

Visalia City Council Agenda



For the regular meeting of: Monday, August 21, 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.

Introductions -

Battalion Fire Chief Charlie Norman presents the new Visalia Fire Department 2006 Pierce Fire Engine.

Public Comment on Work Session Items -

1. Presentation by Vice Mayor Greg Kirkpatrick regarding Ag Easements acquired in the Yolo/Solano County Area. *(Advance written material not available for this item, but may be made available before or at the meeting.)*
2. Item removed from Agenda.
3. Update on the City's Tentative Wastewater Discharge Permit issued by the Regional Water Quality Control Board.

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

ITEMS OF INTEREST

CLOSED SESSION

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

4. Item removed from Agenda.

5. Conference with Legal Counsel – Existing Litigation (3)
(Subdivision (a) of Section 54956.9 GC)
Name of case: Colello v City of Visalia (TCSC No. 05-214324)
Name of case: City of Visalia v Harrah et al. (TCSC No. 04-210016)
Name of case: Pinto v City of Visalia (TCSC No. 04-102897)
6. Conference with Legal Counsel – Anticipated Litigation (2)
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC)
7. Conference with Real Property Negotiators
Property: 440 N. Giddings St. (Recreation Park Baseball Stadium)
Under Negotiation: Price, terms, conditions of lease
Negotiators: Steve Salomon, Carol Cairns, Alex Peltzer, Top of the Third
8. Item removed from Agenda.
9. Conference with Real Property Negotiators
Property: southeast corner of Noble Avenue and Roeben Street; APN: 087-450-001 through 005
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Andrew Benelli, Brandon Smith, Quad Knopf, Agent
10. Conference with Real Property Negotiators
Property: 5903 W. Noble; APN: 087-450-005
Under Negotiation: Price, terms conditions of purchase
Negotiators: Steve Salomon, Michael Olmos, Colleen Carlson, Craig Mangano for James B. & Meda M. Billys
11. Item removed from Agenda.
12. Conference with Real Property Negotiators
Property: 7821 W. Sunnyview Avenue
Under Negotiation: Price, terms conditions of abandonment of interest in real property
Negotiators: Steve Salomon, Alex Peltzer, Andrew Benelli, Pete Sherwood for Frank Golden
13. Item removed from Agenda.

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Ray Dreilling, St. Mary’s Catholic Church

SPECIAL PRESENTATIONS/RECOGNITION

Recognition of the 2006 Cal Ripken 10 year-old Visalia Youth Baseball Team National Champions.

Musical presentation by Visalia Teen Idol Winner - Desirae Olvera-Smith.

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

14. 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) Council Authorization to Send Letters Opposing AB 3026 (Lieber) Workers Compensation: Public Safety Employees to Governor Schwarzenegger and the Appropriate Legislators.
 - c) Authorization for The City Manager to enter into a Memorandum of Understanding between The City of Visalia and The County of Tulare for the exchange of personnel to sit as a Hearing Officer during Code Enforcement Administrative Hearings.
 - d) Adoption of **Resolution 2006-72**, declaring intent to abandon a portion of the west side of Vista St., between Meadow Avenue and Noble Avenue.
 - e) Request authorization to grant utility easements to Southern California Edison for the City owned land at 222 W. Acequia, Visalia. This is the site of the West Acequia Parking Structure.
 - f) Adoption of **Resolution 2006-73** in support of the Plaza Drive and Road 80 Mitigated Negative Declaration for the portion of Road 80 within the Visalia Urban Area Boundary.
 - g) Authorization to execute Amendment to Agreement between the City of Visalia and Visalia Unified School District regarding collection Visalia Unified School District School Facilities fees.
 - h) Authorize the Recordation of the Final Map for Silver Oaks Unit #3 (85 lots) located at the Southwest corner of Demaree Street and Ferguson Ave.(APN'S: 077-570-022, 077-590-010)

- i) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation of* the final map(s) related thereto (if applicable):
 - 1. Authorize the Recordation of the Final Map for Sequoia Crossing, located 660' south of Caldwell Avenue along Akers Street (86 lots) and the Formation of Landscape and Lighting District No. 06-06, Sequoia Crossing; **Resolution 2006-74 and 2006-75 required.** APN: 119-070-072
 - j) Authorization to file a Notice of Completion for the following:
 - 1. Parcel Map 2003-14, located at the northwest and southwest corner of Shirk Road and Pershing Avenue.
 - k) **Second Reading of the following Ordinance(s):**
 - 1. **Ordinance 2006-07** An Amendment to Zoning Ordinance Section No. 17.10.110, 17.12.110, 17.16.100, to increase the maximum building height to 35 feet in the RA (rural residential), R-1-6 (single family residential), and R-M (multiple family residential) zones.
 - l) Authorize staff to execute a Microsoft Enterprise Agreement (EA) with Microsoft for server software based on the Riverside County Enterprise Agreement 01E62044, a competitively bid, cooperative agreement at an annual cost of \$25,500 for five years. Compucom will be designated as the reseller for this agreement.
 - m) Ratification of Planning Commission Action Amending the Zoning Matrix - **Resolution 2006-76** for Text Amendment No. 2005-15 b; Amending the Zoning Matrix, Zoning Ordinances Section 17.18.050, to add Hardware Stores with Outdoor Lumberyards as a "Conditional" use in the CSO (Commercial Shopping Office), and CCM (Community Commercial) zones, and; to add Hardware Stores up to 50,000 square feet as a "Conditional" use in the CSO (Commercial Shopping Office), CCM (Community Commercial) and CS (Service Commercial) zones, and; to amend the language on Matrix Lines 695 through 699 to clarify the Hardware Stores categories.
 - n) Authorize City Manager to execute Amendment of Supplemental Waiver of Fees Agreement with Cigna.
15. REGULAR ITEM - Citizen's Advisory Committee 2005 Public Opinion Survey (survey for January 1 through December 31, 2005).
16. PUBLIC HEARING -
- a. Request for Certification of the Draft Environmental Impact Report, prepared for the Elliott and Vander Weerd properties. The project area for the EIR is located east of Shirk Street and south of the Tulare Avenue alignment between Shirk Street and Roeben Avenue. State Clearinghouse No. 2004061090.

- b. Initiation of Proceedings for Annexation No. 2003-08 (Elliott East): A request to annex approximately 80 acres into the City of Visalia. **Resolution 2006-77 required. (A separate Motion by the Council is required.)**
- c. General Plan Amendment No. 2003-20: A request to change the General Plan land use designation from Agriculture to Low Density Residential on 80 acres. **Resolution 2006-78 required. (A separate Motion by the Council is required.)**

This project is located east of Shirk Street and south of the Tulare Avenue alignment between Shirk Street and Roeben Avenue in the City of Visalia (APN: 087-010-005, 006, 008) Centex Homes, applicant. Quad Knopf, agent.

This regular meeting will be adjourned to Monday, August 28, 2006, 4 p.m., at the Visalia Convention Center for the following item(s):

- 17. REGULAR ITEM - Request authorization to execute a change order to a previously awarded contract-control panels SCADA systems- The change order is in the amount of \$245,945 and will save the department an approximate amount of \$54,000.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, August 28, 2006 - Special Meeting, Visalia Convention Center
Monday, September 18, 2006
Monday, October 2, 2006
Monday, October 16, 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 21, 2006

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Update on the City's Tentative Wastewater Discharge Permit issued by the Regional Water Quality Control Board.

Deadline for Action: August 21, 2006

Submitting Department: Public Works

Contact Name and Phone Number: Andrew Benelli, Director, 713-4340, Jim Ross, Manager, 713-4466

Department Recommendation

Staff recommends that Council authorizes staff to issue a Request for Proposal (RFP) to produce a Treatment Plant Master Plan. This plan will be important as decisions are made about the facility. This item was initially scheduled as a CIP project in fiscal year 2009 in the amount of \$310,000. The current Master Plan is 19 years old and outdated.

Staff further recommends that Council authorize city staff to proceed with negotiations with the Regional Board toward a cessation of discharge to Mill Creek in favor of Pond discharge and agricultural reuse.

Summary

The City of Visalia wastewater treatment plant (WWTP) operates under a discharge permit issued by the State Water Resources Control Board (SWRCB) and administered by the Regional Water Quality Control Board (RWQCB, or Regional Board) in Fresno.

Visalia's current permit expired in March 2002, but the City has been allowed to continue discharging pending adoption of a new permit. After several years of inaction, the Regional Board notified the City that the Tentative Order (TO, or tentative permit) had been completed, the public comment period was open, and the Order is scheduled for adoption on September 20/21. The city's request for additional time was denied.

The City, along with its consultants (Carollo Engineers, Larry Walker & Associates, Stomach, Simmons, & Dunn Attorneys) submitted comments to the Regional Board on August 7, as required, and continue to provide information and comments as the Final Order is being completed. Staff will next meet with the Board on August 22 to address issues raised by a northern California environmental group.

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: AJB
Dept. Head 8/17/06
(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.

To date, the City's strategy has been to assist the Board in creating a reasonable permit that will provide the necessary environmental protections and at the same time provide the City with the time it needs to adequately investigate all available options. To what extent the Board is accepting these suggestions is not yet known. The City should have the opportunity to review and comment on a revised TO prior to its scheduled adoption on September 20/21.

It is estimated that it would cost approximately \$41 million to comply with the various requirements of the TO as written. It should be noted that whereas the \$8.8 million expansion in 2002 added 5.4 million gallons per day (MGD) of capacity, zero additional capacity would be achieved with the \$41 million expenditure.

Tentative Permit Overview:

In general terms, the TO is written to protect groundwater and surface water quality. Each will be discussed below.

- **Groundwater:** Groundwater down gradient of the WWTP is used for irrigation and domestic supply, and the WWTP discharge must not cause degradation to occur for either of these uses. The primary constituents of concern are electrical conductivity (EC), coliform, and nitrate.

There have been EC issues in the past mainly due to the presence of high-salinity discharge from an olive processing plant. However, groundwater EC in the vicinity of the WWTP has been steadily improving since the company relocated from Visalia. Coliform has not been an issue apart from sporadic positive test results. Groundwater levels of nitrate, however, exceeded the State Drinking Water standard in 7 of 14 monitoring wells.

To ensure that the plant effluent does not contribute to nitrates in groundwater, two changes will be required to the treatment process. First, the liquid waste stream will require nitrification and denitrification. This relatively simple process converts ammonia in wastewater to nitrogen gas that is released to the atmosphere. The result is an effluent with minimal traces of nitrogen, thus eliminating the possibility of adverse impacts. Second, the construction of a mechanical solids dewatering facility to replace the solar drying beds is needed. This will prevent treated, nitrogen-rich solids from contacting the ground, thereby preventing nitrogen from leaching into groundwater.

Surface Water: The treatment plant discharges to Mill Creek, a "water of the United States." Mill Creek is an ephemeral stream, and absent the discharge from the treatment plant, would be dry most of the year. Sections of Mill Creek maintain the characteristics of a natural waterway, but much of it has been modified to the point that it is indistinguishable from an irrigation ditch.

In the past, the designated potential or beneficial uses of Mill Creek were aesthetics, agricultural supply, wildlife habitat and groundwater recharge. The Tulare Lake Basin Plan also designated Water Contact Recreation (REC-1) and warm freshwater habitat (WARM) as potential uses, but the Regional Board staff exercised its discretionary authority to dedesignate these uses on a case by case basis. A recent order (Vacaville Order) eliminated this discretion. As a result, Mill Creek has been given the new designations of REC-1 and WARM uses whether these uses actually exist or not. It should be noted that the Vacaville Order is currently under litigation.

The Rec-1 designation requires that the effluent leaving the treatment plant have a coliform count of 2.2 MPN (Most Probable Number) as opposed to the current requirement of 23 MPN. Tertiary filtration would be required to consistently meet this requirement. This process would produce a water quality that would approach drinking water standards, and would be free of all restrictions for almost any purpose except domestic supply, including use on parks, golf courses, and agricultural crops, including most human food crops. The 2.2 MPN requirement accounts for \$22 million of the permit's potential cost.

The WARM designation will require the WWTP to eliminate all toxicity from its effluent within three years, most notably ammonia and chlorine, both of which are toxic to aquatic organisms. The elimination of ammonia will require the addition of the nitrification / denitrification process described above. The elimination of chlorine will require the construction of a de-chlorination facility which would use sulfur dioxide to neutralize any residual chlorine.

It is the WARM designation of Mill Creek that causes the greatest unease among city staff. Staff is concerned that in the next round of permitting, or as the result of legal challenges, Mill Creek could acquire further beneficial use designations, including warm water fishery. If that occurs, the WWTP would likely find itself with the requirement of maintaining a minimum flow within Mill Creek, essentially forced to maintain a fishery that has never existed in the past and habitat that would not exist absent the city's discharge. While Regional Board staff has indicated this is not their intent, they offer no guarantees against such a move.

The table below identifies the cost associated to comply with the TO as currently written, and indicates the purpose for each requirement. It should be noted that the costs given in this report are estimates based on similar projects at similarly sized plants and are approximates only.

Cost to Comply with Tentative Order, as written

Requirement	Purpose	Cost
Filtration (REC-1, 2.2 MPN)	REC-1, 2.2 MPN	\$ 22 million
Dechlorination	WARM	\$ 3 million
Nitrification / Denitrification	WARM, Groundwater	\$ 8 million
Dewatering	Groundwater	\$ 8 million
Total		\$ 41 million

Options:

The processes associated with the protection of groundwater – (i.e nitrification/denitrification and dewatering) will be required even under the best case scenario. The City will be required to complete these improvements within three years (\$18 million).

The City has three possible methods for significantly reducing the cost of permit compliance: 1) challenge the designation of Mill Creek, 2) convince the Regional Board to maintain the 23 MPN requirement for Mill Creek instead of the proposed 2.2 MPN, and 3) discontinue discharge to Mill Creek. Below is a brief discussion of these options.

- Challenge designation of Mill Creek: The designated uses of REC-1 and WARM account for the majority of the upgrade costs associated with the tentative permit. De-designating these uses would be in the City's best interest. In short, a Basin Plan amendment would be required which would cost approximately \$500,000. According to

Regional Board staff, it is “highly unlikely” that an attempt to amend the Basin Plan to de-designate these uses would be successful. In fact, no attempt to amend the Basin Plan has ever been successful.

- Change MPN requirement of Mill Creek: The Department of Health Services (DHS) has the authority to waive the 2.2 MPN requirement within Mill Creek and continue to allow a 23 MPN requirement. Staff met with DHS personnel concerning this matter. DHS subsequently recommended a 23 MPN for Mill Creek to the Regional Board staff indicated that the final permit would be changed to reflect the DHS recommendation.

The Regional Board also received comment from the California Sportfishing Protection Alliance, a northern California environmental group. Their eight page letter urged more stringent criteria for the WWTP discharge, including the 2.2 requirement. It is unclear at this time which direction the Regional Board will go with this issue. However, it is obvious that any decision short of the 2.2 MPN requirement will be looked at unfavorably by some environmental concerns, which leaves the future of 23 MPN very much in doubt.

While the cost to comply with the 2.2 requirement may be delayed, it is not likely to be avoided in future permits. Staff is scheduled to meet with the Regional Board on August 22 for discussions on this issue.

- Discontinue discharge to Mill Creek: In addition to the filtration and dechlorination processes discussed above, a significant portion of the monitoring and reporting requirements would be eliminated absent discharge to Mill Creek. This would be particularly important as the discovery of an undetected substance in the effluent could lead to a great deal of effort and expense to correct what could be an anomaly.

Under this option, discharge would be to percolation ponds for storage and percolation during the winter and direct reuse for irrigation purposes during the growing season. Additional percolation ponds may need to be constructed. The city would need to have access to a sufficient amount of farmland on which to apply treated effluent. Based on past interest by nearby farmers, this should not be a problem.

This course of action appears to be preferred by the Regional Board and is consistent with the Basin Plan, which states, “Dischargers will be required to reclaim and reuse wastewater whenever reclamation is feasible.” Groundwater pumping in the area would be reduced and high quality treated effluent would be retained within the environs of Visalia.

The following table identifies the costs associated with the various options discussed above.

Estimated Construction Cost, in \$ million

		Not Likely to Succeed			May be Possible	Completely Feasible
	Permit as written	Mill Creek discharge, without WARM or REC-1 designations (Status Quo)	Mill Creek discharge, with WARM designation, without REC-1 designation	Mill Creek discharge, with REC-1 designation, without WARM designation	Mill Creek requirement changed from 2.2 MPN to 23 MPN	No Discharge to Mill Creek: Percolation Ponds and Ag reuse
Filtration	22	0	0	22	0	0
Dechlorination	3	0	3	0	3	0
Nit / De-Nit	8	8	8	8	8	8
Dewatering	8	8	8	8	8	8
Additional Ponds	0	0	0	0	0	2
Totals	41	16	19	38	19	18

Conclusion:

For more than three decades, the Visalia WWTP has discharged into Mill Creek. The costs to continue to do so are now becoming prohibitively expensive. Of the \$41 million cost to comply with the Tentative Order, \$25 million is directly attributable to discharge to Mill Creek. There is, however, another long term option available that will avoid such an enormous expense.

The Regional Board is tasked with implementing the Tulare Lake Basin Plan, and, as noted above, the Basin Plan states that “Dischargers will be required to reclaim and reuse wastewater whenever reclamation is feasible” in preference to surface water discharge. Visalia is fully capable of complying with this aspect of the Basin Plan: discharging 100% of its effluent to percolation ponds and agricultural reuse. Not only would this conform to the Basin Plan, but it would also decrease the cost of complying with the tentative permit from \$41 million to \$18 million.

It should be noted that because pond discharge would no longer require an NPDES permit, the five year renewal cycle would be eliminated. It is conceivable that new permit would be in effect for 10 years or more, and without significant changes being made. If, for some reason, the City decided to resume discharge to Mill Creek in the future, it could re-submit that request to the Regional Board, and the request would be evaluated through a process very similar to the current effort.

Staff is requesting Council authorization to proceed with negotiations with the Regional Board toward a cessation of discharge to Mill Creek in favor of Pond discharge and agricultural reuse.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: none

Recommended Motion (and Alternative Motions if expected):

Move to authorize staff to issue a Request for Proposals (RFP) to produce a Treatment Plant Master Plan, a CIP project that was originally scheduled for fiscal year 2009. Further move to authorize staff to continue negotiations with the Regional Board toward a cessation of discharge to Mill Creek in favor of pond discharge.

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 21, 2006

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

Agenda Item Wording: Council Authorization to Send Letters Opposing AB 3026 (Lieber) Workers Compensation: Public Safety Employees to Governor Schwarzenegger and the Appropriate Legislators.

Deadline for Action: August 21, 2006

Submitting Department: Administration

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

Department Recommendation:

Staff recommends that Council authorize staff to send letters opposing to AB 3026 (Lieber) Workers Compensation: Public Safety Employees to Governor Schwarzenegger and the Appropriate Legislators.

Summary/background:

“The League of California Cities has been informed that after The Legislature returned from summer recess that AB 3026 (Lieber) Workers Compensation, will be amended to grant an exemption for public safety employees from many of the provisions of SB 899, the most recent workers’ compensation reform legislation. That legislation has seriously reduced the workers’ compensation costs of employers, and, in the case of local government, the taxpayers. The legislation eliminated and reduced unnecessary cost areas in the workers compensations system dealing with the treatment of employee injuries. Before SB 899 the treatments were expensive and not producing results for injured workers. The League has always opposed a “carve out” of public safety officers or any other classification of employee from the general provisions of the workers compensation law. This bill unravels the reform made in SB 899 and is definitely a step in the wrong direction.”

The amended bill will:

- Repeals the rights of cities to create a medical Provider Network for use by public safety officers and permits public safety officers to be treated for an injury by a doctor of their choice.
- Reinstates the treating physician presumption for public safety officers.

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.

- Eliminates the American College of Occupational and Environmental Medicine standards after 90 days from the injury. These standards have cut down considerably on the arbitrary treatments used before passage of SB 899.
- Requires a burden of proof of the employer to prove that they are not liable for the treatment of an injury. Makes the Utilization Review process for public safety officers meaningless by requiring reports to conform to the employee's treating physician's report.
- Automatically assesses penalties in the event that treatment is delayed or denied due to Utilization Review that is delayed because of non-receipt of sufficient medical information.
- Provides attorney fees if treatment prescribed by the employee's treating physician is denied or modified by the employer and the treatment is later determined to be appropriate by the Workers Compensation Appeals Board or by agreement of the parties.
- Exempts public safety officers from the spinal surgery second opinion timeframes and requirements.

The bill is currently on the Senate floor and can be heard at any time. After the Senate vote it has to go back to the Assembly for concurrence.

The "carving out" of public safety or any other classification of employee exemptions has the potential to turn the workers compensation system into two systems. The secondary system takes away the positive benefits of past workers compensation reform, reduces the effectiveness of the overall system and undermines systems now in place for the remaining workers compensation program. The proposed amendments hurt rather than help promote the public good.

Great effort was put into workers compensation several years ago through the passage of AB 899. This is not an appropriate modification of that bill nor is gutting and amending a bill during the last month of the Legislature a way to ensure that good law is made. The reforms the Governor made in SB 899 have substantially reduced workers' compensation costs and fixed a system that had gone bad for employees and employers and should continue to be standard to adhere to.

Prior Council/Board Actions:

n/a

Committee/Commission Review and Actions:

n/a

Alternatives:

do not oppose AB 3026 (Lieber)

Attachments:

AB 899

AB 3026

Recommended Motion (and Alternative Motions if expected): I move the Council authorize staff to send letters opposing AB 3026 (Lieber) Workers Compensation: Public Safety Employees to Governor Schwarzenegger and Appropriate Legislators.

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 21, 2006

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

Agenda Item Wording: Authorization for The City Manager to enter into a Memorandum of Understanding between The City of Visalia and The County of Tulare for the exchange of personnel to sit as a Hearing Officer during Code Enforcement Administrative Hearings.

Deadline for Action:

Submitting Department: Community Development Department

Contact Name and Phone Number: Tim Burns, Code Enforcement Program 713-4172

Department Recommendation: Staff recommends that Council authorize the City Manager to execute a Memorandum of Understanding with the County of Tulare for the exchange of personnel to sit as Hearing officers during code enforcement administrative hearings.

Summary/background: City Code Enforcement personnel have held discussions with County of Tulare personnel regarding entering into a Memorandum of Understanding for the exchange of personnel to sit as the other jurisdictions Hearing Officer as necessary. The County is prepared to enter into such an agreement with the City pending City Councils approval.

The agreement will provide for trained impartial personnel to preside over the Code Enforcement compliance hearings scheduled monthly.

There shall be no financial compensation for the exchange of personnel, just an exchange of personnel to sit as the Hearing Officer. The agreement can be terminated by either party to the agreement without cause with thirty (30) days advanced notice.

An agreement has been approved by the Tulare County Board of Supervisors and is available for review and approval by City Manager Salomon.

Deputy City Attorney Richardson has reviewed and approved the agreement.

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.

Entering into such an agreement will continue to foster a positive relationship between the City and County.

The City intends to implement an Administrative Hearing process in the near future and having such an agreement in place should accelerate the implementation process. Having an impartial well trained Hearing Officer who is familiar with “due process” should minimize the likelihood of decisions being appealed and minimize claims of partiality insomuch as there is no financial compensation involved with the exchange of personnel.

Having an effective and efficient Administrative Hearing process will allow matters to be resolved more cost effectively and in a timelier manner through the hearing process as opposed to being pursued and resolved through the criminal or civil court proceedings.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: To not enter into agreement with the County for the exchange of personnel to sit as a Hearing Officer and contract out for the service or have a City employee act as the Hearing Officer

Attachments: Proposed MOU

Recommended Motion (and Alternative Motions if expected): To authorize the City Manager to enter into a Memorandum of Understanding with the County of Tulare for the exchange of personnel to sit as a Hearing Officer for each other as required.

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 17, 2006

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

Agenda Item Wording: Resolution of Intent to abandon a portion of the west side of Vista St., between Noble Ave and a point Mid-block between Westcott Ave. and Meadow Ave. and to set September 18, 2006 as the date of public hearing.

(Resolution No. 2006-72 required)

Deadline for Action: none

Submitting Department: Public Works/Engineering

Contact Name and Phone Number: Phyllis Coring,
Administration 713-4566,
Doug Damko, Engineering 713-4268

Department Recommendation:

Staff recommends that City Council adopt Resolution No. 2006-72, declaring its intent to abandon a portion of the west side of Vista St., between Noble Ave and a point mid-block between Westcott Ave. and Meadow Avenue., and set the date of public hearing for September 18, 2006.

This action will create a uniform right-of-way for Vista St., between Noble and Meadow Lane, through an area, most of which was recently annexed through the Island Annexation program. The annexation became effective August 1, 2006.

Summary/background:

Vista St. currently has a very irregular right-of-way width, which was created through several county subdivision maps over a 50 year period. Now that all of the properties along the west side of Vista between Noble Ave. and Meadow Ave. are inside the city limits, the City has the opportunity to abandon portions of the right of way to create a more uniform street section. The resulting right-of-way width will be 60 feet for the segment of Vista St. adjacent to Mineral King School and 57 feet on the segment south of the school. The abandonment will not require property owners to change any improvements on their property. The abandonment affects 14 individual properties.

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.

The amount of right-of-way to be abandoned along the west side of Vista St. varies in width from 10 feet to 30 feet. The abandonment has been divided into six segments. Each segment is defined by a legal description and map.

Following adoption of the Resolution of Intent to Abandon Right-of-Way, notices will be posted along the roadway and notices will be placed in the newspaper. A public hearing will be scheduled to be held on September 18, 2006. Following the public hearing, Council may adopt a resolution ordering the abandonment. The abandonment would become effective upon the recordation of that resolution.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution No. 2006-72, declaring the intent to abandon a portion of the west side of Vista St., between Noble Ave and a point mid-block between Westcott Ave. and Meadow Avenue., and set the date of public hearing for September 18, 2006.

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*)\

Public Hearing to be held September 18, 2006.

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: August 21, 2006

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

Agenda Item Wording: Request authorization to grant utility easements to Southern California Edison for the City owned land at 222 W. Acequia, Visalia. This is the site of the West Acequia Parking Structure.

Deadline for Action: August 21, 2006

Submitting Department: Administration

Contact Name and Phone Number:
Phyllis Coring, Special Projects Manager

Department Recommendation:

That the City Council authorize the City Manager to sign the Grant of Easements to Southern California Edison (SCE) for installation of utilities for the construction of the West Acequia Parking Structure, located at 222 W. Acequia.

Summary/background:

On December 19, 2005, the City Council authorized awarding a contract for the construction of the West Acequia Parking Structure to Seals/Biehle General Contractors of Visalia. Part of the contractor's work is to install utilities. Utility companies may require an easement for the installation of their conduit or pipe, vaults, manholes and appurtenant equipment or fixtures and, in this case, Southern California Edison needs an easement in order to install and maintain the electrical utilities.

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

Prior Council/Board Actions:

December 19, 2005 - Approval of contract with Seals/Biehle General Contractors of Visalia for construction of the West Acequia Parking Structure.

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.

Committee/Commission Review and Actions: N/A

Alternatives: NA

Attachments: Grant of Easement

Recommended Motion (and Alternative Motions if expected):

That the City Council authorize the City Manager to sign the Grant of Easements to Southern California Edison (SCE) for installation of utilities for the construction of the West Acequia Parking Structure, located at 222 W. Acequia.

Environmental Assessment Status

CEQA Review: not required

NEPA Review: N/A

Tracking Information:

Sign Grant of Easements, forward copies to utility companies and record.

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: August 21, 2006

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

Agenda Item Wording: Adoption of Resolution 2006-73 in support of the Plaza Drive and Road 80 Mitigated Negative Declaration for the portion of Road 80 Improvement Project within the Visalia Urban Area Boundary.

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 adoption of Resolution 2006-73 in support of the Plaza Drive and Road 80 Mitigated Negative Declaration for the portion of the Road 80 Improvement Project within the Visalia Urban Area Boundary.

Department Discussion: In 1998 Tulare County completed a Project Study Report (PSR) on Road 80 between Avenue 304 (Goshen Avenue) in the City of Visalia and Avenue 416 in the City of Dinuba. In 1999, the City completed a PSR on Plaza Drive between Airport Drive and Goshen Avenue. This route connects the City of Dinuba to State Routes 198 and 99 to the south and is a critical transportation link for goods movement and commerce in the region. The truck volumes are approximately 16% of the average daily traffic and this route has experienced an increase in traffic of 25% over the last 10 years. This roadway is inadequate in many areas for current and future level of service and structural capacity. This roadway is proposed to be widened from two lanes to four lanes with raised median and an adequate structural section. Additional lanes are proposed to be installed at the interchange at Plaza Drive and State Route 198.

The Environmental document, a Mitigated Negative Declaration (MND) in compliance with the California Environmental Quality Act (CEQA), was completed in by the County in May 2006 with the assistance of a consultant and Caltrans. The MND evaluates potential environmental effects of the Road 80 Improvement Project, extending from Airport Drive to Plaza Park to Avenue 416

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 AJB
(Initials & date required)

Finance 8/16/06
City Atty _____
(Initials & date required or N/A)

City Mgr SMS
(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.

in Dinuba. No significant projects impacts were identified that could not be mitigated by the project design or by mitigation measures that have become a part of the project.

The 30-day public review period for the document began on May 26, 2006 and closed on June 26, 2006. The public was informed of the availability of this document by direct mailing to property owners along the project and by an advertisement in the Visalia Times Delta. The document was sent to the State Clearinghouse for circulation to interested agencies at the state level and the document was mailed to various local agencies. It was made available for public review at the Visalia Library and the Dinuba City Hall. The Board of Supervisors conducted a public hearing to invite comments on June 13, 2006. During the public review period, the County received 13 formal comments on the project. While the comments were helpful to clarify the project description and identify issues of concern at the time of right of way acquisition, construction and facility operation, no environmental issues were identified that will not be mitigated by the project.

The County has asked for the support of the City Council prior to the adoption of the MND at the August 22, 2006 board meeting. Staff believes the project should be formally supported, but the City's support should be directed at the portion of the project located within Visalia's Urban Area Boundary (Airport Drive to Avenue 328). While staff understands the regional implications and benefits of the entire Road 80 Project the City has no planning or operational authority for segments of the project extending north of Avenue 328. As such, it appears appropriate to defer support for these outlying segments to the County of Tulare and the City of Dinuba.

Alternatives:

Attachments: Mitigated Negative Declaration, summary of impacts, Resolution 2006-

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to adopt Resolution 2006-73 in support of the Plaza Drive and Road 80 Mitigated Negative Declaration.

Environmental Assessment Status

CEQA Review:

Required? Yes
Review and Action: Prior:
Required:

NEPA Review:

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

Financial Impact

Funding Source:

Account Number:

Budget Recap:

Total Estimated cost: \$

New Revenue: \$

Amount Budgeted: \$

Lost Revenue: \$

New funding required: \$

New Personnel: \$

Council Policy Change: Yes____ No__X

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:

RESOLUTION NO. 2006-73

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF VISALIA IN SUPPORT OF
THE MITIGATED NEGATIVE DECLARATION
FOR PLAZA DRIVE AND ROAD 80**

WHEREAS, the City Council of the City of Visalia adopted Resolution 2006-73 in support of the Mitigated Negative Declaration for Plaza Drive and Road 80; and

WHEREAS, the projects are located on Plaza Drive and Road 80 between Airport Drive on the south and Avenue 416 on the north; and

WHEREAS, The Plaza Drive and Road 80 projects are important to the City of Visalia, the City of Dinuba, and the County of Tulare; and

WHEREAS, The environmental document has been prepared and has been through a 30-day public review period; and

WHEREAS, the environmental document found no significant project impacts that could not be mitigated; and

WHEREAS, the City Council of the City of Visalia supports the adoption of the Mitigated Negative Declaration by the Tulare County Board of Supervisors for the portion of the project within the Visalia Urban Area Boundary (Airport Drive to Avenue 328).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia adopts Resolution No. 2006-73

Mitigated Negative Declaration
Pursuant to: Division 13, Public Resources Code

Project Description

The County of Tulare, the City of Dinuba and the City of Visalia, in cooperation with the California Department of Transportation and the Federal Highway Administration, propose to improve a 16-mile segment of Road 80 from Avenue 416 in the City of Dinuba to Airport Drive in the City of Visalia. The work would include widening the roadway, improving the interchange at Road 80 and State Route 198, widening the overcrossing, and upgrading drainage. The widening would also provide sufficient right-of-way within the project corridor for a Class III bicycle lane.

Determination

The County has prepared an Initial Study for this project and, following public review, has determined from this study that the project would not have a significant effect on the environment for the following reasons:

- The proposed project would have no effect on cultural resources, paleontological resources, and geology/soils/topography.
- The project would have no adverse effect on farmland, floodplains, water quality, air quality, socioeconomic, visual/aesthetics, noise, natural communities, waters/wetlands, plant species, or animal species because avoidance, minimization, and/or mitigation measures would reduce the potential effects to insignificance.
- The proposed project would have no significantly adverse effect on threatened and endangered species, special-status species and their habitats because the project would be mitigated to a level of insignificance in accordance with the Biological Opinion rendered by the United States Fish and Wildlife Service on June 7, 2005.

Steven Worthley, Chairman
Tulare County Board of Supervisors

Date

Summary

The County of Tulare, in cooperation with the California Department of Transportation and the Federal Highway Administration, proposes to improve a 16-mile segment of Road 80 from Avenue 416 in the City of Dinuba to Airport Drive in the City of Visalia. Proposed work includes widening the roadway, improving an interchange, widening an overcrossing, and upgrading drainage.

Summary of Major Potential Impacts from Alternatives

Potential Impact		Build Alternative	No-Build Alternative
Land Use	Consistent with the Visalia and Dinuba General Plan?	Yes	No
	Consistent with the Tulare County General Plan?	Yes	No
Farmlands/Timberlands		Acquisition: 54.1 total acres of farmland	No impact
Relocation	Business Displacements	5 businesses	No impact
	Housing Displacements	2 single-family residential units, 1 multi-family unit	No impact
	Utility Service Relocation	Temporary interruption of services to utility customers during relocation of the power lines for construction may occur. No permanent interruption of utility services anticipated.	No impact
Environmental Justice		No impact	No impact
Utilities/Emergency Services		Temporary interruption of services to utility customers during relocation of the power lines for construction may occur. No permanent interruption of utility services anticipated. No interruption of emergency services anticipated.	No impact
Traffic and Transportation/ Pedestrian and Bicycle Facilities		Implement traffic management plan to minimize construction effects on local traffic.	No impact
Visual/Aesthetics		Minor impacts	No impact
Cultural Resources		No impact	No impact
Hydrology and Floodplain		27 acres of impermeable surface in the St. Johns River and Cottonwood Creek floodplains	No impact
Water Quality and Storm Water Runoff		No long-term effect on water quality	No impact
Geology/Soils/Seismic/ Topography		Potential impacts to paleontological resources	No impact
Hazardous Waste/Materials		Potential to uncover or disturb hazardous waste/materials during construction	No impact
Potential Impact		Build Alternative	No-Build Alternative

Air Quality	No permanent impact. Comply with Regulation VIII Control Measures, District Rule 9510, PM10 control devices, recommended by the San Joaquin Valley Unified Air Pollution Control District	No impact
Noise and Vibration	Sound-control devices on construction equipment	No impact
Natural Communities	0.12 acre of riparian vegetation and 2.55 acres of non-native annual grassland	No impact
Wetlands and other Waters	4.736 acres of waters of the United States, including wetlands	No impact
Plant Species	Affect one large occurrence of Earlimart orache and three small occurrences of lesser saltscare	No impact
Animal Species	Swainson Hawk: Permanently remove about 0.8 acre of potential foraging habitat consisting of non-native annual grasslands, agricultural fields, and riparian habitat Western burrowing owl: Permanently remove 9.16 acres forage and nesting habitat Western pond turtle: Permanently remove 0.98 acre aquatic habitat	No impact
Threatened and Endangered Species	Elderberry shrubs: Permanently remove 11 shrubs, 4 shrubs affected by dust, Suitable vernal pool fairy shrimp and vernal pool tadpole shrimp habitat: Directly affect 1.39 acres, indirectly affect 0.26 acres California tiger salamander: Directly effect- 1.39 acres of Californian tiger salamander habitat, and 2.55 acres of upland habitat, indirectly affect 0.26 acres San Joaquin kit fox: Permanently remove- 2.55 acres of non-native grassland, 54 acres agricultural land. Temporary loss - 18.34 acres of annual grassland	No impact
Invasive Species	May result in disturbance to biological communities in the study area by introducing invasive species found within the project site	No impact
Required Permits/Agreements	Army Corps of Engineers: Section 404 Clean Water Act California Department of Fish and Game: 1602 Streambed Alteration Agreement Central Valley Regional Water Quality Control Board: National Pollutant Discharge Elimination System permit United States Environmental Protection Agency: Air Quality Conformity State Historic Preservation Officer: Section 106 consultation	No permits, agreements needed

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 21, 2006

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

Agenda Item Wording: Authorize the City Manager to execute the amendment to the Agreement with Visalia Unified School District to allow School Facilities Fees to be paid at the City of Visalia.

Deadline for Action: August 21, 2006

Submitting Department: Community Development

Contact Name and Phone Number: Michael Olmos 713-4332;
Dennis Lehman 713-4495

Department Recommendation: Authorize the City Manager to accept the amendment to the Agreement with Visalia Unified School District to allow School Facilities Fees to be paid at the City of Visalia. This amendment will limit the portion of the fees retained by the City to cover costs of collecting school fees to 2% of statutory school fee levels.

Summary/background: In December of 2001, City Council approved an agreement between the City of Visalia and Visalia Unified School District regarding collection services by City of District's School Facilities Fees. The agreement authorizes the City to collect school fees during the building permit process. School fees are then passed on to VUSD.

This agreement provides for a transfer of money to offset the City's cost of collecting these fees and at no additional cost to the builder. Under our current agreement, the City of Visalia retains two percent (2%) of the collected fees for administrative costs receiving an average of \$170,000 per year.

The amendment agreement would allow the City of Visalia to retain 2% of the statutory developer fees allowable under Government Code Section 65995(b) for administrative costs receiving approximately \$10,000 less each year yet still covering our cost of providing the service. Though the District has now increased its fees beyond statutory fees to Level II fees, the City is only allowed to collect administrative fees on the current statutory fees (Level I) and the balance of Level II goes directly to the growth needs of new students.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Statutory fees are \$ 2.63 per sq. ft. for residential and \$.42 per sq. t. for industrial/commercial; Level II fees currently being implemented by VUSD are \$ 3.08 per sq. ft. and \$.42 per sq. ft. respectively.

During the past four and half years, this collaborative effort between the City and the School District has provided benefit and convenience to the development community by allowing all building related fees to be paid at one location.

Prior Council/Board Actions: December 17, 2001

Committee/Commission Review and Actions:

Alternatives:

Attachments: Addendum to Agreement between the City of Visalia and Visalia Unified School District regarding collection services by City of District's School Facilities Fees.

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to accept the addendum to the agreement between the City of Visalia and the Visalia Unified School District regarding collection services by City of District's School Facilities Fees.

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 21st, 2006

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

Agenda Item Wording: Authorize the Recordation of the Final Map for Silver Oaks Unit #3 (85 lots) located at the Southwest corner of Demaree Street and Ferguson Ave. (APN'S: 077-570-022, 077-590-010),

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 Silver Oaks #3 containing 85 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 \$896,292.41 and Labor and Material Bond in the amount of \$448,146.26 3) cash payment of \$317,718.07 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 the south side of Ferguson Avenue. The City will be reimbursing approximately \$40,000 to the developer (Reynen & Bardis communities) by giving a combination of fee credits for Transportation Impact Fees and cash payment.

Landscape & Lighting

The landscaping and lighting district for this subdivision was created together with the first phase of this tentative map. Therefore, no resolutions or actions are necessarily to annex this subdivision into it's landscaping and lighting district .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 June 20th , 2005, City Council approved the formation of a Landscape and Lighting District for Silver Oaks. This district included the assessor's parcel numbers for all phases of Silver Oaks 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 Silver Oaks. 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.

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

Committee/Commission Review and Actions: The tentative subdivision map for Silver Oaks subdivision was approved by the Planning Commission on September 07, 2004. The tentative map will expire on September 07, 2006.

Alternatives: N/A

Attachments: Location Map

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the Recordation of the Final Map for Silver Oaks Unit #3 (85 lots) located at the Southwest corner of Demaree Street and Ferguson Ave. (APN'S: 077-570-022, 077-590-010),

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__X__	

Copies of this report have been provided to:

Environmental Assessment Status

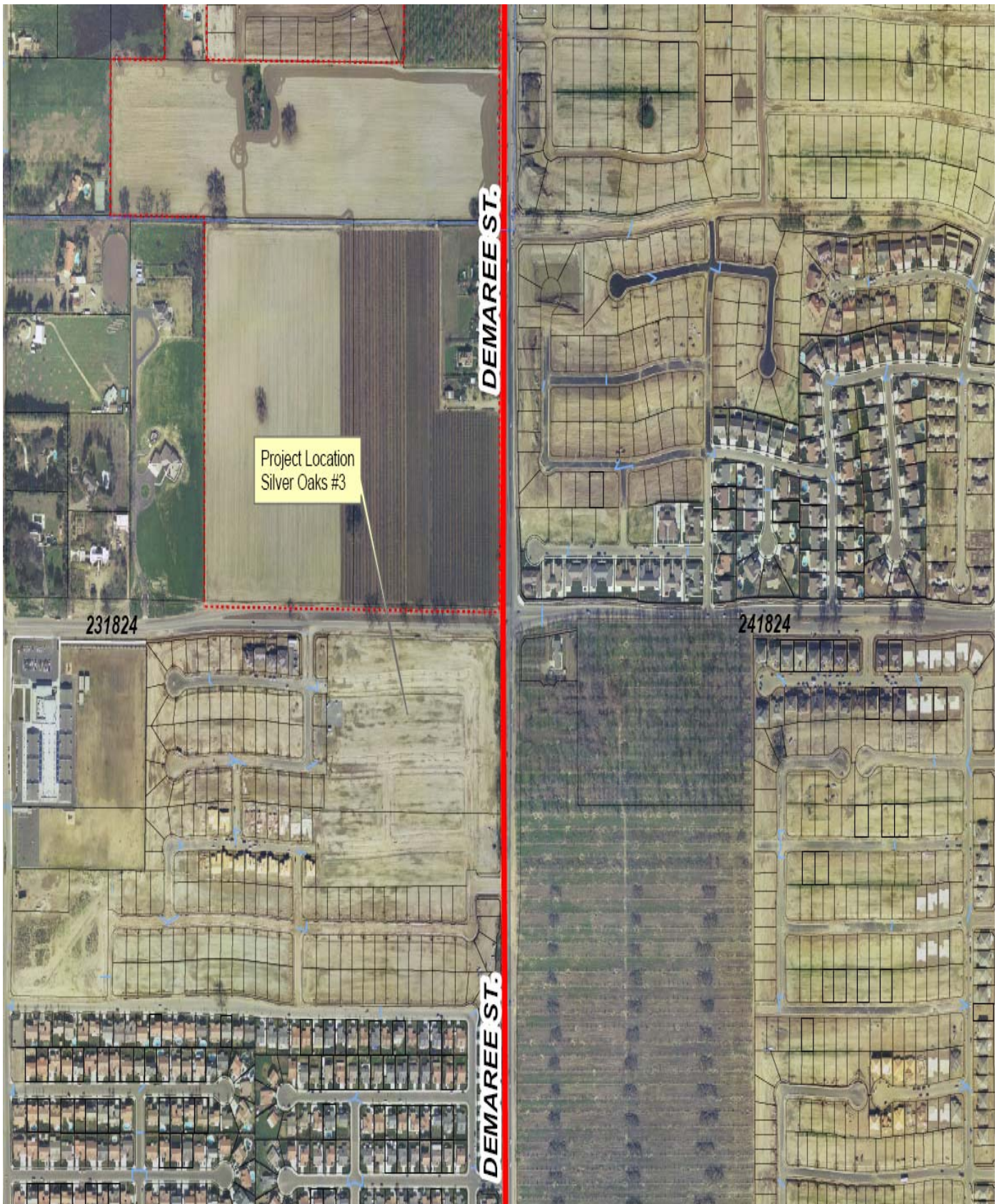
CEQA Review:

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

NEPA Review:

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

Tracking Information: *(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 21, 2006

Agenda Item Number (Assigned by City Clerk): 14i(1)

Agenda Item Wording: Authorize the Recordation of the Final Map for Sequoia Crossing, located 660 feet south of Caldwell Avenue on the east side of Akers Street (86 lots) and the Formation of Landscape and Lighting District No. 06-06, Sequoia Crossing (Resolution Nos. 06-74 and 06-75 required). APN: 119-070-072

Deadline for Action: N/A

Submitting Department: Public Works/Engineering

Contact Name and Phone Number:

Andrew Benelli 713-4340
Steven C. Son 713-4259

Department Recommendation:

Final Map

Staff recommends that City Council approve the recordation of the final map for Sequoia Crossing containing 86 single family lots (R-1-6 zone). Conditional Use Permit 2005-042 was approved with the subdivision to allow private streets, modified lot sizes and modified setbacks. Sequoia Crossing is a private, gated subdivision that will have decorative block walls on all four sides. The landscaping outside the block walls on Akers will be maintained by the home owners association. Staff is recommending that a Landscape and Lighting District be formed to pay for the power and maintenance of two street lights located on Akers Street. The tentative map was filed and approved as a gated neighborhood.

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 \$94,450.00 and Labor and Material Bond in the amount of \$47,225.00; 3) cash payment of \$278,776.85 distributed to various accounts; and 4) Final Map. The owner and developer of this project is Reynen & Bardis Communities, Inc.

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

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.

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. 2005-131 adopted by City Council on October 18, 2004 the City will reimburse the developer for street improvements made to Arterial and Collector streets. This development is constructing street improvements on Akers Street (Arterial). The City will be reimbursing the developer approximately \$42,245.80 for Arterial/Collector street improvements. The reimbursement will come through a combination of fee credits for Transportation Impact Fees and cash payment.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 06-74 Initiating Proceedings for Formation of Assessment District No. 06-06, Sequoia Crossing; adopt the Engineer's Report as submitted; and adopt Resolution No. 06-75 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

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

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 Sequoia Crossing subdivision was approved by the Planning Commission on September 26, 2005. The tentative map will expire on September 26, 2007.

Alternatives: N/A

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

Recommended Motion (and Alternative Motions if expected):

“I move to authorize the recordation of the Final Map for Sequoia Crossing and I move to adopt Resolution No. 06-74 Initiating Proceedings for Formation of Assessment District No. 06-06 “Sequoia Crossing” and adopt Resolution No. 06-75 Ordering the Improvements for Assessment District No. 06-06 “Sequoia Crossing.”

Environmental Assessment Status

CEQA Review: completed with the approved tentative map

NEPA Review: N/A

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

Copies of this report have been provided to:

RESOLUTION NO. 06-74

RESOLUTION INITIATING PROCEEDINGS
FOR FORMATION OF
ASSESSMENT DISTRICT 06-06
SEQUOIA CROSSING
(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 street lights and any other applicable equipment or improvements.
2. The proposed district shall be designated "Assessment District No. 06-06, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 06-06, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Sequoia Crossing".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 06-06
SEQUOIA CROSSING

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 06-06, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 21st day of august, 2006 by its Resolution No. 06-74 & 75

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

RESOLUTION NO. 06-75

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

PASSED AND ADOPTED

Exhibit "A"

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

SEQUOIA CROSSING

FORM 4715, PER MAP RECORDED IN BOOK 48 OF PARCEL MAPS, AT PAGE 20, TULARE COUNTY RECORDS, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 13 SOUTH, RANGE 4 EAST, MOUNT SHILOH QUAD AND MICHIGAN, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA.

FOR: **REYNOLDS & BARDIS**
 NATIONAL CALIFORNIA, WARE

BY: **Clayton Kropp**

CITY ENGINEER'S STATEMENT

I, _____, CITY ENGINEER OF THE CITY OF VISALIA, DO HEREBY CERTIFY THAT THE SUBDIVISION AS SHOWN ON PARCEL MAP NO. 4715, PER MAP RECORDED IN BOOK 48 OF PARCEL MAPS, AT PAGE 20, TULARE COUNTY RECORDS, SITS ON THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 13 SOUTH, RANGE 4 EAST, MOUNT SHILOH QUAD AND MICHIGAN, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA, AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS, AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS, AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS.

CITY CLERK'S STATEMENT


I, _____, CITY CLERK OF THE CITY OF VISALIA, DO HEREBY CERTIFY THAT THE SUBDIVISION AS SHOWN ON PARCEL MAP NO. 4715, PER MAP RECORDED IN BOOK 48 OF PARCEL MAPS, AT PAGE 20, TULARE COUNTY RECORDS, SITS ON THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 13 SOUTH, RANGE 4 EAST, MOUNT SHILOH QUAD AND MICHIGAN, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA, AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS, AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS.

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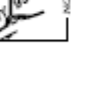
SEAL OF THE CITY OF VISALIA

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SEAL OF THE CITY OF VISALIA

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Exhibit "C"

Tax Roll Assessment
Sequoia Crossing
Fiscal Year 2006-07

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$6.54	To Be Assigned	06-0601	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0602	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0603	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0604	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0605	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0606	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0607	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0608	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0609	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0610	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0611	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0612	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0613	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0614	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0615	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0616	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0617	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0618	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0619	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0620	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0621	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0622	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0623	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0624	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0625	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0626	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0627	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0628	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0629	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0630	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0631	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0632	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0633	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0634	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0635	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0636	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0637	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0638	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0639	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0640	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0641	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0642	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0643	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0644	Sequoia Crossing

Exhibit "C"

Tax Roll Assessment
Sequoia Crossing
Fiscal Year 2006-07

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$6.54	To Be Assigned	06-0645	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0646	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0647	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0648	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0649	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0650	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0651	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0652	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0653	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0654	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0655	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0656	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0657	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0658	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0659	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0660	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0661	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0662	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0663	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0664	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0665	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0666	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0667	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0668	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0669	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0670	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0671	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0672	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0673	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0674	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0675	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0676	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0677	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0678	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0679	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0680	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0681	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0682	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0683	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0684	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0685	Sequoia Crossing
To Be Assigned	\$6.54	To Be Assigned	06-0686	Sequoia Crossing

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 06-06
Sequoia Crossing
Fiscal Year 2006-07

General Description

This Assessment District (District) is located approximately 660 feet south of Caldwell Avenue on the east side of Akers Street. Exhibit "A" is a map of Assessment District 06-06. This District includes the energy and maintenance costs of street lights. The maintenance of street lights includes, but is not limited to, maintaining the structural and operational integrity of the street lights. The total number lots within the district are 86.

Determination of Benefit

The purpose of lighting is to provide safety and visual impressions for the area. 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 by the uniform lighting of the public street frontages of the District.

Estimated Costs

The estimated costs to maintain the District includes the energy costs of the street lights and the costs for project management by City staff. The maintenance of the street lights is included into the energy rates from SCE.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 06-06
Sequoia Crossing
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>
Street Lights	Each	2	\$105.00	\$210.00
Project Management Costs	Lots	86	\$3.50	\$301.00
				<hr/>
TOTAL				\$511.00
10% Reserve Fund				\$51.10
				<hr/>
GRAND TOTAL				\$562.10
COST PER LOT				<u>\$6.54</u>

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:

$$A_{max} \text{ for any given year "n"} = (\$562.10) (1.05)^{(n-1)}$$

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

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 06-06
Sequoia Crossing
Fiscal Year 2006-07

Example 1. The estimated year four cost of maintaining the improvements in the district is \$612.69 [a 9% increase over the base year estimated cost of \$562.10]. The maximum annual assessment for year four is \$650.70 [$A_{max} = (\$562.10) (1.05)^{(4-1)}$]. The assessment will be set at \$612.69 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 \$635.17 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$562.10]. 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 \$12.70 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 \$650.70 [$A_{max} = (\$562.10) (1.05)^{(4-1)}$]. The year four assessment will be set at \$635.17 plus the deficit amount of \$12.70 which equals \$647.87 [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 \$612.69 [a 9% increase over the base year assessment of \$562.10] and damage occurred to the masonry wall raising the year five expenses to \$685.76 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$673.96 (a 10% increase over the previous year) and below the maximum annual assessment of \$683.24 [$A_{max} = (\$562.10) (1.05)^{(5-1)}$]. The difference of \$11.80 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

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

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 21, 2006

Agenda Item Number (Assigned by City Clerk): 14j(1)

Agenda Item Wording: Request authorization to file a Notice of Completion for Parcel Map 2003-14, located at the northwest and southwest corner of Shirk Road and Pershing Avenue.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

Patrick Barszcz – 713-4241
Andrew Benelli – 713-4340

Department Recommendation:

The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this Parcel Map have been completed and are ready for acceptance by the City of Visalia. The Parcel Map was developed by Westland Development, LLC. They have submitted a 10 % maintenance bond in the amount of \$ 29,495.00 to the City of Visalia to guarantee the improvements against defects for one year.

Summary/background:

Prior Council/Board Actions:

Final Map recording was approved at Council meeting of December 13, 2004.

Committee/Commission Review and Actions: The tentative Parcel Map 2003-14 was approved by Planning Commission on May 25, 2004.

Alternatives: N/A

Attachments: Location Sketch, Vicinity Map and Developer Disclosure.

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 _____ 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 Attorney Review.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Parcel Map 2003-14.

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 21, 2006

Agenda Item Number (Assigned by City Clerk): 14k(1)

Agenda Item Wording:

Second Reading of Ordinance 2006-07 for Text Amendment No. 2005-15 – a;

An Amendment to Zoning Ordinance Section No. 17.10.110, 17.12.110, 17.16.100, to increase the maximum building height to 35 feet in the RA (rural residential), R-1-6 (single family residential), and R-M (multiple family residential) zones

The proposed text amendments are not site specific, but would apply to all of the indicated zone classifications throughout the city.

Deadline for Action: None.

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

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

Department Recommendation and Summary: Staff recommends that the City Council conduct the second reading of the ordinance for the increase in residential building heights.

Prior Council/Board Actions:

On June 19, 2006, the City Council held a public hearing on this item, approving the items (5-0).

Committee/Commission Review and Actions:

On September 12, 2005, the Planning Commission held a public hearing on the proposed amendments, and voted (5-0) to approve the items.

Alternatives:

None recommended. Council may approve or deny the Zoning Ordinance Amendment.

Attachments:

H:\(1) AGENDAS for Council\2006\082106\Item 14k(1) Second Reading Text Amendment 2005-15 - Height.doc

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

- Ordinance No. 2006-07 for 2005-15 (a) Height

City Manager Recommendation:

Recommended Motion: I move to conduct the Second Reading of Ordinance No. 2006-07 for Zoning Ordinance Text Amendment No. 2005-15 (a) amending Section No. 17.10.110, 17.12.110, 17.16.100, to increase the maximum building height to 35 feet in the RA (rural residential), R-1-6 (single family residential), and R-M (multiple family residential) zones.

Environmental Assessment Status

CEQA Review: Not required

NEPA Review:

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

Copies of this report have been provided to:

ORDINANCE NO. 2006-07

AMENDING SECTION 17.10.110, 17.12.110 and 17.16.100 OF TITLE 17 OF THE VISALIA MUNICIPAL CODE (ZONING ORDINANCE) TO INCREASE THE MAXIMUM BUILDING HEIGHT FROM 30 FEET TO 35 FEET IN THE RA, R-1-6, AND RM RESIDENTIAL ZONES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1 - Recital: The Planning Commission of the City of Visalia has recommended that the City Council amend Section No. 17.10.110, 17.12.110, 17.16.100, to increase the maximum building height to 35 feet in the RA (rural residential), R-1-6 (single family residential), and R-M (multiple family residential) zones.

Section 2 – Enactment of Amended Sections: Sections 17.10.110, 17.12.110, and 17.16.100, Visalia Municipal Code pertaining maximum building heights in the RA (rural residential), R-1-6 (single family residential), and R-M (multiple family residential), are hereby amended to read as shown in the Exhibit “A”, incorporated herein by reference, with deletions shown in strikeout and additions or changes shown in bold:

PASSED AND ADOPTED:

Mayor

ATTEST:

Steven M. Salomon, City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

Alex M. Peltzer, City Attorney

Exhibit "A"

Text Amendment No. 2005-15 – a

17.10.110 Height of structures.

In the R-A rural residential zone, the maximum height of a permitted use shall be **thirty-five** (~~30~~ **35**) feet, with the exception of structures specified in Section 17.10.090B. (Ord. 9717 § 2 (part), 1997: prior code § 7262)

17.12.110 Height of structures.

In the R-1 single-family residential zone, the maximum height of a permitted use shall be **thirty-five** (~~30~~ **35**) feet, with the exception of structures specified in Section 17.12100B. (Ord. 9717 § 2 (part), 1997: prior code § 7280)

17.16.100 Height of structures.

In the P(R-M) multi-family residential zone, the maximum height of structures shall be **thirty-five** (~~30~~ **35**) feet in the R-M-2 zone. The maximum height shall be thirty-five (35) feet in the R-M-3 zone. Where an R-M-2 or R-M-3 site adjoins an R-1 site, the second story shall be designed to limit visibility from the second story to the R-1 site. Structures specified under Section 17.16.090B shall be exempt. (Ord. 9717 § 2 (part), 1997: prior code § 7300)

City of Visalia Agenda Item Transmittal

Meeting Date: August 21, 2006

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

Agenda Item Wording: Authorize staff to execute a Microsoft Enterprise Agreement (EA) with Microsoft for Server software based on the Riverside County Enterprise Agreement 01E62044, a competitively bid, cooperative agreement at an annual cost of \$25,500 for five years. Compucom will be designated as the reseller for this agreement.

Deadline for Action: August 21, 2006

Submitting Department: Administrative Services, Information Services

Contact Name and Phone Number: Michael Allen x4515

Department Recommendation

Authorize staff to execute a Microsoft Enterprise Agreement (EA) with Microsoft for Server software based on the Riverside County Enterprise Agreement 01E62044, a competitively bid, cooperative agreement at an annual cost of \$25,500 for five years. Compucom will be designated as the reseller for this agreement.

Summary/Background

The City of Visalia has standardized on Microsoft products for the City's desktop (just over 400) and server (25 servers) computers. This proposed agreement is for upgrades to the City's server software, essential software to run the City. The Microsoft licensing and maintenance agreements, however, are complicated.

There are many ways to purchase this software but because the total cost of any of these purchases will be in excess of \$100,000 over the next five years, Information Services is seeking Council authority to place the contract. Information Services recommends using an Enterprise Agreement (EA) as the most cost-effective (from a five-year return-on-investment or "ROI" analysis) and efficient method (from staff's management of licenses) to license and maintain this server software.

The four major alternatives and their approximate cost over a five year period are shown on the following page in Table I, Server Licensing and Maintenance Alternatives.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 2

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.

Table I
Server Licensing and Maintenance Alternatives

Agreement Method	5 Year Estimated Cost
Retail Purchase	\$213,000 - assume one additional upgrade
Select Agreement (SA)	\$137,000 - assumes one additional upgrade
Select Agreement with Software Assurance (SA+)	\$167,500 - assumes one additional upgrade
Enterprise Agreement (EA)	\$127,500 – agreement allows for upgrades

The various purchasing methods can be described as follows:

- 1) Retail purchase – typically not large quantities and the most expensive method. One-time purchase and no upgrade capabilities – one re-purchases software to upgrade. One-time cost of \$106,500.
- 2) Select Agreement (SA) – a negotiated purchasing volume, can be very good pricing. Currently Visalia is piggybacked with the State of California Select Agreement (a much higher aggregate quantity of purchases leading to better pricing) through Compucom. This existing agreement is utilized for desktop software purchases, but could be used for server software purchases. Either way, the SA is unaffected by an EA. This is a one-time purchase, no obligated purchases, and no upgrade rights. One-time cost of \$68,500 for server software only; purchases anticipated in 2006 and 2008 (\$137,000 total).
- 3) Select Agreement with Software Assurance – much like the Select Agreement above, but also includes a pricey “software maintenance” fee on an annual basis. Includes software upgrades, but this currently runs \$99,000 for 18 months of coverage.
- 4) Enterprise Agreement (EA) – either a three or five-year maintenance agreement that covers some (server and user licenses) or all (server, user licenses, and desktops) of the City’s Microsoft software. The City does not need to re-purchase new versions of software. *Includes upgrade rights and immensely simplified licensing requirements.* Five-year agreement runs \$25,500 per year, or \$127,500 total.

The three entities mentioned in this proposal are:

- 1) Riverside County – has negotiated the Enterprise Agreement that the City intends to “piggyback”,
- 2) Compucom – the reseller the software is purchased from (Microsoft software can not be purchased directly from Microsoft, only through a reseller), and
- 3) Microsoft – the owner of the software. The Enterprise Agreement is between the City of Visalia and Microsoft.

Contract Details. Only very large companies, states, or cooperatives can negotiate an EA with Microsoft. While the State of California has an EA, the County of Riverside also has a competitively bid EA that results in better pricing and conditions than the State. The Riverside County EA allows cooperative purchases and stipulates that one of five (5) vendors must be used as the reseller – Compucom is one of those vendors. All five vendors essentially offer the same pricing through this EA. (The other vendors are shown on the Riverside County EA attachment.) Compucom has worked extensively with IS staff over the last couple of months to clarify licensing terms and pricing. In addition, the City utilizes Compucom for our Select Agreement (SA) and this simplifies license tracking and vendor negotiations. The SA allows the

City to purchase desktop software on an as-needed basis at deeply discounted pricing (Level “D” tiered pricing) based off of State of California purchasing levels.

The EA functions much like a traditional software maintenance contract. In this case, it is a five-year (5) contract for server software (25 servers) and user licenses (407 clients) to access those servers **only**. It does **not** include desktop software. For about \$25,500 per year, this entitles the City of Visalia to all future releases of server software we are currently running and the client access licenses necessary to talk to those servers. Exclusive to the Riverside EA is this option for a five-year commitment and the ability to split the server software from the desktop software – all other EAs are for a three-year period and **ALL** software must be placed on the EA. As servers, server software, or user licenses are added, the EA is adjusted at year-end to reflect those changes. Over the course of the five-year agreement, we anticipate this maintenance cost to increase, but that is solely dependent on the number of licenses added and the timing of those additions.

The proposed agreement does not include desktop applications because adding all Microsoft products to the EA is prohibitively expensive (about \$90,000 annually) and offers marginal benefit; therefore, staff recommendation is to continue to buy desktop software utilizing the Select Agreement and utilize the recommended Enterprise Agreement for server and user licenses.

Financial Impact. Funding for this is a combination of CIP project 5111-15141-720000-0-9799-2006 (Citywide PC Replacement) for two years, and then operational budget 5111-15141-555200 for years 2009 through 2011.

Department Recommendation:

Authorize staff to execute a Microsoft Enterprise Agreement (EA) with Microsoft for Server software based on the Riverside County Enterprise Agreement 01E62044, a competitively bid, cooperative agreement at an annual cost of \$25,500 for five years. Compucom will be designated as the reseller for this agreement.

Prior Council/Board Actions:

None

Committee/Commission Review and Actions:

Alternatives:

The alternative to this EA software maintenance agreement is to re-purchase the server and user licenses every time there is a needed upgrade. That one-time purchase runs about \$68,500 and will need to be done “today” and probably again in 2008. The management and timing of the one-time purchase licenses is a significant challenge as opposed to the maintenance agreement -- it literally takes months to pull the information together, review licensing changes, inventory everything, sort out application interdependencies, and get to an “answer”.

Attachments: Riverside County Enterprise Agreement 01E62044
Compucom quote

Recommended Motion (and Alternative Motions if expected):

I move to authorize staff to execute a five-year Microsoft Enterprise Agreement with Microsoft, based on the Riverside County Enterprise Agreement 01E62044 and designate Compucom as the reseller.

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 21, 2006

Agenda Item Number (Assigned by City Clerk): 14k(1)

Agenda Item Wording:

Ratification of Planning Commission Action Amending the Zoning Matrix – Resolution No. 2006-76 for Text Amendment No. 2005-15 – b;

Amending the Zoning Matrix, Zoning Ordinance Section 17.18.050, to add Hardware Stores with Outdoor Lumberyards as a “Conditional” use in the CSO (Commercial Shopping Office), and CCM (Community Commercial) zones, and; to add Hardware Stores up to 50,000 square feet as a “Conditional” use in the CSO (Commercial Shopping Office), CCM (Community Commercial) and CS (Service Commercial) zones, and; to amend the language on Matrix Lines 695 through 699 to clarify the Hardware Stores categories.

The proposed matrix amendments are not site specific, but would apply to all of the indicated zone classifications throughout the city.

Deadline for Action: None.

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

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

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Department Recommendation and Summary: Staff recommends that the City Council adopt the attached resolution ratifying the Planning Commission recommendations for changes to the Zoning Matrix related to clarification of Hardware Stores. The Council directives for minor changes in the Hardware Store recommendation have been done as detailed in the section below.

Prior Council/Board Actions:

On June 19, 2006, the City Council held a public hearing on this item, approving the item (5-0) with direction to modify the Hardware Store item as follows:

1. Place an upper square foot limit on the Hardware Store category. Staff has prepared the final recommendation with a 50,000 square foot building maximum, which is approximately the size of the current Orchard Hardware on Walnut Avenue, as determined from aerial photos. “Hardware Stores up to 50,000 sq. ft.”

2. Change the “P” (Permitted use) to a “C” (Conditional Use) in the “Hardware Stores up to 50,000 sq. ft.” category for the CS (Service Commercial) column. The final Ordinance reflects this change.

A review of internet sites found the following typical store sizes. There are several chain hardware stores which appear to have prototype stores under the recommended 50,000 square foot size.

Hardware Store	Size (square feet)
Dixieline	3,000 – 8,000
Ace	5,000 – 8,600
Sears Hardware	25,000
Orchard Supply Hardware	40,000
The Home Depot	109,000
Lowe's	116,000

Committee/Commission Review and Actions:

On September 12, 2005, the Planning Commission held a public hearing on the proposed amendments, and voted (5-0) to approve the items.

Alternatives:

None recommended. Council may approve or deny the Zoning Ordinance Matrix Ratification.

Attachments:

- Resolution No. 2006 –76 for 2005-15 (b) Hardware Stores (Zoning Matrix changes)

City Manager Recommendation:

Recommended Motion: I move to approve Resolution No. 2006-76 amending and ratifying the Planning Commission recommendations for Zoning Ordinance Text Amendment No. 2005-15 (b) amending Section 17.18 to add Hardware Stores with Outdoor Lumberyards as a “Conditional” use in the CSO (Commercial Shopping Office), and CCM (Community Commercial) zones, and; to add Hardware Stores up to 50,000 square feet as a “Conditional” use in the CSO (Commercial Shopping Office), CCM (Community Commercial), and CS (Service Commercial) zones, and; to amend the language in the Matrix to clarify the Hardware Stores categories

Environmental Assessment Status

CEQA Review: Not required

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2006-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, APPROVING ZONING TEXT AMENDMENT 2005-15-B, A REQUEST AMENDING SECTION 17.18 TO ADD HARDWARE STORES WITH OUTDOOR LUMBERYARDS AS A "CONDITIONAL" USE IN THE CSO (COMMERCIAL SHOPPING OFFICE), AND CCM (COMMUNITY COMMERCIAL) ZONES, AND; TO ADD HARDWARE STORES UP TO 50,000 SQUARE FEET AS A "CONDITIONAL" USE IN THE CSO (COMMERCIAL SHOPPING OFFICE), CCM (COMMUNITY COMMERCIAL), AND CS (SERVICE COMMERCIAL) ZONES, AND; TO AMEND THE LANGUAGE IN THUE MATRIX TO CLARIFY THE HARDWARE STORES CATEGORIES, CITY OF VISALIA, APPLICANT

WHEREAS, Text Amendment No. 2005-15-B was initiated by the Planning Commission to review and clean-up the Hardware Stores category recommending changes the Zoning Matrix; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 12, 2005; and

WHEREAS, the City Council of the City of Visalia considered the text amendment on June 19, 2006, and did direct that the following Zoning Matrix changes: add Hardware Stores with Outdoor Lumberyards as a "Conditional" use in the CSO (Commercial Shopping Office), and CCM (Community Commercial) zones, and; to add Hardware Stores up to 50,000 square feet as a "Conditional" use in the CSO (Commercial Shopping Office), CCM (Community Commercial), and CS (Service Commercial) zones, and; to amend the language in the Matrix to clarify the Hardware Stores categories; and

WHEREAS, the City Council of the City of Visalia considered the text amendment request in accordance with Chapter 17.02.100 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia ratifies the proposed addition to the zoning matrix based on the following specific findings and evidence presented:

1. That the proposed changes to the zoning matrix regarding Hardware Stores are in accordance with the purposes of the zone in which the uses are proposed.
2. That "Hardware Stores" as presented herein are consistent with and have the same basic characteristics as other permitted/conditional uses in the affected zones.
3. That the proposed changes to the zoning matrix regarding Hardware Stores will not be detrimental to the public health, safety, or welfare.
4. That the proposed changes to the zoning matrix regarding Hardware Stores will not adversely affect the character of the zones in which the changes are proposed.
5. That the proposed changes to the zoning matrix regarding Hardware Stores will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or be more objectionable to uses permitted in the affected zones.

6. That the proposed changes to the zoning matrix regarding Hardware Stores will not create any greater hazard of fire or explosion than the hazards normally associated with the uses permitted in the affected zones.
7. That the proposed changes to the zoning matrix regarding Hardware Stores are in conformance with the purposes, intent, and policies of the general plan.
8. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2005-09)
9. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia ratifies the addition to the zoning matrix as shown in Exhibit "A," in accordance with the terms of this resolution and under the provisions of Section 17.02.100 of the Ordinance Code of the City of Visalia.

EXHIBIT "A"

Text Amendment No. 2005-15-B

	C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H
Hardware Stores including lumberyards			C	C				P						
Hardware Stores up to 50,000 square feet			C	C	P			C						
Hardware Stores less than 10,000 square feet	C	P	P	P		P		P						
Paint Stores			P	P	P			P						

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 21, 2006

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

Agenda Item Wording: Authorize City Manager to execute Amendment of Supplemental Waiver of Fees Agreement with Cigna

Deadline for Action:

Submitting Department: Community Development

Contact Name and Phone Number: Michael Olmos 713-4332
Ken Richardson 636-0200

Department Recommendation: Authorize the City Manager to execute the attached "Amendment of Supplemental Waiver of Fees Agreement" with Cigna to revise the requirements of the Supplemental Waiver of Fees Agreement related to employee retention and to extend Cigna's commitment to maintain its claims facilities in Visalia by an additional 2.5 years until December 31, 2012.

Summary/background: Connecticut General Life Insurance Company (commonly referred to as "Cigna") and the City have previously entered into two separate agreements in association with the development of Cigna's claims processing facility. On June 21, 1999, the City and Cigna entered into a "Waiver of Fees Agreement" (attached as Exhibit "B" to the proposed "Amendment of Supplemental Waiver of Fees Agreement"). Cigna's facility is located at the northwest corner of Tulare Avenue and Akers Street. The original building contained approximately 131,200 sq. ft.

Under this agreement, the City used its Community Development Block Grant ("CDBG") funds to pay for approximately \$678,000 of the development costs and fees associated with the original development project. Cigna's obligation to repay these funds is contingent upon, among other things, the requirement that Cigna would add at least 200 employees by December 31, 2001 for a total of 543 employees. The current agreement obligates Cigna to remain in the City through May 31, 2010.

On April 2, 2001, Cigna and the City entered into a second agreement, the Supplemental Waiver of Fees Agreement, in conjunction with Cigna's expansion of its claims processing center (attached as Exhibit "A" to the proposed "Amendment of Supplemental Waiver of Fees

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.

Agreement"). Under this agreement, the City again used its CDBG funds to pay for approximately \$107,000 of the development costs and fees associated with the 50,500 sq. ft. expansion of the claims processing facility. Cigna's obligation to repay these funds is contingent upon, among other things, the requirement that Cigna add 400 employees by December 31, 2005. Both City and Cigna agree that the goal of adding 400 employees was not met. The agreement also obligates Cigna to retain claims processing facilities in the City through May 31, 2010. Currently, Cigna has approximately 850 employees working at the Visalia facility. In addition, Centex Homes has recently announced that it has leased the expansion area to house employees of its Central Valley Division.

City staff and the City Attorney's office have met with Cigna representatives on several occasions since fall, 2005, to review and discuss Cigna's compliance with these agreements. It was determined that Cigna met, and in most cases, substantially exceeded its obligations and responsibilities under the Waiver of Fees Agreement. Pursuant to the terms of the original Waiver of Fees Agreement, the City has to date relieved Cigna of its obligation to repay 20% of the initial \$678,000 of CDBG funds. If Cigna continues to meet its obligations, the waiver of fees will be complete in 2010.

Cigna, however, has not met the employment goals required by the Supplemental Waiver of Fees Agreement that provided the additional \$107,000 in CDBG funds. During recent years, Cigna's business model has seen some modification, such as greater reliance upon telecommuting, which has resulted in the addition of fewer in-house employees than originally expected. Under the terms of this supplemental agreement, the City is entitled to request immediate repayment by Cigna of the \$107,000 in CDBG funds used for fees and costs associated with the expansion project. However, City staff is recommending that repayment not be undertaken and that the agreement instead be re-structured in recognition of the significant economic benefits that Cigna contributes to the community.

Cigna is the largest private employer in the City, and the City and region clearly derive great economic benefit from Cigna's presence in this community. Each year, payroll and services/goods expenditures generated by Cigna represent many millions of dollars injected into our local economy. Circulation of these dollars in the community helps support local businesses and helps create substantial additional jobs. The overall economic impact of Cigna exceeds by many times the \$107,000 investment made by the City. As such, staff determined that it would be most beneficial to the City to explore renegotiation of the Supplemental Waiver of Fees Agreement with the idea of extending Cigna's commitment to the community, rather than simply recouping the relatively small amount of grant funds and relieving Cigna of any further obligations under the Supplemental Waiver of Fees Agreement.

The City and Cigna have agreed to modify the terms and conditions of the Supplemental Waiver of Fees Agreement with regards to the employment levels and the duration to which Cigna will commit to maintaining its facilities in the City. The proposed amendment would do the following:

- Extends Cigna's commitment under the Supplemental Waiver of Fees Agreement to remain in the community for an additional 2.5 years, from May 31, 2010 to December 31, 2012.
- Requires Cigna to maintain existing employee levels at its main facility as of the date of the amendment, and requires Cigna to maintain at least 125 of its own employees, or tenant employees acceptable to the City, at the expansion facilities by December 31, 2006. Pursuant to the Supplemental Waiver of Fees Agreement, Cigna will provide the

City with documentation of the employee levels at its main facility upon execution of the amendment and at the expansion facility on December 31, 2006.

- Adjusts the waiver schedule for the \$107,000 under the Supplemental Waiver of Fees Agreement so that it coincides with the extension of the commitment to maintain facilities in the City until December 31, 2012.

Cigna has approximately 50,000 sq. ft. of space available in its building. They have recently agreed to lease this space to an office tenant. Centex Homes, has signed a lease for the expansion area, which to house employees from its Central Valley Division. Improvement plans are currently being processed for the new tenant by the Building Safety Division.

The proposed "Amendment of Supplemental Waiver of Fees Agreement" reflects Cigna's commitment to maintaining its presence and expanding its operations in the City, while still allowing the City to recoup the grant funds authorized pursuant to the Supplemental Waiver of Fees Agreement should Cigna fail to meet those obligations. Cigna's investment in our community remains a significant component of our local economy and their commitment to retain its local facilities should be strongly supported.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Amendment of Supplemental Waiver of Fees Agreement

Recommended Motion (and Alternative Motions if expected): Move to Authorize the City Manager to execute the attached "Amendment of Supplemental Waiver of Fees Agreement" with Cigna to revise the requirements of the Supplemental Waiver of Fees Agreement related to employee retention and to extend Cigna's commitment to maintain its claims facilities in Visalia by an additional 2.5 years until December 31, 2012.

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 21, 2006

Agenda Item Number (Assigned by City Clerk): 15

Agenda Item Wording: Citizens Advisory Committee (CAC)
Presentation of the 2005 Public Opinion Survey

Deadline for Action: n/a

Submitting Department: Finance

Contact Name and Phone Number: Gus Aiello, 713-4423

Department Recommendation: That Council review and provide comments to the CAC on the results of the 2005 Public Opinion Survey.

Summary/background: On behalf of the public opinion survey subcommittee and subcommittee Chairperson Tim Foster, the Citizens Advisory Committee would like to present the findings from the 2005 public opinion survey.

The following report represents the nineteenth year the City has conducted the survey. The survey is used as a means of communication to Council members on issues important to the citizens of Visalia. The findings of the attached survey report will be reviewed and subcommittee members and staff will be available to respond to any questions Council may have.

Prior Council/Board Actions: The public opinion survey is presented to Council for review and consideration on an annual basis.

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

Alternatives:

Attachments: 2005 Public Opinion Survey

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.

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 21, 2006

Agenda Item Number (Assigned by City Clerk): 16

Agenda Item Wording:

a) Request for Certification of the Draft Environmental Impact Report, prepared for the Elliott and Vander Weerd properties. The project area for the EIR is located east of Shirk Street and south of the Tulare Avenue alignment between Shirk Street and Roeben Avenue. State Clearinghouse No. 2004061090.

b) Initiation of Proceedings for Annexation No. 2003-08 (Elliott East): A request to annex approximately 80 acres into the City of Visalia, **Resolution 2006-77 required.**

c) General Plan Amendment No. 2003-20: A request to change the General Plan land use designation from Agriculture to Low Density Residential on 80 acres. **Resolution 2006-78 required.**

The projects are located east of Shirk Street and south of the Tulare Avenue alignment between Shirk Street and Roeben Avenue in the City of Visalia (APN: 087-010-005, 006, 008)

Centex Homes, applicant. Quad Knopf, agent.

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number:

Brandon Smith, 713-4636
Paul Scheibel, AICP, 713-4369

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 30

Review:

Dept. Head _____
(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.

Department Recommendation:

Staff recommends that the City Council adopt Resolution No. 2006-77 denying General Plan Amendment No. 2003-20, and adopt Resolution No. 2006-78, denying the request to initiate proceedings for Annexation No. 2003-08, based on the two proposal's inconsistency with applicable General Plan policies. If the City Council denies these proposals, staff recommends that no further action be taken on the Draft Environmental Impact Report for the project, in accordance with California Environmental Quality Act (CEQA) Sections 15061(b)(4), and 15270(c) (Projects which are denied).

Staff's recommendation is based on the direction by the City Council given at a meeting on July 25, 2005, in which the Council approved a motion to not take action on the project until a comprehensive land use plan has been developed for the subject site and surrounding area.

Since that time, the City Council took action to direct that the Highway 198 Master Plan Study is to emphasize an agricultural and scenic corridor-based theme, and not one of urban encroachment.

Summary/Background:

In 2004 an Environmental Impact Report was prepared to consider environmental impacts related to the proposed development of a 232-unit mixed product residential subdivision and a 5.3-acre City Park on an 80-acre site at the southwest corner of Roeben Street and Tulare Avenue. The EIR was circulated for public comment between December 20, 2004, and February 15, 2005, in accordance with guidelines contained in the California Environmental Quality Act (CEQA). On July 25, 2005, the City Council held a public hearing for the proposed actions and voted not to take action on the project until a comprehensive land use plan has been developed for the subject site and surrounding area.

Since this date, the City Council has given further direction for staff to begin the process of selecting a consultant that would prepare a Master Plan for the Highway 198 area. On March 20, 2006, the City Council made a decision that the Master Plan would have a primarily agricultural focus, and that a revised scope of work would be prepared and approved by Council before proceeding further on the Master Planning efforts. Please see Consultant Selection for the West Highway 198 Master Plan Staff Report dated March 20, 2006, attached with this report. Since the March 20th direction, City staff and the consultants (BMS Design Group) have been finalizing the revised scope of work and costs. The revised contract is expected to be presented to the City Council on August 28, 2006, for its final review and authorization to proceed.

On May 10, 2006, a letter was addressed to Mayor Gamboa by Clifford Ronk, representing the project applicant Centex Homes, and requesting that the Council make a final determination in certifying the project's Final EIR and approving the Annexation and the General Plan Amendment. In the letter (included as an attachment to this report), Mr. Ronk requests that the Council reschedule the matter considering the Council's voiced interest to develop an agricultural-based plan for the area.

Discussion:

Staff's recommendation to deny the project and to not take action on the EIR is consistent with Council's recommended motions in July 2005 and March 2006, because the Council has since given further direction to staff to proceed with an agricultural-based master plan for the surrounding area, which is in its preliminary stages of design with the City's consultant for the Master Plan effort. This includes the near term steps to bring a revised scope of work and budget to the Council for approval.

It is staff's belief that the future area-wide Master Plan will include this site. The proposed urban residential project may ultimately be inconsistent with an agriculture-oriented Master Plan.

Current General Plan policies affecting the West 198 Corridor include:

1.1.18 Develop scenic corridor and gateway guidelines that will maintain the agricultural character of Visalia at its urban fringe.

2.1.A Preserve and enhance natural and rural features such as waterways, Valley Oaks, and agriculture as significant assets and community resources.

- 2.1.1 Preserve selected waterways as identified in the Conservation, Open Space, Recreation & Parks Element for flood protection, irrigation water conveyance, riparian habitat, and open space, where possible, for active and passive outdoor recreation.
- 2.1.5 Develop an East Highway 198 Specific Plan for the east end of Highway 198 to enhance the scenic qualities on both ends of Highway 198.
- 4.1.17 Rural Residential areas shall be designated to provide opportunities for residential dwellings in conjunction with small-scale farming and animal husbandry or in a semi-rural setting ... Densities of up to 2 units per acre may be permitted by conditional use permit in the following locations:
 - b. West side of Roeben Road between Tulare and Walnut.

Based on the current City Council direction outlined above, staff concludes the project components are not consistent with the General Plan implementation already under development pursuant to the Council's direction.

In corresponding with the City Attorney on the applicant's request for the Council to take action on this project, the City Attorney has affirmed that the City Council is not bound by any time constraints imposed by the California Environmental Quality Act or other governing policies to take action on the project. Also, the City Attorney has affirmed that the City Council does not have any outstanding legal obligation to make a determination on the EIR at this time.

The applicant's letter states their desire for the Council to act on the project and the draft EIR is to gain closure of the process. Staff has noted to the applicant that alternate method to obtain this closure is for the applicant to formally withdraw their request for applications and await the adoption of a master plan for the surrounding area.

Prior Council/Board Actions:

On July 25, 2005, the City Council approved a motion on a 4-1 vote (Landers – no) to not take action on the project until a comprehensive land use plan has been developed for the subject site and surrounding area.

On March 20, 2006, the City Council authorized the City Manager to enter into contract negotiations with the City's consultant to prepare an agriculture oriented Master Plan for the Highway 198 Corridor.

Committee/Commission Review and Actions:

On May 23, 2005, the Visalia Planning Commission considered the EIR, along with the Initiation for Annexation and a General Plan Amendment (to change the underlying land use designation from Agriculture to Residential Low Density), and recommended that the City Council proceed with these actions.

Alternatives:

If the City Council desires to take formal action to certify the draft EIR, or to approve any of the components related to the project, staff recommends that the Council reschedule this item on a

future Council agenda as a public hearing item. Staff would then send out a 10-day public hearing notice in compliance with CEQA guidelines to advertise the meeting. Findings would also be prepared for consideration by the City Council to support certification of the Final EIR, the Statements of Overriding Considerations, and of the project.

Attachments:

- Letter of request from Clifford Ronk, Centex Homes, dated May 10, 2006
- Staff report for the Certification of the Final EIR for the Elliott and Vander Weerd Properties (Note: Although the report is dated July 18, 2005, the item was continued to July 25, 2005 during which action was taken on the item.)
- Staff Report, Consultant Selection for the West Highway 198 Master Plan Staff Report, dated March 20, 2006

Recommended Motion (and Alternative Motions if expected):

- I move to deny General Plan Amendment No. 2003-20 for the Elliott and Vander Weerd properties; Resolution 2006-78
- I move to deny Annexation No. 2003-08 for the Elliott East Annexation Resolution 2006-77.
- ALTERNATIVE: I move to schedule the certification of an Environmental Impact Report (EIR), initiation of annexation, and a General Plan Amendment for this project as a public hearing item on a future City Council agenda.

Environmental Assessment Status

CEQA Review: The Draft copies of the Environmental Impact Report for the Elliott and Vander Weerd Property, State Clearinghouse No. 2004061090, have been circulated for public review consistent with CEQA Guidelines. On May 23, 2005, the Planning Commission recommended that the EIR be certified by the City Council.

NEPA Review: None Required

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

No immediate City Council action anticipated for this item.

Copies of this report have been provided to:
Applicant