**

Required? No

The project is categorically exempt from CEQA, as per Section 15319 of CEQA Guidelines.

**NEPA Review:**

Required? No

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

Copies of this report have been provided to:

# City of Visalia Agenda Item Transmittal

**Meeting Date:** July 17, 2006

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

**Agenda Item Wording:** Introduction of Amended Interim Ordinance 2006-03, establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area designated as Zone 1; generally located north of Mineral King Avenue and west of Ben Maddox Way. *(A 4/5 vote is required to adopt this ordinance.)*

**Deadline for Action:** none

**Submitting Department:** Community Development

**Contact Name and Phone Number:** Mike Olmos 713-4332; Fred Brusuelas 713-4364; Alex Peltzer 636-0200; Sharon Sheltzer, 713-4414

**Department Recommendation:**

Staff recommends that Council introduce the attached Amended Interim Ordinance 2006-03, Establishing Prohibited and Permitted Uses and Development Standards for a Portion of the East Downtown Strategic Plan Area. This ordinance will amend the parking requirement for Commercial Retail uses to 3 spaces/1000 sf. of building area, as was intended at the time the initial ordinance was adopted.

**Summary/background:**

East Downtown Strategic Plan Implementation

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.

Amended Interim Ordinance 2006-03

**For action by:**

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

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

On March 20, 2006, Interim Ordinance 2006-03 was introduced which provides temporary prohibited and allowed uses in the East Downtown area and various development standards while permanent regulatory amendments are being processed to implement the East Downtown Strategic Plan. The interim ordinance was adopted for 45 days pursuant to California Government Code Section 65858, and extended for ten months and fifteen days on May 1, 2006.

The ordinance included a typographical error regarding the number of required parking spaces for commercial retail uses. The Amended Ordinance 2006-03 will correct a typographical error by reducing the parking requirement for Commercial Retail from 4 spaces/1000 square feet to 3 spaces/1000 sf. The intention has always been to reduce the downtown parking requirements from the present zoning which requires 3.33 spaces/1000 sf. for Commercial Retail uses, 4 spaces/1000 sf. for professional office uses and 5 spaces/1000 sf. for medical office uses. The adopted Interim Ordinance requires 3 spaces/1000 sf. for all office uses, and was intended to also have the same requirement for Commercial Retail. The "4/1000" for Commercial Retail was a typographical error in the adopted ordinance, and this amendment seeks to correct that.

Because the proposed amendment is minor, is intended to correct a typographical error, and reduces, as opposed to increase, the burden on property owners in the affected area, staff's proposal is to amend the ordinance rather than re-enact anew. This would allow the current timeline to be followed, which provides that the interim ordinance would remain in effect without any further action until March 20, 2007).

Amendment of the Interim Ordinance would be accomplished by introduction and adoption of "Amended Interim Ordinance 2006-03".

Interim Ordinances require a 4/5 vote by City Council, and becomes effective immediately.

**Prior Council/Board Actions:**

December 19, 2005 – Council approved the East Downtown Strategic Plan

March 20, 2006 – Council introduced Interim Ordinance 2006-03

April 19, 2006 – Written report issued for Interim Ordinance 2006-03

May 1, 2006 – Council extended Interim Ordinance 2006-03 (will expire March 20, 2007, unless further extended).

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** Amended Interim Ordinance 2006-03  
Location Map

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

I move to introduce Amended Interim Ordinance 2006-03, Establishing Prohibited and Permitted Uses and Development Standards for a Portion of the East Downtown Strategic Plan Area

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**AMENDED INTERIM 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.
- G. On March 20, 2006, Interim Ordinance 2006-03 was adopted by the City Council for an effective period of 45 days. On May 1, 2006, the City Council extended the effective period of this ordinance for an additional ten months and fifteen days.
- H. With this Amended Interim Ordinance, the City Council is making a minor change to the parking requirements as stated in Section 4, Subsection D, but is otherwise not modifying this Interim Ordinance in any substantive way and therefore intends that the effective period of the ordinance as described above remain in effect, as stated in Section 5 of this Amended Interim Ordinance.
- I. This Amended Interim Ordinance 2006-03 shall supersede and replace in its entirety Interim Ordinance 2006-03.

**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. The reason for this is that the Service Commercial Zone purposes as listed in the current Muni Code focus on heavy truck traffic, and anything that would conflict with this should not be permitted; this needs to be specifically superseded.
- 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 a Mixed Use Commercial Development located on any parcel that has frontage on any Primary Commercial Street shall be limited to the uses identified in the list of permitted and conditionally permitted uses (G).
- G. List of permitted and conditionally permitted uses (designation as Permitted, Conditional or Temporary shall have the same effect as provided in Title 17 of the Visalia Municipal Code):

**PERMITTED AND CONDITIONALLY PERMITTED USES**

P=Permitted use  
 C=Conditional use  
 T=Temporary use  
 \*=use allowed or conditionally allowed on Primary Commercial Street

Farmers Market	<b>Agricultural</b>
	C*



**Auditoriums** C\*

**Banks and Financial Institutions**

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 Inns P  
Inns P\*

**Bus Depots**

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

**Catering Services** P

**Christmas Tree Sales** T

**Other Seasonal Commercial Uses/**

**Special Events** T\*

**Churches and Other Religious Institutions**

Up to 200 seats C

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

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

<b>Parking Facilities for Off-site Uses</b>	C
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<b>Park and Ride</b>	C
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### ***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*
----------------------------	----

<b>Private Clubs and Lounges</b>	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*
--------------------	----

<b>Recreation Facilities</b>	
------------------------------	--

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 than/equal to 20,000 SF	P*
-greater than 20,000 SF	C*
Building/Landscape Materials	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*
Flooring and Wall Coverings	P*
-Carpet sales showroom and associated storage	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 be 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. 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.
- D. Development Standards. The following are the development standards that are applicable to development within the East Downtown Overlay Zone:

<u>Required Setbacks</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.

<b>Parking Requirements lieu Fees</b>	<b>Total Rqd.</b>	<b>On-site</b>	<b>Off-site/in-</b>
Commercial Retail	3/1,000 SF	up to 50% max	up to 3/1,000 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 3/1,000 SF for comm.
Residential Apartments	1/DU and .25 visitor parking		NA
Residential Townhouses	2/DU for 2+ BR, 1/DU for 1BR and S		NA
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 until March 20, 2007.

**PASSED AND ADOPTED:**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

**Agenda Item Number (Assigned by City Clerk):** 15

**Agenda Item Wording:**

**Public Hearing** - Introduction of Interim Ordinance 2006-10 establishing prohibited and permitted uses and development standards for a portion of Northeast Downtown designated as Zone 2; generally located north of Murray/Goshen Avenue and east of Santa Fe. *(A 4/5 vote is required to adopt this ordinance.)*

**Deadline for Action:** None

**Submitting Department:** Community Development

Contact Name and Phone Number: Mike Olmos 713-4332; Fred Brusuelas 713-4364; Alex Peltzer 636-0200; Sharon Sheltzer, 713-4414

**Recommendation and Summary:** Staff recommends that Council introduce the attached Interim Ordinance 2006-10 , Establishing Prohibited and Permitted Uses and Development Standards for a Portion of Northeast Downtown, designated as Zone 2.

Background

In December, 2005, Council approved the East Downtown Strategic Plan to identify the necessary changes to City plans, codes, standards, and programs to facilitate downtown's eastward expansion. An overlay zone was adopted as an interim ordinance that prohibits new uses incompatible with the Strategic Plan, modifies the list of permitted and conditional uses allowed in a portion of the plan area consistent with the plan concepts, and modifies development standards and in lieu parking standards.

This proposed ordinance would apply to properties north of the East Downtown Strategic Plan area that are undergoing a similar transition of land uses to accommodate the eastern expansion of downtown. Introduction of this Interim Ordinance will apply a similar overlay zone to include an area generally north of Murray/Goshen Avenue and

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time  
(Min.):\_\_ 10\_\_

**Review:**

Dept. Head \_\_\_\_\_  
(Initials & date required)

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

City Mgr \_\_\_\_\_  
(Initials Required)

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

east of Santa Fe, identified as Zone 2. The same list of permitted and conditional uses and development standards would apply.

#### Interim Ordinance to Add Zone 2 as an Overlay Zone Area

On April 26, 2006, this second proposed zone (Northeast Downtown Overlay Zone) was reviewed at a meeting with property owners. On June 8, 2006 the Farm Bureau Board of Directors met and voted to join into the second zone proposed for inclusion into the interim ordinance overlay. On June 16, 2006 a Notice of Public Hearing to consider the adoption of this ordinance was mailed to the property owners within Zone 2 of the Northeast Downtown area and a 300' surrounding radius, and additional explanatory information including the amended ordinance draft was mailed to the same group on June 22, 2006. The Cost Carpets property owner on Murray/Goshen elected to opt out of the offer to be included in this second zone due to his development plans for the expansion of his business that he is presently pursuing.

#### Interim Ordinances

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. The Government Code provides two methods for adopting an interim ordinance; one that requires notice and a public hearing at both the initial introduction of the ordinance and at the time the ordinance may be extended (this process allows one extension for a period of 22 months and 15 days) and one that requires notice and a hearing only at the time the ordinance is extended (this process allows two extensions, each for a period of 10 months and 15 days.)

Notice for a public hearing has been provided for the introduction of this interim ordinance. If introduced on July 17, 2006 and adopted on August 7, the Interim Ordinance for Zone 2 will have an initial life of 45 days from the date of adoption and will expire on September 2, 2006, unless extended by future action of Council. After notice pursuant to Section 65090 and public hearing, Council may, by a 4/5 vote, extend the interim ordinance for 22 months and 15 days. Given the need for significant amendments to plans and codes to establish permanent requirements to implement the long range plans for the area, an 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 will be 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 will appear on the Council agenda of August 21.

**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 2006-03

March 20, 2006- Council approved Interim Ordinance 2006-03

April 19, 2006- Written report issued for Interim Ordinance 2006-03

**Alternatives:**

Revise the interim ordinance as appropriate.

Do not adopt 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. Interim Ordinance No. 2006-
2. Map of Interim Ordinance Area

Recommended Motion (and Alternative Motions if expected):  
I move to introduce Interim Ordinance 2006-10 establishing prohibited and permitted uses and development standards for the Northeast Downtown Overlay Zone, designated as Zone 2.

Copies of this report have been provided to:

*Environmental Assessment Status*

CEQA Review:

NEPA Review:

**ORDINANCE NO. 2006-10**

**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. Northeast Downtown, Zone 2 shall refer to the land within the area roughly bounded by Goshen on the south, Santa Fe on the east, then for two lots in an easterly direction along Douglas on the north boundary, then in a southerly direction along a route where Liberty street would be if it was extended to this area, until Race Street, and then in an easterly direction to Burke, and then in a southerly direction for one lot until Goshen. It also includes the Farm Bureau property at the corner of Burke and Goshen, with the exception of a small portion that is fronting on Ben Maddox. These areas are depicted on the map entitled “Interim Zoning Ordinance Areas”, as “2.” The official original map of the Interim Zoning Ordinance Areas 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 Northeast Downtown Zone 2 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 feature 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 Northeast Downtown Zone 2. The only land uses that shall be allowed within the Northeast Downtown Zone 2 shall be those identified in this section.
- B. The purpose of the Northeast Downtown Zone 2 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 Northeast Downtown Zone 2, 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*

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**Banks and Financial Institutions**

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 Inns	P
	P*

**Bus Depots**

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

**Catering Services** P

**Christmas Tree Sales** T

**Other Seasonal Commercial Uses/**

**Special Events** T\*

**Churches and Other Religious Institutions**

Up to 200 seats C

**Clothing/Costume Rental** 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	

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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*
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**Museums** P\*

<b>Offices</b>	
----------------	--

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

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

Railroads
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Passenger Stations	P*
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Recreation Facilities
-----------------------

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*

Retail
--------

General Merchandise	
-less than/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*

#### Schools, Public and Private

Pre-school/After School Care	C
Elementary Schools, K-6 or K-8	C

#### Service Commercial

Appliances, Electrical Equipment, Tools (repair)	
-small	C
Locksmiths	C
Pet Grooming	C
Printing Service	C
Tailor, Dressmaking, Alterations	C

#### Theaters

Auditoriums	C*
Movie	C*
Live Performance	C*

#### Utilities

Business Offices	P
------------------	---

#### Veterinary Services

Animal Care Clinic (no boarding)	C*
----------------------------------	----

#### Other

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

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By author: Sharon Sheltzer

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- A. The development standards established by this section shall be applicable to all developments within the Northeast Downtown Overlay Zone 2. 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 Northeast Downtown Overlay Zone 2. 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**

<b>Type of Use</b>	<b>Primary Comm. Street</b>	<b>Street Frontage</b>	<b>Rear at Resid.</b>
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	3/1,000 SF	up to 50% max	up to 3/1,000 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:**

This document last revised 7/14/06 3:18 PM

By author: Sharon Sheltzer

File location and name: H:\(1) AGENDAS for Council\2006\071706\Item 15 Introduction of Interim Ordinance Zone 2 July 17 no attachments final.doc

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** July 17, 2006

**Agenda Item Number (Assigned by City Clerk):** 16

a. **General Plan Amendment No. 2006-01:** Amendment of General Plan Policies No. 4.1.19 and 4.1.20, to allow up to 40 multi-family dwelling units in the R-M zones as a "Permitted" use, and over 40 units as a "Conditional" use in the R-M zones; and adoption of General Plan Policy No. 4.1.22 which encourages the establishment and adoption of Good Neighbor Policies for multi-family residential developments in the R-M Zones to address their long term operation and management. **Resolution 2006-63 required. (A separate Motion by the Council is required.)**

b. **Introduction of Ordinance 2006-11 Zoning Ordinance Text Amendment No. 2005-16:** to amend Sections 17.16.020 (B) and 17.16.040 (J) to allow up to 40 multi-family units in the R-M Zones as a "Permitted" use and over 40 units as a "Conditional" use in the R-M Zones; and adoption of Section 17.16.190 which establishes that multi-family residential development in the R-M Zones shall be subject to model Good Neighbor Policies to address their long term operation and management.

**Deadline for Action:** December 19, 2006, one year from the adoption date of the Housing Element Update.

**Submitting Department:** Community Development, Planning Division

**Contact Name and Phone Number:** Paul Scheibel, AICP (713-4369)

**Department Recommendation:** The Planning Commission recommends that the City Council adopt **Resolution No. 2006-63**, adopting **General Plan Amendment No. 2006-01:** an Amendment of General Plan Policies No. 4.1.19 and 4.1.20, to allow up to 40 multi-family dwelling units in the R-M zones as a "Permitted" use, and over 40 units as a "Conditional" use in the R-M zones; and General Plan Policy No. 4.1.22 which encourages the establishment and adoption of Good Neighbor Policies for multi-family residential developments in the R-M Zones to address their long term operation and management.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time  
(Min.):\_20\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

The Planning Commission also recommends that the City Council **Introduce Ordinance 2006-11**, for first reading regarding **Zoning Ordinance Text Amendment No. 2005-16**, amending Sections 17.16.020 (B) and 17.16.040 (J) to allow up to 40 multi-family units in the R-M Zones as a “Permitted” use and over 40 units as a “Conditional” use in the R-M Zones; and adopt Section 17.16.190 which establishes that multi-family residential development in the R-M Zones shall be subject to model Good Neighbor Policies to address their long term operation and management.

**Summary/background:** The proposed General Plan Amendment (GPA) and Zoning Ordinance Text Amendment (ZTA) are the General Plan Land Use Element and Zoning Ordinance actions that will implement Program 1.14 of the recently adopted General Plan Housing Element Update (See Exhibit A). The intent of Program 1.14 and the associated GPA/ZTA is to streamline the entitlement process for qualifying multi-family projects.

However, the City’s review of these multi-family projects would be limited to the Site Plan Review process instead of the Conditional Use Permit (CUP) process. The CUP process requires review and approval by the Planning Commission, which typically include operational conditions for the ongoing operation and management of multi-family developments, including the GNPs. The GNPs have been applied as conditions by the Planning Commission since 2000. However, the GNPs have never been formally codified or adopted as City policies. This limits the City’s ability to apply the GNPs only to conditionally permitted projects, but not to projects approved through the Site Plan Review process.

In response to this potential gap in the City’s ability to apply the GNPs to multi-family developments, the ZTA includes a new section (Section 17.16.190) incorporating the City’s Good Neighbor Policies (GNP) to multi-family projects as a part of the Zoning Ordinance. This way, projects approved by permit would be subject to the GNP’s as a mandatory zoning requirement.

**Prior Council/Board Actions:** On June 26, 2006, the Planning Commission unanimously (5-0) adopted Resolution No. 2006-59, recommending the City Council adopt GPA 2006-01 and ZTA 2005-16, increasing the threshold from 11 units to 40 units for multi-family developments allowed as permitted uses in the R-M zones, and incorporating the GNPs as condition requirements for these developments. The Planning Commission also unanimously (5-0) adopted Resolution 2006-60 adopting the GNP’s which are to be incorporated into an Operational Management Plan for multi-family projects.

On June 1, 2006, the Development Standards Task Force (Task Force) reviewed the proposed GPA/ZTA, including the Good Neighbor Policies, and endorsed the proposals with several minor changes related to how the project’s Operational Management Plan, that contains the GNPs, are to be kept on record for public reference and for periodic update. The Task Force review was directed by the Planning Commission on May 22, 2006, when it voted to continue the action pending the review.

On September 12, 2005, the Planning Commission adopted Resolution 2005-104, recommending approval of ZTA 2006-16, implementing Housing Element Program 1.14, but did not include the Good Neighbor Policies.

On March 13, 2006, The Planning Commission adopted Resolution 2006-34, recommending the City Council adopt GPA 2006-01, to make the "40-units" ZTA consistent with General Plan Land Use Policies 4.1.19 and 4.1.20, which address the permitted use/conditionally permitted use threshold revision. However, the GPA did not include the Good Neighbor Policies

On December 19, 2005, the City Council adopted Resolution 2005-186, adopting the General Plan Housing Element Update.

**Committee/Commission Review and Actions:** As noted in the chronology shown above, the direction for increasing the unit threshold from 11 to 40 units (Program 1.14) was considered by the City Council in its adoption of the Housing Element Update. The addition of the Good Neighbor Policies has been reviewed and endorsed by the Development Standards Task Force and the Planning Commission on several occasions.

**Alternatives:** The City Council may approve or not approve the General Plan Amendment (GPA) and the Zoning Ordinance Text Amendment (ZTA) as a combined action, but exclude the Good Neighbor Policies (GNP) references to both amendments.

The City Council may alternately adopt just the portion of ZTA 2005-16, which incorporates the Good Neighbor Policies into the Zoning Ordinance, while not approving the balance of the GPA and ZTA. However, this action would result in the Housing Element being inconsistent with the General Plan Land Use Element and the Zoning Ordinance. Therefore, this alternative is not recommended.

**Attachments:**

Exhibit A- Program 1.14 of the Housing Element Update

Exhibit B- Planning Commission Staff Report dated June 26, 2006, including Resolutions 2006-59 and 2006-60

Exhibit C- Resolution Approving GPA 2006-01

Exhibit D- Ordinance Introducing ZTA 2005-16

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

I move to adopt Resolution No. 2006-63, adopting General Plan Amendment No. 2006-01; and

I move to introduce Ordinance 2006-11, for first reading, regarding Zoning Ordinance Text Amendment No. 2005-16

***Environmental Assessment Status***

1. **CEQA Review:** The project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2005-85)

**NEPA Review:** None

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

Copies of this report have been provided to:  
Planning Commission  
Building Industry Association

RESOLUTION NO. 2006-63

A RESOLUTION OF THE VISALIA CITY COUNCIL APPROVING GENERAL PLAN AMENDMENT NO. 2006-01, AMENDING THE GENERAL PLAN LAND USE ELEMENT TO ALLOW UP TO 40 MULTI-FAMILY DWELLING UNITS IN THE R-M ZONES AS A "PERMITTED" USE, AND ADOPTING MODEL GOOD NEIGHBOR POLICIES

**WHEREAS**, General Plan Amendment No. 2006-01, is a request by the City of Visalia to amend the General Plan Land Use Element to allow up to 40 multi-family dwelling units in the R-M zones as a permitted use, and recommending adoption of Model Good Neighbor Policies; and

**WHEREAS**, On March 13, 2006, the Planning Commission adopted Resolution No. 2006-34, recommending adoption of General Plan Amendment No. 2006-01; and

**WHEREAS**, On June 26, 2006, the Planning Commission of the City of Visalia re-opened the public hearing and adopted Resolution No. 2006-59 recommending adoption of GPA 2006-01, including model Good Neighbor Policies; and

**WHEREAS**, the Planning Commission considered the General Plan Amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia; and

**WHEREAS**, on July 17, 2006, the City Council of the City of Visalia conducted a public hearing and considered the General Plan Amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia.

**NOW, THEREFORE BE IT RESOLVED** that the City Council approves General Plan Amendment No. 2006-01, as shown in Exhibit A of this Resolution, based on the following findings:

2. That the amendment to increase the number of multi-family units allowed as a "Permitted" use from 11 to 40 units in the R-M zones is consistent with the Intent of the Housing Element Program 1.14, the Zoning Ordinance, and General Plan Policies related to residential development.
3. That the change will allow the development of multi-family projects up to 40 units as a permitted use in the R-M zones.
4. That the incorporation of Model Good Neighbor Policies will provide for the long term operation and management of multi-family residential developments in the R-M-zones, is consistent with the Intent of the Zoning Ordinance and General Plan Policies related to multi-family residential developments, and adoption of Model Good Neighbor Policies will provide enforceable standards for projects subject to Site Plan Review as well as projects that require discretionary review through the Conditional Use Permit process.
5. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2005-85)

## EXHIBIT A

General Plan Policies 4.1.19 and 4.1.20 of the Land Use Element are amended to increase the number of multi-family units allowed as a Permitted use in the RM (Multiple Family Residential) zones from 11 units to 40 units; and

General Plan Policy 4.1.22 is amended to read as follows:

4.1.22 Establish and adopt model Good Neighbor Policies for multi-family residential developments in the R-M zones that are subject to approval by the Site Plan Review Committee or the Planning Commission, to address their long term operation and management.



ORDINANCE NO. 2006-11

ZONING ORDINANCE TEXT AMENDMENT 2005-16, AMENDING SECTIONS 17.16.020(b) AND 17.16.040(J) TO ALLOW UP TO 40 MULTI-FAMILY DWELLING UNITS IN THE R-M ZONES AS A "PERMITTED" USE, AND OVER 40 UNITS AS A "CONDITIONAL" USE IN THE R-M ZONES, AND ADDING SECTION 17.16.190 INCORPORATING MODEL GOOD NEIGHBOR POLICY REGULATIONS TO MULTI-FAMILY PROJECTS IN THE R-M ZONES.

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

**Section 1:** The Planning Commission of the City of Visalia has recommended that the City Council amend Section No. 17.16.020(B) AND 17.16.040(J), to allow up to 40 multi-family dwelling units in the R-M zones as a "Permitted" use, and over 40 units as a "Conditional" use in the R-M zones, and adding section 17.16.190 incorporating model Good Neighbor Policy regulations to multi-family projects in the R-M zones as follows:

**17.16.190 Model Good Neighbor Policies.**

Before issuance of building permits, project proponents of multi-family residential developments in the R-M zones that are subject to approval by the Site Plan Review Committee or the Planning Commission, shall enter into an operational management plan (Plan), in a form approved by the City for the long term maintenance and management of the development. The Plan shall include but not be limited to: The maintenance of landscaping for the associated properties; the maintenance of private drives and open space parking; the maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages; enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and, enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission, and as may be amended by resolution. A statement referencing the applicability of the Plan to the project, and noting the Plan's availability at the City Community Development Department shall be recorded with the Tulare County Recorder. This Section shall be enforceable on a continuous basis pursuant to Chapter 17.46.