

Visalia City Council Agenda

For the regular meeting of: Monday, August 7, 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

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.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Public Comment on Work Session Items –

1. Annual update by the Parks & Recreation Foundation on Major Accomplishments and Goals for the Upcoming Year". Presentation by Thora Guthrie, Executive Director and Bruce McDermott, Board President
2. Presentation by Elena Brokaw, City of Ventura Community Services Director, regarding the benefits of and process involved in developing a community cultural arts plan.

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

ITEMS OF INTEREST

CLOSED SESSION

5:00 p.m. (Or, immediately following Work Session)

3. Conference with Real Property Negotiators
Property: 111 and 113 N.W. 5th St.; APN: 094-053-019 & 018
Under Negotiation: Price, terms conditions of purchase
Negotiators: Steve Salomon, Michael Olmos, Colleen Carlson, Jerry & Pamela Silva
4. Conference with Real Property Negotiators
Property: 101 N.W. 5th St.; APN: 094-053-023
Under Negotiation: Price, terms conditions of purchase
Negotiators: Steve Salomon, Michael Olmos, Colleen Carlson, Samuel L. Davis

5. Conference with Real Property Negotiators
Property: 1120 E. Tulare Ave.; APN: 097-160-012
Under Negotiation: Price, terms conditions of purchase
Negotiators: Steve Salomon, Michael Olmos, Colleen Carlson, Mike Fistolera
6. Item removed from agenda.
7. Conference with Real Property Negotiators
Property: 341 N. Lovers Lane at the intersection of Mill Creek and Loves Lane; APN 098-070-018
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, David Jacobs, Benjamin Pineda

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Larry Van Essen, First Christian Reformed Church

SPECIAL PRESENTATIONS/RECOGNITION

Presentation of Planning Implementation Award for the City of Visalia "East Downtown Strategic Plan" to the Visalia City Council by the American Planning Association (California Central Section).

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

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

8. **CONSENT CALENDAR** - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Item removed from agenda.

- c) Authorize staff to purchase approximately 385 personal computers (PCs) through the standardized PC replacement process and award the purchase to Dell Computer by piggybacking the Western States Contracting Alliance (WSCA) competitively bid agreement for \$450,000.
- d) Item removed from the agenda.
- e) Authorize the Transit Division to submit a grant application to the San Joaquin Valley Air Pollution Control District REMOVE II program in the amount of \$19,800 for a Transit Pass Subsidy program for the Visalia City Coach.
- f) Appointment of Alex Peltzer as City Attorney, Dan Dooley as Senior Legal Counsel and Leonard Herr as Assistant City Attorney; renewal of contract for two years as of July 1, 2006 through June 30, 2008.
- g) Acceptance of petitions and creation of Street Assessment District for Village West in preparation for future balloting process. **Resolution 2006-64 and 2006-65 required.**
- h) Authorize the acquisition of approximately 33.34 acres of property for the Santa Fe Street alignment from American Trails Association and Tulare Valley Railroad.
- i) Authorize staff to accept and initiate review of a draft Specific Plan for the Shannon Ranch West Commercial site located on the northeast corner of Demaree Street and Riggin Avenue.
- j) **Second Reading of the following Ordinance(s):**
 - 1. **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.)*
 - 2. **Ordinance 2006-09** Authorizing Sale of Real Property and Improvement at 120 W. Center Street.
 - 3. **Adopt Interim Ordinance 2006-10** establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area 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.)*
 - 4. **Ordinance 2006-11 Zoning Ordinance Text Amendment No. 2005-16:** to amend Sections 17.16.20 (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 all new multi-family residential development shall be subject to model Good Neighbor Policies to address their long term operation and management.
- k) Second amendment to the First Time Homebuyers' Assistance Program (HAP).
- l) Authorization to file a Notice of Completion for the following:
 - 1. Ashley Grove Units No 7 & 8, containing 84 lots, located on the east side of County Center Street between Ferguson and Riggin Avenues.

m) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation of* the final map(s) related thereto (if applicable):

1. Authorize the Recordation of the Final Map for The Country Club Phase 2, located at Houston Ave. and Country Center St. (134 lots) and the Annexation of The Country Club Phase 2 into Landscape and Lighting District No. 05-20, The Country Club; **Resolution 2006-66 and 2006-67 required.**
2. Authorize the Recordation of the Final Map for Ashley Grove No. 13, located at the northwest corner of Ferguson Avenue and Mooney Blvd. (118 lots) and the Annexation to Landscape and Lighting District No. 05-17, Ashley Grove No. 10-13 ; **Resolution 2006-68 and 2006-69 required.**
3. Authorize the Recordation of the Final Map for The Eagle Creek#2, located at the Northwest corner of Roeben Street and Doe Ave (97 lots) and the Annexation of Eagle Creek#2 into Landscape and Lighting District No. 05-12, Eagle Creek; **Resolution 2006-70 and 2006-71 required;** APN: 077-100-080.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, August 21, 2006

Monday, August 28, 2006 - Special Meeting, Visalia Convention Center

Monday, September 18, 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: August 7, 2006

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Annual presentation by Visalia Parks and Recreation Foundation

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 the Visalia Parks & Recreation Foundation regarding their accomplishments since 2004 and their plans for the next 12 months.

Summary/background: For many years, the City has had an outstanding working relationship with the Visalia Parks and Recreation Foundation.

The Foundations works to support the mission of the Visalia Parks & Recreation Department.

From time to time, the Foundation will provide the Council with a status report on their goals and accomplishments. The last time the Foundation made a presentation to the Council was in the Fall of 2004.

The City provides an annual cash contribution to the Foundation in the amount of \$30,000 (\$2,500 per month) and these funds are used to compensate the Executive Director of the Foundation. The Executive Director works 20 hours per week to support the goals of the Foundation Board.

The Foundation typically conducts monthly meetings which are attended by representatives of the City's Parks and Recreation Department. The Executive Director also meets with the Director of Parks and Recreation on a bi-weekly basis to discuss mutual areas of concern and to outline the current needs of the department.

This report includes an outline as provided by the Foundation on their past accomplishments and their upcoming plans.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Committee/Commission Review and Actions:

Attachments:

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: August 7, 2006

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Presentation by Elena Brokaw, City of Ventura Community Services Director, regarding the benefits of and process involved in developing a community cultural arts plan, and approval of recommendations to release an RFP for a cultural consultant and form a cultural plan working group.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Leslie Caviglia, 713-4317,
Vince Elizondo, 713-4367

Department Recommendation:

It is recommended that the Staff issue a Request for Proposal for a cultural consultant and come back to the council with a recommendation within the next 60 days.

In addition, staff recognizes that the process will include a significant amount of community input from a broad sector of the community, but that a smaller work group would be appropriate to assist the Council with the process. Staff is recommending that the work group be comprised of 5 members of the arts community, representing the diverse arts offerings in the community, appointed by the Visalia Arts Consortium; 5 members of the business community, one appointed by each of the following organizations: the Building Industry Association, the Visalia Economic Development Corporation, the Hispanic Chamber of Commerce, the Visalia Chamber of Commerce, and the Downtown Visalians; 3 City staff representatives, (Convention Center, Parks and Recreation and Community Development), a representative from the Fox Theatre, a representative from the Visalia Unified School District and 3 at-large community members who do not have a direct link with any particular arts organization. With Council's concurrence, staff will begin assembling the working group so it is in place once the consultant is selected.

Background:

As part of the budget process, the Council approved the development of a comprehensive cultural plan for the future that will outline how the community wants to promote, create and nurture the arts throughout the community.

To begin the process, staff has invited Elena Brokaw, the Ventura Community Services Director and a former cultural planning consultant, to make a presentation to the Council. She will explain what a cultural plan is, the impacts it can have on a community and how to best

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 min.

Review:

Dept. Head _____

Finance _____
City Atty _____
City Mgr _____

structure the process to ensure the community as a whole is heard and understood, and that the plan development is one that can realistically be implemented by the community at large.

At the Council's annual planning session, encouraging cultural arts throughout the community was one of the priority items the Council identified. There have been a number of successes in recent years. The Enchanted Playhouse, Arts Visalia, The Creative Center, The Ice House Theatre, the Fox Theatre, First Arts, and several other cultural groups have expanded and diversified Visalia's cultural environment. In looking at other Cities (Ventura, Austin Tx, Pasadena, etc.) that have been successful in promoting the arts, its obvious that their comprehensive approach through a well developed cultural arts plan has been a clear road map for their success and staff recommends that developing a Visalia Cultural Arts plan be the next investment the Council makes in the community's cultural evolution. It is recommended that the plan be the emphasis in the first year, (approximately \$40,000) with the remainder devoted to encouraging cultural arts events in the community. In future years, the funds would be used to support the goals and objectives identified in the plan.

The plan would be a comprehensive approach to supporting the arts throughout the community now and in the future. It would identify specific short and long term goals and detailed action plans to achieve those goals. It would likely set up a community committee to oversee the plan implementation, identify likely current organizations that would lay the foundation for enhancing and expanding the arts in our community. The plan development would be a participative process. While the process will be driven by the community, in looking at what others have accomplished, the plan would likely build upon our heritage and look to build upon that by assess our current strengths, identify future needs, recommend public and private funding options, develop strategies for integrating arts into the community, a public art program that could include murals, event development, arts education and mentoring, etc.. In addition, many plans also assess the impact that can be made on historic preservation, neighborhood revitalization, tourism, economic development and other more global type issues.

Summary/background:

Prior Council/Board Actions:

June, 2006 – Council approved \$40,000 to hire a consultant to develop the cultural plan
January, 2006 – Council asked staff to come back with recommendations for enhancing the arts in Visalia

Committee/Commission Review and Actions: N/A

Alternatives:

To not develop a cultural plan

Attachments:

The City of Ventura Cultural Plan

Recommended Motion (and Alternative Motions if expected):

I more to approve the release of an RFP for a cultural consultant and the formation of a working group to assist the consultant as recommended by staff.

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: August 7, 2006

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

Agenda Item Wording: Authorize staff to purchase approximately 385 personal computers (PCs) through the standardized PC replacement process and award the purchase to Dell Computer by piggybacking the Western States Contracting Alliance (WSCA) competitively bid agreement for \$450,000.

Deadline for Action: August 7, 2006

Submitting Department: Administrative Services, Information Services

Contact Name and Phone Number: Michael Allen x4515

Department Recommendation

Authorize staff to purchase approximately 385 personal computers (PCs) through the standardized PC replacement process and award the purchase to Dell Computer by piggybacking the Western States Contracting Alliance (WSCA) competitively bid agreement for \$450,000.

Summary/Background

Information Services (IS) manages the citywide replacement of technology equipment. Personal computers (PCs) are currently on a four-year replacement cycle (the existing PCs are about four-and-a-half years old right now). This replacement cycle allows for current equipment and standardized software on all city computers, helping to simplify various support issues. As part of the 2005/06 budget, CIP item 5111-720000-0-0-9799 set aside up to \$750,000 from the replacement fund for new PCs and Microsoft software licensing.

Approximately 365 PCs have been identified as replacement candidates, IS anticipates another 20 or so PCs will be needed due to staff hiring approvals given in the 2006/07 budget. These PCs will be replaced over a period of 6 to 8 weeks this fall. A recent computer inventory shows about 264 desktops, 57 workstations, and 44 laptops are due to be replaced. A final inventory is currently being conducted. Based on current WSCA pricing, the total cost of this project should be less than \$450,000.

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 EF 7/24
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.

Disposal of existing equipment will be handled through the Tulare County Purchasing co-op store and an auction service currently used by City Purchasing. All equipment hard disks will be "wiped-clean" before sale.

Justification for Dell Computer Purchase

All of the existing City desktop hardware is from Dell Computer. This standardized equipment has held up well and warranty services have been good. Information Services would like to continue this good working relationship while purchasing from a top-tier PC supplier in Dell. Several existing contracts exist with Dell that may be utilized – CMAS and WSCA, for example. For all of these reasons, staff recommends awarding the purchase to Dell and piggybacking these previously bid competitive processes.

Funding for this program/project is CIP 5111-720000-0-0-9799 (approved for 2006). This is the Technology Replacement Fund.

Prior Council/Board Actions:

At the prior PC replacement project (2002), Dell PCs were purchased off of the WSCA pricing. Funding is through 5111 Information Technology replacement fund.

CIP project 5111-720000-0-0-9799 was approved for 2005/06 for \$750,000.

Committee/Commission Review and Actions:

Alternatives:

Attachments: None

Recommended Motion (and Alternative Motions if expected):

I move to authorize staff to purchase PCs through Dell Computer by piggybacking the WSCA competitive process for the 2006 PC Replacement Program.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 7, 2006

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

Agenda Item Wording: Authorize the Transit Division to submit a grant application to the San Joaquin Valley Air Pollution Control District REMOVE II program in the amount of \$19,800 for a Transit Pass Subsidy program for the Visalia City Coach.

Deadline for Action: August 7, 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 Transit Division to submit a grant application to the San Joaquin Valley Air Pollution Control District REMOVE II program in the amount of \$19,800 to finance a Transit Pass Subsidy program for the Visalia City Coach.

Summary/background:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has released a Request for Proposals for REMOVE II (REduce MOrtor Vehicle Emissions) Program projects. The Transit Division requests authorization to submit an application to fund \$19,800 for a Transit Pass Subsidy program for the Visalia City Coach.

The Transit Pass subsidy grant will be used to offer new bus pass purchasers that sign up for the program a discount for up to six monthly bus passes. The purpose for the subsidy is to increase the number of bus riders in the City of Visalia. This will result in the elimination of emissions generated from the automobiles that would be driven if those choosing to ride the bus chose to drive instead.

The REMOVE program provides an opportunity on a regular basis to apply for funds for projects that reduce air pollution. They have various categories of projects. The proposed project qualifies under the subsidy to new transit riders category.

Since the goal of the REMOVE program is to reduce pollution, only projects that fund subsidies to new riders will score high enough to be awarded. The subsidy will be distributed through an application and verification process. Currently the City offers a 31-Day Pass for \$30. If awarded, this grant will allow us to reduce the cost of the monthly bus pass for new riders to

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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\$15, which is half of the cost of a 31-Day Pass. This grant will provide subsidies for up to 1320 passes. We used a similar program the last two years and limited new riders to 6 passes at the reduced rate. There were a total of 360 new riders and 1100 passes sold in the last grant. If we use similar guidelines, and limit new riders to 6 passes at the reduced rate, the grant will attract 220-300 new bus riders.

Between fiscal years 1999 and 2004 bus ridership declined. In the last two years, we have implemented several changes, including the monthly REMOVE discount pass, service to Farmersville, Exeter, extended evening hours, Sunday service, and the improved reliability with MV. As a result, ridership has increased significantly. It is our goal to continue to attract new riders by reducing the monthly pass and other incentives.

There is no match required for this grant.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: The Transit Advisory Committee recommends Council authorize the application for and acceptance of these funds for this project.

Alternatives: Do not apply for these funds.

Attachments: None.

Recommended Motion (and Alternative Motions if expected):

That the City Council authorize the Transit Division to submit a grant application to the San Joaquin Valley Air Pollution Control District REMOVE II program in the amount of \$19,8000 to finance a Transit Pass Subsidy program for Visalia City Coach.

Environmental Assessment Status

CEQA Review: not required

NEPA Review: N/A

Tracking Information:

Copies of this report have been provided to:

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: August 7, 2006

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

Agenda Item Wording: Appointment of City Attorney; renewal of contract

Deadline for Action: August 7, 2006

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, x4474

Department Recommendation: That the City Council:

- 1) Appoint Alex Peltzer as the City's Attorney with Dan Dooley as Senior Legal Counsel and Leonard Herr as Assistant City Attorney; and,
- 2) Amend and extend the legal agreement with Dooley, Herr and Peltzer for two years with a retainer fee of \$20,000 per month for in-scope legal services and \$150 an hour for attorney services and \$100 for para-professional services for out-of-scope work.

Summary/background:

The City's attorney contract expired as of June 30, 2006. Staff recommends that the contract be revised to reflect current conditions and be revised as appropriate.

Dan Dooley currently serves as the City's Attorney with Alex Peltzer as Assistant City Attorney. Mr. Dooley is in the process of relocating his permanent residence to Sacramento and will open an office of the Dooley, Herr and Peltzer law firm in that city. At the same time, he will be available and in Visalia probably several days a week.

Article VII of the City's Charter states the following:

Section 1. The City Attorney shall be a qualified elector of the City at the time of his appointment, and shall be an attorney and counselor-at-law, duly admitted to practice law in the State of California. He shall have been actually engaged in the practice of his profession in this State for a period of at least three years next before his appointment.

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.

Because Mr. Dooley will no longer be a resident nor an elector of the City of Visalia, staff recommends a change in City Attorney appointment, appointing Alex Peltzer as City Attorney, Leonard Herr as Assistant City Attorney and Dan Dooley as Senior Legal Counsel.

In addition, the law firm has requested a change in compensation. The proposal is two fold: 1) increase the base hours for in-scope services; and, 2) increase the hourly rate. The current base fee for in-scope services provides for the following services at a monthly fee of \$17,500:

- (a) The provision of "Basic Services" which shall include, but not be limited to, all of the following:
 - (i) DH&P, through the City Attorney or, in his absence, the Senior Counsel or Assistant City Attorney, shall attend all regular meetings, and special meetings as needed, of the City Council and, upon request, the City Planning Commission. The attorney's duties in this connection shall be to render advice and opinions with respect to all legal matters which arise during any such meeting;
 - (ii) DH&P shall be available for consultation with Council members and City staff as needed;
 - (iii) DH&P, through the City Attorney, Senior Counsel or Assistant City Attorney shall also attend meetings of other boards, commissions, committees, and staff of the City, when requested to do so by the City Council or the City Manager.
 - (iv) DH&P shall review and/or prepare ordinances, resolutions, orders, contracts, agreements, forms, notices, declarations, certificates, deeds, leases, and other documents required by the City;
 - (v) DH&P shall conduct legal work pertaining to property acquisition, property disposal, public improvements, public rights of way and easements, and matters relating to public utilities;
 - (vi) Unless otherwise directed by the City Council, DH&P shall manage the work of outside counsels as needed and directed by the City Council and City Manager;
 - (vii) DH&P shall provide the City Council and City Manager with twice monthly written updates on the status and progress of all City directed work;
 - (viii) DH&P shall conduct research and prepare and follow through in matters involving litigation or threatened litigation, prosecution of municipal code violations, collection of performance bonds, and pursuing litigation to collect damages due the City. Except for the conduct of litigation specified in this paragraph, all other litigation conducted on the City's behalf shall not be considered as a "Basic Service"; and
 - (ix) DH&P shall provide advice and counsel to the City on personnel and employment issues.

Recently, the City has made the decision to have legal counsel at all planning commission meetings. Further, the City has tended to increase its demand for in-scope services. As a result, the law firm recommends that the in-scope services portion be increased by \$2,500 a month. This change would represent approximately 20 hours more a month in legal services at an average cost of \$125. The lower than average out of scope rate reflects the discount offered by the law firm for set, known work.

Finally, Table I, Comparison of Rates, discloses the proposed change in fees and their cost increases. Although the paraprofessional rate is proposed to increase by 3.36%, very few hours are billed at that rate. Rather, almost 96% of all the hours billed the City are for attorney hours.

Table I				
Comparison of Rates				
	Attorney	Change	Paraprofessional	Change
Current Rate	147.70		96.75	
Proposed Rate	150.00	1.56%	100.00	3.36%
New Customer Rate	200.00		150.00	

For comparison purposes, the total fees by the City of Visalia for this last 12 months to the City's law firm were \$210,600 for in-scope services and \$481,649.22 for out-of-scope services.

Prior Council/Board Actions: Approval of City Attorney Contract dated Sept. 9, 2004.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

- 1) Appoint Alex Peltzer as the City's Attorney with Dan Dooley as Senior Legal Counsel and Leonard Herr as Assistant City Attorney; and,
- 2) Amend and extend the legal agreement with Dooley, Herr and Peltzer for two years as of July 1, 2006 with a retainer fee of \$20,000 per month for in-scope legal services and \$150 an hour for attorney services and \$100 for para-professional services for out-of-scope work.

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 and Restated
LEGAL SERVICES AGREEMENT**

THIS Amended and Restated PROFESSIONAL SERVICES AGREEMENT is made and entered into this ___ day of August, 2006, by and between the CITY OF VISALIA (hereinafter referred to as the "City"), and DOOLEY, HERR & PELTZER, LLP (hereinafter referred to as "DH&P") and amends and restates the Legal Services Agreement between the parties dated September 7, 2004.

RECITALS

WHEREAS, the City seeks legal counsel concerning issues of general municipal law and other issues related to the operation of the City; and

WHEREAS, Article IV, Section 1 of the City's Charter requires the appointment of a City Attorney. Article IV, Section 5 provides that the City Council shall appoint the City Attorney; and

WHEREAS, DH&P has considerable experience representing public agencies and is willing, qualified and duly licensed to provide legal services to City as City Attorney under this contract as an independent contractor, subject to the terms and conditions herein stated; and

WHEREAS, the City has determined that DH&P is qualified by training and experience to render such services, and DH&P has agreed to provide such services; and

WHEREAS, the public interest will be served by this Agreement;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. SCOPE OF SERVICES.

City hires DH&P to provide legal services as City Attorney to the City. DH&P shall be the exclusive provider of "Basic Services" described herein and may be used by the City to provide "Special Services". Duties shall include:

(b) The provision of "Basic Services" which shall include, but not be limited to, all of the following;

(x) DH&P, through the City Attorney or, in his absence, the Senior Counsel or Assistant City Attorney, shall attend all regular meetings, and special meetings as needed, of the City Council and, upon request, the City Planning Commission. The attorney's duties in this connection shall be to render advice and opinions with respect to all legal matters which arise during any such meeting;

- (xi) DH&P shall be available for consultation with Council members and City staff as needed;
- (xii) DH&P, through the City Attorney, Senior Counsel or Assistant City Attorney shall also attend meetings of other boards, commissions, committees, and staff of the City, when requested to do so by the City Council or the City Manager.
- (xiii) DH&P shall review and/or prepare ordinances, resolutions, orders, contracts, agreements, forms, notices, declarations, certificates, deeds, leases, and other documents required by the City;
- (xiv) DH&P shall conduct legal work pertaining to property acquisition, property disposal, public improvements, public rights of way and easements, and matters relating to public utilities;
- (xv) Unless otherwise directed by the City Council, DH&P shall manage the work of outside counsels as needed and directed by the City Council and City Manager;
- (xvi) DH&P shall provide the City Council and City Manager with twice monthly written updates on the status and progress of all City directed work;
- (xvii) DH&P shall conduct research and prepare and follow through in matters involving litigation or threatened litigation, prosecution of municipal code violations, collection of performance bonds, and pursuing litigation to collect damages due the City. Except for the conduct of litigation specified in this paragraph, all other litigation conducted on the City's behalf shall not be considered as a "Basic Service"; and
- (xviii) DH&P shall provide advice and counsel to the City on personnel and employment issues.

(b) The provision of "Special Services" which shall be assigned by the City Council or City Manager and which shall include, but not be limited to, claims and litigation related to employment and personnel issues, the California Environmental Quality Act, general planning statutes of the State of California, general liability and the City's power of condemnation. DH&P will provide such special services except in those instances where DH&P and the City Manager determine that other counsel is required to meet the needs of the City. Among other things, Special Services shall include:

- (i) review and management of all claims for damages submitted against the City and representation of the City in all litigation arising therefrom;

- (ii) representation of the City in all personnel claims and proceedings not otherwise provided for in basic services;
- (iii) comprehensive review and revision of the City's personnel policies and procedures at the direction of the City Manager;
- (iv) representation of the City, at the direction of the City Manager, in labor negotiations; and
- (v) representation of the City in all other litigation.

2. APPOINTMENT – CITY ATTORNEY AND ASSISTANTS.

City, by and through its City Council, does hereby appoint Alex M. Peltzer as City Attorney as provided in the City's Charter. As specified in the Charter, Mr. Peltzer shall serve solely at the pleasure of the City Council. The appointment of Mr. Peltzer as City Attorney shall remain in effect during the term of this Agreement. The City Council may terminate the appointment, with or without cause as specified in paragraph 15 of this Agreement.

In recognition of the fact that Daniel M. Dooley previously held the office of City Attorney and is still a partner in DH&P and will therefore continue to be available for consultation and advice in the provision by DH&P of legal services to the City, the City appoints Mr. Dooley as Senior Counsel to the City of Visalia. Further, in recognition of the fact that there may be occasions when the City Attorney or Senior Counsel is unavailable and to facilitate efficient provision of legal services, the City appoints Leonard C. Herr as Assistant City Attorney. The City Attorney shall not miss two or more consecutive meetings of the City Council without prior approval of the City Manager.

The City Attorney may not, without the consent of the City Council, designate other attorneys in DH&P to serve as an Assistant City Attorney.

3. COMPENSATION AND METHOD OF PAYMENT.

- (a) City agrees to pay DH&P TWENTY THOUSAND DOLLARS (\$20,000.00) per month for the provision of all "Basic Services" for the period beginning July 1, 2006 through June 30, 2008.
- (b) City agrees to pay DH&P ONE HUNDRED AND FIFTY DOLLARS (\$150) per hour for all attorney time and ONE HUNDRED DOLLARS (\$100) per hour for all paraprofessional time for the provision of all "Special Services" for the period beginning July 1, 2006 through June 30, 2008. For the purposes of this Agreement, paraprofessionals shall be defined solely as law clerks and paralegals.
- (c) DH&P will not charge the City of Visalia for any copy, facsimile, postage, local courier or telephone charges. DH&P will charge for out of pocket expenses associated with litigation (filing, expert witness, court reporters

and copying of documents in response to discovery requests), conference registration (registration fees for conferences related to continuing education will not be charged to the City), and travel expenses related to out of town business.

- (d) DH&P will bill the City on a monthly basis with itemization and detail sufficient to meet City's accounting needs. DH&P and City will specify detail necessary for accounting purposes prior to the commencement of legal services pursuant to this agreement.
- (e) City will pay all bills as required by this Agreement within THIRTY (30) days of receipt. If the City does not comply with these requirements, DH&P may terminate this Agreement upon written notice to the City.

4. TERM.

Unless otherwise terminated as provided herein, this Agreement shall commence on July 1, 2006, and shall extend through June 30, 2008 and may be extended by mutual agreement of the City and DH&P.

5. PERFORMANCE REVIEW.

On or about June 1, 2007, and annually thereafter, the City Council shall audit and review the performance and legal fees of DH&P and its members or associates in furnishing the services provided hereunder, and the compensation provisions hereof. The parties may agree to changes or amendments hereto, including, but not necessarily limited to, changes in compensation provisions, which changes or amendments shall be evidenced by written amendment or by minute order evidencing motion duly made and carried by the City Council. Nothing in this paragraph shall be deemed to prevent or inhibit more frequent review of performance, compensation, or other matters relating to this Agreement or otherwise inhibit the free and candid exchange of views between the parties hereto, to the end that the legal interests of City shall best be served and DH&P shall fairly be compensated for legal services rendered.

6. TECHNOLOGY COMPATIBILITY.

DH&P shall take all reasonable steps to ensure that computer technology (both hardware and software) is compatible with systems utilized by the City. Additionally, DH&P shall cooperate with City to integrate telephone communications with the system utilized by the City.

7. NO PERSONAL LIABILITY.

No member, official or employee of the City shall be personally liable to DH&P or any successor in interest in the event of any default or breach by the City or for any amount which may become due to DH&P or successor or on any obligation under the terms of this Agreement.

8. ASSIGNMENT OF AGREEMENT.

DH&P shall not assign or transfer any interest in, nor delegate any duties thereof in this Agreement. Any assignment or delegation without express written consent of the City shall be void.

9. RESPONSIBILITY OF DH&P.

DH&P shall take and assume all responsibility for the services rendered in connection with this Agreement. DH&P shall render its services in accordance with the standard of care required of a competent practitioner engaged in a similar practice of law. Mr. Dooley shall be responsible for ensuring that DH&P provides the highest quality legal services.

DH&P agrees to provide conscientious, competent and diligent services and at all times will seek to achieve solutions, which are just and reasonable for the City. However, because of the uncertainty of legal proceedings, the interpretation and changes in the law and many unknown factors, DH&P cannot and does not warrant, predict or guarantee results or the final outcome of any case or matter.

10. INDEPENDENT CONTRACTOR.

DH&P hereby declares that it is engaged in an independent business and agrees to perform said services as an independent contractor and not as the agent or employee of the City. DH&P agrees to be solely responsible for its own matters relating to payment of employees, including compliance with Social Security, withholding and all other regulations governing such matters. DH&P agrees to be solely responsible for its own acts and those of its subordinates and employees during the life of this Agreement.

11. INSURANCE.

(a) DH&P shall have and maintain in full force and effect the insurance policies set forth in Attachment A, which is attached hereto and incorporated herein. All policies, certificates or binders shall be subject to approval by the City as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the City Manager. DH&P shall provide the City with a copy of said policies, certificates prior to commencing work under this Agreement.

(b) Thirty (30) days prior written notice of cancellation shall be given to the City in the event of expiration, cancellation or reduction in coverage of any nature. Such notice shall be sent to:

City Manager
City of Visalia
Visalia, California 93291

(c) Proof of Coverage: Copies of the required certificates of insurance, which shall be provided by DH&P insurance company as evidence of the stipulated coverages. This Proof of Insurance shall then be mailed to:

City Manager

12. CONFLICTS OF INTEREST.

DH&P declares it has no holdings or interests within the City of Visalia, which preclude it from serving as City Attorney. Further, DH&P declares that it has disclosed its list of clients to the City Manager. DH&P has no business holdings or agreements with any official or other representatives of the City of Visalia.

13. CONFIDENTIALITY.

To the extent permitted by law, all the reports, information, data or other materials prepared or assembled by DH&P under this Agreement, including DH&P's opinion and conclusions based upon such items, are confidential. DH&P agrees that such reports, information, opinions or conclusions shall not be made available to or discussed with any individual or organization, including the news media, without the prior written approval of the City.

14. TERMINATION.

(a) This Agreement may be terminated, with or without cause, in writing by the City for its convenience, provided that no such termination may be affected unless DH&P is given not less than thirty (30) days written notice (delivered by certified mail, return receipt requested) of the intent to terminate.

(b) Any termination shall provide for payment to DH&P for services rendered and expenses incurred prior to the termination.

(c) Upon receipt of a termination notice DH&P shall (1) promptly discontinue all services affected (unless the notice directs otherwise) and (2) deliver to the City all records, reports, and files of the City.

(d) Upon termination, the City may take over the work and prosecute the same to completion by agreement with another party or otherwise.

(e) The rights and remedies of the City and DH&P provided in this clause are in addition to any other rights and remedies provided by law or under this Agreement.

15. FILE RETENTION AND DESTRUCTION.

DH&P shall safely maintain and store all files, records and other materials acquired in the course of its representation of the City. No files will be destroyed without the consent of the City.

16. NONDISCRIMINATION.

In connection with the execution of this Agreement, DH&P shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin.

17. ENTIRE AGREEMENT.

This Agreement represents the entire agreement between the parties and supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof; and no other agreement, statement, or promise relating to the subject matter of this Agreement not contained herein shall be valid or binding.

18. INTERPRETATION OF AGREEMENT.

This Agreement shall be construed and interpreted both as to validity and performance of the parties in accordance with the laws of the State of California.

19. SUCCESSORS AND ASSIGNS.

Subject to the provision of this Agreement regarding assignment, this Agreement shall be binding on the heirs, executors, administrators, successors, and assigns of the respective parties.

IN WITNESS WHEREOF, the City and DH&P have executed this Agreement this ___ day of July 2006.

CITY OF VISALIA

DOOLEY HERR & PELTZER, LLP

By: _____
Steve Salomon, City Manager

By: _____
Alex M. Peltzer

Attest

By: _____
Deputy City Clerk

ATTACHMENT A

INSURANCE

INSURANCE REQUIREMENTS:

DH&P, at DH&P's sole cost and expense and for the full term of this Agreement or any renewal thereof shall obtain and maintain at least all of the following minimum insurance requirements prior to commencing any work or receiving payments therefor under this Agreement:

(a) A COMPREHENSIVE GENERAL LIABILITY policy with a minimum limit of not less than ONE MILLION DOLLARS (\$1,000,000.00) combined single limit for personal injury, bodily injury, and property damage.

(b) A WORKERS COMPENSATION AND EMPLOYERS LIABILITY policy written in accordance with the Labor Code of the State of California and Employers Liability limits of \$1,000,000.00 per accident. The insurer shall agree to waive all rights of subrogation against the Agency, its officials, employees, and agents for losses arising from work performed by the contractor for the Agency.

(c) A PROFESSIONAL LIABILITY ERRORS AND OMISSIONS policy in an amount not less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) per claim, ONE MILLION DOLLARS (\$1,000,000.00) aggregate. If this policy should contain a deductible clause, it shall not be greater than TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) per occurrence.

(d) AUTOMOTIVE INSURANCE. The attorneys at DH&P agree to keep in good standing valid California driver's licenses at all times during the term of this Agreement. DH&P shall also obtain, and keep in force during the term hereof, a policy of motor vehicle public liability insurance which shall afford not less than the following amounts of coverage: ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) each occurrence; property damage liability, TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) each occurrence.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 7, 2006

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

Agenda Item Wording: Acceptance of petitions and creation of Street Assessment District for Village West in preparation for future balloting process. **Resolution 2006-64 and 2006-65 required.**

Deadline for Action: None

Submitting Department: Administrative Services Director

Contact Name and Phone Number: Eric Frost, x4474; Kari Blofsky, x4298

Department Recommendation: That the City Council does the following:

- 1) Accept a certificate of sufficiency from the City Clerk that more than 60% of the homeowners of Village West have petitioned to form a Street Assessment District;
- 2) Adopt a resolution of intention of provide a loan and cause the construction of road improvements to Village West; and,
- 3) Adopt a resolution appointing a bond counsel and approving a legal services agreement.

Summary/background:

Village West is a subdivision built in the early 1970s with a private street, accessible to the public. The subdivision is located to the Northeast of the Walnut and Demaree intersection. The subdivision's private street, Royal Oaks Drive, provides a loop to the local residents. The City's street, also Royal Oaks Drive, intersects the loop as shown on Picture I, Village West Aerial Map. (The aerial map marks the private road as Royal Oaks. This street is Royal Oaks Drive; the intersecting private street is also called Royal Oaks Drive.) The private street was not built to City standards nor was the street ever accepted by the City. However, the street is open to the public.

Over time, the street has deteriorated to the point it needs to be substantially improved. The residents of the subdivision approached the City, asking for assistance to repave their street. The homeowners' major problem is that a number of the homeowners are on fixed incomes and would find a \$2,000 assessment difficult to pay. Essentially, the homeowners asked if there was some way to have the City finance the project.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

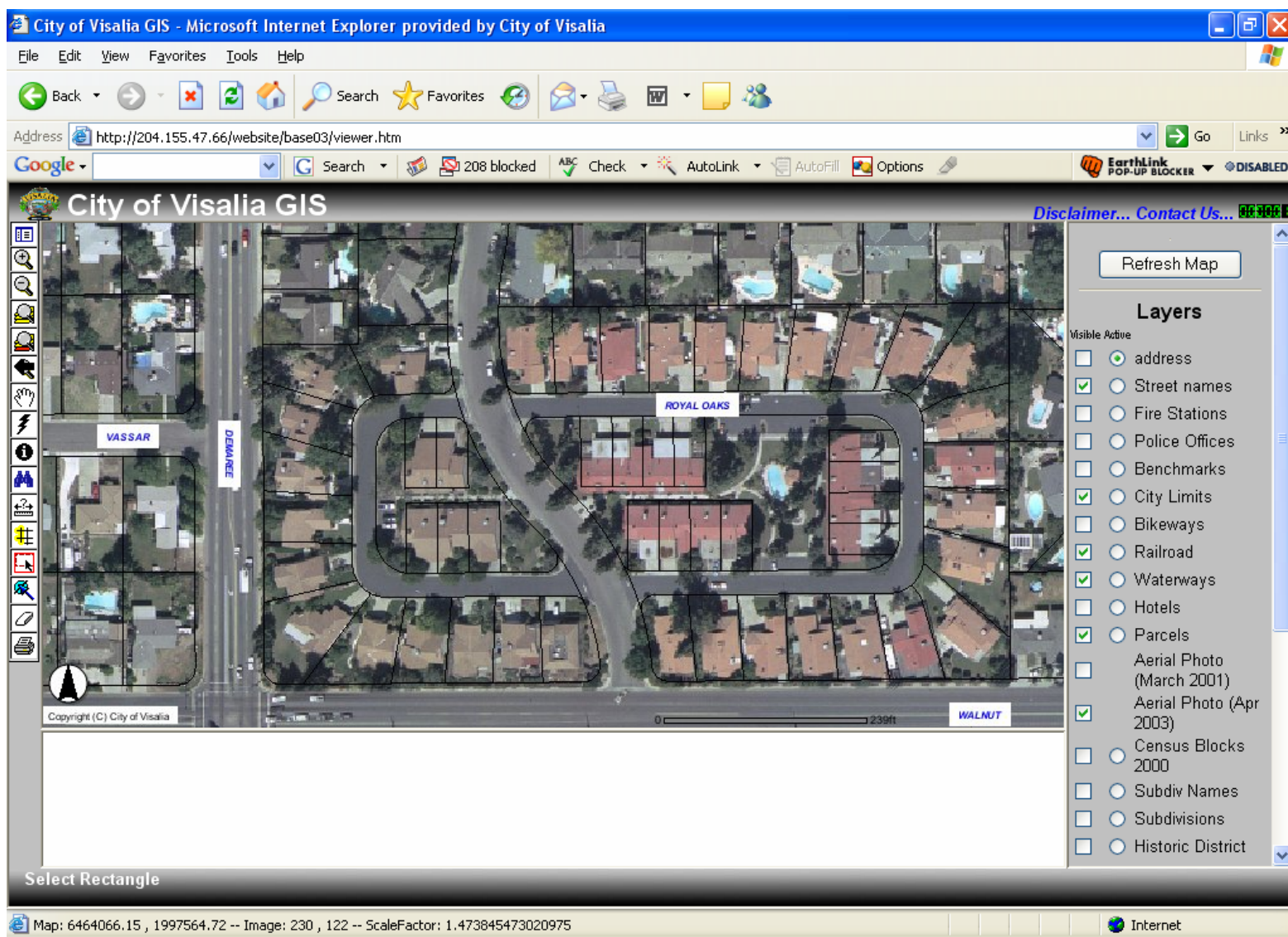
Dept. Head ef 7/17
(Initials & date required)

Finance x
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.

Picture 1
Village West Aerial Map



The project qualifies under the laws which govern street assessments. In other words, the City could form an assessment district if petitioned by at least 60% of the property owners.

To assist the homeowners in this process, the City prepared the preliminary petition including the district boundaries and scope of work without cost to the homeowners. The homeowners circulated the petition and presented the petitions to the City Clerk in sufficient numbers to qualify for the creation of a special assessment district. To proceed forward, the City will need to develop a ballot to be sent to each of the property owners. Each assessment, if charged equally to each property owner, would have equal weight; one assessment is equal to one vote.

The City would then schedule a public hearing to receive the votes. If the assessment is approved, the City would prepare for sale an assessment bond. The assessment bond would be levied against each home in the district. For planning purposes, Administrative Services has created an assessment district budget as shown below.

Village West Street Bonds		
	Tax Exempt	
	Sell Bonds	City Buys Bonds
Homes:	50	50
Term:	15	15
Rate:	6%	6%
Annual Assessment		
- Total District	15,444	12,870
- Per Lot	309	257
<u>Project Cost</u>		
Project	108,000	108,000
Legal	10,000	10,000
City Engineering	5,000	5,000
Underwriter	25,000	
Contingency	2,000	2,000
	150,000	125,000

The actual project hopefully will cost less and assessments will be reduced. However, if costs are higher, then additional approvals by the property owners would be required. As a result, a very conservative budget has been prepared. Further, no legal costs will be incurred unless the residents approve a balloted assessment. Also, notice that the project is significantly less if the City were to purchase the bonds.

Administrative Services recommends that the Council express its intent to purchase the Assessment Bonds to place in its idle cash portfolio. By so doing, the City saves the homeowners the cost of underwriting while also earning the City an attractive interest rate secured by the property in Village West. Recently, such bonds have sold at interest rates well above 6%.

The cost savings is achieved by having the City purchase the assessment bonds. As a result, the debt issue does not have to employ an underwriter and prepare an official statement about the use of the bonds, something that can become expensive, especially for small debt issues such as this proposed assessment.

After bond sale, the City would conduct a public bid and manage the construction project. Thereafter, the assessment would be added to each homeowner's property tax bill for the next 15 years. The interest rate would be set according to interest rate market conditions.

Then to recap:

- The homeowners have obtained petitions to form the district from 41 of the 50 property owners (82%), more than sufficient to pass the ballot proposed to be on a one assessment one vote basis.
- The homeowners have approved a \$6 per month street maintenance fee in order to replace the street in the future.
- Administrative Services recommends to the City Council that the City purchase the assessment bonds directly, saving the homeowners an underwriting fee and adding a viable investment to the City's portfolio.
- If the district is formed and an assessment approved, the City will conduct a public bid and manage the project.

- For those that prefer to pay for the assessment in cash before the sale of the bond in order to avoid interest costs, a cash payment period will be provided.
- The County will levy an annual property tax assessment against each of the properties.

Throughout this process to date, City staff has worked with Robert M. Haight, Attorney at Law from Scotts Valley. Eric Frost, the Administrative Services Director, has worked with Mr. Haight on a number of street assessments with Mr. Frost's previous employer and recommends Mr. Haight's work. Mr. Haight charges no fees unless the assessment is approved. Mr. Haight's fee is \$10,000 plus up to \$500 for expenses.

Actions tonight

The proposed actions tonight are to 1) accept the certificate of sufficiency from the City Clerk, authorizing the formation of the district, 2) adopt a resolution expressing the Council's intention to provide a loan to pay for improvement in Village West, and 3) approve an agreement for legal services with Robert Haight, Attorney At Law, specializing in street assessment districts.

Further actions are outlined on Attachment #1, Assessment District Financing Timetable. These additional actions will be coming back to Council if Council directs the City to proceed ahead.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: 1) To not purchase the proposed street assessment bonds and have an underwriter sell the securities.

Attachments: Attachment #1, Assessment District Financing Timetable

<p>Recommended Motion (and Alternative Motions if expected):</p> <p>1) Accept a certificate of sufficiency from the City Clerk that more than 60% of the homeowners of Village West have petitioned to form a Street Assessment District;</p> <p>2) Adopt a resolution of intention of provide a loan and cause the construction of road improvements to Village West; Resolution 2006-64 and,</p> <p>3) Adopt a resolution appointing a bond counsel and approving a legal services agreement; Resolution 2006-65.</p>
--

<p style="text-align: center;"><i>Environmental Assessment Status</i></p> <p>CEQA Review:</p> <p>NEPA Review:</p>
--

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:

CERTIFICATE OF SUFFICIENCY

2006-1 VILLAGE WEST IMPROVEMENT PROJECT

I, Roxanne Yoder, Chief Deputy City Clerk of the City of Visalia, hereby certify that I have checked the Petition for the Construction of Improvements by Special Assessment and Assessment Bond Acts and Waiver of Proceedings and Limitations Under Division 4 of the Streets and Highways Code filed with me on May 31, 2006, and find that said Petition was signed by owners of not less than sixty percent (60%) in area of assessable land in the proposed assessment district, as shown by the last equalized assessment roll used by the City.

DATED: July 24, 2006

Roxanne Yoder
Chief Deputy City Clerk

RESOLUTION 2006-64

**A RESOLUTION OF THE CITY OF VISALIA OF INTENTION
TO PROVIDE A LOAN AND CAUSE THE CONSTRUCTION OF IMPROVEMENTS
PURSUANT TO THE STREETS AND HIGHWAYS CODE**

2006-1 VILLAGE WEST IMPROVEMENT PROJECT

RESOLVED, by the City Council of the City of Visalia, California, that in its opinion the public interest and convenience require and that it is the intention of said Council to approve a loan to the Village West Homeowners' Association (the "Association") and cause the construction of improvements as set forth in Exhibit A attached hereto and incorporated herein by reference.

1. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersection of the public ways referred to are included to the extent that work shall be shown on the plans herein referred to.

2. Said streets and highways are more particularly shown on the records in the Office of the County Recorder of Tulare County, California, and are shown upon the plans herein referred to and to be filed with the City Clerk of the City of Visalia.

3. All of said work and improvements shall be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations as shown and delineated upon the plans, profiles, and specifications.

4. There is to be excepted from the work herein described any of such work already done to line and grade and marked "excepted" or shown "not to be done" on said plans, profiles, and specifications.

5. The description of the improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work, and maps and descriptions, to be contained in the Engineer's Report, shall be controlling as to the correct and detailed description thereof.

6. Said improvements, in the opinion of said Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon the proposed 2006-1 Village West Improvement Project (the "Assessment District"), the exterior boundaries of which Assessment District is the composite and consolidated area as more particularly shown on a map substantially labeled "Boundary Map 2006-1 Village West Improvement Project" prepared by or for the City Engineer and on file in the Office of the City Clerk, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the proposed Assessment District and shall govern for all details as to the extent of the Assessment District.

7. Notice is hereby given that the City will advance and loan to the Association, subject to reimbursement, the costs of the improvements and incidental expenses which will be represented by unpaid assessments, and bear interest at a current tax-exempt rate for a 15-year loan, payable semiannually, and shall be levied pursuant to Division 10 of the California Streets and Highways Code, the Improvement Bond Act of 1915 (the "Act"), and that the applicable provisions of Part 11.1 of the said Act, providing an alternative procedure for the advance payment of assessments shall apply. The last installment of such assessments shall mature not to exceed fifteen (15) years from the second day of September next succeeding twelve (12) months from their date.

8. Said Council finds and declares that no special reserve fund shall be required.

9. Said Council hereby covenants that it may, within one hundred fifty (150) days following the due date of any delinquent installment of assessments, commence and thereafter diligently prosecute to completion a foreclosure action regarding such delinquent installment of assessment against parcels with delinquent assessments in excess of \$1,000 by the October 1 following the close of each Fiscal Year in which assessments were due. Notwithstanding the foregoing, the City, in its sole discretion, may elect to defer foreclosure proceedings on any parcel.

10. Except as herein otherwise provided for the levy of assessments, all of said improvements shall be done pursuant to the provisions of the Municipal Improvement Act of 1913, being Division 12 of the California Streets and Highway Code.

11. Said improvements are hereby referred to the City Engineer, being a competent person employed by the Council for that purpose and said City Engineer is hereby directed to make and file, or cause to be filed, with the City Clerk a report pursuant to the Municipal Improvement Act of 1913, setting forth the following:

- (a) Plans and specifications of the proposed improvements to be constructed and installed. The plans and specifications need not be detailed and are sufficient if they show or describe the general nature, location, and extent of the improvements;
- (b) An estimate of the cost of the improvements and of the cost incidental expenses in connection with the improvements;
- (c) A diagram showing, as they existed at the time of adoption of this Resolution, the exterior boundaries of the Assessment District and the lines and dimensions of each parcel of land within the Assessment District. Each subdivision, including each separate condominium interest as defined in Section 783 of the California Civil Code, shall be given a separate number upon the diagram. The diagram may refer to the County Assessor's maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels;
- (d) A proposed assessment of the total amount of the cost and expenses of the proposed improvements upon each subdivision of real property in the Assessment District in proportion to the estimated benefits to be received by

those subdivisions, respectively, from the improvements. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to paragraph (c) above; and

- (e) A proposed maximum and annual assessment upon each of the several subdivisions of land in the Assessment District to pay costs incurred by the City and not otherwise reimbursed which result from the administration and collection of assessments.

12. When any portion or percentage of the costs and expenses of the improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of the improvements, and the assessment upon property proposed in the report shall include only the remainder of the estimated costs and expenses.

13. If any excess shall be realized from the assessment it shall be used, in such amounts as the Council may determine, in accordance with the provisions of law to reimburse the City for any contributions or advances to or for the Assessment District.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Council of the City of Visalia, held on the ____ day of _____ 2006, by Council Member _____, who moved its adoption, which motion being duly seconded by Council Member _____, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCIL MEMBERS
NOES: COUNCIL MEMBERS
ABSENT: COUNCIL MEMBERS

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION 2006-65

A RESOLUTION OF THE CITY OF VISALIA APPOINTING BOND COUNSEL AND APPROVING AGREEMENT FOR LEGAL SERVICES

2006-1 VILLAGE WEST IMPROVEMENT PROJECT

WHEREAS, the City Council of the City of Visalia (the "City") has determined to undertake proceedings pursuant to appropriate assessment and assessment bond acts to cause the construction of public improvements in the City; and

WHEREAS, the public interest and general welfare will be served by appointing and employing bond counsel to prepare documents and to conduct proceedings in connection with said improvements, and to approve an agreement for legal services therefore.

NOW, THEREFOR BE IT RESOLVED as follows:

1. That the law firm of Robert M. Haight, Attorney at Law, Scotts Valley, California, be, and he is hereby appointed as Bond Counsel and employed to do and perform all legal services required in the conduct of said proceedings, and that his compensation be, and it is hereby established pursuant to that certain letter agreement dated June 1, 2006, on file with the City Clerk, which is hereby approved.

2. That the fees provided to be paid herein, shall be paid from said assessments to be levied, assessment contributions or advances to be made and bonds, if any, to be issued, and not otherwise.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Council of the City of Visalia, held on the ____ day of _____ 2006, by Council Member _____, who moved its adoption, which motion being duly seconded by Council Member _____, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

EXHIBIT "A"

DESCRIPTION OF IMPROVEMENTS

2006-1 Village West Improvement Project

The Village West Home Owners Association is proposing to repair and reconstruct all of the private streets within Village West No. 1 and No. 2. The project includes all of Royal Oak Drive that is owned by the Homeowners Association. The project does not include any work to the public (City owned) portions of Royal Oak Drive. The existing asphalt will be removed and new asphalt will be installed. The existing asphalt may be completely removed from the property or may be pulverized and left in place with the new asphalt installed over the top of pulverized material. If the existing asphalt is removed, an equal amount of road base will be added to the crown. The Association intends to request bids from contractors and accept the lowest bid (either method of disposing of the existing asphalt will be acceptable). Only licensed and insured contractors will be allowed to bid. The new asphalt will be two inches thick and will meet Caltrans' material standards. The streets will be graded and compacted before the new asphalt is placed. The project will not include repair or replacement of existing curbs, gutters, sidewalks, driveways or any other concrete improvements. The project will not modify the existing drainage conditions. The complete project is anticipated to take approximately two weeks to complete. During most of the time the contractor will be removing or pulverizing the existing asphalt. The actual paving will take only one or two days to complete. Residents can expect some periods when the contractor is working that they will not be able to drive on the streets. Residents will be able to use the streets in the evening hours to park in their driveways.

ASSESSMENT DISTRICT FINANCING TIMETABLE

PRELIMINARY REQUIREMENTS

1. Boundary map for proposed District.
2. Description of work to be financed.
3. Preliminary Title Report, if necessary.
4. Petition to form District Signed by 60% Landowners.

INITIATION

- Pass Four Resolutions:
1. Intention to construct improvements.
 2. Approve District Boundary Map
 3. Approve engineer, underwriter, counsel
 4. Undertake proceedings and waive Division 4.

- Pass Three Resolutions: **INTERMEDIARY**
1. Preliminary approving engineer's report.
 2. Approving time and place of public hearing and date of election.
 3. Directing filing of map and recording notice of assessment.

WAIT 45 DAYS (Minimum)

1. Public hearing and election held.
2. Resolution overruling any protests.
3. Resolution approving engineer's report, ordering the construction and confirming the assessment.

CASH PAYMENT PERIOD IS WAIVED

Cash payment period is waived by consent of 100% of landowners in District.

NO WAIT

- Pass Two Resolutions:
1. Determining unpaid assessment – Issuance of Bonds.
 2. Awarding sale of Bonds.

15 DAY WAIT

Bond Closing

TOTAL MINIMUM TIME: 45 DAYS

CASH PAYMENT PERIOD NOT WAIVED

Notice to pay assessment is published and mailed and property owners are given 30 days to pay their assessment in cash.

30 DAY WAIT

- Pass Two Resolutions:
1. Determining unpaid assessment – issuance of Bonds.
 2. Awarding sale of Bonds.

15 DAY WAIT

Bond Closing

TOTAL MINIMUM TIME: 75 DAYS

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 7, 2006

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

Agenda Item Wording: Authorize the acquisition of approximately 33.34 acres of property for the Santa Fe Street alignment from American Trails Association and Tulare Valley Railroad in the amount of \$1,052,816 and allocate an additional \$150,000 from the transportation impact fee (1241) fund balance to cover the shortage in the CIP budget. The property is located between Avenue 272 and St. Johns River. Account No. 1111-00000-720000-0-9344-2001

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

David Jacobs 713-4492
Andrew Benelli 713-4340

Department Recommendation: Staff recommends authorizing the acquisition of approximately 33.34 acres of property for the Santa Fe Street alignment from American Trails Association and Tulare Valley Railroad in the amount of \$1,052,816 and allocate an additional \$150,000 from the transportation impact fee (1241) fund balance to cover the shortage in the CIP budget. The property is located between Avenue 272 and St. Johns River. Account No. 1111-00000-720000-0-9344-2001

Department Discussion: The City has been working on acquiring the old Santa Fe railroad right of way between Avenue 276 and Riggan Avenue since 1994. The right of way will be used to widen Santa Fe Street from the existing 2-lane road to a 4-lane road. The right of way south of Tulare is planned to include a bike path. During the years of negotiations it was determined that the purchase limits should be expanded down to Avenue 272 on the south and up to the St. Johns River on the north. This decision was made so the right of way acquisition would correspond to the Santa Fe Street alignment as shown on the Circulation Element.

On May 13, 2005 purchase and sale agreements were entered into between the City of Visalia and American Trails Association and Tulare Valley Railroad

The Capital Improvement Program (CIP) Project currently has \$958,282 budgeted for this project. The agreed upon price \$1,052,816 which is \$94,534 over the budgeted amount. Staff is

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 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.

requesting an additional \$150,000 to cover escrow fees, attorney fees, and staff time to finalize the purchase.

Alternatives:

Attachments: Right of way acquisition spreadsheet

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorizing the acquisition of approximately 33.34 acres of property for the Santa Fe Street alignment from American Trails Association and Tulare Valley Railroad in the amount of \$1,052,816 and allocate an additional \$150,000 from the transportation impact fee (1241) fund balance to cover the shortage in the CIP budget. The property is located between Avenue 272 and St. Johns River. Account No. 1111-00000-720000-0-9344-2001

Financial Impact

Funding Source:

Account Number: 1111-720000-0000-0-9344-92001 and 1241 (Traffic Impact Fees)

Budget Recap:

Total Estimated cost: \$1,110,252	New Revenue: \$
Amount Budgeted: \$958,252	Lost Revenue: \$
New funding required: \$150,00	New Personnel: \$
Council Policy Change: Yes____ No__X	

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No X

Review and Action: Prior:
Required:

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

None

Copies of this report have been provided to:

This document last revised: 8/4/06 12:31:00 PM
By author: David Jacobs

City of Visalia Agenda Item Transmittal

Meeting Date: August 7, 2006

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

Agenda Item Wording:

Authorize staff to accept and process a draft Specific Plan for the Shannon Ranch West Commercial site located on the northeast corner of Demaree Street and Riggin Avenue.

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number:

Brandon Smith, 713-4636
Fred Brusuelas, AICP, 713-4364

Department Recommendation:

Staff recommends that the City Council authorize staff to accept and process a draft Specific Plan titled Shannon Ranch West Commercial Specific Plan. Council's recommendation to accept the plan will not signify an approval of the plan or any assurance of a future approval. If accepted by Council, staff will begin the formal review of the draft plan, addressing its compliance with local and state guidelines for specific plans, General Plan policies, the zoning ordinance, Site Plan Review comments, and prior Council direction from the March 20th work session.

Background:

The draft Specific Plan, titled the Shannon Ranch West Commercial Specific Plan, was formally submitted to City staff on July 14, 2006. The document has been prepared by Quad Knopf representing property owners CRS Farming for a 20.0-acre Community Commercial and a 7.7-acre Medium Density Residential site located on the northeast corner of Demaree Street and Riggin Avenue. A conceptual site plan (included as an attachment to this report) is contained inside the draft plan and incorporates several changes that have been addressed by the Site Plan Review Committee during two reviews of the plan and by the City Council during a study session held on March 20, 2006. The most notable changes to the plan since the study session are revisions directed at creating a "village" feel to the project and enhancing pedestrian access to and within the site. This involved the reduction of the floor area associated with Lowe's from 172,137 to 137,410 sq. ft. and the reorientation of the store toward Demaree Street. Other significant changes to the commercial center include the creation of a 52,000 sq. ft. pad suitable

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.

for a grocery store, two office pads located at the corner of Leila and Flagstaff, and a pedestrian-oriented plaza at the corner of Demaree and Flagstaff. The revised site plan also includes a conceptual plan for the multi-family residential land to the north. The applicant has also redesigned the project to enhance pedestrian connections from nearby residential neighborhoods, the future multi-family residential neighborhood to the north, and the trail surrounding the Shannon Ranch storm basin.

According to Policy 3.5.8 of the Land Use Element of the Visalia General Plan, the adoption of a specific plan is required before commencing construction on any component of a Community Center. The policy requires that the specific plan at a minimum designate the layout of improvements and land uses, development phasing, and architectural standards on the community center.

Prior Council/Board Actions:

On March 20, 2006, the City Council held a study session to review a preliminary layout for the Lowe's-anchored commercial center and to provide direction on the preferred design and uses for the commercial development. On the basis of this discussion, the applicant has made substantial changes to the site plan for the subject area. Staff believes that the issues discussed with Council during the earlier work session have been substantially resolved and that this project is ready for processing as a specific plan.

Committee/Commission Review and Actions:

On January 25, 2006, the Site Plan Review Committee reviewed the first rendition of a site layout for the commercial center. The Committee issued the applicants a "Resubmit" status and encouraging them to make changes to the site plan before a City Council study session.

On June 28, 2006, a second rendition of the layout (see below) was submitted to the Site Plan Review Committee. A "Revise and Proceed" status was given, directing the applicants to make revisions as noted by the Committee before submitting a specific plan.

Alternatives:

None.

Attachments:

- List of involved property owners and interested parties
- Proposed site layout from June 28, 2006 Site Plan Review submittal
- Location map of Specific Plan site

Recommended Motion (and Alternative Motions if expected):

- I move to authorize staff to accept and process a draft Specific Plan for the Shannon Ranch West Commercial site.

Environmental Assessment Status

CEQA Review: No CEQA Review needed at time of initiation. An Environmental Document must be adopted at the time the Specific Plan is adopted.

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)*

No immediate City Council action anticipated for this item.

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City of Visalia
Agenda Item Transmittal

Meeting Date: August 7, 2006

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

Agenda Item Wording: Adoption of Amended Interim Ordinance 2006-03 establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area. *(A 4/5 vote is required to 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 Council adopt the attached amended "Interim Ordinance Establishing Prohibited and Permitted Uses and Development Standards for a Portion of the East Downtown Strategic Plan Area. An interim ordinance adopted pursuant to Section 65858 requires a four-fifths vote by Council and is effective immediately upon adoption.

Council approved introduction of this ordinance during the meeting of March 20, 2006. This is the Second Reading. The expiration date for the interim ordinance as amended is March 20, 2007 unless extended by action of Council. This ordinance was amended due to a typographical error regarding the number of required parking spaces for commercial/retail uses, and the amended ordinance was reintroduced on July 17, 2006.

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

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.

allowed in a portion of the plan area consistent with the plan concepts, and modify development standards and in lieu parking standards. The interim zone would be in effect until permanent General Plan, zoning, parking, and design district standards can be developed, reviewed with East Downtown property owners and interested parties, processed pursuant to planning procedures, and eventually considered for adoption by Planning Commission and Council. Staff is working with a consultant on the permanent General Plan and code amendments. The process for adoption is expected to take approximately one year, including preparation of the necessary environmental finding.

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 adopted Interim Ordinance 2006-03
April 19, 2006 Written report issued for Interim Ordinance 2006-03
May 1, 2006 – Council extended Interim Ordinance 2006-03 to March 20, 2007
July 17, 2006 – Introduction of Amended Interim Ordinance 2006-03

Alternatives:

None recommended

Attachments:

1. Proposed East Downtown Overlay Zone (Amended Ordinance No. 2006-03)
2. Map of Interim Ordinance Area

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to adopt Amended Interim Ordinance No. 2006-03, an interim ordinance establishing the East Downtown Overlay Zone.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action: Prior:
Required:

NEPA Review:

Required? No
Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

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, remains 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.

This document last revised 8/4/06 12:34 PM

By author: Michael Olmos/Sharon Sheltzer

File location and name: H:\(1) AGENDAS for Council\2006\080706\Item 8j (1) Adoption of Amended Interim Ordinance 2006-03.doc

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

PERMITTED, CONDITIONALLY PERMITTED, TEMPORARY AND FIRST FLOOR USES

P=Permitted use
 C=Conditional use
 T=Temporary use

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

Agricultural	
Farmers Market	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
	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

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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*
Florist	P*
Galleries-Art/Photography/Crafts	P*
Home Business (live-work)	P
Hotels and Motels	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	

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By author: Michael Olmos/Sharon Sheltzer

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-kiln works for clay products C

Medical Facilities/Services

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

Mixed-use Commercial

Development two stories and taller
which mixes commercial uses C*

Museums P*

Offices

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*

Public Community Services (Public or Government Ownership)

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

Railroads

Passenger Stations P*

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

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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

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

Required Setbacks

Type of Use	Primary Comm. Street	Street Frontage	Rear at Resid.
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

Type Of Use	Total Rqd.	On-site	Off-site/in-lieu Fees
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	100%	NA – All required to

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By author: Michael Olmos/Sharon Sheltzer

File location and name: H:\(1) AGENDAS for Council\2006\080706\Item 8j (1) Adoption of Amended Interim Ordinance 2006-03.doc

	1/DU for 1BR and Studio		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 until March 20, 2007.

PASSED AND ADOPTED:

17.40.060 Nonconforming uses.

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

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

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

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

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

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

17.40.070 Expansion of nonconforming uses and structures.

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

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

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

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

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

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

http://www.amlegal.com/nxt/gateway.dll/California/visalia_en/title17zoning/chapt... 02/23/2006

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 7, 2006

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

Agenda Item Wording: Second reading of Ordinance 2006-09 Authorizing Sale of Real Property and improvement at 120 W. Center Street

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

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.

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.

The buyers are Michael and Diane Farley and Michael and Cindy Lampe. The purchasers intend to incorporate this site into the refurbishment of the adjacent building at 104-108 W. Center for professional office uses. The purchase price is \$150,000.

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

On July 17, 2006, Council approved the first reading of the required ordinance to sell a portion of the real property at 120 W. Center.

Committee/Commission Review and Actions: None

Alternatives: None recommended.

Attachments: Map
Ordinance 2006-09
Exhibit A – Legal Description

Recommended Motion (and Alternative Motions if expected): I move to approve the second 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... 09/08/08

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

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:

ATTEST:
ATTORNEY:

JESUS GAMBOA, MAYOR

APPROVED BY CITY

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: August 7, 2006

Agenda Item Number (Assigned by City Clerk): 8 j (3)

Agenda Item Wording: Adoption of Interim Ordinance 2006-10 establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area 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 Council adopt the attached "Interim Ordinance Establishing Prohibited and Permitted Uses and Development Standards for a Portion of the East Downtown Strategic Plan Area, designated as Zone 2". This interim ordinance would be adopted pursuant to California Government Code Section 65858 and would have an initial life of 45 days. An interim ordinance adopted pursuant to Section 65858 requires a four-fifths vote by Council and is effective immediately upon adoption.

Council approved introduction of this ordinance during the meeting of July 17, 2006. This Ordinance 2006-10 is the same ordinance as Amended Interim Ordinance 2006-03, except for the area that it governs. Interim Ordinance 2006-10 applies to Zone 2, and Amended Interim Ordinance 2006-03 applies to Zone 1. Both zones can be located on the attached map. This is the Second Reading of this ordinance.

On December 19, 2005, Council approved the East Downtown Strategic Plan and authorized several steps towards implementation. The steps included the establishment

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.

of an interim ordinance to establish an overlay zone that would prohibit new uses incompatible with the Strategic Plan, modify the list of permitted and conditional uses allowed in a portion of the plan area consistent with the plan concepts, and modify development standards and in lieu parking standards. The interim zone would be in effect until permanent General Plan, zoning, parking, and design district standards can be developed, reviewed with East Downtown property owners and interested parties, processed pursuant to planning procedures, and eventually considered for adoption by Planning Commission and Council. Staff is working with a consultant on the permanent General Plan and code amendments. The process for adoption is expected to take approximately one year, including preparation of the necessary environmental finding.

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. If adopted, the ordinance will have an initial life of 45 days from the date of adoption. As such, if adopted on August 7, 2006, the interim ordinance will expire on September 21, 2006, unless extended by future action of Council. This ordinance was introduced at a Public Hearing on July 17, 2006 and due to this optional introduction method, Council may, after a second Public Hearing and by a 4/5 vote, choose to extend the ordinance for 22 months and 15 days. The maximum life of an interim ordinance with all permitted extensions is 2 years. Given the need for significant amendments to plans and codes to establish permanent requirements to implement the East Downtown Strategic Plan, 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 28, 2006.

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

Prior Council/Board Actions:

July 17, 2006 – Introduction of Interim Ordinance 2006-10

Alternatives: None recommended

Attachments:

1. Ordinance No. 2006-10
2. Map of Interim Ordinance Area, Zone 2

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to adopt Interim Ordinance No. 2006-10, establishing prohibited and permitted uses and development standards for a portion of Northeast Downtown designated as Zone 2.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action: Prior:
Required:

NEPA Review:

Required? No
Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 7, 2006

Agenda Item Number (Assigned by City Clerk): 8 j (4)

Second reading 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 (GNP) to address their long term operation and management.

Deadline for Action: None

Submitting Department: Community Development, Planning Division

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

Department Recommendation: Staff recommends that the City Council conduct the second reading and adoption of Ordinance No. 2006-11 for 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: On July 17, 2006, the City Council held a public hearing on General Plan Amendment (GPA) 2006-01 and Zoning Ordinance Text Amendment (ZTA) 2005-16. The public hearing included the first reading of Ordinance 2006-11 prepared for the ZTA. The City Council unanimously approved the GPA and conducted the first reading of the Ordinance with no changes.

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

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)

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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.

Alternatives: None recommended

Attachments:

Ordinance No. 2006-06

Recommended Motion (and Alternative Motions if expected):

I move to conduct the second reading of Ordinance 2006-11, regarding Zoning Ordinance Text Amendment No. 2005-16

Environmental Assessment Status

1. **CEQA Review:** 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)

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)*

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.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 07, 2006

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

Agenda Item Wording: Second amendment to the First Time Homebuyers' Assistance Program (HAP).

Deadline for Action: None

Submitting Department: Community Development Department

Contact Name and Phone Number: Fred Brusuelas, Assistant Community Development Director, 713-4364
Eric Frost, Administrative Services Director, 713-4474
Rhonda Haynes, Administrative Technician, 713-4460
Kari Blofsky, Financial Analyst, 713-4298

Department Recommendation: Staff recommends the City Council authorize a second amendment to the First Time Homebuyers Assistance Program (HAP).

Staff recommends the following changes to the HAP program:

1. Eliminate the 15% Affordability Assessment Fee, to allow CHAFA First Mortgage lending.
2. Change the second mortgage maximum of \$50,000 to \$75,000.
3. Allow loan origination fee of \$250.00 to be paid to the Lender processing the required documents and funding of the City's loan.
4. Authorize the City Manager or City Attorney to make minor or technical changes to the program guidelines if needed.

Summary/background:

Home Investment Partnership Funds have been utilized to assist families over many years. With the decrease in mortgage interest rates over the past four years, many property owners refinanced their mortgages, paid off or sold their home and "moved up". The market conditions increased Home program income, and the city is required to reinvest such program income back into all housing programs.

Due to the HOME guidelines regarding time limits of expenditures, the City is at risk of losing a portion of the grant funds if not expended within the five years of a grant. Currently the City has over \$1.3 million uncommitted funds available, which could be committed to this program in addition to the \$750,000 budgeted for this fiscal year. Staff has been evaluating all the HOME programs and establishing new guidelines and funding limits in order to expend the funds within HUD designated timeline.

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.

First and foremost, the First Time Homebuyers Assistance Program (HAP) is in need of revisions to the program guidelines. The First Amendment to the HAP program was approved through the City Council in September 2005. Eleven (11) borrowers were assisted compared to six (6) the previous year. Each loan utilized fifty-thousand dollars (\$50,000), totaling \$550,000. Although the changes improved performance, staff wanted to know how to improve the program more.

In July 2006, Staff met with local lending Brokers, Real Estate Brokers and the President of the Tulare County Association of Realtors to collect feedback regarding Visalia's real estate market and lending options. These meetings and staff analysis of Visalia real estate sales, interest rates, and lending instruments, provided Staff with reasons why only eleven borrowers, have participated in the City's HAP since last September. These individuals encouraged the City to do three things:

1. Allow for CHAFA financing.
2. Increase loan amount to include more potential buyers.
3. Consider a small loan documentation fee to compensate the broker for the extra effort required to process these loans.

Eliminate the 15% Affordability Assessment Fee to Obtain CHAFA Approval

The City HAP Program, funded through HOME Investment Partnership Funds, is utilized as "gap financing" in conjunction with first mortgages. The two leading mortgage instruments/lenders are FHA and CHAFA. Our program is limited to FHA and CHAFA financing because they provide low interest rate financing and incentives to first time homebuyers. Additionally HOME regulations require Lead Based Paint Inspections in which FHA and CHAFA financing requires such inspections, whereas a Conventional Type mortgage does not require lead based paint inspections or abatement nor does a conventional loan require building inspections.

CHAFA has disqualified the City's Program from using CHAFA loans. After review of the California Civil Code, and discussions with CHAFA Bond Council, CHAFA indicates that the 15% affordability assessment fee must be eliminated to allow the City to regain its designation as an affordable housing lender. Because CHAFA loan rates are 1% less than market rates, it is in the borrower's interest to qualify for a CHAFA loan.

Change the Second Mortgage Maximum

Table I, Local Market Analysis, represents the local market analysis indicating that 352 homes were sold for the period dated April 1, 2006 through July 1, 2006. Local Market Analysis, Attachment "A", provides price per home detail.

Table I			
Local Market Analysis <i>April Thru June 2006</i>			
RANGE	Number of Homes Sold	% of Market	Cumulative %
\$ 106,000 to \$ 153,000	7	2%	2%
\$ 153,001 to \$ 190,400	27	8%	10%
\$ 190,401 to \$ 210,000	24	7%	17%
\$ 210,001 to \$ 220,000	15	4%	21%
\$ 220,001 to \$ 360,000	204	58%	79%
\$ 360,001 to \$ 995,000	75	21%	100%
Total Homes Sold	352	100%	

*Source: Connie Kautz/Sheri Tietjens Realtor, Tulare County Multiple Listing

Table II, Potential Purchasing Power, represents scenarios for 30%, 60% and 80% of the Median Family Income (MFI), based upon a family of four (4), with a City second mortgage of \$50,000, and \$75,000 being considered. Attachment "B" represents more detailed information of Table II.

Table II

Potential Purchasing Power			
	Percentage of Median Income		
	30%	60%	80%
Gap Financing \$50K			
Income (Annually)	\$ 15,250	\$ 30,480	\$ 40,650
Max Allowed House Payment @ 35% Debt to Income Ratio	\$ 464	\$ 867	\$ 1,168
Max Potential Purchasing Power	\$ 105,000	\$ 160,000	\$ 195,000
Number of Qualified Homes Apr - June 06	0	8	38
Gap Financing \$75K			
Income (Annually)	\$ 15,250	\$ 30,480	\$ 40,650
Max Allowed House Payment @ 35% Debt to Income Ratio	\$ 486	\$ 759	\$ 1,190
Max Potential Purchasing Power	\$ 130,000	\$ 185,000	\$ 220,000
Number of Qualified Homes Apr - June 06	2	29	74

*Median Income is \$50,813

Table II shows the number of homes that sold in the last quarter which would have meet the City's lending guidelines. By increasing the maximum loan limit to \$75,000, twice as many homes would meet the City's lending guidelines, which is about 20% of the market.

Add \$250 Loan Origination Fee

At the brokers meeting, it was acknowledged that the lender is paid only upon the first mortgage underwriting and not upon the 2nd mortgage loan.

The City's second mortgages are serviced through AmeriNational Community Services. Because HOME Investment Partnership Funds require additional documentation for verification of low-income status and other underwriting requirements, flat fee of \$250 should be paid to the lender for the loan origination of the City's second mortgage. This encourages local lender to utilize the City's program despite the additional documentation requirements.

Prior Council/Board Actions: September 2005, City Council approved an amendment to the First Time Homebuyers Program that amended the following:

- Authorized automatic adjustments to the maximum purchase price in accordance with the FHA Single Family Mortgage Maximum limits (203b), and
- Increased the loan maximum to \$50,000. and
- Authorized only FHA, CHAFA, with CHADAP financing type first mortgages, and
- Established new repayment to be deferred 5 years at 2%. Beginning year six (6) of the note term, the income recertification procedure determines if the property owner is able to commence making payments. If, through the income recertification, utilizing current FHA underwriting guidelines, it is determined that they are able to commence making payments the property owner will pay either a minimum of \$75.00 or up to the maximum payment required, monthly, depending upon the results of their income recertification evaluation. Income recertification will occur every 5 yrs, and
- Increased the Affordability Assessment Fee to 15 % of the unpaid principal balance.

Committee/Commission Review and Actions: None

Alternatives: None.

Attachments: Attachment "A" –Loan Marketing Analysis, April thru June 2006
Attachment "B" – Purchasing Power of 30%, 60% and 80% of Median Income families using a CHAFA type loan

Recommended Motion (and Alternative Motions if expected):

That City Council move to:

Staff recommends that City Council approve the request for a second amendment to the First Time Homebuyers Assistance Program (HAP) regulations to the following:

1. Eliminate the 15% Affordability Assessment Fee, to allow CHAFA First Mortgage lending.
2. Change the second mortgage maximum of \$50,000 to \$75,000.
3. Allow loan origination fee of \$250.00 to be paid to the Lender processing the required documents and funding of the City's loan.
4. Authorize the City Manager or City Attorney to make minor or technical changes to the program guidelines if needed.

Environmental Assessment Status

CEQA Review: n/a

NEPA Review: Assessment was completed on a program basis – Proposed changes do not trigger re-evaluation

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: August 07, 2006

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Ashley Grove Units No 7 & 8, containing 84 lots, located on the east side of County Center Street between Ferguson and Riggin Avenues.

Deadline for Action: August 07, 2006

Submitting Department: Public Works Department

Contact Name and Phone Number: Andrew Benelli 713-4340,
Patrick Barszcz 713-4241

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 And Smee, LLC. Nicholas And Smee, LLC have submitted a maintenance bond in the amount of \$ 58,150.62 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 February 17, 2004

Committee/Commission Review and Actions: The tentative subdivision map for Ashley Grove Units No 7 & 8 was approved by Planning Commission on September 22, 2003.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Notice of Completion for Ashley Grove Units No 7 & 8.

Environmental Assessment Status

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.

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: August 7, 2006

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

Agenda Item Wording: Authorize the Recordation of the Final Map for The Country Club Phase 2, located at Houston Ave. and Country Center St. (134 lots) and the Annexation of The Country Club Phase 2 into Landscape and Lighting District No. 05-20, The Country Club (**Resolution Nos. 06-66** and **06-67** required). APN: 089-030-038, 039

Deadline for Action: August 21, 2006

Submitting Department: Public Works, Engineering

Contact Name and Phone Number:

Andrew Benelli 713-4340

Greg Dais 713-4164

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for The Country Club Phase 2 containing 134 single family lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$1,599,743.14 and Labor and Material Bond in the amount of \$799,871.57; 3) cash payment of \$477,095.46 distributed to various accounts; and 4) Final Map. This development is being constructed by Reynen & Bardis Communities.

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

City Mgr _____
(Initials Required)

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

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

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

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along Houston Avenue (Arterial). The City will be reimbursing approximately \$125,972 to the developer (Reynen & Bardis Communities) by giving a combination of fee credits for Transportation Impact Fees and cash payment.

Landscape & Lighting

Staff recommends that the City Council: adopt **Resolution No. 06-66** Initiating Proceedings for Annexation to Assessment District No. 05-20, The Country Club; adopt the Engineer's Report as submitted; and adopt **Resolution No. 06-67** confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

On August 1, 2005, City Council approved the formation of a Landscape and Lighting District for The Country Club. This district included the assessor's parcel numbers for all phases of The Country Club tentative map. This established at the onset of this development that the landscape and lighting district would be built in phases and the cost for maintenance would be shared equally among all the property owners for all phases of The Country Club. The purpose behind this was to bring future annexations to the Council without having to get permission from the owners in each developed phase to add additional lots to the district. The City would only need permission from the owners in each developed phase if the annexation of the new phase would cause the per lot assessment to increase. This annexation will reduce the per lot assessment for each lot within the district.

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

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

Committee/Commission Review and Actions: The tentative subdivision map for The Country Club Phase 2 subdivision was approved by the Planning Commission on March 22, 2004. On March 13, 2006 the Planning Commission approved an extension for The Country Club tentative map which expires on March 22, 2007.

Alternatives: N/A

Attachments: Resolution Initiating Proceedings; Clerk’s Certification; Resolution Ordering the Improvements; Exhibits “A”, “B”, “C”, “D”

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

“I move to authorize the recordation of the Final Map for The Country Club Phase 2 and I move to adopt **Resolution No. 06-66** Initiating Proceedings for Annexation to Assessment District No. 05-20 “The Country Club” and adopt **Resolution No. 06-67** Ordering the Improvements for Assessment District No. 05-20 “The Country Club.”

Financial Impact

Funding Source:
Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

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

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 06-66

RESOLUTION INITIATING PROCEEDINGS
FOR ANNEXATION TO
ASSESSMENT DISTRICT 05-20
THE COUNTRY CLUB
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to annex to an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The district, including the annexation, shall continue with the designation established with the initial formation, which is "Assessment District No. 05-20, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-20, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "The Country Club".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-20
THE COUNTRY CLUB
(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-20, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 7th day of August, 2006 by its Resolution No. 06-67.

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

RESOLUTION NO. 06-67

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-20
THE COUNTRY CLUB
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-20, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the annexation to the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2006-07.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"
Assessment Diagram
Assessment District No. 05-20
City of Visalia, Tulare County, California

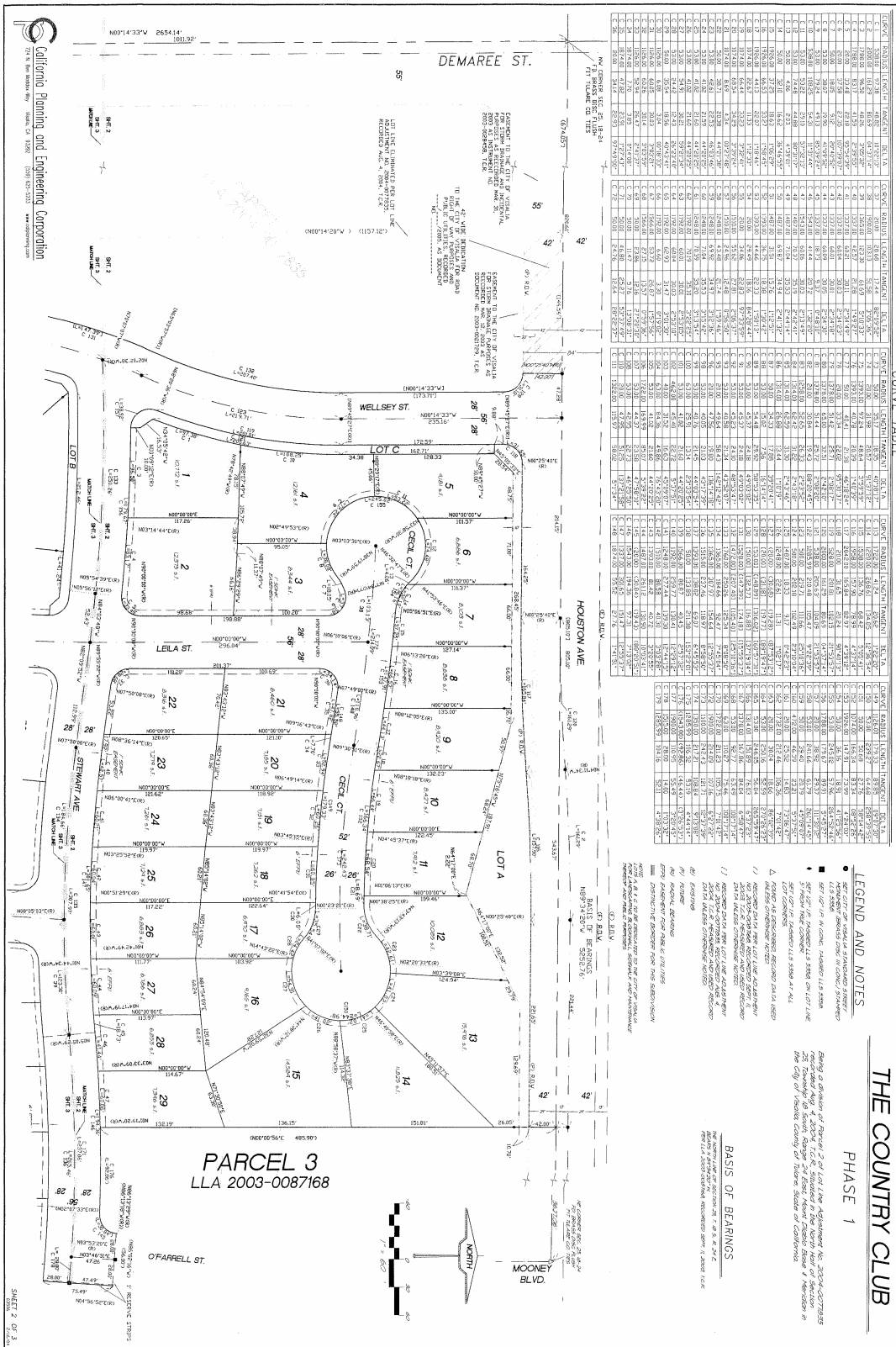


Exhibit "A"

Assessment Diagram
Assessment District No. 05-20
City of Visalia, Tulare County, California

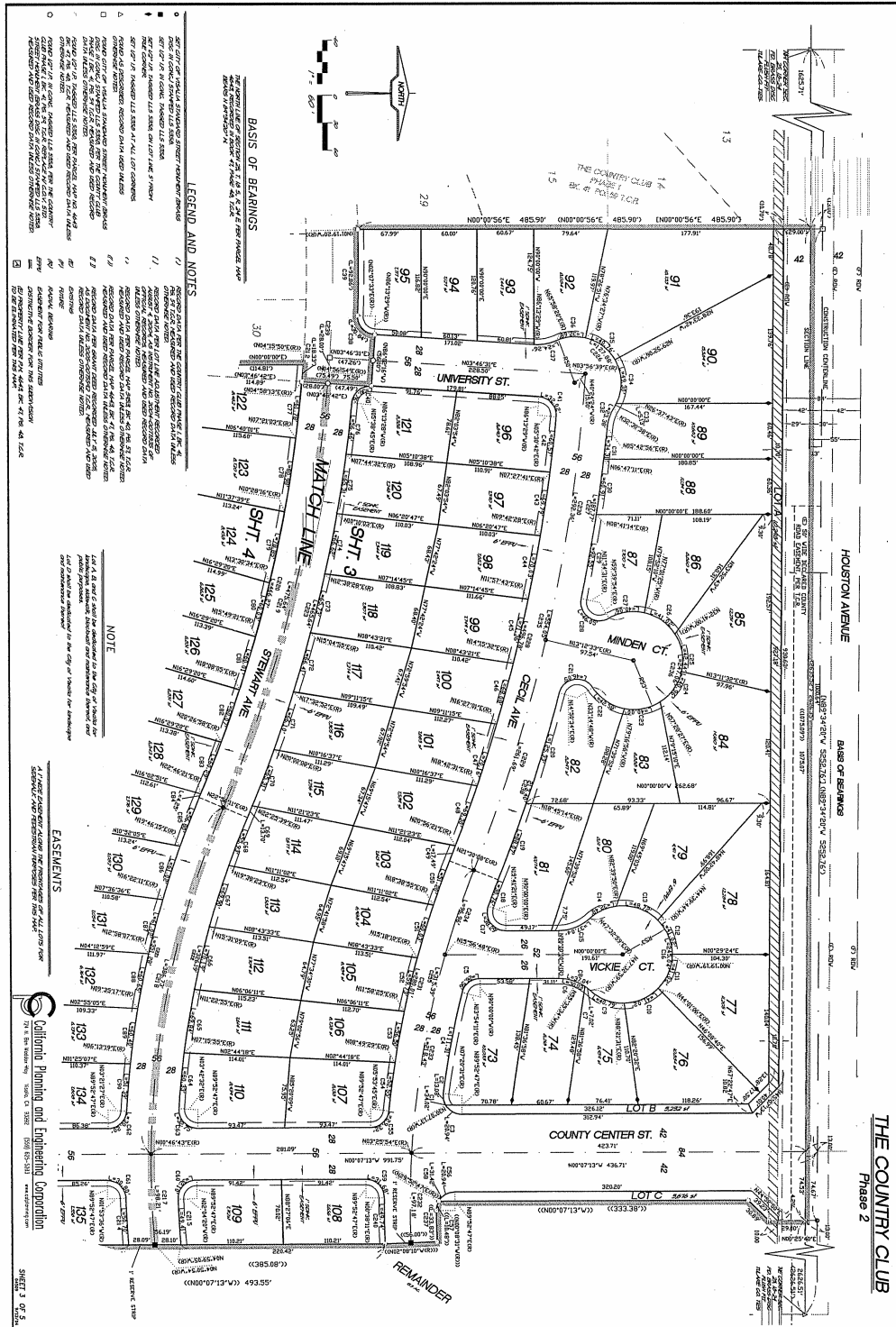


Exhibit "A"

Assessment Diagram Assessment District No. 05-20 City of Visalia, Tulare County, California

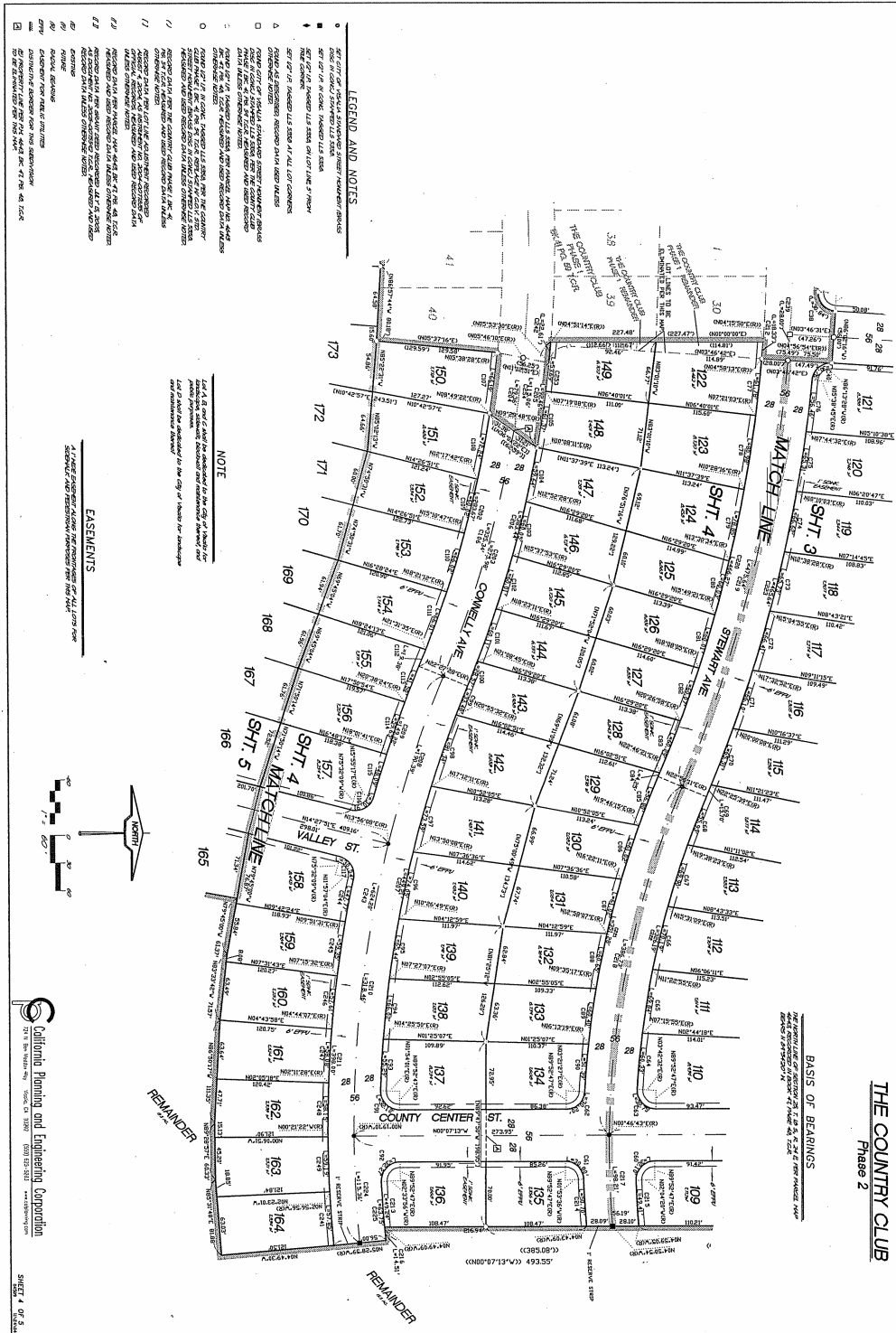


Exhibit "B"

Landscape Location Diagram The Country Club

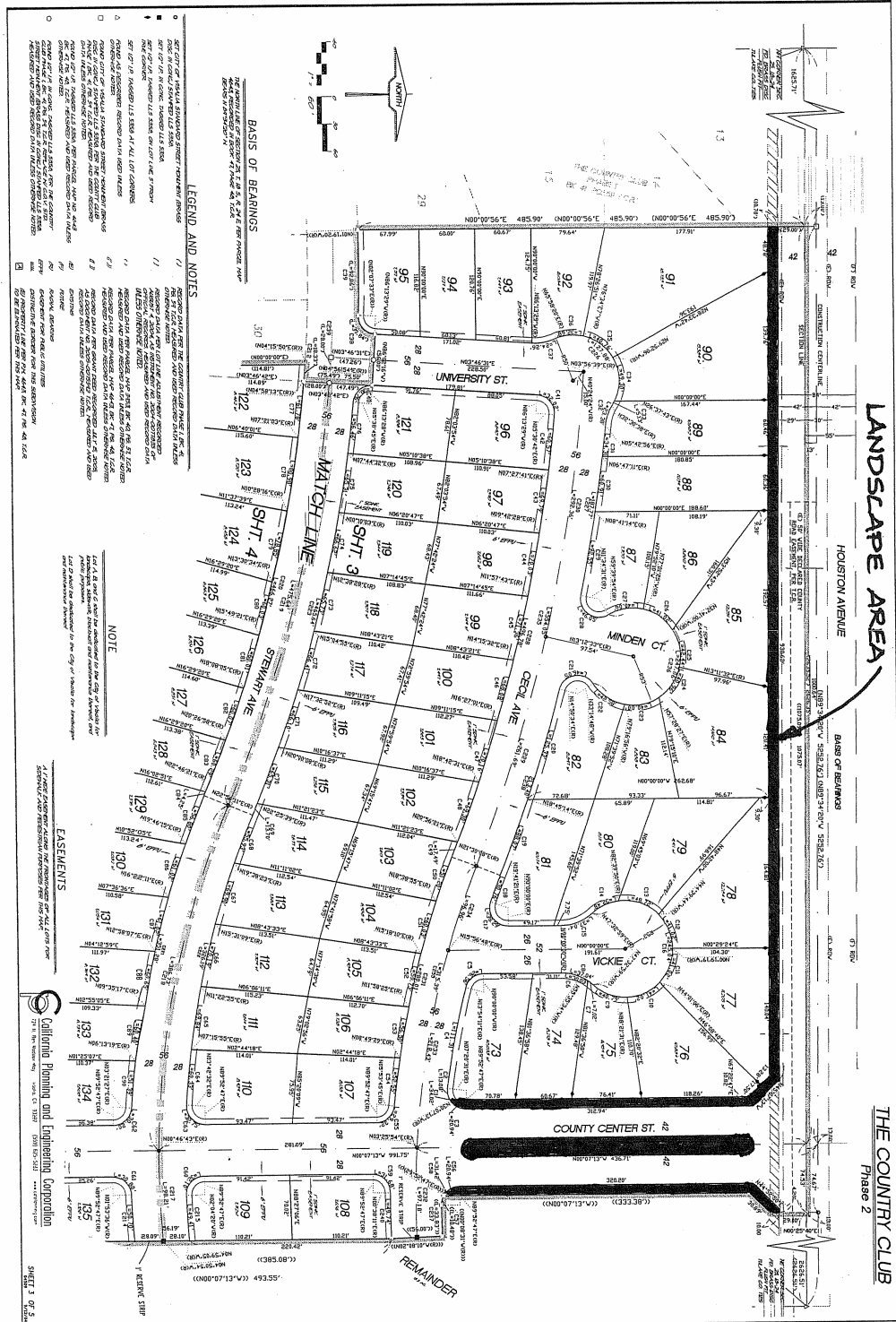


Exhibit "C"

Tax Roll Assessment
The Country Club
Fiscal Year 2006-07

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
089-490-001	\$163.90	05-2001	The Country Club
089-490-002	\$163.90	05-2002	The Country Club
089-490-003	\$163.90	05-2003	The Country Club
089-490-004	\$163.90	05-2004	The Country Club
089-490-005	\$163.90	05-2005	The Country Club
089-490-006	\$163.90	05-2006	The Country Club
089-490-007	\$163.90	05-2007	The Country Club
089-490-008	\$163.90	05-2008	The Country Club
089-490-009	\$163.90	05-2009	The Country Club
089-490-010	\$163.90	05-2010	The Country Club
089-500-001	\$163.90	05-2011	The Country Club
089-500-002	\$163.90	05-2012	The Country Club
089-500-003	\$163.90	05-2013	The Country Club
089-500-004	\$163.90	05-2014	The Country Club
089-500-005	\$163.90	05-2015	The Country Club
089-500-006	\$163.90	05-2016	The Country Club
089-500-007	\$163.90	05-2017	The Country Club
089-500-008	\$163.90	05-2018	The Country Club
089-490-011	\$163.90	05-2019	The Country Club
089-490-012	\$163.90	05-2020	The Country Club
089-490-013	\$163.90	05-2021	The Country Club
089-490-014	\$163.90	05-2022	The Country Club
089-490-015	\$163.90	05-2023	The Country Club
089-490-016	\$163.90	05-2024	The Country Club
089-500-009	\$163.90	05-2025	The Country Club
089-500-010	\$163.90	05-2026	The Country Club
089-500-011	\$163.90	05-2027	The Country Club
089-500-012	\$163.90	05-2028	The Country Club
089-500-013	\$163.90	05-2029	The Country Club
089-500-014	\$163.90	05-2030	The Country Club
089-500-015	\$163.90	05-2031	The Country Club
089-500-016	\$163.90	05-2032	The Country Club
089-500-017	\$163.90	05-2033	The Country Club
089-500-018	\$163.90	05-2034	The Country Club
089-520-001	\$163.90	05-2035	The Country Club
089-520-002	\$163.90	05-2036	The Country Club
089-520-003	\$163.90	05-2037	The Country Club
089-520-004	\$163.90	05-2038	The Country Club
089-520-005	\$163.90	05-2039	The Country Club
089-520-006	\$163.90	05-2040	The Country Club
089-520-007	\$163.90	05-2041	The Country Club
089-520-008	\$163.90	05-2042	The Country Club
089-520-009	\$163.90	05-2043	The Country Club
089-520-010	\$163.90	05-2044	The Country Club

Exhibit "C"

Tax Roll Assessment The Country Club Fiscal Year 2006-07

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
089-520-011	\$163.90	05-2045	The Country Club
089-520-012	\$163.90	05-2046	The Country Club
089-510-001	\$163.90	05-2047	The Country Club
089-510-002	\$163.90	05-2048	The Country Club
089-510-003	\$163.90	05-2049	The Country Club
089-490-020	\$163.90	05-2050	The Country Club
089-490-017	\$163.90	05-2051	The Country Club
089-490-018	\$163.90	05-2052	The Country Club
089-490-019	\$163.90	05-2053	The Country Club
89-510-004	\$163.90	05-2054	The Country Club
89-510-005	\$163.90	05-2055	The Country Club
89-510-006	\$163.90	05-2056	The Country Club
89-510-007	\$163.90	05-2057	The Country Club
89-510-008	\$163.90	05-2058	The Country Club
89-510-009	\$163.90	05-2059	The Country Club
89-510-010	\$163.90	05-2060	The Country Club
89-510-011	\$163.90	05-2061	The Country Club
89-510-012	\$163.90	05-2062	The Country Club
89-510-013	\$163.90	05-2063	The Country Club
89-510-014	\$163.90	05-2064	The Country Club
89-510-015	\$163.90	05-2065	The Country Club
89-510-016	\$163.90	05-2066	The Country Club
89-510-017	\$163.90	05-2067	The Country Club
89-510-018	\$163.90	05-2068	The Country Club
89-510-019	\$163.90	05-2069	The Country Club
089-490-021	\$163.90	05-2070	The Country Club
089-490-022	\$163.90	05-2071	The Country Club
089-490-023	\$163.90	05-2072	The Country Club
To Be Assigned	\$163.90	05-2073	The Country Club
To Be Assigned	\$163.90	05-2074	The Country Club
To Be Assigned	\$163.90	05-2075	The Country Club
To Be Assigned	\$163.90	05-2076	The Country Club
To Be Assigned	\$163.90	05-2077	The Country Club
To Be Assigned	\$163.90	05-2078	The Country Club
To Be Assigned	\$163.90	05-2079	The Country Club
To Be Assigned	\$163.90	05-2080	The Country Club
To Be Assigned	\$163.90	05-2081	The Country Club
To Be Assigned	\$163.90	05-2082	The Country Club
To Be Assigned	\$163.90	05-2083	The Country Club
To Be Assigned	\$163.90	05-2084	The Country Club
To Be Assigned	\$163.90	05-2085	The Country Club
To Be Assigned	\$163.90	05-2086	The Country Club
To Be Assigned	\$163.90	05-2087	The Country Club
To Be Assigned	\$163.90	05-2088	The Country Club

Exhibit "C"

Tax Roll Assessment
The Country Club
Fiscal Year 2006-07

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$163.90	05-2089	The Country Club
To Be Assigned	\$163.90	05-2090	The Country Club
To Be Assigned	\$163.90	05-2091	The Country Club
To Be Assigned	\$163.90	05-2092	The Country Club
To Be Assigned	\$163.90	05-2093	The Country Club
To Be Assigned	\$163.90	05-2094	The Country Club
To Be Assigned	\$163.90	05-2095	The Country Club
To Be Assigned	\$163.90	05-2096	The Country Club
To Be Assigned	\$163.90	05-2097	The Country Club
To Be Assigned	\$163.90	05-2098	The Country Club
To Be Assigned	\$163.90	05-2099	The Country Club
To Be Assigned	\$163.90	05-2100	The Country Club
To Be Assigned	\$163.90	05-2101	The Country Club
To Be Assigned	\$163.90	05-2102	The Country Club
To Be Assigned	\$163.90	05-2103	The Country Club
To Be Assigned	\$163.90	05-2104	The Country Club
To Be Assigned	\$163.90	05-2105	The Country Club
To Be Assigned	\$163.90	05-2106	The Country Club
To Be Assigned	\$163.90	05-2107	The Country Club
To Be Assigned	\$163.90	05-2108	The Country Club
To Be Assigned	\$163.90	05-2109	The Country Club
To Be Assigned	\$163.90	05-2110	The Country Club
To Be Assigned	\$163.90	05-2111	The Country Club
To Be Assigned	\$163.90	05-2112	The Country Club
To Be Assigned	\$163.90	05-2113	The Country Club
To Be Assigned	\$163.90	05-2114	The Country Club
To Be Assigned	\$163.90	05-2115	The Country Club
To Be Assigned	\$163.90	05-2116	The Country Club
To Be Assigned	\$163.90	05-2117	The Country Club
To Be Assigned	\$163.90	05-2118	The Country Club
To Be Assigned	\$163.90	05-2119	The Country Club
To Be Assigned	\$163.90	05-2120	The Country Club
To Be Assigned	\$163.90	05-2121	The Country Club
To Be Assigned	\$163.90	05-2122	The Country Club
To Be Assigned	\$163.90	05-2123	The Country Club
To Be Assigned	\$163.90	05-2124	The Country Club
To Be Assigned	\$163.90	05-2125	The Country Club
To Be Assigned	\$163.90	05-2126	The Country Club
To Be Assigned	\$163.90	05-2127	The Country Club
To Be Assigned	\$163.90	05-2128	The Country Club
To Be Assigned	\$163.90	05-2129	The Country Club
To Be Assigned	\$163.90	05-2130	The Country Club
To Be Assigned	\$163.90	05-2131	The Country Club
To Be Assigned	\$163.90	05-2132	The Country Club

Exhibit "C"

Tax Roll Assessment
The Country Club
Fiscal Year 2006-07

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$163.90	05-2134	The Country Club
To Be Assigned	\$163.90	05-2135	The Country Club
To Be Assigned	\$163.90	05-2136	The Country Club
To Be Assigned	\$163.90	05-2137	The Country Club
To Be Assigned	\$163.90	05-2138	The Country Club
To Be Assigned	\$163.90	05-2139	The Country Club
To Be Assigned	\$163.90	05-2140	The Country Club
To Be Assigned	\$163.90	05-2141	The Country Club
To Be Assigned	\$163.90	05-2142	The Country Club
To Be Assigned	\$163.90	05-2143	The Country Club
To Be Assigned	\$163.90	05-2144	The Country Club
To Be Assigned	\$163.90	05-2145	The Country Club
To Be Assigned	\$163.90	05-2146	The Country Club
To Be Assigned	\$163.90	05-2147	The Country Club
To Be Assigned	\$163.90	05-2148	The Country Club
To Be Assigned	\$163.90	05-2149	The Country Club
To Be Assigned	\$163.90	05-2150	The Country Club
To Be Assigned	\$163.90	05-2151	The Country Club
To Be Assigned	\$163.90	05-2152	The Country Club
To Be Assigned	\$163.90	05-2153	The Country Club
To Be Assigned	\$163.90	05-2154	The Country Club
To Be Assigned	\$163.90	05-2155	The Country Club
To Be Assigned	\$163.90	05-2156	The Country Club
To Be Assigned	\$163.90	05-2157	The Country Club
To Be Assigned	\$163.90	05-2158	The Country Club
To Be Assigned	\$163.90	05-2159	The Country Club
To Be Assigned	\$163.90	05-2160	The Country Club
To Be Assigned	\$163.90	05-2161	The Country Club
To Be Assigned	\$163.90	05-2162	The Country Club
To Be Assigned	\$163.90	05-2163	The Country Club
To Be Assigned	\$163.90	05-2164	The Country Club
To Be Assigned	\$163.90	05-2165	The Country Club
To Be Assigned	\$163.90	05-2166	The Country Club
To Be Assigned	\$163.90	05-2167	The Country Club
To Be Assigned	\$163.90	05-2168	The Country Club
To Be Assigned	\$163.90	05-2169	The Country Club
To Be Assigned	\$163.90	05-2170	The Country Club
To Be Assigned	\$163.90	05-2171	The Country Club
To Be Assigned	\$163.90	05-2172	The Country Club
To Be Assigned	\$163.90	05-2173	The Country Club
To Be Assigned	\$163.90	05-2174	The Country Club
To Be Assigned	\$163.90	05-2175	The Country Club
To Be Assigned	\$163.90	05-2176	The Country Club
To Be Assigned	\$163.90	05-2177	The Country Club

Exhibit "C"

Tax Roll Assessment
The Country Club
Fiscal Year 2006-07

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$163.90	05-2178	The Country Club
To Be Assigned	\$163.90	05-2179	The Country Club
To Be Assigned	\$163.90	05-2180	The Country Club
To Be Assigned	\$163.90	05-2181	The Country Club
To Be Assigned	\$163.90	05-2182	The Country Club
To Be Assigned	\$163.90	05-2183	The Country Club
To Be Assigned	\$163.90	05-2184	The Country Club
To Be Assigned	\$163.90	05-2185	The Country Club
To Be Assigned	\$163.90	05-2186	The Country Club
To Be Assigned	\$163.90	05-2187	The Country Club
To Be Assigned	\$163.90	05-2188	The Country Club
To Be Assigned	\$163.90	05-2189	The Country Club
To Be Assigned	\$163.90	05-2190	The Country Club
To Be Assigned	\$163.90	05-2191	The Country Club
To Be Assigned	\$163.90	05-2192	The Country Club
To Be Assigned	\$163.90	05-2193	The Country Club
To Be Assigned	\$163.90	05-2194	The Country Club
To Be Assigned	\$163.90	05-2195	The Country Club
To Be Assigned	\$163.90	05-2196	The Country Club
To Be Assigned	\$163.90	05-2197	The Country Club
To Be Assigned	\$163.90	05-2198	The Country Club
To Be Assigned	\$163.90	05-2199	The Country Club
To Be Assigned	\$163.90	05-2200	The Country Club
To Be Assigned	\$163.90	05-2201	The Country Club
To Be Assigned	\$163.90	05-2202	The Country Club
To Be Assigned	\$163.90	05-2203	The Country Club
To Be Assigned	\$163.90	05-2204	The Country Club
To Be Assigned	\$163.90	05-2205	The Country Club
To Be Assigned	\$163.90	05-2206	The Country Club

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-20
The Country Club
Fiscal Year 2006-07

General Description

This Assessment District (District) is located at Houston Avenue and County Center Street. Exhibit "A" is a map of Assessment District 05-20. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district are 371.

Determination of Benefit

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

Method of Apportionment

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

Estimated Costs

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-20
The Country Club
Fiscal Year 2006-07

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	35,465	\$0.199	\$7,057.54
Shrub Area	Sq. Ft.	50,826	\$0.199	\$10,114.37
Water	Sq. Ft.	86,291	\$0.050	\$4,314.55
Electricity	Sq. Ft.	86,291	\$0.008	\$690.33
Trees In Landscape Lots	Each	245	\$25.00	\$6,125.00
Trees In Local Street Parkways	Each	581	\$25.00	\$14,525.00
Street Lights	Each	55	\$105.00	\$5,775.00
Project Management Costs	Lots	371	\$18.00	\$6,678.00
TOTAL				\$55,279.79
10% Reserve Fund				\$5,527.98
GRAND TOTAL				\$60,807.77
COST PER LOT				\$163.90

Annual Cost Increase

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

$$A_{\max} \text{ for any given year "n"} = (\$60,807.77) (1.05)^{(n-1)}$$

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

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-20
The Country Club
Fiscal Year 2006-07

Example 1. The estimated year four cost of maintaining the improvements in the district is \$66,280.47 [a 9% increase over the base year estimated cost of \$60,807.77]. The maximum annual assessment for year four is \$70,392.59 [$A_{\max} = (\$60,807.77)^{(4-1)}$ (1.05)]. The assessment will be set at \$66,280.47 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$68,712.78 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$60,807.77]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$1,374.26 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$70,392.59 [$A_{\max} = (\$60,807.77)^{(4-1)}$ (1.05)]. The year four assessment will be set at \$68,712.78 plus the deficit amount of \$1,374.26 which equals \$70,087.04 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$66,280.47 [a 9% increase over the base year assessment of \$60,807.77] and damage occurred to the masonry wall raising the year five expenses to \$74,185.48 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$72,908.52 (a 10% increase over the previous year) and below the maximum annual assessment of \$73,912.22 [$A_{\max} = (\$60,807.77)^{(5-1)}$ (1.05)]. The difference of \$1,276.96 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

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

Andrew Benelli
Public Works Director

RCE 50022

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 7, 2006

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

Agenda Item Wording: Authorize the Recordation of the Final Map for Ashley Grove No. 13, located at the northwest corner of Ferguson Avenue and Mooney Blvd. (118 lots) and the Annexation to Landscape and Lighting District No. 05-17, Ashley Grove No. 10-13 (**Resolution Nos. 06-68 and 06-68 required**).

APN: 089-010-034

Deadline for Action: August 21, 2006

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Greg Dais 713-4164

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for Ashley Grove No. 13 containing 118 single family lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$1,465,883.58 and Labor and Material Bond in the amount of \$732,941.79; 3) cash payment of \$486,135.09 distributed to various accounts; and 4) Final Map. The applicant on this project is Lafferty Visalia 1, LLC.

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

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

City Mgr _____
(Initials Required)

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

the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along North Mooney Blvd. (Collector) and Ferguson Avenue (Collector). The City will be reimbursing approximately \$900,048 to the developer (Lafferty Visalia 1, LLC) by giving a combination of fee credits for Transportation Impact Fees and cash payment.

Landscape & Lighting

Staff recommends that City Council: adopt **Resolution No. 06-68** Initiating Proceedings for Annexation to Assessment District No. 05-17, Ashley Grove No. 10-13; adopt Engineer's Report as submitted; and adopt **Resolution No. 06-69** confirming Engineer's Report, ordering improvements and levying annual assessments. The assessment for this Subdivision has been computed to be \$336.65 per lot.

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

On July 18, 2005, City Council approved the formation of a Landscape and Lighting District for Ashley Grove No. 10 Subdivision. This established at the onset of this development that the landscape and lighting district would be built in phases and the cost for maintenance would be shared equally among all the property owners for all phases of Ashley Grove No. 10 - 13. The purpose behind this was to bring future annexations to the Council without having to get permission from the owners in each developed phase to add additional lots to the district. The City would only need permission from the owners in each developed phase if the annexation of the new phase would cause the per lot assessment to increase. This annexation will not increase or reduce the per lot assessment for each lot within the district.

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

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

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

On July 18, 2005, City Council approved the formation of a Landscape and Lighting District for Ashley Grove No. 10 Subdivision.

Committee/Commission Review and Actions: The tentative subdivision map for Ashley Grove No. 13 subdivision was approved by the Planning Commission on October 10, 2005. The tentative map will expire on October 10, 2007.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Ashley Grove No. 13 and I move to adopt **Resolution No. 06-68** Initiating Proceedings for Annexation to Assessment District No. 05-17 "Ashley Grove No. 10-13" and adopt **Resolution No. 06-69** Ordering the Improvements for Assessment District No. 05-17 "Ashley Grove No. 10-13."

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 06-68

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 05-17
ASHLEY GROVE NO. 10-13
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to form an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements.
2. The proposed district shall be designated Assessment District No. 05-17, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-17, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Ashley Grove No. 10-13".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-17

ASHLEY GROVE NO. 10-13

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-17, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 21th day of August, 2006 by its Resolution No. 06-69

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

RESOLUTION NO. 06-69

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-17
ASHLEY GROVE NO. 10-13
(Pursuant to the Landscape & Lighting Act of 1972)

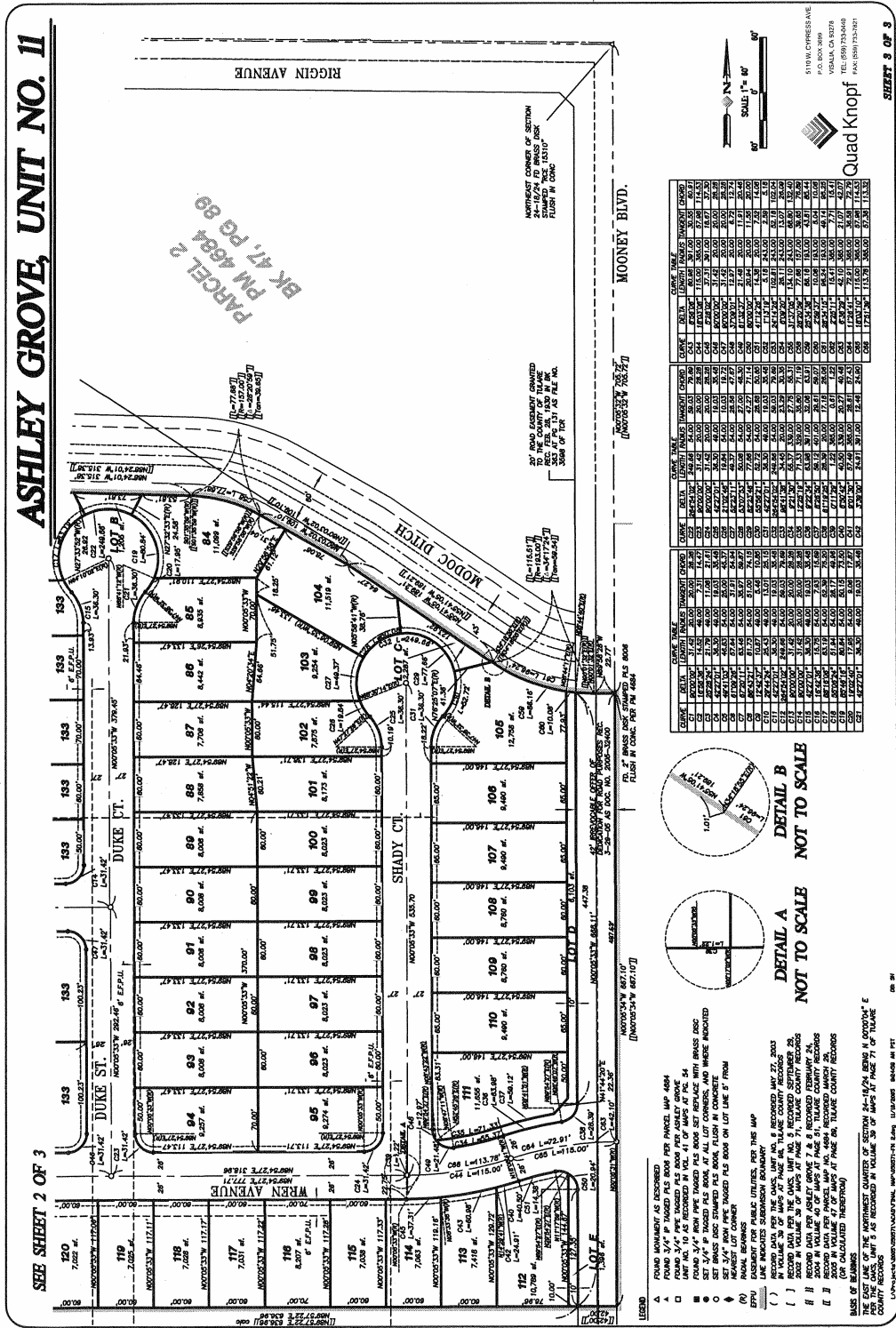
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-17, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the annexation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2005-06.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram Assessment District No. 05-17 City of Visalia, Tulare County, California



LOT	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE
84	11,099 sq. ft.	0.12%	11,099 sq. ft.	0.12%	11,099 sq. ft.	0.12%	11,099 sq. ft.	0.12%	11,099 sq. ft.	0.12%
85	8,402 sq. ft.	0.09%	8,402 sq. ft.	0.09%	8,402 sq. ft.	0.09%	8,402 sq. ft.	0.09%	8,402 sq. ft.	0.09%
86	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%
87	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%
88	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%	7,708 sq. ft.	0.08%
89	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
90	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
91	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
92	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
93	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
94	8,257 sq. ft.	0.09%	8,257 sq. ft.	0.09%	8,257 sq. ft.	0.09%	8,257 sq. ft.	0.09%	8,257 sq. ft.	0.09%
95	8,257 sq. ft.	0.09%	8,257 sq. ft.	0.09%	8,257 sq. ft.	0.09%	8,257 sq. ft.	0.09%	8,257 sq. ft.	0.09%
96	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
97	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
98	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
99	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
100	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
101	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%	8,008 sq. ft.	0.09%
102	7,875 sq. ft.	0.09%	7,875 sq. ft.	0.09%	7,875 sq. ft.	0.09%	7,875 sq. ft.	0.09%	7,875 sq. ft.	0.09%
103	8,254 sq. ft.	0.09%	8,254 sq. ft.	0.09%	8,254 sq. ft.	0.09%	8,254 sq. ft.	0.09%	8,254 sq. ft.	0.09%
104	11,519 sq. ft.	0.13%	11,519 sq. ft.	0.13%	11,519 sq. ft.	0.13%	11,519 sq. ft.	0.13%	11,519 sq. ft.	0.13%
105	12,708 sq. ft.	0.14%	12,708 sq. ft.	0.14%	12,708 sq. ft.	0.14%	12,708 sq. ft.	0.14%	12,708 sq. ft.	0.14%
106	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%
107	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%
108	8,700 sq. ft.	0.10%	8,700 sq. ft.	0.10%	8,700 sq. ft.	0.10%	8,700 sq. ft.	0.10%	8,700 sq. ft.	0.10%
109	8,700 sq. ft.	0.10%	8,700 sq. ft.	0.10%	8,700 sq. ft.	0.10%	8,700 sq. ft.	0.10%	8,700 sq. ft.	0.10%
110	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%
111	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%	8,400 sq. ft.	0.09%
112	10,708 sq. ft.	0.12%	10,708 sq. ft.	0.12%	10,708 sq. ft.	0.12%	10,708 sq. ft.	0.12%	10,708 sq. ft.	0.12%
113	11,258 sq. ft.	0.12%	11,258 sq. ft.	0.12%	11,258 sq. ft.	0.12%	11,258 sq. ft.	0.12%	11,258 sq. ft.	0.12%
114	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%
115	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%
116	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%	7,483 sq. ft.	0.08%

SCALE 1" = 80'
N

QUAD KNOPF
P.O. BOX 2008
VISALIA, CA 93278
TEL: (559) 733-6848
FAX: (559) 733-7861

SHEET 3 OF 3

Exhibit "A"

Assessment Diagram Assessment District No. 05-17 City of Visalia, Tulare County, California

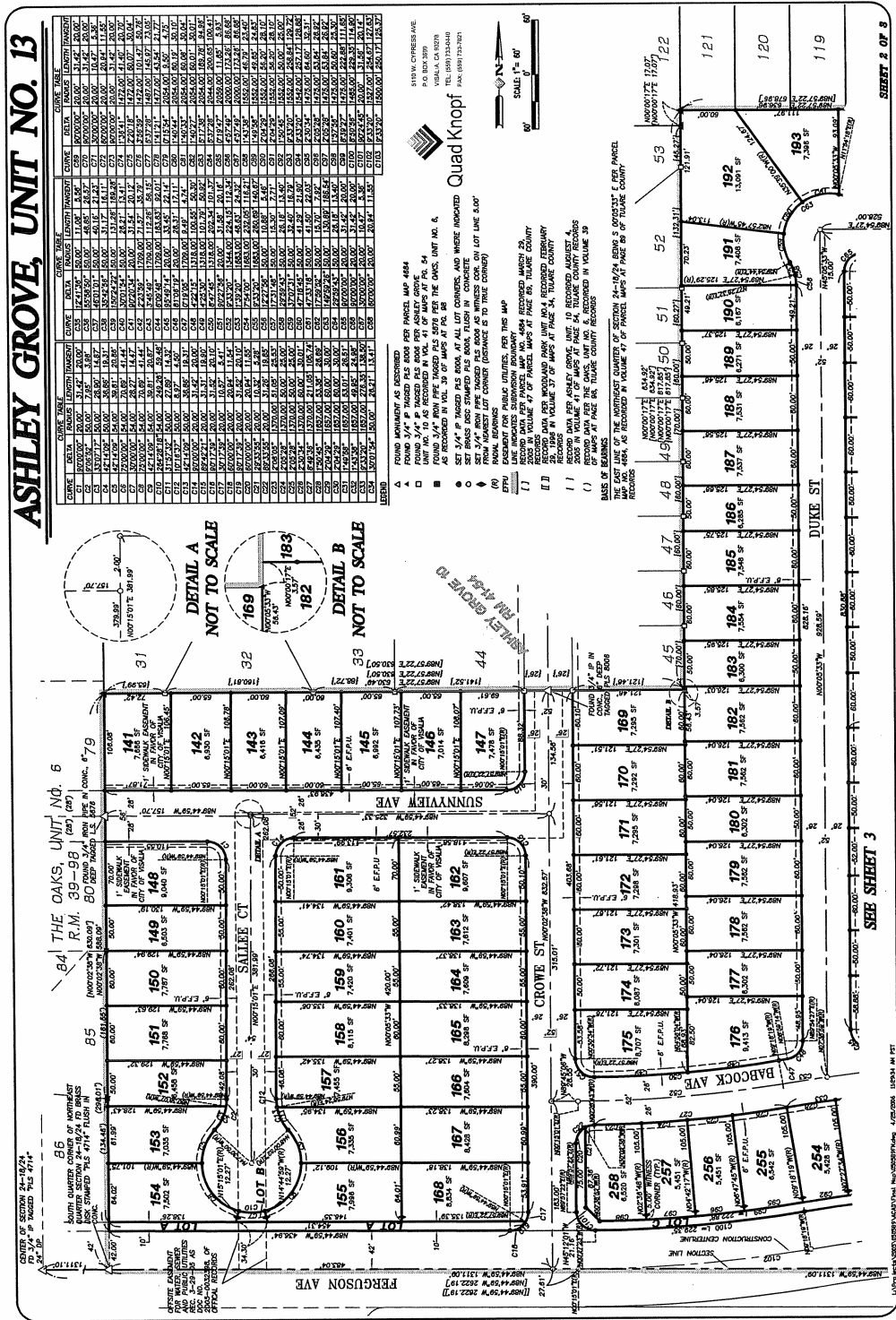


Exhibit "B"

Landscape Location Diagram Ashley Grove No. 10-11

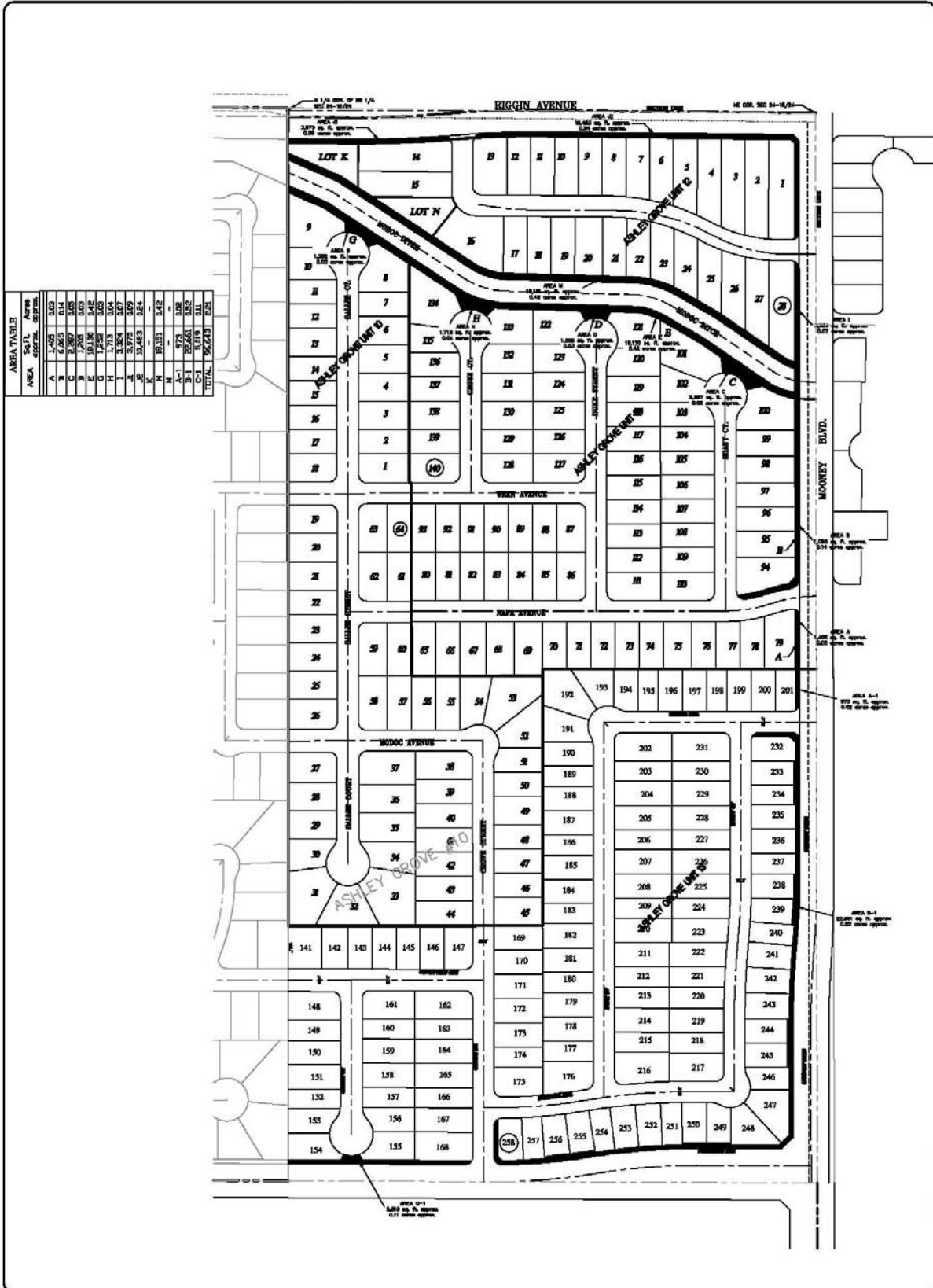


Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-11
Fiscal Year 2005-06

<u>APN #</u>		<u>Lot #</u>	<u>District</u>
089-043-001	\$336.65	05-1701	Ashley Grove No. 10
089-043-002	\$336.65	05-1702	Ashley Grove No. 10
089-043-003	\$336.65	05-1703	Ashley Grove No. 10
089-043-004	\$336.65	05-1704	Ashley Grove No. 10
089-042-001	\$336.65	05-1705	Ashley Grove No. 10
089-042-002	\$336.65	05-1706	Ashley Grove No. 10
089-042-003	\$336.65	05-1707	Ashley Grove No. 10
089-042-004	\$336.65	05-1708	Ashley Grove No. 10
089-042-005	\$336.65	05-1709	Ashley Grove No. 10
089-042-006	\$336.65	05-1710	Ashley Grove No. 10
089-042-007	\$336.65	05-1711	Ashley Grove No. 10
089-042-008	\$336.65	05-1712	Ashley Grove No. 10
089-042-009	\$336.65	05-1713	Ashley Grove No. 10
089-042-010	\$336.65	05-1714	Ashley Grove No. 10
089-043-005	\$336.65	05-1715	Ashley Grove No. 10
089-043-006	\$336.65	05-1716	Ashley Grove No. 10
089-043-007	\$336.65	05-1717	Ashley Grove No. 10
089-043-008	\$336.65	05-1718	Ashley Grove No. 10
089-043-009	\$336.65	05-1719	Ashley Grove No. 10
089-043-010	\$336.65	05-1720	Ashley Grove No. 10
089-043-011	\$336.65	05-1721	Ashley Grove No. 10
089-043-012	\$336.65	05-1722	Ashley Grove No. 10
089-043-013	\$336.65	05-1723	Ashley Grove No. 10
089-044-001	\$336.65	05-1724	Ashley Grove No. 10
089-044-002	\$336.65	05-1725	Ashley Grove No. 10
089-044-003	\$336.65	05-1726	Ashley Grove No. 10
089-044-004	\$336.65	05-1727	Ashley Grove No. 10
089-044-005	\$336.65	05-1728	Ashley Grove No. 10
089-044-006	\$336.65	05-1729	Ashley Grove No. 10
089-044-007	\$336.65	05-1730	Ashley Grove No. 10
089-044-008	\$336.65	05-1731	Ashley Grove No. 10
089-044-009	\$336.65	05-1732	Ashley Grove No. 10
089-044-010	\$336.65	05-1733	Ashley Grove No. 10
089-044-011	\$336.65	05-1734	Ashley Grove No. 10
089-044-012	\$336.65	05-1735	Ashley Grove No. 10
089-044-013	\$336.65	05-1736	Ashley Grove No. 10
089-044-014	\$336.65	05-1737	Ashley Grove No. 10
089-044-015	\$336.65	05-1738	Ashley Grove No. 10
089-044-016	\$336.65	05-1739	Ashley Grove No. 10
089-044-017	\$336.65	05-1740	Ashley Grove No. 10
089-044-018	\$336.65	05-1741	Ashley Grove No. 10
089-044-019	\$336.65	05-1742	Ashley Grove No. 10
089-044-020	\$336.65	05-1743	Ashley Grove No. 10
089-044-021	\$336.65	05-1744	Ashley Grove No. 10

Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-11
Fiscal Year 2005-06

089-044-022	\$336.65	05-1745	Ashley Grove No. 10
089-044-023	\$336.65	05-1746	Ashley Grove No. 10
089-044-024	\$336.65	05-1747	Ashley Grove No. 10
089-044-025	\$336.65	05-1748	Ashley Grove No. 10
089-044-026	\$336.65	05-1749	Ashley Grove No. 10
089-044-027	\$336.65	05-1750	Ashley Grove No. 10
089-044-028	\$336.65	05-1751	Ashley Grove No. 10
089-044-029	\$336.65	05-1752	Ashley Grove No. 10
089-044-030	\$336.65	05-1753	Ashley Grove No. 10
089-044-031	\$336.65	05-1754	Ashley Grove No. 10
089-044-032	\$336.65	05-1755	Ashley Grove No. 10
089-044-033	\$336.65	05-1756	Ashley Grove No. 10
089-044-034	\$336.65	05-1757	Ashley Grove No. 10
089-044-035	\$336.65	05-1758	Ashley Grove No. 10
089-043-014	\$336.65	05-1759	Ashley Grove No. 10
089-043-015	\$336.65	05-1760	Ashley Grove No. 10
089-043-016	\$336.65	05-1761	Ashley Grove No. 10
089-043-017	\$336.65	05-1762	Ashley Grove No. 10
089-043-018	\$336.65	05-1763	Ashley Grove No. 10
089-043-019	\$336.65	05-1764	Ashley Grove No. 10
089-043-020	\$336.65	05-1765	Ashley Grove No. 11
089-043-021	\$336.65	05-1766	Ashley Grove No. 11
089-043-022	\$336.65	05-1767	Ashley Grove No. 11
089-043-023	\$336.65	05-1768	Ashley Grove No. 11
089-042-012	\$336.65	05-1769	Ashley Grove No. 11
089-042-013	\$336.65	05-1770	Ashley Grove No. 11
089-042-014	\$336.65	05-1771	Ashley Grove No. 11
089-042-015	\$336.65	05-1772	Ashley Grove No. 11
089-042-016	\$336.65	05-1773	Ashley Grove No. 11
089-043-024	\$336.65	05-1774	Ashley Grove No. 11
089-043-025	\$336.65	05-1775	Ashley Grove No. 11
089-043-026	\$336.65	05-1776	Ashley Grove No. 11
089-043-027	\$336.65	05-1777	Ashley Grove No. 11
089-043-028	\$336.65	05-1778	Ashley Grove No. 11
089-043-029	\$336.65	05-1779	Ashley Grove No. 11
089-043-030	\$336.65	05-1780	Ashley Grove No. 11
089-043-031	\$336.65	05-1781	Ashley Grove No. 11
089-042-017	\$336.65	05-1782	Ashley Grove No. 11
089-042-018	\$336.65	05-1783	Ashley Grove No. 11
089-042-019	\$336.65	05-1784	Ashley Grove No. 11
089-042-020	\$336.65	05-1785	Ashley Grove No. 11
089-043-032	\$336.65	05-1786	Ashley Grove No. 11
089-043-033	\$336.65	05-1787	Ashley Grove No. 11
089-043-034	\$336.65	05-1788	Ashley Grove No. 11

Exhibit "C"

Tax Roll Assessment Ashley Grove No. 10-11 Fiscal Year 2005-06

089-043-035	\$336.65	05-1789	Ashley Grove No. 11
089-043-036	\$336.65	05-1790	Ashley Grove No. 11
089-043-037	\$336.65	05-1791	Ashley Grove No. 11
089-043-038	\$336.65	05-1792	Ashley Grove No. 11
089-043-039	\$336.65	05-1793	Ashley Grove No. 11
089-043-040	\$336.65	05-1794	Ashley Grove No. 11
089-043-041	\$336.65	05-1795	Ashley Grove No. 11
089-043-042	\$336.65	05-1796	Ashley Grove No. 11
089-043-043	\$336.65	05-1797	Ashley Grove No. 11
089-043-044	\$336.65	05-1798	Ashley Grove No. 11
089-043-045	\$336.65	05-1799	Ashley Grove No. 11
089-043-046	\$336.65	05-17100	Ashley Grove No. 11
089-043-047	\$336.65	05-17101	Ashley Grove No. 11
089-043-048	\$336.65	05-17102	Ashley Grove No. 11
089-043-049	\$336.65	05-17103	Ashley Grove No. 11
089-042-021	\$336.65	05-17104	Ashley Grove No. 11
089-043-050	\$336.65	05-17105	Ashley Grove No. 11
089-043-051	\$336.65	05-17106	Ashley Grove No. 11
089-043-052	\$336.65	05-17107	Ashley Grove No. 11
089-043-053	\$336.65	05-17108	Ashley Grove No. 11
089-043-054	\$336.65	05-17109	Ashley Grove No. 11
089-043-055	\$336.65	05-17110	Ashley Grove No. 11
089-043-056	\$336.65	05-17111	Ashley Grove No. 11
089-043-057	\$336.65	05-17112	Ashley Grove No. 11
089-043-058	\$336.65	05-17113	Ashley Grove No. 11
089-043-059	\$336.65	05-17114	Ashley Grove No. 11
089-043-060	\$336.65	05-17115	Ashley Grove No. 11
089-043-061	\$336.65	05-17116	Ashley Grove No. 11
089-043-062	\$336.65	05-17117	Ashley Grove No. 11
089-043-063	\$336.65	05-17118	Ashley Grove No. 11
089-043-064	\$336.65	05-17119	Ashley Grove No. 11
089-043-065	\$336.65	05-17120	Ashley Grove No. 11
089-043-066	\$336.65	05-17121	Ashley Grove No. 11
089-043-067	\$336.65	05-17122	Ashley Grove No. 11
089-043-068	\$336.65	05-17123	Ashley Grove No. 11
089-043-069	\$336.65	05-17124	Ashley Grove No. 11
089-043-070	\$336.65	05-17125	Ashley Grove No. 11
089-043-071	\$336.65	05-17126	Ashley Grove No. 11
089-043-072	\$336.65	05-17127	Ashley Grove No. 11
089-043-073	\$336.65	05-17128	Ashley Grove No. 11
089-043-074	\$336.65	05-17129	Ashley Grove No. 11
089-043-075	\$336.65	05-17130	Ashley Grove No. 11
089-043-076	\$336.65	05-17131	Ashley Grove No. 11
089-043-077	\$336.65	05-17132	Ashley Grove No. 11
089-043-078	\$336.65	05-17133	Ashley Grove No. 11

Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-11
Fiscal Year 2005-06

089-043-079	\$336.65	05-17134	Ashley Grove No. 11
089-043-080	\$336.65	05-17135	Ashley Grove No. 11
089-043-081	\$336.65	05-17136	Ashley Grove No. 11
089-043-082	\$336.65	05-17137	Ashley Grove No. 11
089-043-083	\$336.65	05-17138	Ashley Grove No. 11
089-043-084	\$336.65	05-17139	Ashley Grove No. 11
089-043-085	\$336.65	05-17140	Ashley Grove No. 11
To be determined	\$336.65	05-17141	Ashley Grove No. 13
To be determined	\$336.65	05-17142	Ashley Grove No. 13
To be determined	\$336.65	05-17143	Ashley Grove No. 13
To be determined	\$336.65	05-17144	Ashley Grove No. 13
To be determined	\$336.65	05-17145	Ashley Grove No. 13
To be determined	\$336.65	05-17146	Ashley Grove No. 13
To be determined	\$336.65	05-17147	Ashley Grove No. 13
To be determined	\$336.65	05-17148	Ashley Grove No. 13
To be determined	\$336.65	05-17149	Ashley Grove No. 13
To be determined	\$336.65	05-17150	Ashley Grove No. 13
To be determined	\$336.65	05-17151	Ashley Grove No. 13
To be determined	\$336.65	05-17152	Ashley Grove No. 13
To be determined	\$336.65	05-17153	Ashley Grove No. 13
To be determined	\$336.65	05-17154	Ashley Grove No. 13
To be determined	\$336.65	05-17155	Ashley Grove No. 13
To be determined	\$336.65	05-17156	Ashley Grove No. 13
To be determined	\$336.65	05-17157	Ashley Grove No. 13
To be determined	\$336.65	05-17158	Ashley Grove No. 13
To be determined	\$336.65	05-17159	Ashley Grove No. 13
To be determined	\$336.65	05-17160	Ashley Grove No. 13
To be determined	\$336.65	05-17161	Ashley Grove No. 13
To be determined	\$336.65	05-17162	Ashley Grove No. 13
To be determined	\$336.65	05-17163	Ashley Grove No. 13
To be determined	\$336.65	05-17164	Ashley Grove No. 13
To be determined	\$336.65	05-17165	Ashley Grove No. 13
To be determined	\$336.65	05-17166	Ashley Grove No. 13
To be determined	\$336.65	05-17167	Ashley Grove No. 13
To be determined	\$336.65	05-17168	Ashley Grove No. 13
To be determined	\$336.65	05-17169	Ashley Grove No. 13
To be determined	\$336.65	05-17170	Ashley Grove No. 13
To be determined	\$336.65	05-17171	Ashley Grove No. 13
To be determined	\$336.65	05-17172	Ashley Grove No. 13
To be determined	\$336.65	05-17173	Ashley Grove No. 13
To be determined	\$336.65	05-17174	Ashley Grove No. 13
To be determined	\$336.65	05-17175	Ashley Grove No. 13
To be determined	\$336.65	05-17176	Ashley Grove No. 13
To be determined	\$336.65	05-17177	Ashley Grove No. 13

Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-11
Fiscal Year 2005-06

To be determined	\$336.65	05-17178	Ashley Grove No. 13
To be determined	\$336.65	05-17179	Ashley Grove No. 13
To be determined	\$336.65	05-17180	Ashley Grove No. 13
To be determined	\$336.65	05-17181	Ashley Grove No. 13
To be determined	\$336.65	05-17182	Ashley Grove No. 13
To be determined	\$336.65	05-17183	Ashley Grove No. 13
To be determined	\$336.65	05-17184	Ashley Grove No. 13
To be determined	\$336.65	05-17185	Ashley Grove No. 13
To be determined	\$336.65	05-17186	Ashley Grove No. 13
To be determined	\$336.65	05-17187	Ashley Grove No. 13
To be determined	\$336.65	05-17188	Ashley Grove No. 13
To be determined	\$336.65	05-17189	Ashley Grove No. 13
To be determined	\$336.65	05-17190	Ashley Grove No. 13
To be determined	\$336.65	05-17191	Ashley Grove No. 13
To be determined	\$336.65	05-17192	Ashley Grove No. 13
To be determined	\$336.65	05-17193	Ashley Grove No. 13
To be determined	\$336.65	05-17194	Ashley Grove No. 13
To be determined	\$336.65	05-17195	Ashley Grove No. 13
To be determined	\$336.65	05-17196	Ashley Grove No. 13
To be determined	\$336.65	05-17197	Ashley Grove No. 13
To be determined	\$336.65	05-17198	Ashley Grove No. 13
To be determined	\$336.65	05-17199	Ashley Grove No. 13
To be determined	\$336.65	05-17200	Ashley Grove No. 13
To be determined	\$336.65	05-17201	Ashley Grove No. 13
To be determined	\$336.65	05-17202	Ashley Grove No. 13
To be determined	\$336.65	05-17203	Ashley Grove No. 13
To be determined	\$336.65	05-17204	Ashley Grove No. 13
To be determined	\$336.65	05-17205	Ashley Grove No. 13
To be determined	\$336.65	05-17206	Ashley Grove No. 13
To be determined	\$336.65	05-17207	Ashley Grove No. 13
To be determined	\$336.65	05-17208	Ashley Grove No. 13
To be determined	\$336.65	05-17209	Ashley Grove No. 13
To be determined	\$336.65	05-17210	Ashley Grove No. 13
To be determined	\$336.65	05-17211	Ashley Grove No. 13
To be determined	\$336.65	05-17212	Ashley Grove No. 13
To be determined	\$336.65	05-17213	Ashley Grove No. 13
To be determined	\$336.65	05-17214	Ashley Grove No. 13
To be determined	\$336.65	05-17215	Ashley Grove No. 13
To be determined	\$336.65	05-17216	Ashley Grove No. 13
To be determined	\$336.65	05-17217	Ashley Grove No. 13
To be determined	\$336.65	05-17218	Ashley Grove No. 13
To be determined	\$336.65	05-17219	Ashley Grove No. 13
To be determined	\$336.65	05-17220	Ashley Grove No. 13
To be determined	\$336.65	05-17221	Ashley Grove No. 13
To be determined	\$336.65	05-17222	Ashley Grove No. 13

Exhibit "C"

Tax Roll Assessment Ashley Grove No. 10-11 Fiscal Year 2005-06

To be determined	\$336.65	05-17223	Ashley Grove No. 13
To be determined	\$336.65	05-17224	Ashley Grove No. 13
To be determined	\$336.65	05-17225	Ashley Grove No. 13
To be determined	\$336.65	05-17226	Ashley Grove No. 13
To be determined	\$336.65	05-17227	Ashley Grove No. 13
To be determined	\$336.65	05-17228	Ashley Grove No. 13
To be determined	\$336.65	05-17229	Ashley Grove No. 13
To be determined	\$336.65	05-17230	Ashley Grove No. 13
To be determined	\$336.65	05-17231	Ashley Grove No. 13
To be determined	\$336.65	05-17232	Ashley Grove No. 13
To be determined	\$336.65	05-17233	Ashley Grove No. 13
To be determined	\$336.65	05-17234	Ashley Grove No. 13
To be determined	\$336.65	05-17235	Ashley Grove No. 13
To be determined	\$336.65	05-17236	Ashley Grove No. 13
To be determined	\$336.65	05-17237	Ashley Grove No. 13
To be determined	\$336.65	05-17238	Ashley Grove No. 13
To be determined	\$336.65	05-17239	Ashley Grove No. 13
To be determined	\$336.65	05-17240	Ashley Grove No. 13
To be determined	\$336.65	05-17241	Ashley Grove No. 13
To be determined	\$336.65	05-17242	Ashley Grove No. 13
To be determined	\$336.65	05-17243	Ashley Grove No. 13
To be determined	\$336.65	05-17244	Ashley Grove No. 13
To be determined	\$336.65	05-17245	Ashley Grove No. 13
To be determined	\$336.65	05-17246	Ashley Grove No. 13
To be determined	\$336.65	05-17247	Ashley Grove No. 13
To be determined	\$336.65	05-17248	Ashley Grove No. 13
To be determined	\$336.65	05-17249	Ashley Grove No. 13
To be determined	\$336.65	05-17250	Ashley Grove No. 13
To be determined	\$336.65	05-17251	Ashley Grove No. 13
To be determined	\$336.65	05-17252	Ashley Grove No. 13
To be determined	\$336.65	05-17253	Ashley Grove No. 13
To be determined	\$336.65	05-17254	Ashley Grove No. 13
To be determined	\$336.65	05-17255	Ashley Grove No. 13
To be determined	\$336.65	05-17256	Ashley Grove No. 13
To be determined	\$336.65	05-17257	Ashley Grove No. 13
To be determined	\$336.65	05-17258	Ashley Grove No. 13

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-17
Ashley Grove No. 10-11
Fiscal Year 2005-06

General Description

This Assessment District (District) is located on the west side of Mooney Blvd. between Riggan Avenue and Ferguson Avenue. Exhibit "A" is a map of Assessment District 05-17. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The maintenance of pavement on local streets includes preventative maintenance by means including, but not limited to overlays, chip seals/crack seals and reclamite (oiling). The total number lots within the district are 297.

Determination of Benefit

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

Method of Apportionment

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

Estimated Costs

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-17
Ashley Grove No. 10-11
Fiscal Year 2005-06

The estimated quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Estimated Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area and Shrub Area	Sq. Ft.	116,790	\$0.180	\$21,022.20
Shrub Area	Sq. Ft.	0	\$0.180	\$0.00
Water	Sq. Ft.	116,790	\$0.050	\$5,839.50
Electricity	Sq. Ft.	116,790	\$0.008	\$934.32
Trees In Landscape Lots	Each	295	\$25.00	\$7,375.00
Trees In Local Street Parkways	Each	355	\$25.00	\$8,875.00
Street Lights	Each	60	\$105.00	\$6,300.00
Chip Seal (15 year cycle)	Sq. Ft.	317,503	\$0.190	\$4,021.70
Crack Seal (8 year cycle)	Sq. Ft.	317,503	\$0.02933	\$1,164.16
Reclamite (6 year cycle)	Sq. Ft.	317,503	\$0.0211110	\$1,117.13
Overlays (10 year cycle)	Sq. Ft.	317,503	\$0.65	\$20,637.70
Project Management Costs	Lots	297	\$18.00	\$5,346.00
TOTAL				\$82,632.72
10% Reserve Fund				\$8,263.27
10% for estimated quantities				\$9,089.60
GRAND TOTAL				\$99,985.59
COST PER LOT				\$336.65

Annual Cost Increase

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

$$A_{max} \text{ for any given year "n"} = (\$99,985.59) (1.05)^{(n-1)}$$

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

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-17
Ashley Grove No. 10-11
Fiscal Year 2005-06

Example 1. The estimated year four cost of maintaining the improvements in the district is \$108,984.29 [a 9% increase over the base year estimated cost of \$99,985.59]. The maximum annual assessment for year four is \$115,745.82 [$A_{\max} =$
 $(4-1)$
 $(\$99,985.59) (1.05)$]. The assessment will be set at \$108,984.29 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$112,983.72 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$99,985.59]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$2,259.67 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum
 $(4-1)$
annual assessment for year four is \$115,745.82 [$A_{\max} = (\$99,985.59) (1.05)$]. The year four assessment will be set at \$112,983.72 plus the deficit amount of \$2,259.67 which equals \$113,026.85 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$108,984.29 [a 9% increase over the base year assessment of \$99,985.59] and damage occurred to the masonry wall raising the year five expenses to \$121,982.42 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$119,882.72 (a 10% increase over the previous year) and below the maximum annual assessment of \$121,533.11 [$A_{\max} =$
 $(5-1)$
 $(\$99,985.59) (1.05)$]. The difference of \$2,099.70 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

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

Andrew Benelli
Public Works Director

RCE 50022

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 7, 2006

Agenda Item Number (Assigned by City Clerk): 8 m (3)

Agenda Item Wording: Authorize the Recordation of the Final Map for Eagle Creek#2, located at the Northwest corner of Roeben Street and Doe Ave (97 lots) and the Annexation of Eagle Creek#2 into Landscape and Lighting District No. 05-12, Eagle Creek (**Resolution Nos. 06-70 and 06-71 required**). APN: 077-100-080,

Deadline for Action: None

Submitting Department: Public Works, Engineering

Contact Name and Phone Number:

Andrew Benelli 713-4340
Peter Spiro 713-4256

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for Eagle Creek #2 containing 97 single family lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$876,098 and Labor and Material Bond in the amount of \$438,049 3) cash payment of \$ 327,838 distributed to various accounts; and 4) Final Map. This development is being constructed by McMillin Meadows .

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

City Mgr _____
(Initials Required)

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

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

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

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004, the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along Roeben Avenue, The City will be reimbursing approximately \$315,547 to the developer (McMillin Meadows, LLC) by giving a combination of fee credits for Transportation Impact Fees and cash payment.

Landscape & Lighting

Staff recommends that the City Council adopt Resolution No. 06-70 Initiating Proceedings for Annexation to Assessment District No. 05-12, Eagle Creek; adopt the Engineer's Report as submitted; and adopt Resolution No. 06-71 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

On May 16th, 2005, City Council approved the formation of a Landscape and Lighting District for Eagle Creek. This district included the assessor's parcel numbers for all phases of Eagle Creek tentative map. This established at the onset of this development that the landscape and lighting district would be built in phases and the cost for maintenance would be shared equally among all the property owners for all phases of Eagle Creek. The purpose behind this was to bring future annexations to the Council without having to get permission from the owners in each developed phase to add additional lots to the district. The City would only need permission from the owners in each developed phase if the annexation of the new phase would cause the per lot assessment to increase. This annexation will reduce the per lot assessment for each lot within the district.

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

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

Committee/Commission Review and Actions: The tentative subdivision map for Eagle Creek subdivision was approved by the Planning Commission on August 23rd, 2004. The applicant applied for an extension earlier this year and the tentative map will expire on August 23rd, 2007.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Eagle Creek #2 and I move to adopt Resolution No. 06-70 Initiating Proceedings for Annexation to Assessment District No. 05-12 "Eagle Creek" and adopt Resolution No. 06-71 Ordering the Improvements for Assessment District No. 05-12 "Eagle Creek."

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

RESOLUTION NO. 06-70

RESOLUTION INITIATING PROCEEDINGS
FOR ANNEXATION TO
ASSESSMENT DISTRICT 05-12
EAGLE CREEK
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to annex to an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The district, including the annexation, shall continue with the designation established with the initial formation, which is "Assessment District No. 05-12, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-12, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Eagle Creek".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-12

EAGLE CREEK

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-12, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 7th day of August, 2006 by its Resolution No. 06-71.

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

RESOLUTION NO. 06-71

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-12
EAGLE CREEK
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-12, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the annexation to the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2006-07.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram
 Assessment District No. 05-12
 City of Visalia, Tulare County, California

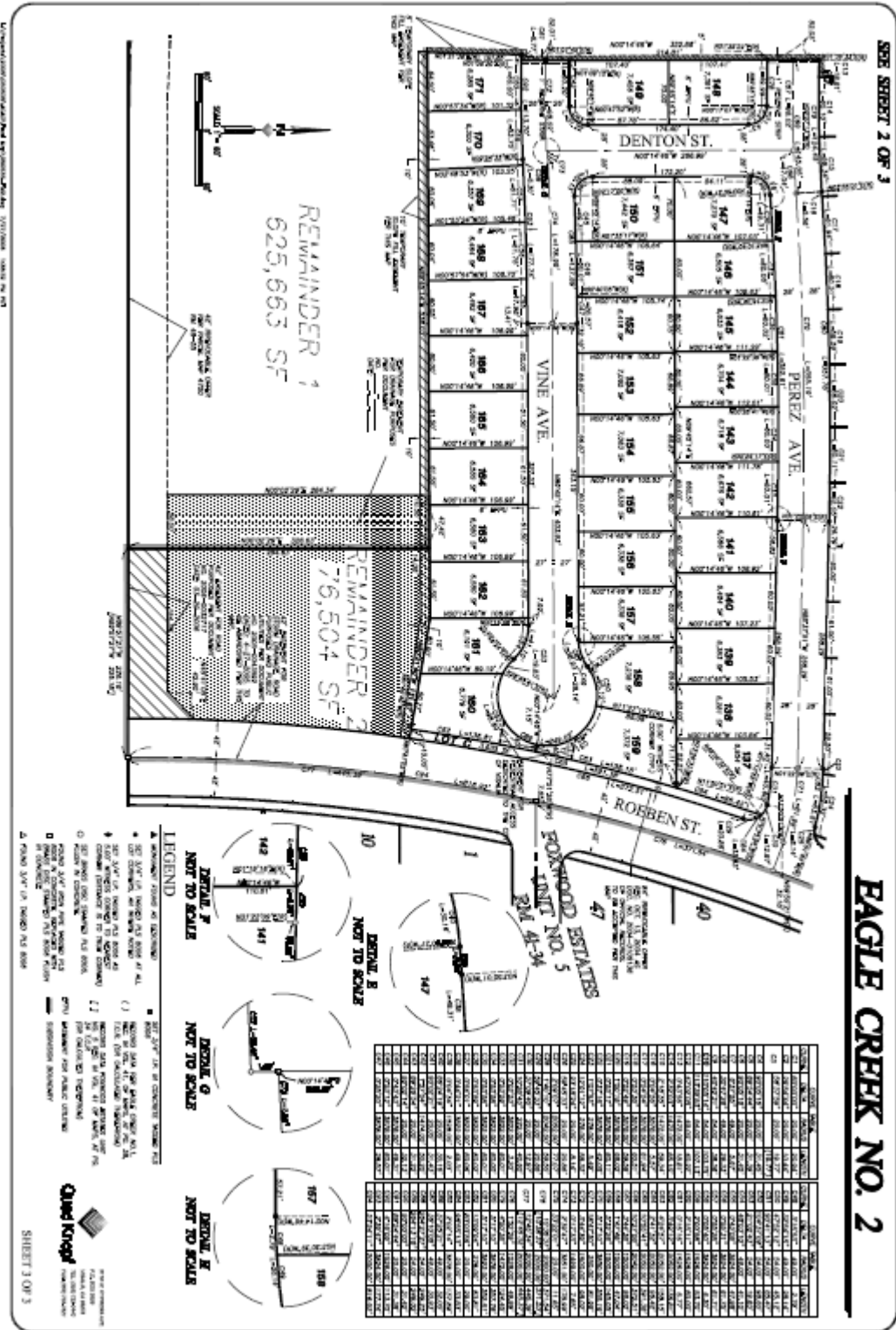


Exhibit "B"

Landscape Location Diagram
Eagle Creek

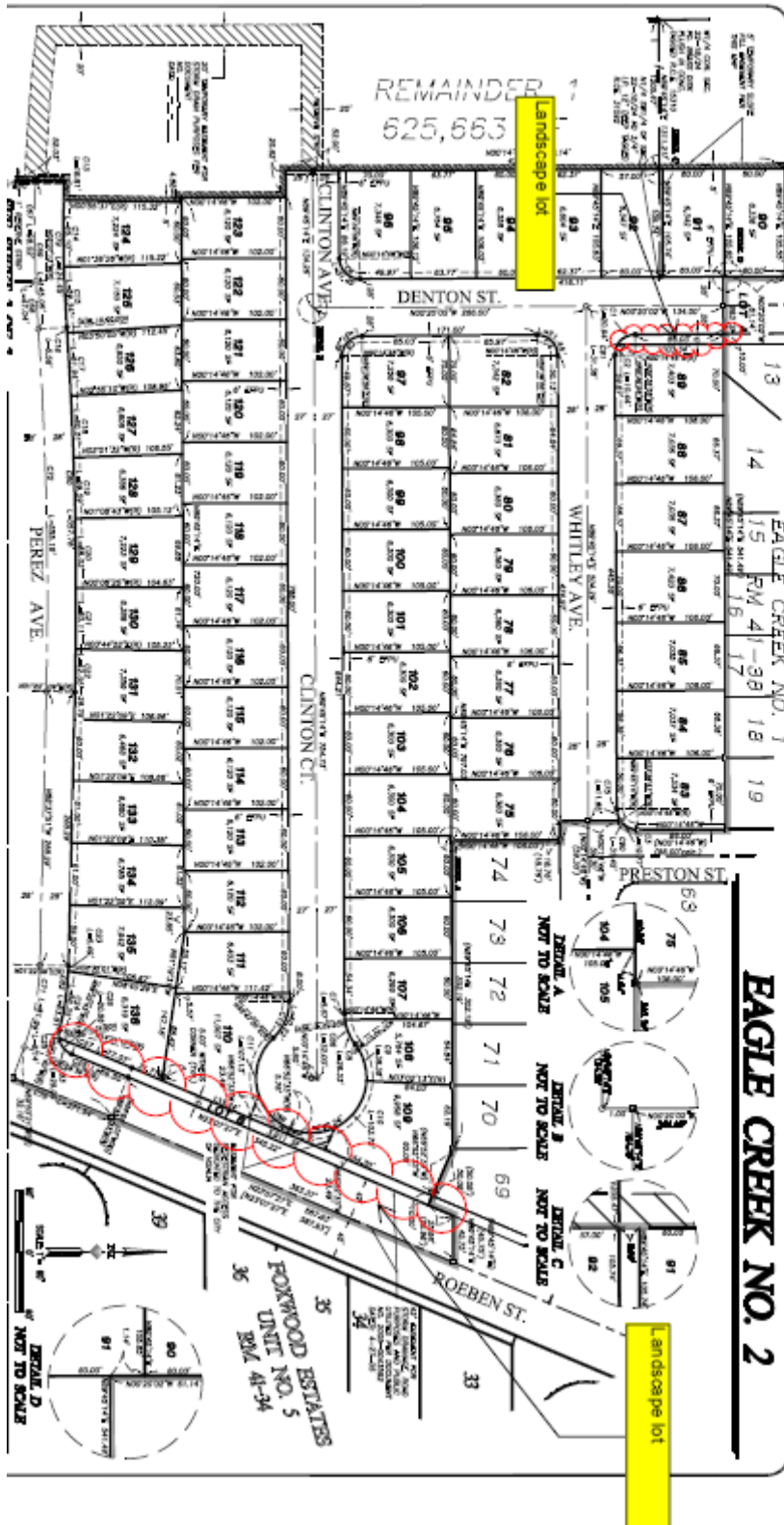


Exhibit "B"

Landscape Location Diagram Eagle Creek

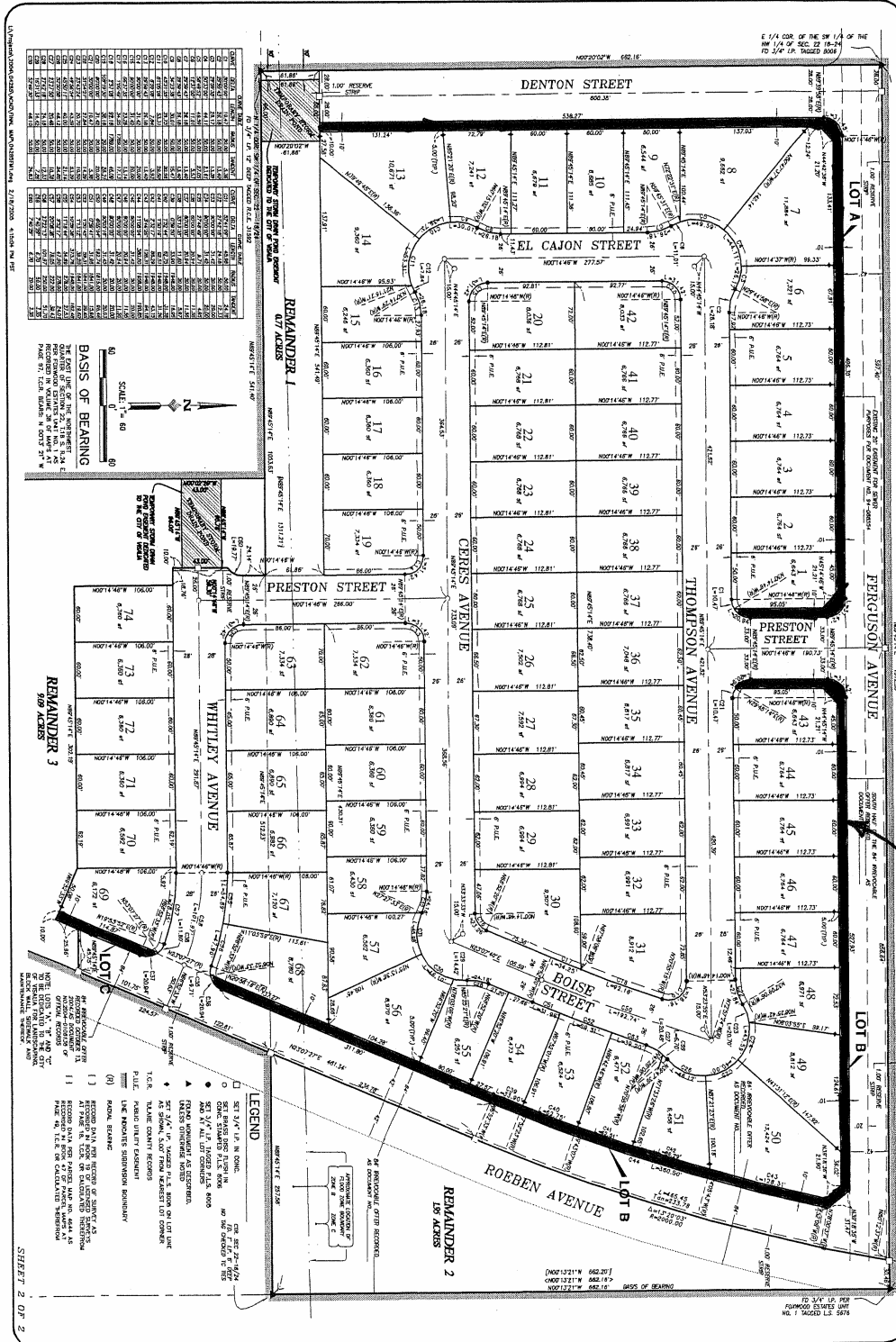


Exhibit "C"Tax Roll Assessment
Eagle Creek
Fiscal Year 2006-07

APN #	Assessment	Owner	Lot #	District
To be Assigned	\$173.58	to be Determined	05-1275	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1276	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1277	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1278	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1279	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1280	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1281	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1282	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1283	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1284	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1285	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1286	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1287	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1288	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1289	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1290	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1291	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1292	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1293	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1294	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1295	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1296	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1297	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1298	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-1299	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12100	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12101	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12102	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12103	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12104	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12105	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12106	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12107	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12108	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12109	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12110	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12111	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12112	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12113	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12114	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12115	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12116	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12117	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12118	Eagle Creek

Exhibit "C"

Tax Roll Assessment
Eagle Creek
Fiscal Year 2006-07

To be Assigned	\$173.58	to be Determined	05-12118	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12119	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12120	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12121	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12122	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12123	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12124	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12125	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12126	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12127	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12128	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12129	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12130	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12131	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12132	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12133	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12134	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12135	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12136	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12137	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12138	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12139	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12140	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12141	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12142	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12143	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12144	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12145	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12146	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12147	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12148	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12149	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12150	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12151	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12152	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12153	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12154	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12155	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12156	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12157	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12158	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12159	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12160	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12161	Eagle Creek
To be Assigned	\$173.58	to be Determined	05-12162	Eagle Creek

Exhibit "C"

Tax Roll Assessment
Eagle Creek
Fiscal Year 2006-07

To be Assigned	\$173.58	to be Determined	05-12163	
To be Assigned	\$173.58	to be Determined	05-12164	
To be Assigned	\$173.58	to be Determined	05-12165	
To be Assigned	\$173.58	to be Determined	05-12166	
To be Assigned	\$173.58	to be Determined	05-12167	
To be Assigned	\$173.58	to be Determined	05-12168	
To be Assigned	\$173.58	to be Determined	05-12169	
To be Assigned	\$173.58	to be Determined	05-12170	
To be Assigned	\$173.58	to be Determined	05-12171	

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-12
Eagle Creek
Fiscal Year 2006-07

General Description

This Assessment District (District) is located at the Southwest corner of Roeben St, and Ferguson Ave . Exhibit "A" is a map of Assessment District 05-12. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district are 371.

Determination of Benefit

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

Method of Apportionment

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

Estimated Costs

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-12
Eagle Creek
Fiscal Year 2006-07

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	17,378	\$0.199	\$3,458.22
Shrub Area	Sq. Ft.	29,803	\$0.199	\$5,930.80
Water	Sq. Ft.	47,181	\$0.050	\$2,359.05
Electricity	Sq. Ft.	47,181	\$0.008	\$377.45
Trees In Landscape Lots	Each	152	\$25.00	\$3,800.00
Trees In Local Street Parkways	Each	168	\$25.00	\$4,200.00
Street Lights	Each	36	\$105.00	\$3,780.00
Project Management Costs	Lots	171	\$18.00	\$3,078.00
TOTAL				\$26,983.52
10% Reserve Fund				\$2,698.35
GRAND TOTAL				\$29,681.87
COST PER LOT				\$173.58

Annual Cost Increase

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

$$A_{max} \text{ for any given year "n"} = (\$29,681.87) (1.05)^{(n-1)}$$

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

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-12
Eagle Creek
Fiscal Year 2006-07

Example 1. The estimated year four cost of maintaining the improvements in the district is \$32,353.27 [a 9% increase over the base year estimated cost of \$29,681.87]. The maximum annual assessment for year four is \$34,360.49 [$A_{\max} = (\$34,360.47)^{(4-1)}$ (1.05)]. The assessment will be set at \$32,353.27 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$33,540.58 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$29,681.87]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$670.82 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$34,360.49 [$A_{\max} = (\$29,681.87)^{(4-1)}$ (1.05)]. The year four assessment will be set at \$33,540.58 plus the deficit amount of \$670.86 which equals \$34,211.34 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$32,353.27 [a 9% increase over the base year assessment of \$29,681.87] and damage occurred to the masonry wall raising the year five expenses to \$36,211.88 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$35,588.52 (a 10% increase over the previous year) and below the maximum annual assessment of \$36,078.42 [$A_{\max} = (\$29,681.87)^{(5-1)}$ (1.05)]. The difference of \$133.36 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

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

Andrew Benelli
Public Works Director

RCE 50022

Date