



Visalia City Council Agenda

For the regular meeting of: Monday, September 18, 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)

***** 4:15 p.m.**

Public Comment on Work Session Items –

1. Approval of schematic designs of the northwest fire station and training facility.
2. Discussion regarding Subdivision Sign Regulation. **Introduction of Ordinance No. 2006-14** authorizing kiosk and other directional signs to be permitted by the City Planner. Introduction of **Resolution No. 2006-91** establishing the review process for amending Chapter 17.48 of I Title 17 of the Municipal Code Related to signs.
3. Preview and comment regarding proposed Lowery Ranch Master Plan.

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

ITEMS OF INTEREST

CLOSED SESSION

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

4. Public Employee Performance Evaluation
Title: City Manager

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Minister David Berry, Visalia Community Church of Christ

SPECIAL PRESENTATIONS/RECOGNITION

Musical presentation by Cameron Bridges, 7th Grade Musician of the Year Green Acres Middle School (French Horn).

Visalia Community Players "50th Anniversary" Recognition.

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

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

5. **CONSENT CALENDAR** - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Authorization for the Mayor to issue a formal invitation to the Mayor of Miki City, Japan, and two other officials, to be Visalia's guest at an official visit to celebrate the 40th anniversary of the City's Sister City relationship with Miki City.
 - c) Authorize the Visalia Police Department to accept a \$9,956.70 grant from the State Department of Alcoholic Beverage Control to combat unlawful sales of alcohol to minors.
 - d) Request to the Citizen's Advisory Committee to conduct a Council Compensation survey and make a recommendation regarding future Council Compensation.
 - e) Item removed from the agenda.

- f) Authorization to approve \$50,000 annually for three (3) years to assist in the funding of an Administrator for the College of the Sequoias/California State University Fresno Campus Center.
- g) Authorization to hire an urban design firm to prepare a master plan for future development of the City-owned properties located in the two block area bounded by Conyer Street, Mineral King Avenue, Johnson Street, and Acequia Avenue.
- h) Authorization the City Manager to sign amendment #2 to the contract with Omni-Means in the amount of \$172,728.00 to complete the design work on the intersections of Walnut, Beech, Tulare, and Whitendale at Mooney Boulevard. Project Nos. 1224-00000-720000-0-9270-2004, 1224-00000-720000-0-9252-2004, and 1241-00000-720000-0-9036-2002.
- i) Request to award Bid #06-07-04 for the purchase of four refuse truck bodies to Ruckstell California Sales in the amount of \$397,887.
- j) Approval of the replacement of the City's storage area network from the Information Technology replacement fund one year ahead of schedule to maintain the City's data storage standards and save money. Award the replacement to the existing vendor, Xiotech.
- k) Request authorization to file a Notice of Completion for the following:
 - 1. Maddox at Caldwell 5 Phase 1, containing 10 lots, located at the northwest corner of Ben Maddox Way and Monte Verde Avenue.
 - 2. Maddox at Caldwell 5 Phase 2, containing 31 lots, located at the northwest corner of Ben Maddox Way and Monte Verde Avenue.
 - 3. Maddox at Caldwell 5 Phase 3, containing 17 lots, located 600 feet west of Ben Maddox Way and Monte Verde Avenue.
- l) Authorization to record the final parcel map for Tentative Parcel Map 2006-11, located at the southeast corner of Mooney Boulevard and Orchard Avenue. APN 122-290-024.
- m) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation of* the final map(s) related thereto (if applicable):
 - 1. Authorize the Recordation of the Final Map for West Park Unit No. 3, located at the northeast corner of Linwood Street and Visalia Parkway (147 lots) and the Formation of Landscape and Lighting District No. 06-07, West Park No. 3 (**Resolution Nos. 2006-80 and 2006-81 required**).
- n) Request authorization to accept an "Irrevocable Offer to Dedicate Real Property" for Mooney Blvd. right-of-way for roadway purposes as offered per Document No. 2003-0011275, Dated February 10, 2003 and Shannon Ranch East Subdivision generally located between Riggin Avenue and Shannon Parkway. **Resolution 2006- 82**.
- o) Request authorization to file a Notice of Completion for Parcel Map 2003-10, located west of Neeley Street and north of State Highway 198.

- p) Requesting authorization to Housing Authority to issue revenue bonds for Mill Creek Parkway Affordable Housing Project. **Resolution 2006- 83.**
- q) Approval of Performance Agreement with VF Corporation for the development of a distribution facility in the Visalia Industrial Park.
- r) Request authorization for City staff to negotiate a contract with EDAW, Inc. for master planning the East Downtown Strategic Plan area, and to authorize the City Manager to execute this contract.
- s) **Second Reading of the following Ordinance(s):**
 - 1. **Ordinance 2006-13** approving a 10 year lease (with a 5 year option) between the City of Visalia and The Top of Third for the Recreation Park Stadium.
 - 6. REGULAR ITEM - Proposal to support Measure R, the countywide sales tax initiative to improve streets and roads.
 - 7. PUBLIC HEARING -
 - 1. Adoption of Negative Declaration No. 2006-24. **Resolution 2006-89 required (A separate Motion by the Council is required.)**
 - 2. Initiation of Annexation 2006-06, Goshen Ave. **Resolution 2006-90 required. (A separate Motion by the Council is required.)**
 - 8. PUBLIC HEARING -
 - 1. Adoption of Negative Declaration No. 2006-23. **Resolution 2006-87 required (A separate Motion by the Council is required.)**
 - 2. Initiation of Annexation 2006-05, Tulare Ave. Island **Resolution 2006-88 required. (A separate Motion by the Council is required.)**
 - 9. PUBLIC HEARING - Abandonment of a portion of the west side of Vista Avenue, between Noble and mid-block between Meadow and Westcott. **Resolution 2006-84 required.**
 - 10. PUBLIC HEARING -Approval **Resolution 2006-85** Extension of Ordinance No. 2006-10 (East Downtown Interim Ordinance #2), establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area designated as Zone 2, generally located north of Murray/Goshen Avenue and east of Santa Fe (A 4/5 vote is required to extend this ordinance).
 - 11. PUBLIC HEARING - Approval and Adoption of 2005-2006 Program Year Consolidated Annual Performance and Evaluation Report (CDBG & HOME), **Resolution 2006-86 required.**
 - 12. PUBLIC HEARING - Proposed first amendment to the Community Development Block Grant (CDBG) and HOME Program FY 2006-07 Action Plan.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, September 25, 2006 Special Meeting - Visalia Convention Center

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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Approval of schematic designs of the northwest fire station and training facility.

Deadline for Action: September 18, 2006

Submitting Department: Fire

Contact Name and Phone Number:

Doyle Sewell, 713-4486

Department Recommendation: Approval of schematic designs of the northwest fire station and training facility. Upon approval, the project will proceed as planned.

Summary: Prior to moving forward with the northwest fire project, Council has requested that the project subcommittee present the schematic designs for Council approval. Upon approval, staff and the construction manager will move forward with the project. The next steps include completion of construction documents, trade bidding and construction. Elevation, floor and site plans are presented for Council approval.

Background:

The Measure T plan includes the construction of a fire station and training facility in the northwest portion of Visalia. Progress on the project includes:

- The purchase of approximately 5 acres of land on the corner of Shirk and Ferguson.
- The approval of a contract with BJ Perch Construction, Inc. to provide construction management (CM) at risk services. Under the agreement, all subcontracts for preconstruction and construction services will be the responsibility of BJ Perch, who will provide the City with a guaranteed maximum price (GMP).
- RRM Designs has been selected to provide architectural services.
- Council has approved a program budget of \$6.4 million and authorized the construction manager to proceed with the project.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_10_

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

At its meeting on May 1, 2006, Council reviewed the status of the project, including design and cost options. Council approved a program budget of \$6.4 million and directed staff to implement a design which includes two bays, three bunk rooms and a training room as a separate structure. Potentially, a residential training prop and a third bay can be added at a later date.

Upon Council approval of the schematic designs, the project will move forward with final construction documents, bidding and construction.

Prior Council/Board Actions:

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

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

April 3, 2006 – Review the status of the Northwest Fire Station and Training facility project.

May 1, 2006 – Review the programming phase and estimated cost of the Northwest Fire and Training facility, and authorize the construction manager to move forward with the project.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected): Approval of schematic designs of the northwest fire station and training facility. Upon approval, the project will proceed as planned

Environmental Assessment Status

CEQA Review:

NEPA Review:

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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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Discussion regarding Subdivision Sign Regulation.

Introduction of Ordinance No. 2006-14 authorizing kiosk and other directional signs to be permitted by the City Planner.

Introduction of Resolution No. 2006-91 establishing the review process for amending Chapter 17.48 of I Title 17 of the Municipal Code Related to signs.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number: Fred Brusuelas 713-4364
Tim Burns 713-4172

Department Recommendation:

1. **Introduce Ordinance No. 2006- 14** amending the sign ordinance to authorize subdivision kiosk signs and limited off-site directional subdivision signs, subject to approval by the City Planner, and to allow for more effective on-site temporary subdivision signage.
2. Extend property sign enforcement from September 21, 2006 to November 21, 2006. In response to Council's interest in expeditiously implementing the new subdivision signage regulations, if the proposed ordinance is introduced on September 18, it will be scheduled for Public Hearing during the October 9, 2006 Planning Commission meeting and will be placed on the October 16, 2006 Council agenda for second reading and adoption.
3. **Adoption of Resolution No. 2006-91** confirming the first reading of the amended ordinance and directing the ordinance to the Planning Commission for review and recommendations prior to the Council's scheduled second reading on Oct. 16,2006.

Summary: As Council is aware, the large number of subdivisions under development has generated increased illegal sign activity as subdividers have worked to provide advertising and directional signage for their projects.

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 N/A
City Atty 9/11/06KR
(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.

As a result of recent discussions with Council and representatives of the Building Industry Association (BIA) regarding subdivision signage, staff is submitting a proposed signage program to Council. The signage program contains two major components, as follows:

1. Amendment to the sign ordinance to authorize a subdivision kiosk signs. This amendment would allow the placement of directional sign kiosks as approved by the City Planner. This amendment would allow private sector interests (sign companies, Building Industry Association) to place kiosks at City approved locations on private property or in public rights-of-way subject to the granting of an encroachment permit. This amendment also provides the City with oversight and approval of the design and location of approved subdivision kiosk signs. This approach does not burden City staff with tasks related to the organization, administration and maintenance of a kiosk sign program.

If introduced on September 18th, the ordinance would be adopted on October 2nd, and become effective on November 1st. During the adoption process, staff will begin accepting and reviewing subdivision kiosk sign applications and will work with the BIA and sign companies to process those applications so that satisfactory permits may be issued immediately on November 1st. This will provide time for kiosks to be put in place prior to the November 21 enforcement date.

2. Amendment to the sign ordinance to permit off-site subdivision directional signage. This amendment would allow for the placement of a small directional sign (maximum area of four square feet) on private property, with the approval of the owner, for the purpose of providing directional information for residential projects on sites that do not have reasonable access to sign kiosks. This type of off-site signage was requested by the BIA as a means of providing reasonable directional signage for residential projects located on sites where kiosks are not readily available (such as infill sites). Sign permits for subdivision directional signs will be valid for six months from their issuance, but will be renewable at the discretion of the City Planner, and will also be subject to design and location requirements.

Staff further recommends that the current abatement program for illegal subdivision signs be extended 60 days to November 21, 2006, or the effective date of the ordinance amendments, whichever is sooner. This extension will provide time for the new sign program to become effective and enable a reasonable transition to the new signage.

The provisions pertaining to temporary on-site subdivision signage will be amended to increase the height limitation from eight feet to twelve feet to allow for effective viewing of signs placed behind fences and within the boundaries of the subdivision as required. These subdivision signs will not be allowed in the public right-of-way, including landscaped street parkways. Larger subdivisions whose boundaries border on substantial amounts of public streets will also be allowed a greater number of on-site signs based on one (1) sign per 300 feet of street frontage. The current limitations are a maximum of two on-site signs per subdivision.

Background: The City Council on June 12, 2006 conducted a work session to discuss subdivision sign code enforcement and the possible establishment of a subdivision sign program. Staff made a presentation on off-site subdivision signs and code enforcement efforts. Sign enforcement action began on January 9, 2006 with the collection of temporary portable

development signage. On March 21, 2006 a letter was sent to the BIA indicating the City will begin to abate the approximately 130 large non-compliant subdivision development signage beginning June 21, 2006. On August 18, 2006 letters were sent to private property owners requesting the illegal signs be removed within 30 days from the date of the letter (September 18th).

The City on April 13, 2006 hosted a meeting with members of the BIA to discuss the subdivision signage issues. The BIA formed a committee to explore options for subdivision signage and two meetings were conducted to review and discuss BIA and city staff proposals. See attached exhibits A, B, and C.

The building industry is concerned that the September 21, 2006 enforcement deadline to remove subdivision signs on private property does not allow sufficient time to have an alternative plan of action. Staff and the BIA agree that an ordinance amendment and/ or Kiosk Program should be in place prior to removal of their subdivision signs. (*The schedule was established by the City Council as an extension of time from the staff recommended deadline date of June 21, 2006*).

The BIA and sign companies are asking that the City Council consider extending the September 21, 2006 deadline until after the kiosk program is operational and the Ordinance is amended.

On Wednesday, August 30, Assistant City Manager Mike Olmos and City Planner Fred Brusuelas met with BIA Executive Director Bob Keenan and the BIA sign committee representative Darlene Mata (McMillin Homes). At that time, the subdivision kiosk signage was discussed and agreement was reached that approval of subdivision kiosk signs is a feasible means for providing directional signage. The building industry representatives also explained their concerns that the kiosks may not be able to provide adequate signage for remotely located projects (such as infill projects) and that a need for individual signage opportunities for these projects should be considered. To address signage needs of remotely located projects, it is proposed that the sign ordinance also be amended to allow the City Planner be authorized to approve permits for individual off-site subdivision directional signs for up to 6 months where reasonable access to kiosks is not available. These individual directional signs would be subject to location, timing and design criteria.

Prior Council/Board Actions: The City Council on June 12, 2006 directed staff to immediately remove subdivision signs located in the public right of way and proceed with its non-compliant signage abatement schedule on private property commencing September 21, 2006. Staff is currently enforcing Council's directive and preparing to notify private property owners about removal of non-compliant signs in advance of the September 21 enforcement date.

The City Council on August 18, 2006 received comments from BIA requesting that consideration be given to extend private property subdivision sign enforcement beyond the September 21, 2006 deadline on the basis that new subdivision sign regulations will not be adopted for implementation by that time.

Committee/Commission Review and Actions: None

Alternatives: Leave current subdivision sign standards in place.

Attachments: Exhibit A (Staff)
Exhibit B (Staff)
Exhibit C (BIA)
Example: Kiosk Directional Sign
Resolution No. 2006-91

Recommended Motion (and Alternative Motions if expected): Move to:

1. **Introduce Ordinance No. 2006-14** amending the sign ordinance to allow for subdivision kiosk signs and off-site subdivision directional signs, and to allow for more effective on-site temporary subdivision signage.
2. Extend the subdivision sign enforcement deadline by 60 days to November 21, 2006.
3. **Adopt Resolution No. 2006-91** establishing the ordinance review process.

Environmental Assessment Status

CEQA Review: None

NEPA Review: None

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

Copies of this report have been provided to: BIA, Chamber of Commerce

ORDINANCE NO. 2006-14

**AMENDING TITLE 17 OF THE VISALIA MUNICIPAL CODE BY REVISING CHAPTER 17.48
RELATED TO SIGNS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City of Visalia has identified the need to amend the existing Sign Ordinance to update its provisions to address the issue of advertising and directional signage for residential subdivision development. In recent years, the City of Visalia has witnessed and increase in the number of subdivisions under development. One of the impacts on the community resulting from this activity has been the generation of increased illegal sign activity associated with developers' attempts to provide advertising and directional signage for their projects. After discussing these issues with and soliciting feedback from representatives from the development community and area sign companies, the City of Visalia has identified amendments to the Sign Ordinance which would provide the development community with an additional mechanism for directing the public to their residential subdivisions, while also minimizing visual clutter and providing an orderly, attractive, high quality image of the City. Therefore, the City Council of the City of Visalia recommends the following amendments to the Municipal Code.

Section 2: Title 17 of the Visalia Municipal Code is hereby amended by revising the following provisions of Chapter 17.48 (italics indicate new provisions; strikethrough indicates deleted provisions).

Section 17.48.020 is amended to add the following definitions:

“Subdivision directional sign” means an off-site sign indicating a change of direction which travelers must make to reach a subdivision development located within the city at each place where such change of direction is needed.

“Subdivision kiosk sign” means a freestanding sign structure that identifies new residential subdivisions and provides directional arrows to indicate the location of new homes.

Section 17.48.040 is amended to revise subsection (E) and add subsections (T) and (U), as follows:

E. Billboards and other nonaccessory signs may only be permitted through the conditional use permit process in the P-C-R, P-C-SO, P-C-DT, P-C-S, and P-C-H zones. No billboards shall be allowed within four hundred feet of the Highway 198 and Highway 63 frontage. *Proposed subdivision kiosk signs and subdivision directional signs which comply with the conditions and limitations set forth in subsections (T) and (U) of this Section shall not require permitting through the conditional use permit process.*

T. *Subdivision Directional Signs. Subdivision directional signs for a residential subdivision shall require a sign permit. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where ten (10) or more structures or dwelling units are concurrently undergoing construction. Sign permit applications for proposed subdivision directional signs will be reviewed by the city planner, or designee of the city planner, and shall conform to the following requirements and specifications:*

- 1. May not exceed four square feet in area or four feet in height.*
- 2. May not be illuminated.*

3. *May be single- or double-faced, or V-shaped if the angle between the two faces does not exceed 45 degrees.*
4. *May only contain commercial messages thereon limited to the name of the subdivision, developer's name or logo or branding identification, and directional information.*
5. *Written evidence of owner's consent must be presented with an application for a sign permit for a subdivision directional sign. No more than one subdivision directional sign per parcel shall be allowed.*
6. *Sign permits for all subdivision directional signs shall expire not later than six months after issuance. The city planner shall have the discretion to grant an extension or extensions of the permit's duration, however, under no circumstances may the permit extend beyond such time that the developer has completed the sale of all units in the development.*

U. Subdivision Kiosk Signs. The purpose of the subdivision kiosk signs is to direct the traffic related to new residential subdivisions in a manner that minimizes visual clutter, reduces unnecessary traffic through established neighborhoods, and provides an orderly, attractive, high quality image of the City. Subdivision kiosk signs for residential subdivisions shall require a sign permit. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where ten (10) or more structures or dwelling units are concurrently undergoing construction. Sign permit applications for proposed subdivision kiosk signs will be reviewed by the city planner, or designee of the city planner, and shall conform to the following requirements and specifications:

1. *Kiosks shall include sign panels that identify the names of residential subdivisions, the developer's name or logo or other branding identification, and directional arrows. A panel for any residential subdivision may be added to a subdivision kiosk sign, subject to available space for same, however no more than one panel per residential subdivision of a kiosk sign is permitted. No other advertising is allowed.*
2. *Kiosks shall be single faced and shall not exceed forty (40) square feet in sign area, ten (10) feet in height, and five (5) feet in width. Proposed kiosks exceeding these dimensions require approval through the conditional use permit process.*
3. *No kiosk may be located within one thousand (1,000) feet of another kiosk except in the case of signs on different corners of an intersection.*
4. *All kiosk signs shall be placed on private property with written consent of the property owner or on City right-of-way pursuant to a City encroachment permit. No more than one subdivision kiosk sign shall be allowed per parcel.*
5. *The review of a proposed subdivision kiosk sign will include size, height, design, materials and colors of the proposed kiosk, consistency with other approved and active subdivision kiosk signs, along with its proposed location. The kiosk must be designed as an architecturally-enhanced structure that may include features such as a decorative cap and cornice detail, stone-clad or masonry-clad columns, stone-clad or masonry-clad foundation, carved/sculptured wood construction, or other similar architectural features as determined to be appropriate by the building department. The city planner, or the designee of the city planner, may from time to time adopt a standard design consistent with the requirements of this section which will be utilized for all approved subdivision kiosk signs.*
6. *The subdivision kiosk sign may only be located in a manner that does not obstruct the view of traffic or safety signs, encroach within vision triangles, or otherwise pose a traffic or safety hazard.*
7. *There shall be no additions, tag signs, streamers, balloons, flags, devices, display boards, or appurtenances, added to the subdivision kiosk signs as originally approved.*
8. *All non-conforming subdivision directional and advertising signs associated with a residential subdivision must be removed prior to the approval of any subdivision kiosk sign(s) for that residential subdivision.*

9. *Panels on subdivision kiosk signs may not be displayed after the developer has completed the sale of all units in the development. Each developer shall be responsible for their removal.*

Section 17.48.080, subsection (F), is revised as follows:

F. Temporary Subdivision Signs (no permit required).

1. Subdivision which offers a minimum of ten parcels for sale may erect a maximum of *either two temporary subdivision signs, or up to one sign per every three hundred lineal feet that the subdivision perimeter fronts upon a public street.*

2. The temporary subdivision signs shall be non-illuminated, shall not exceed an area of thirty-two (32) square feet per sign or a height of ~~eight~~ *twelve* feet.

Section 3: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4: Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 5: Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 6: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

Jesus Gamboa, Mayor

ATTEST:

Steven M. Salomon, City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

Alex M. Peltzer

RESOLUTION NO. 2006-91

RESOLUTION OF THE VISALIA CITY COUNCIL
ESTABLISHING THE REVIEW PROCESS FOR AMENDING CHAPTER 17.48 OF I TITLE 17
OF THE MUNICIPAL CODE RELATED TO SIGNS

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

WHEREAS, the City Council has conducted the first reading of an ordinance amending Title 17 related to signs; and

WHEREAS, said ordinance amendment includes revisions and additions to regulations governing signage associated with residential subdivision developments; and

WHEREAS, the second reading and adoption of the ordinance amendment will be considered by the City Council on October 16, 2006, and

NOW, therefore be it resolved that the ordinance amending Chapter 17.48 of Title 17 related to signs is hereby referred to the Planning Commission for review and recommendations prior to Council consideration of adoption.

PASSED AND ADOPTED: STEVEN M. SALOMON, CITY CLERK

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

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

Dated: STEVEN M. SALOMON, CITY CLERK

By, Chief Deputy
CLERK'S CERTIFICATION TO COUNTY AUDITOR

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Proposed Lowery Ranch Master Plan review and comment.

Deadline for Action: None.

Submitting Department: Community Development

Contact Name and Phone Number: Fred Brusuelas 713-4364

Department Recommendation: Staff recommends the City Council authorize Annexation processing and preparation of a "Development Agreement" and "Neighborhood Specific Plan" for the Lowery Ranch Project.

Summary/background: The City Council has reviewed several concepts for the Lowery Ranch Master Plan during past work sessions including a joint work session with the Planning Commission. Substantive input was received by the applicant from the City Council and Planning Commission regarding the overall concept plan, land uses, design, and density.

The City Council has given authorization for the project to proceed with preparation of a Master Plan. The attached drawings incorporate revisions and alternatives prepared by the applicant. It is the applicant's intent to receive additional City Council direction prior to finalizing plans for submittal and processing.

Comments to the applicant from the City Council will be helpful at this preliminary review stage. Additional comments will also be received from the Parks & Recreation Commission, Planning Commission and others during the public review process.

Three alternative drawings submitted by the applicant are design options that may be considered along the Riggan Avenue frontage between Akers and Linwood. The residential street and lot design alternatives are: (1) "Village Window, (2) "Alley Loaded Frontage" and (3) "Cluster Housing". Staff has determined that each alternative is feasible and should be allowed as options for the applicant to implement during project review and approval.

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.):_30min.____

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.

Annexation: A portion of the Lowery Ranch Project site (approximately 28%) is presently in the city limits. The applicants of the Lowery Ranch Project are interested in the annexation of additional land into the project site. They would like to have the City Council consider the annexation of all land within the Lowery Project area. This request would take the city limits boundary north to Avenue 320 and west to Akers Avenue. They would also consider a lesser annexation area that would be south of Avenue 316 (Shannon Avenue Parkway alignment). The implications of land annexation are related to Williamson Act Contract Cancellations, monetary cancellation penalties, 1240 exchange program and developer project timing. The city could benefit from the 1240 exchange program with a partial or entire annexation of land within the Lowery Project area. This will enable cancellation fees to be retained locally for use in acquiring farmland conservation easements. All the Williamson Act land has received a filing for "Notice of Non-renewal" with six to eight years remaining on individual contracts. Additionally, development of the Lowery Ranch Project will likely occur over the next 10 to 20 years depending on market forces and economic factors.

Development Agreement :

The 636 acre Lowery Ranch Project represents a major planning and development effort in the city's northwest area. The principal agricultural land use issue is the status of agricultural land under Williamson Act Contract and the potential of applying a 1240 Agricultural Exchange Program. The major infrastructure issue is the disposition of the Modoc Drainage Basin as a functional city storm water retention facility and aesthetic amenity. The major design issue is the Neighborhood Core that is presently proposed with blocks of high density residential, office, and town center uses.

Upon evaluation of the aforementioned major issues it is apparent that additional analysis and decision making will be necessary as a pre-requisite to approving the Lowery Ranch Project. In addition to the land use issues, there are items of property owner cooperation and coordination to effectuate planning implementation and phasing of the development. These issues can be addressed through the preparation of a "Development Agreement" that incorporates an agricultural program, drainage basin disposition, design criteria, public entitlements, property owner commitments, acquisitions, fees, mitigation, annexation/ phasing and other development issues for the benefit of all concerned. Without a "Development Agreement" the Lowery Ranch Project will likely result in long term incremental decision making. The Development Agreement will also include provisions to facilitate the transfer of future public lands (parks, basin, school site, etc.) to respective public agencies.

Specific Plan in the Neighborhood Core:

The Master Plan proposed by the applicant creates a discernable Neighborhood Core created by blocks of separate land uses. This area primarily encompasses the proposed town center, multiple family areas, parkland school sites, and mixed use areas located proximate to the Linwood/ Shannon Parkway intersection. Consideration should be given to an integrated neighborhood plan comprised with a mixture of housing types, well defined pedestrian linkages and definitive street corridor entrances into the neighborhood core. The Neighborhood Core should have a higher level of neighborhood planning that will be superior to conventional block style zoning. The Neighborhood Core should be considered the most important design element of the Lowery Ranch Project. By accepting the idea that the Neighborhood Core is important, additional effort can be considered to incorporate Form-Based Zones and Traditional Neighborhood Design. This can be accomplished through the preparation of a focused Specific Plan in the Neighborhood Core area. The Specific Plan will also include the Modoc Basin design as a multi-use facility and extension of the town center along the east side of Linwood Street to connect to the basin.

Street Circulation:

Evaluation of the Lowery Ranch street circulation pattern indicates that some improvements can be made to increase connectivity. The staff suggestions have been discussed with the applicant and it appears that street design modifications can occur during the subdivision review process.

Parks and Open Space: The Lowery Ranch Project incorporates many open space and park amenities. The plan has received a preliminary review by the Parks and Recreation Commission with comments encouraging the reduction of pocket parks and increased park land for ball fields and other active recreational use.

Staff Recommendations: The staff has prepared recommendations for City Council consideration attached as "Exhibit A". Identified as item thirteen (13) is a consideration for a residential density of 6 dwelling units per acre. The applicant's Lowery Ranch proposal is 5.34 dwelling units per acre. The applicant has indicated the density of 6 units per acre has a high level of difficulty in creating the proper residential design, housing type, and project acceptability in the market place. The current density in conventional residential development is approximately 3.2 dwelling units per acre. The staff recommendation is based upon past City Council comments to achieve higher density levels for new residential projects.

Also recommended by staff are Exhibit "B" Mixed Use Connection from Ponding Basin to Town Center and Exhibit "C" Specific Plan Area.

Prior Council/Board Actions: The City Council has previously reviewed Master Plan concept drawings and has authorized the applicant to proceed with the preparation of a Lowery Ranch Master Plan for processing and public review.

Committee/Commission Review and Actions: None.

Alternatives: (1) Do not initiate any Annexation processing for the Lowery Ranch Project area at this time.
(2) Initiate Annexation processing for land south of Avenue 320 (The entire Lowery Project area).

Attachments: Lowey Ranch Master Plan 11"x17"
Village Window *Alternative* 11"x17"
Alley Loaded Frontage Road *Alternative* 11"x17"
Cluster Housing *Alternative* 11x17"
Staff Exhibit "A" *Staff Recommendations*
Staff Exhibit "B" *Map of Open Space Connection to Town Center*
Staff Exhibit "C" *Map of Specific Plan Area*

Recommended Motion (and Alternative Motions if expected): I move to authorize initiation of land Annexation south of Avenue 316 (Shannon Parkway Alignment) and; preparation of a “Development Agreement”, “Neighborhood Specific Plan” and other development entitlements to include Staff Exhibits A, B, & C.

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:

Lowery Ranch Master Plan Staff Exhibit "A"

City Council Meeting September 18, 2006

The following are staff recommendations for the Lowery Ranch Project and design issues that will be considered during development of future Master Plan and core Specific Plan:

1. Adopt a "Development Agreement" for the 636 acre Lowery Ranch project.
2. Create a Specific Plan for the Neighborhood Core as shown on Staff Exhibit "B".
3. Establish Linwood Avenue with the same street section as developed south of Riggin Avenue.
4. Create Linwood Avenue with a distinctive landscaped street design.
5. Improve connections and corridors for bicycle routes and pedestrians.
6. Evaluate the Shannon Parkway curve design to insure traffic safety.
7. Establish a phasing plan for the entire project site including phase out of Williamson Act Contract (1240 Conservation Easements).
8. Provide a drawing of the ponding basin with landscaped conservation area, trail and benches.
9. Provide a phasing plan for development of the ponding basin.
10. Provide a definition and/or description of "Town Center".
11. Eliminate backing houses along the school site.
12. Determine the applicant's three alternative drawings for Riggin Avenue frontage as acceptable designs.
13. Establish an overall residential density of 6 dwelling units per acre.
14. Extend the mixed use connection between the Town Center and the Ponding Basin along the East side of Linwood Avenue.

City of Visalia Agenda Item Transmittal

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5b

Agenda Item Wording: Authorization for the Mayor to issue a formal invitation to the Mayor of Miki City, Japan, and two other officials, to be Visalia's guest at an official visit to celebrate the 40th anniversary of the City's Sister City relationship with Miki City.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Michael Olmos, x4332;
Leslie Caviglia, x4317; Earl Nielsen, x4533

Department Recommendation

It is recommended that the City Council authorize Mayor Jesus Gamboa to issue a formal invitation to the Mayor of the City of Miki, Japan, his wife, and another official to be Visalia's guests in Visalia to celebrate the 40th anniversary of the Sister City relationship between our two Cities.

Background:

2006 marks the 40th anniversary of Visalia's Sister City relationship with Miki City, Japan. It is appropriate that the Cities celebrate this occasion. The last official visit was hosted by Miki City when then Mayor and Mrs. Bob Link and Assistant City Manager Michael Olmos visited their City.

The invitation would be an open invitation asking the Mayor to work with Visalia officials to arrive at mutually agreeable dates for the official visit, which would include a tour of the area, attendance at a local event and an official ceremony celebrating the 40th anniversary.

During the budget discussions, a possible event was discussed, and up to \$5,000 was set aside to fund the 40th anniversary celebration.

In 2004, Miki City hosted Visalia officials at their City's 50th anniversary celebration. Last year, Miki City also sent a student delegation to Visalia. It is our hope that we will send a student delegation to Miki City in 2007.

With Council's authorization, an official invitation will be issued and plans for the celebration will proceed.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC

Finance N/A

City Atty N/A

City Mgr

Prior Council/Board Actions:

Council included money in the 2006-2008 budget for a 40th anniversary celebration.

Committee/Commission Review and Actions:

Alternatives:

Not to celebrate the 40th anniversary.
To offer to visit Miki for the celebration

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to authorize the Mayor to extend an invitation to the officials of Miki City to visit Visalia to celebrate the 40th anniversary of our Sister City relationship.

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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5c

Agenda Item Wording: Authorization to accept a \$9,956.70 grant from the State Department of Alcoholic Beverage Control to combat unlawful sales of alcohol to minors.

Deadline for Action: N/A

Submitting Department: Police

Contact Name and Phone Number: Police Chief Bob Carden ext. 4215 or Lieutenant Steve Puder ext. 4036 or Agent Brian Winter ext. 4433

Department Recommendation: It is recommended that the Visalia Police Department be authorized to accept a \$9,956.70 grant from the State Department of Alcoholic Beverage Control to combat unlawful sales of alcohol to minors.

Summary/background: The State Department of Alcoholic Beverage Control (A.B.C.) is offering several California Police agencies "mini-grants" for enforcement of underage drinking laws. A.B.C. has offered one of these grants to the Visalia Police Department in the amount of \$9,956.70. The grant period would run 20 months from the time of acceptance. During that time, officers would conduct several enforcement details targeting the unlawful sale of alcohol to minors. These details would include the use of minor decoy stings, education to businesses and the public, and surveillance of alcohol retail locations. Additionally, the grant would cover all associated costs involved, so no additional funds or personnel will be needed to fulfill the grant requirements from the City of Visalia.

The Visalia Police Department's current A.B.C. grant will expire on September 30, 2006. Through the enforcement efforts of that grant, the compliance rate for local alcohol retailers rose from 85% in 2004 to 97% in 2006. Officers have conducted 385 compliance checks at local retail establishments and conducted 14 DUI checkpoints. Accepting this new grant will allow these positive enforcement efforts to continue.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: Refuse to accept the A.B.C. grant funds.

Attachments: Copy of original letter received from A.B.C. and three copies of Standard Agreement contract to be entered in between A.B.C. & the Visalia Police Department.

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 _____

Finance _____

City Atty _____

City Mgr _____

Recommended Motion (and Alternative Motions if expected): I move to approve acceptance of the \$9,956.70 A.B.C. grant to provide underage drinking enforcement.

Environmental Assessment Status

CEQA Review: N/A

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:

City of Visalia Agenda Item Transmittal

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5d

Agenda Item Wording: Request to the Citizen's Advisory Committee to conduct a Council Compensation survey and make a recommendation regarding future Council Compensation

Deadline for Action: N/A

Submitting Department: Administration

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

Department Recommendation

It is recommended that the Visalia City Council ask the Citizen's Advisory Committee (CAC) to conduct a Council Compensation Survey, review the results and all applicable laws, and make a recommendation regarding compensation for future City Councils.

Department Discussion

Periodically, the Council reviews Council compensation, and traditionally, has asked the CAC to conduct a survey and make a recommendation regarding Council compensation. According to the Charter, any vote to increase Council compensation can only affect newly elected Council Members, which means any change in compensation prior to the next election would not be applicable until after the November, 2007 election, and then would only apply to the newly elected members.

Currently, the Council receives monthly compensation that includes \$500 in salary, \$60 as a stipend, PERS retirement or deferred compensation (approximately \$75/month), access to health benefits (\$1,000 benefit per month), and a \$30,000 in life insurance (approximately \$7 per month benefit). Not all Council Members choose to receive the health benefit. Council members can also choose to have a City cell phone, or to participate in the employee cell phone reimbursement program.

For General Law Cities, there are salary requirements included in the Government Code, however, those provisions do not apply to Charter Law Cities like Visalia.

The last time the CAC conducted such a survey was in 1999 when the Committee recommended a \$150 salary increase. The Council chose not to accept that recommendation. The last time the Council approved a salary increase was in 1990.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC 9/10/06

Finance N/A

City Atty N/A

City Mgr

If the Council chooses to ask the CAC to conduct a salary survey and make a recommendation regarding Council compensation, staff recommends that the CAC also consider the following:

- *Combining the stipend into the salary

- *Including an automatic increase provision based on CPI or some other standard measurement.

It is also recommended that the Council ask the CAC to complete the survey and come back with a recommendation on or before the Council meeting of January 15, 2006.

Prior Council/Board Actions:

November, 1999 – Council declined to implement CAC recommendation to increase salary from \$500 - \$600.

July, 1990 – Council increased the salary from \$400-\$500, effective November, 2991.

Committee/Commission Review and Actions:

Alternatives:

To not consider Council compensation
So have the survey conducted by staff

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move approval of the staff recommendation to request the CAC to conduct a compensation survey and make recommendations regarding future Council compensation.

City of Visalia Agenda Item Transmittal

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5f

Agenda Item Wording: Council Approval of \$50,000 Annually for Three (3) Years to assist in the Funding of an Administrator for the College of the Sequoias/California State University Fresno Campus Center on the College of Sequoias Campus.

Deadline for Action: September 18, 2006

Submitting Department: Administration

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

Department Recommendation:

Staff recommends that Council approve \$50,000 annually for three (3) years to assist in the funding of an Administrator for the College of the Sequoias/California State University Fresno Campus Center at the College of Sequoias Campus.

Summary/background:

City Council has a stated objective to have a 4-year institution opportunity in the Tulare/Kings County area. The two county area has a population of almost 600,000 persons, and is in significant need of higher education programs and degrees.

The presence of a local 4-year institution could raise the percentage of persons holding undergraduate degrees in the Tulare/Kings County region which is well below the statewide percentage.

The benefits of advanced education programs in the community include but are not limited to:

- Creation of a higher educated work force
- Higher paying jobs
- Retention of students in the community who otherwise would attend colleges and universities outside the area
- Increased cultural and educational opportunities in the community
- Increased need for commercial and business growth
- Increased opportunities for higher education of students not economically able to attend colleges and universities outside the area

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.

College of the Sequoias and Fresno State University have had an agreement since 1986 to provide the Fresno State campus center on the COS campus. This program allowed students to obtain several 4 year degrees without having to spend any major time on the Fresno State campus. Over the years the program began to lose focus and support from Fresno State University. COS and the City of Visalia have worked with each other over the past 10 years to regain the commitment from the University to support the program again and improve and upgrade the facility and offer timely classes for degree programs. The advantage of this satellite degree program is the local setting and the expense of the State University system is not as expensive as private universities.

A new committee was established a year ago under the umbrella of the Tulare County Economic Development Corporation. The Mission of this group is to work collaboratively to improve community systems that have an impact on learning and workforce competitiveness. The Goal is to provide higher education degree opportunities to a broad segment of the population for the residents of Tulare and Kings County and surroundings area within 15 minutes of their residency. As a result of the work of this committee, THE INSTITUTE FOR HIGHER LEARNING has been established.

The committee is made up of representatives from the Cities of Tulare, Porterville, and Visalia. School district officials as well as Chamber of Commerce officials from each of the cities are also represented. In addition the Visalia Economic Development Corporation and the AgriCenter are represented. This group has developed a work program and a funding mechanism and has addressed the City Council to request support for the program.

On July 11, 2006 the following representatives met to outline the new direction for the campus center and to gain Fresno State's commitment and financial support.

- the Institute, Paul Saldana and Linda Douglas,
- the City of Visalia,, City Manager Steve Salomon and Assistant City Manager Carol Cairns,
- College of the Sequoias President Don Goodyear, Fresno State University President Dr. John Welty, and Assistant Provost Dr. Ken Shipley,
- VEDC Director Glen Morris,
- Tulare County Schools Superintendent Jim Vidak and
- Visalia Businesses represented by Stan Simpson and Basil Perch

Dr. Welty agreed at this meeting to move forward with improving the facility at COS and solidifying the Fresno State University Campus Center/College of the Sequoias program in order to work toward a full campus center status. In order to qualify as a full campus center status the center must reach the equivalency of 500 full time students (FTE's). The center currently has approximately 200-250 FTE's. The following items were agreed to and are in the process of being developed.

- Administration of the program will be through the Institute for Higher Education.
- An MOU between the Institute/EDC and Fresno State University is being drafted.
- A part time administrator will be hired and a job description has been developed.
- The original nursing facility at COS will be converted to the new CSUF campus facility.
- The Institute will contribute \$100,000 for facility remodel and upgrade and marketing.
- CSUF will complete additional classroom upgrade (computer technology) at COS at \$100,000.
- CSUF will complete upgrade of classroom at CSUF for teleconferencing at \$100,000.

- City of Visalia has committed in the past to assist in the funding of the administrator for the program at \$50,000 annually for three (3) years.
- Institute will provide gap analysis to assist in determining class offerings.
- CSUF and COS faculty to develop curriculum.

This commitment from Fresno State University is the first major step in several years to actually improve the center and move forward with the goal of reaching 500 FTE's to reach full center status. It will allow for increased 4 year degrees offered at COS and offered in a timely fashion.

It is imperative to have an administrator devoted to this program who can maintain local control of the program and develop the appropriate local connections and provide the continuity with CSUF staff and administration. The City committed to funding the part time administration in January 2005, but the program did not get implemented at that time. Now that Fresno State has committed to the program staff is requesting the authority to contribute \$50,000 annually for three (3) years for the salary of the administrator.

Prior Council/Board Actions:

none

Committee/Commission Review and Actions:

n/a

Alternatives:

do not support program

Attachments:

Recommended Motion (and Alternative Motions if expected): Agenda Item Wording: I move Council Approve \$50,000 Annually for Three (3) Years to assist in the Funding of an Administrator for the College of the Sequoias/California State University Fresno Campus Center on the College of Sequoias Campus.

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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5g

Agenda Item Wording: Authorization to solicit proposals from the design firms RRM and EDAW to prepare a master plan for future development of the City-owned properties located in the two block area bounded by Conyer Street, Mineral King Avenue, Johnson Street, and Acequia Avenue.

Deadline for Action: None

Submitting Department: Administration & Community Development

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Staff recommends that Council authorize solicitation of proposals from qualified urban design firms RRM of San Luis Obispo and EDAW of San Francisco to prepare a master plan for future, long term development of the City-owned properties located in the two block area bounded by Conyer, Mineral King, Johnson, and Acequia. If Council authorizes this planning effort, Staff and a selection committee will evaluate proposals and recommend to Council an urban design firm to prepare a master plan for future Council consideration. The master plan would focus on multi-story medical office uses to support the Kaweah Delta Hospital expansion. Upper floor residential uses will also be considered in a mixed use environment.

RRM and EDAW were identified as the 2 most qualified firms for the infrastructure master plan for the Northeast Downtown Civic Center area. Staff believes both these firms are well qualified to develop a "state of the art" master plan for the 2 block area in west downtown that will include designations to complement the downtown.

By requesting proposals from the two top firms from the East Downtown Civic Center project, the City can avoid a long selection process needed to qualify firms and

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time

(Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

eventually identify a final candidate. If Council authorizes RRM & EDAW to submit proposals, staff will return to Council in about 60 days with a recommendation to award a contract.

Summary/background: The two block area under consideration currently contains a variety of uses, most of which are City-owned municipal facilities. The area currently contains the City Hall West complex, including City Council Chambers, Public Safety Headquarters for Police and Fire Services, Police operations, Fire Station No. 1, Finance and Human Resources offices, temporary and permanent parking lots, and open space areas along Mill Creek. A recently constructed medical office building owned by John Barbis is located within the subject area at the southwest corner of Stevenson Street and Acequia Avenue. Please refer to the attached map for location of existing facilities.

Efforts are currently underway that will relocate several of the municipal facilities in the two block area to other locations in the City:

- With assistance from urban design consultant Bruce Race, the City has prepared a design plan for the future Civic Center to be located on Oak Avenue, west of Burke Street.
- Master plan efforts are being initiated for infrastructure and linear park system to facilitate the future Civic Center in East Downtown (Oak Avenue and Burke Street).
- Two new Police precincts are under construction that will house Police Operations.
- A 700 space parking structure is being built at Acequia and Floral that will displace existing temporary parking lots located at the southeast corner of Conyer and Acequia and northeast corner of Mineral King and Conyer.

These activities will enable the City to fulfill its previous commitment to facilitate conversion of the two block area to medical office uses that will support the Kaweah Delta Hospital expansion. The feasibility of mixed use development to potentially include a residential component will also be considered in the planning process.

The new parking structure and Police precincts will be completed in 2007. Completion of the parking structure in Spring 2007 will displace two existing temporary parking lots in the two block area and make those sites available for future medical office/residential development. Therefore, it is prudent to begin master planning the two block area so that the sites can be offered for medical office uses when the parking structure is completed.

The two block area is bisected north-south by Stevenson Street and east-west by Mill Creek. The master plan will evaluate the future need and design for Stevenson Street. In addition, preservation and enhancement of Mill Creek as part of the site design will be a high priority.

Staff recommends that Council authorize the preparation of a master plan for the two block area. If authorization is given, the two firms will be asked to submit proposals for the master plan project utilizing contemporary urban design concepts in a manner that

complements the downtown and Kaweah Delta Hospital and enhances the linear park qualities of Mill Creek. In doing so, staff and the selected urban design firm will formulate a community outreach program to engage local property owners, downtown interests, Kaweah Delta, and interested citizens and organizations in the master planning process.

Prior Council/Board Actions: NA

Committee/Commission Review and Actions: NA

Alternatives: Open the RFP process to other potential design firms. This alternative would require an extended selection process.

Attachments: Site map.

Recommended Motion (and Alternative Motions if expected): Move to authorize RFPs from urban design teams RRM and EDAW to prepare a master plan for the City-owned properties in the two block area bounded by Conyer Street, Mineral King Avenue, Acequia Avenue, and Johnson Street.

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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5h

Agenda Item Wording: Authorization for the City Manager to execute Amendment #2 to an existing contract with Omni-Means in the amount of \$172,728.00 to complete the design work on the intersections of Walnut, Beech, Tulare, and Whitendale at Mooney Boulevard. Project Nos. 1224-00000-720000-0-9270-2004, 1224-00000-720000-0-9252-2004, and 1241-00000-720000-0-9036-2002.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

David Jacobs 713-4492
Andrew Benelli 713-4340

Department Recommendation and Summary: Staff recommends that the City Council authorize the City Manager to execute Amendment #2 to the contract with Omni-Means in the amount of \$172,728.00 to complete the design work on the intersections of Walnut, Beech, Tulare, and Whitendale at Mooney Boulevard. Project Nos. 1224-00000-720000-0-9270-2004, 1224-00000-720000-0-9252-2004, and 1241-00000-720000-0-9036-2002.

Department Discussion: In August of 2000 the City entered into an agreement with Omni-Means to complete engineering design and California Environmental Quality Act (CEQA) compliance for the widening of Whitendale, Walnut, Beech, and Tulare where they intersect with Mooney Boulevard (State Route 63). This project will widen the intersections to accept the dual left turns that Caltrans is planning to install when they widen Mooney Boulevard from four lanes to six. The project also is needed to keep the traffic on Whitendale, Walnut, Beech, and Tulare moving at an acceptable level of service.

The project consists of the following:

Whitendale Avenue at Mooney Boulevard Intersection

Widen Whitendale to allow two through lanes in the westbound direction, dual left turn lanes in both directions, and change the east bound direction to one through lane and a dedicated right turn lane.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Walnut Avenue at Mooney Boulevard Intersection

Widen Walnut to allow two through lanes in each direction, dual left turn lanes in both directions, and a dedicated right turn lane in both directions.

Beech Street at Mooney Boulevard Intersection

Widen Beech to allow a left turn lane, a shared through and left turn lane, a right turn lane, and two lanes in the west bound direction to accept the dual left turns from Mooney.

Tulare Avenue at Mooney Boulevard Intersection

Widen Tulare to allow two through lanes in each direction, a left turn lane in each direction, and a right turn lane in the east bound direction. The right turn lane in the west bound direction was eliminated to reduce the right of way needed and reduce the impacts to the Jack in the Box restaurant at the northeast corner.

The contract with Omni-Means included preliminary engineering, traffic forecasting, California Environmental Quality Act (CEQA) compliance, legal descriptions for right of way, project specifications, and final design work. Preliminary engineering, traffic forecasting, and CEQA compliance were completed in March of 2002 when the City adopted a Mitigated Negative Declaration.

Since March 2002, Omni-Means has been working with Caltrans to coordinate the design of the City's project with work that Caltrans is planning. This has lasted longer than Omni-Means has anticipated and several design changes had to be made. These changes included the elimination of a right turn lane from west bound Tulare Avenue, shortening the right turn lane on Beech, additional right of way coordination with Caltrans, proposing several construction phasing plans to Caltrans to determine the best way for both projects to move forward, and looking at parking at several locations to determine if the parking impacts from the City's project could be mitigated. The original contract had a time frame that finished the contract within 12 months. The time frame has been changed due to coordination with Caltrans and Caltrans not moving forward with their project due to budget restraints.

Omni-Means has identified the following as reasons for the cost increases:

1. Preparation of separate Project Specifications and Estimates (PS&E) for each intersection. (Separate plans are needed so that the intersections can be bid and constructed a different times to ease the traffic problems that could occur if all intersections are done at once.)
2. The complexity of the improvements needed on the roadway approaches.
3. The level of utility involvement and coordination.
4. Caltrans involvement and coordination at each intersection.
5. The time that has elapsed since the contract was signed (almost 6 years).

Omni-Means also mentioned the typical costs of preparing plans and specifications for a given public works projects usually runs in the neighborhood of 10% of the construction cost estimate. The current estimate for the intersections is \$4,620,000. The additional budget request from Omni-Means brings the total design cost to \$297,328 which is 6.4% of the construction cost estimate.

Currently Omni-Means has submitted 65% plans to the City for review. Staff is expecting to have the plans and specifications completed by the end of the year. This would allow the City to bid the projects in early 2007.

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action: Prior: MND adopted March 4, 2002
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Alternatives:

Attachments: Omni-Means Letter, Location Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to execute Amendment #2 to the contract with Omni-Means in the amount of \$172,728.00 to complete the design work on the intersections of Walnut, Beech, Tulare, and Whitendale at Mooney Boulevard. Project Nos. 1224-00000-720000-0-9270-2004, 1224-00000-720000-0-9252-2004, and 1241-00000-720000-0-9036-2002

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:

Financial Impact

Funding Source:

Account Number: 1224-00000-720000-0-9252-2004, and 1241-00000-720000-0-9036-2002
(Traffic Impact Fees)

Budget Recap:

Total Estimated cost: \$172,728	New Revenue: \$
Amount Budgeted: \$1,400,000	Lost Revenue: \$
New funding required: \$0	New Personnel: \$
Council Policy Change: Yes ___ No <u>X</u>	

City of Visalia Agenda Item Transmittal

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5i

Agenda Item Wording: Award Bid #06-07-04 for the purchase of four refuse truck bodies to Ruckstell California Sales in the amount of \$397,887.

Deadline for Action: September 18, 2006

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli, 713-4340
Jim Bean, 713-4564

Department Recommendation:

Staff recommends that the City Council award Bid #06-07-04 for the purchase of four refuse truck bodies to Ruckstell California Sales in the amount of \$397,887. Three of the bodies are front-loaders for commercial bin service. The remaining body is a tilt frame roll-off which will be used for 30-yard boxes.

Summary/Background:

On July 17, 2006, Council authorized staff to purchase seven new solid waste trucks. Three of the new trucks were ordered with Heil side-loader bodies. Heil is the only manufacturer that builds a side-loader truck that is designed for the split cans that are used by Visalia. The other four trucks were ordered without bodies (cab and chassis only) so that the City could solicit competitive bids for the bodies. Three of the four trucks that were ordered without bodies are planned to be front-loaders for commercial service. The remaining truck is planned to be a tilt frame roll-off for 30-yard bin service. The City's 06/07 Budget allocates \$1,850,000 to purchase the trucks and install the bodies. The previous award for the three side-loader trucks and the four cab and chassis' was for \$1,400,000. There is \$450,000 remaining in the budget to purchase and install the additional four bodies.

On July 12, 2006, a Request for Bids was issued to purchase the remaining four bodies that were needed to complete the seven garbage trucks. The City received one bid for the tilt frame roll-off body from Ruckstell California Sales in the amount of \$32,250. The manufacturer of roll-off body in the bid was Edge Truck Bodies. The City received two bids, both from Ruckstell, for the three front-loader bodies. Ruckstell is an authorized dealer for Heil and New Way truck bodies. Ruckstell submitted a bid for \$444,243 for the three Heil front-loader bodies. Ruckstell

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 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.

also submitted a bid of \$365,637 for three New Way front-loader bodies. Staff is recommending that the City purchase the New Way bodies because they will cost \$78,606 less than the Heil bodies. Both manufacturers' products meet the required specifications. The total cost for the three front-loaders and one roll-off body is \$397,887. The City of Visalia has not purchased New Way bodies in the past. However, both Tulare and Fresno have been using New Way front-loader bodies and they are satisfied with their performance.

Ruckstell's representative has indicated that it will take approximately 120 days to manufacture and install the truck bodies. Staff estimates that the new trucks will be ready for service in April, 2007.

Grants:

The City of Visalia has been awarded two grants in FY 06/07 to purchase seven compressed natural gas refuse trucks. The San Joaquin Valley Air Pollution Control District has awarded the City a grant for \$270,000. The Tulare County Association of Governments has awarded the City a grant for \$161,000 (Federal Highway Funds).

Department Recommendation:

Authorize staff to purchase three New Way front-loader bodies and one Edge tilt frame roll-off from Ruckskell California Sales in the amount of \$397,887.

Prior Council/Board Actions:

In July 2006, Council awarded the purchase of seven refuse trucks to Central Valley Kenworth and three side-loader bodies to Ruckstell California Sales.

Committee/Commission Review and Actions:

Alternatives: Continue to purchase Heil bodies as a sole source.

Attachments: City of Visalia bid document (cover page only).

Recommended Motion (and Alternative Motions if expected):

I move to award the bid to purchase three front-loaders bodies and one tilt frame roll-off to Ruckstell California Sales in the amount of \$397,887.

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
REQUEST FOR BID ("RFB")**

RFB NO. 06-07-04

**PRODUCT: THREE (3) FRONTLOADER BODIES WITH CNG TANKS ON BODY AND
ONE (1) ROLL-OFF TILT FRAME WITH AUTO TARPER**

BIDS ARE DUE NO LATER THAN 1:00PM, ON THURSDAY, AUGUST 3, 2006

The City of Visalia expressly reserves the right to modify, or withdraw from, the process initiated and described herein. No rights shall be vested in any party, individual or entity by virtue of its preparation to participate in, or its participation in, such process. The City expressly reserves the right to modify, for any reason, the schedule and any provision contained herein. The City reserves to itself the selection of winning respondent(s), if any, in the exercise of its sole discretion. No binding commitment shall arise on the part of the City to any respondent under this Request for Bid until and unless the parties sign documents of agreement that become effective in accordance with their terms. Responses to this RFB, however, shall be held firm by Respondent for at least ninety (90) days.

**Advertisement Dates: July 12, 2006
July 17, 2006**

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5j

Agenda Item Wording: Approve the replacement of the City's storage area network from the Information Technology replacement fund one year ahead of schedule to maintain the City's data storage standards and save money. Award the replacement to the existing vendor, Xiotech.

Deadline for Action: September 29, 2006

Submitting Department: Information Services, Administrative Services

Contact Name and Phone Number:

Michael Allen, x4515

Department Recommendation:

Approve the scheduled replacement of the City's Storage Area Network (SAN) from the fund 5111 (Information Technology Replacement), accelerating the award by one year (from 2007/08 fiscal year to the 2006/07 fiscal year). Award the replacement to the existing vendor, Xiotech, to maintain the storage standards and lower ongoing costs.

Summary/background:

Staff is making the following proposal because it saves the City money over the next best alternative. Staff has programmed the replacement of the City's data storage servers next year.

However, incentive offers provided by the City's storage server company now will *save the City in excess of \$60,000 over a 5 year time horizon.*

The City utilizes an Information Technology Replacement Fund (fund 5111) to replace existing technology when it becomes fully depreciated and has reached the end of its useful life. As part of the approved 2007/08 Capital Improvement Project (CIP) expenditures for fund 5111, \$250,000 was allocated from this fund to replace the Xiotech storage area network that went into production in February of 2003. This storage area network (SAN) has been fully depreciated and the funds are available now.

This Xiotech SAN servers store all the City's data. The SAN has worked exceptionally well for over three years now, but due to product obsolescence, as declared by the vendor, has reached its "end of life" as of September 30, 2006.

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 concept of “end of life” for information technology is routine – it allows the manufacturer to move forward with other product cycles. This “end of life” simply means that maintenance can be performed on the units, but no additional software or hard disk space can be added.

The inability to expand storage space can be problematic. Typically, staff expands disk space every six months or so. Staff could make the current system last until July of 2007 but would need to expand the storage space at that time.

Normally, this end of life situation would have been considered in developing the City’s CIP requests. However, the manufacturer announced this “end of life” shortly after the 2007/08 CIP item was prepared. Information Services is not overly concerned with the limitations presented by the “end of life” announcement, but it is prudent to evaluate the incentive program offered by Xiotech. The incentive program will be discussed after a short background on Xiotech, the vendor.

Xiotech was selected as the City’s storage vendor almost four years ago. They were selected based on ease-of-use, affordability of product, and the ability to standardize and simplify the City’s server environment. This directly translates to 25 to 30 hours per week saved in staff time managing servers. Since that time, the Tulare County Health & Human Services and ACS (the County’s contracted computer services company) have seen this demonstrated and have also selected Xiotech SANs for their operations. The Xiotech SAN units used by Tulare County agencies were purchased more recently and are therefore a newer model and not affected by this “end of life” situation.

As part of the “end of life” declaration, Xiotech is offering incentives to existing customers with the older units to “upgrade”. These incentives include additional bundled software and reduced maintenance costs. This special incentive offering – a 40 percent discount – requires an order to be placed before September 30, 2006. While the City is not being forced to upgrade now, the pricing of this bundled software will certainly go up – in fact, the software pricing is the major component of the SAN itself. Staff anticipates waiting until 2007/08 to do the replacement will only net a 15 to 20 percent discount as a returning customer.

Staff is recommending an additional \$13,000-plus software be purchased at this time. This software allows a higher level of server storage management and proactive monitoring for critical City servers. The discounts offered and total purchase cost of \$125,004 (plus four years of maintenance at \$33,360) is illustrated in the Table 1 Cost Analysis below. The cost analysis indicates savings in excess of \$60,000 savings by purchasing now rather than waiting one year.

The table strives to illustrate that the equipment list price is about \$200,000. The City could expect to achieve a discount in the future. Such discounts have typically been about 15%. Thus, the City would probably spend \$170,000 if the City waited to purchase this equipment next year. Because the product is at its end of life cycle, the company is offering a 38% discount now, offering the equipment at about \$125,000, a savings of \$45,000. In addition, the newer equipment would carry a lower annual maintenance cost, saving the City another \$16,000 this next year. As a result, staff recommends accelerating the purchase by one year to save the City over \$60,000.

Table I

<i>Cost Analysis – Table 1</i>	<i>But It Now</i>			<i>Wait 2007/08</i>	
	<i>List Price</i>	<i>Our Price</i>	<i>Discount</i>	<i>Our Price</i>	<i>Discount</i>
SAN Replacement	\$172,136	\$103,258	40%	\$146,316	15%
Staff Recommended Add-on Software	\$15,551	\$13,164	15%	\$13,164	15%
Subtotal	\$187,687	\$116,422		\$159,480	
Tax	\$13,826	\$8,582		\$11,748	
Equipment Total	\$201,513	\$125,004	38%	\$171,228	15%
Maintenance Year 1	\$8,340	\$8,340		\$25,000	
Year 2 - 4	\$25,020	\$25,020		\$25,020	
Maintenance Total	\$33,360	\$33,360	0%	\$50,020	-50%
Total Cost of Ownership (Four Year)	\$234,873	\$158,364	33%	\$221,248	6%
Price Difference	\$-	\$(76,510)	33%	\$(13,625)	6%

To summarize the City's options with this schedule storage network replacement:

- Option 1 – Recommended – Replace existing storage units early, save over \$60,000.
 - Lowered maintenance costs (\$8340 annually)
 - Much greater capacity
 - Higher performance
 - Take advantage of bundled software trade-ins (potentially significant cost savings)
 - Allows for “tiered” storage (less expensive disk drives utilized and managed in the same unit) in the future
 - Actual replacement probably would not happen until January 2007
- Option 2 – Stay with existing storage units
 - Can't add disk space
 - Replacement parts only
 - No software upgrades
 - Unknown cost of replacement in 2007/08 (hardware unknown, software potentially much more expensive)
 - Four-year maintenance of at least \$17,000 more

Prior Council/Board Actions:

Approved 2007/08 Capital Improvement Project (CIP) for fund 5111 (Information Technology) replacement of the Storage Area Network.

Committee/Commission Review and Actions:

Alternatives:

One option is to wait until the scheduled replacement time in 2007/08. Maintenance for one more year will be about \$25,000. This runs the risk of paying significantly more for the software components, potentially only realizing a 15 to 20 percent discount instead of the 40 percent discount offered now. The cost analysis indicates about \$63,000 savings by purchasing now rather than waiting one year.

Another option is to wait until the scheduled replacement time in 2007/08 and prepare a Request for Proposal to replace the storage systems in a competitive bid/proposal situation. Staff time to re-architect the existing systems and implement another vendor's storage system is likely in the three to four-month timeframe. That implementation timeframe can be compressed, but the overall implementation literally consumes hundreds of IS staff hours.

Attachments:

Recommended Motion (and Alternative Motions if expected):

Approve the replacement of the City's storage area network from the Information Technology replacement fund one year ahead of schedule to maintain the City's data storage standards and save money. Award the replacement to the existing vendor, Xiotech.

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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5k (1)

Agenda Item Wording: Request authorization to file a Notice of Completion for Maddox at Caldwell 5 Phase 1, containing 10 lots, located at the northwest corner of Ben Maddox Way and Monte Verde Avenue.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

Ed Juarez – 713-4446
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 subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Mark Hoffman General Engineering. Mark Hoffman General Engineering has submitted a maintenance bond in the amount of \$7,778.00 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Summary/background:

Prior Council/Board Actions: Final Map recording was approved at Council meeting of July 21, 2003.

Committee/Commission Review and Actions: The tentative subdivision map for Maddox at Caldwell 5 Phase 1 was approved by Planning Commission on March 11, 2002.

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

City Mgr _____
(Initials Required)

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

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Maddox at Caldwell 5 Phase 1

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5k (2)

Agenda Item Wording: Request authorization to file a Notice of Completion for Maddox at Caldwell 5 Phase 2, containing 31 lots, located at the northwest corner of Ben Maddox Way and Monte Verde Avenue.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

Ed Juarez – 713-4446
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 subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Mark Hoffman General Engineering. Mark Hoffman General Engineering has submitted a maintenance bond in the amount of \$14,358.00 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Summary/background:

Prior Council/Board Actions: Final Map recording was approved at Council meeting of August 18, 2003.

Committee/Commission Review and Actions: The tentative subdivision map for Maddox at Caldwell 5 Phase 2 was approved by Planning Commission on March 11, 2002.

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

City Mgr _____
(Initials Required)

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

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Maddox at Caldwell 5 Phase 2

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5k (3)

Agenda Item Wording: Request authorization to file a Notice of Completion for Maddox at Caldwell 5 Phase 3, containing 17 lots, located 600 feet west of Ben Maddox Way and Monte Verde Avenue.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

Ed Juarez – 713-4446
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 subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Mark Hoffman General Engineering. Mark Hoffman General Engineering has submitted a maintenance bond in the amount of \$3,542.00 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Summary/background:

Prior Council/Board Actions: Final Map recording was approved at Council meeting of August 18, 2003.

Committee/Commission Review and Actions: The tentative subdivision map for Maddox at Caldwell 5 Phase 3 was approved by Planning Commission on March 11, 2002.

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

City Mgr _____
(Initials Required)

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

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Maddox at Caldwell 5 Phase 3

Environmental Assessment Status

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5l

Agenda Item Wording: Authorization to record the final parcel map for Tentative Parcel Map 2006-11, located at the southeast corner of Mooney Boulevard and Orchard Avenue. APN 122-290-024

Deadline for Action: N/A

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Ken McSheehy 713-4447

Department Recommendation: Staff recommends that the City Council approve the recordation of the Final Parcel Map 2006-11. The final parcel map is dividing a 9.29 acres parcel into 3 parcels. All parcels have frontage on a public street and share parking, ingress and egress and public utilities. There are no public improvements required with this map. The site is the old Target site that has been redeveloped. This map divides off Kragen and Applebee's from the main site.

Summary/background: N/A

Prior Council/Board Actions: Tentative Parcel Map 2006-11 was approved by the Planning Commission on June 12, 2006.

Committee/Commission Review and Actions:

Alternatives: N/A

Attachments: 1.) location map; 2.) tentative map

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Recommended Motion (and Alternative Motions if expected):

Move to authorize recordation of the final map of Tentative Parcel Map 2006-11.

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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5m (1)

Agenda Item Wording: Authorize the Recordation of the Final Map for West Park Unit No. 3, located at the northeast corner of Linwood Street and Visalia Parkway (147 lots) and the Formation of Landscape and Lighting District No. 06-07, West Park No. 3 **(Resolution Nos. 2006-80 and 2006-81 required).**

APN: 119-070-070

Deadline for Action: October 02, 2006

Submitting Department: Public Works, Engineering

Contact Name and Phone Number:
Andrew Benelli 713-4340
Greg Dais 713-4164

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for West Park, Unit No. 3 containing 147 single family residential lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$1,659,549.71 and Labor and Material Bond in the amount of \$829,774.86; 3) cash payment of \$514,466.76 distributed to various accounts; and 4) Final Map.

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

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

For placement on which agenda:
 Work Session
 Closed Session
Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

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

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 Linwood Street (Collector), Chinowth Street (Collector) and Visalia Parkway (Arterial). The City will be reimbursing approximately \$358,384 to the developer (Centex Homes) by giving a combination of fee credits for Transportation Impact Fees and cash payment.

Lot H is for the expansion of the existing master storm drain basin. The City has an easement over the area for the expansion that was completed with West Park Unit No. 1. The City will pursue purchasing Lot H once the map has been recorded.

Landscape & Lighting

Staff recommends that the City Council: adopt **Resolution No. 2006-80** Initiating Proceedings for Formation of Assessment District No. 06-07, West Park No 3; adopt the Engineer's Report as submitted; and adopt **Resolution No. 2006-81** confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

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

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

Committee/Commission Review and Actions: The tentative subdivision map for West Park subdivision was approved by the Planning Commission on April 26, 2004. The tentative map has received an extension and will expire on April 26, 2007.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for West Park, Unit No. 3 and I move to adopt **Resolution No.2006-80** Initiating Proceedings for Formation of Assessment District No. 06-07 "West Park No. 3" and adopt **Resolution No. 2006-81** Ordering the Improvements for Assessment District No. 06-07 "West Park No. 3."

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

RESOLUTION NO. 2006-80

RESOLUTION INITIATING PROCEEDINGS
FOR FORMATION OF
ASSESSMENT DISTRICT 06-07
WEST PARK No. 3
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pocket parks and any other applicable equipment or improvements.
2. The proposed district shall be designated "Assessment District No. 06-07, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 06-07, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "West Park No. 3".
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. 06-07

WEST PARK No. 3

(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. 06-07, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 18th day of September, 2006 by its Resolution No. 2006-81.

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

RESOLUTION NO. 2006-81

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 06-07
WEST PARK NO. 3
(Pursuant to the Landscape & Lighting Act of 1972)

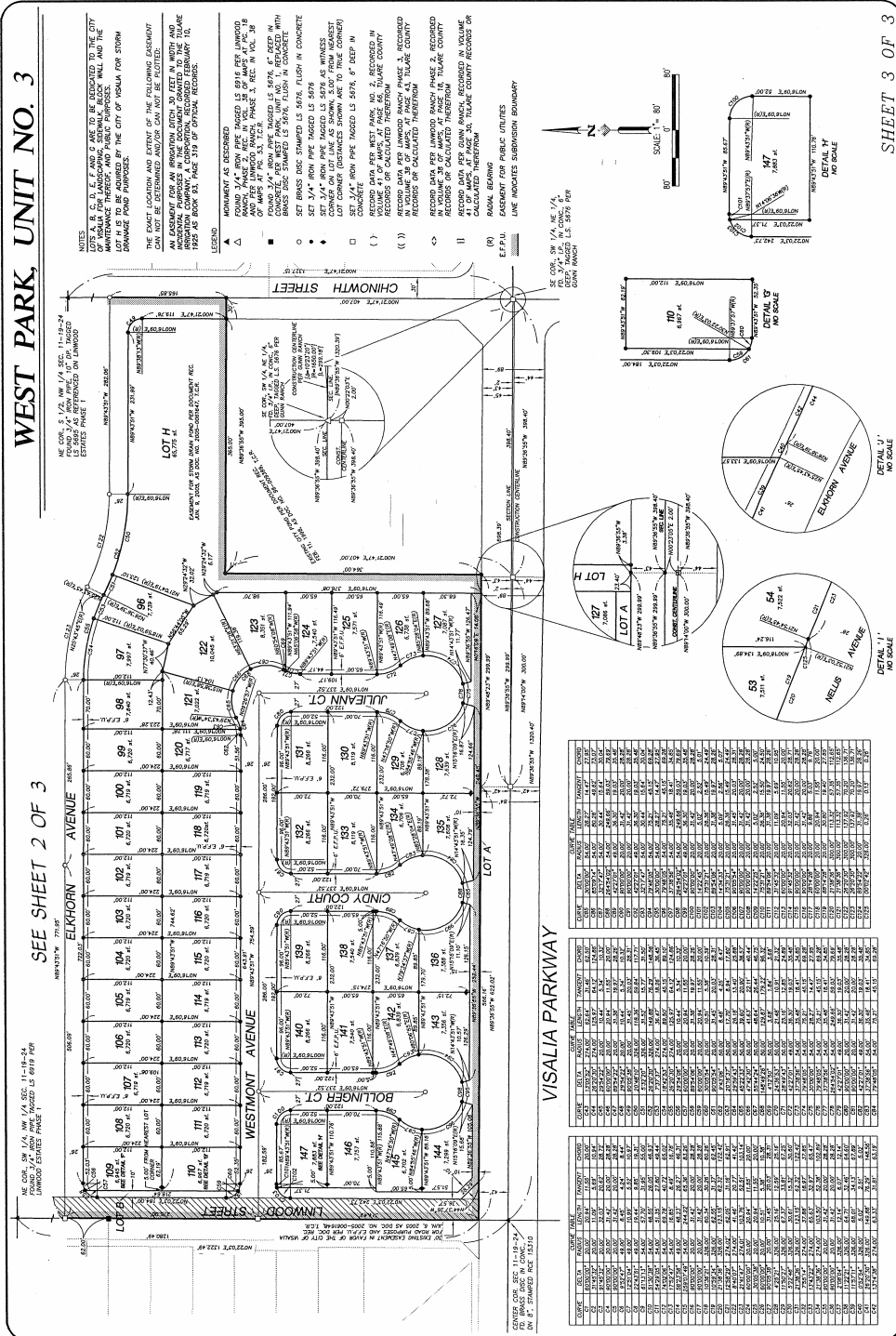
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for "Assessment District No. 06-07, 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. 06-07
City of Visalia, Tulare County, California



WEST PARK, UNIT NO. 3

SEE SHEET 2 OF 3

SHEET 3 OF 3

NOTES:
1. ALL LOTS IN THIS UNIT ARE TO BE REMOVED TO THE CITY OF VISALIA FOR LANDSCAPING, STORMWATER CONTROL AND THE LOT H IS TO BE REMOVED BY THE CITY OF VISALIA FOR STORM DRAINAGE FUND PURPOSES.

- LEGEND:
- FOUND 1/4\"/>

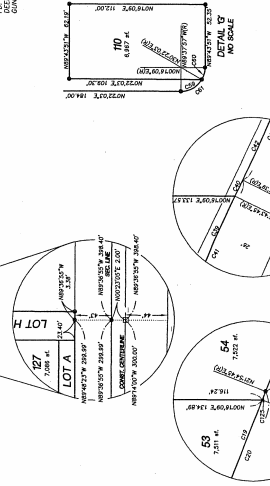
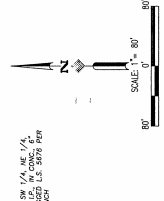


Table of lot addresses and numbers including LOT 1 through LOT 160, LOT A, and LOT H.

Exhibit "B"

Landscape Location Diagram West Park No. 3

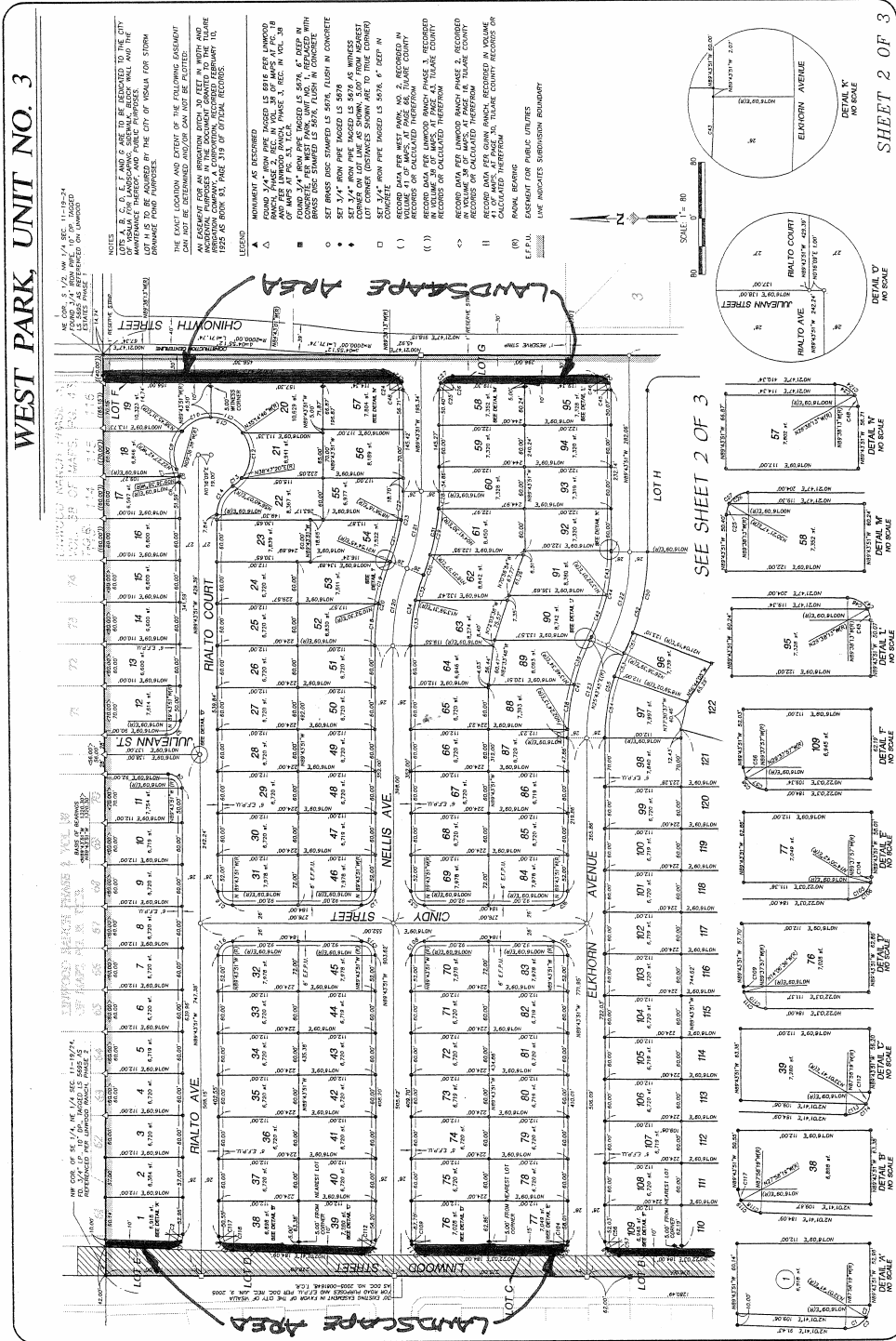


Exhibit "B"

Landscape Location Diagram West Park No. 3

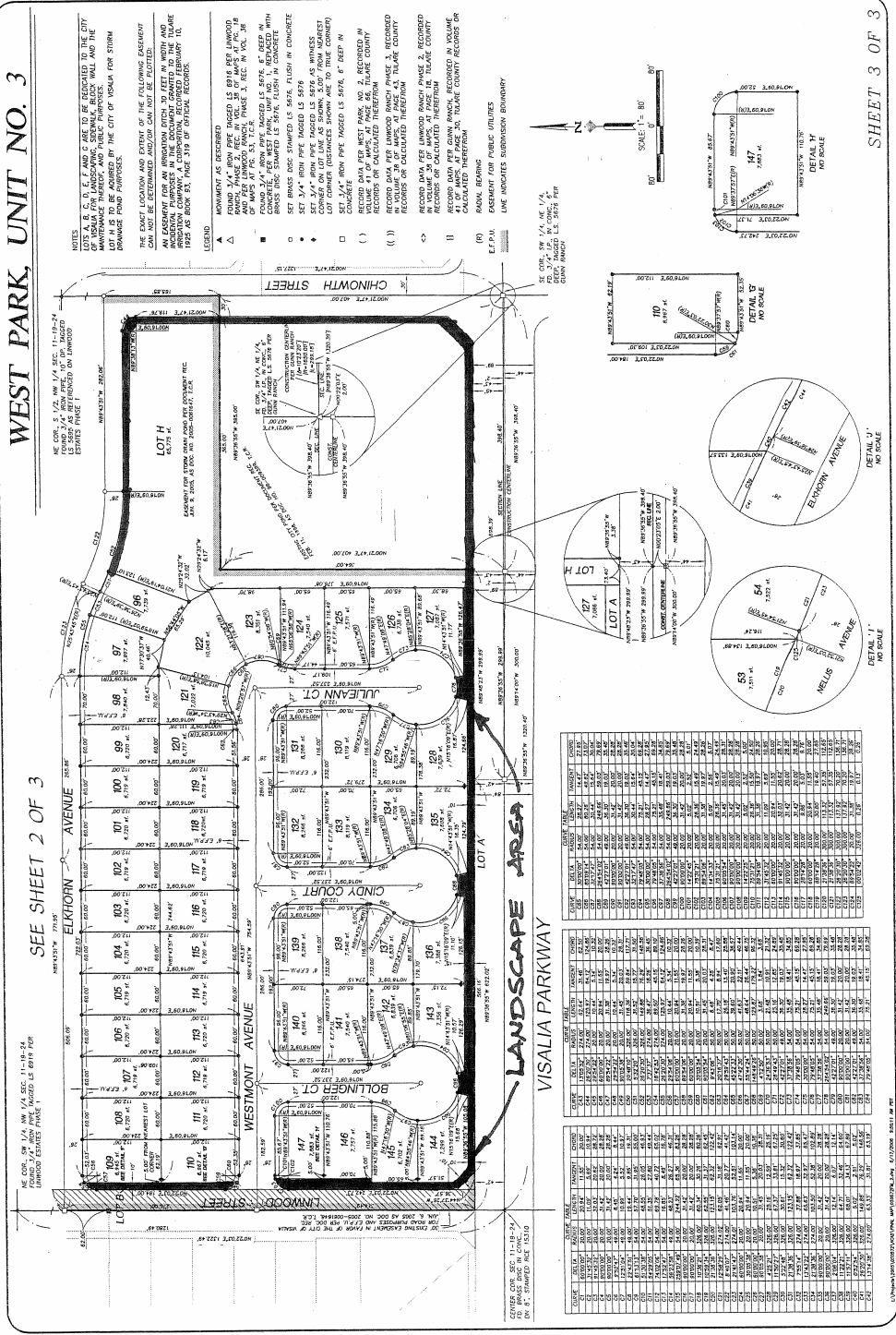


Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 06-07
West Park No. 3
Fiscal Year 2006-07

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$228.06	06-0701	West Park No. 3
To Be Assigned	\$228.06	06-0702	West Park No. 3
To Be Assigned	\$228.06	06-0703	West Park No. 3
To Be Assigned	\$228.06	06-0704	West Park No. 3
To Be Assigned	\$228.06	06-0705	West Park No. 3
To Be Assigned	\$228.06	06-0706	West Park No. 3
To Be Assigned	\$228.06	06-0707	West Park No. 3
To Be Assigned	\$228.06	06-0708	West Park No. 3
To Be Assigned	\$228.06	06-0709	West Park No. 3
To Be Assigned	\$228.06	06-0710	West Park No. 3
To Be Assigned	\$228.06	06-0711	West Park No. 3
To Be Assigned	\$228.06	06-0712	West Park No. 3
To Be Assigned	\$228.06	06-0713	West Park No. 3
To Be Assigned	\$228.06	06-0714	West Park No. 3
To Be Assigned	\$228.06	06-0715	West Park No. 3
To Be Assigned	\$228.06	06-0716	West Park No. 3
To Be Assigned	\$228.06	06-0717	West Park No. 3
To Be Assigned	\$228.06	06-0718	West Park No. 3
To Be Assigned	\$228.06	06-0719	West Park No. 3
To Be Assigned	\$228.06	06-0720	West Park No. 3
To Be Assigned	\$228.06	06-0721	West Park No. 3
To Be Assigned	\$228.06	06-0722	West Park No. 3
To Be Assigned	\$228.06	06-0723	West Park No. 3
To Be Assigned	\$228.06	06-0724	West Park No. 3
To Be Assigned	\$228.06	06-0725	West Park No. 3
To Be Assigned	\$228.06	06-0726	West Park No. 3
To Be Assigned	\$228.06	06-0727	West Park No. 3
To Be Assigned	\$228.06	06-0728	West Park No. 3
To Be Assigned	\$228.06	06-0729	West Park No. 3
To Be Assigned	\$228.06	06-0730	West Park No. 3
To Be Assigned	\$228.06	06-0731	West Park No. 3
To Be Assigned	\$228.06	06-0732	West Park No. 3
To Be Assigned	\$228.06	06-0733	West Park No. 3
To Be Assigned	\$228.06	06-0734	West Park No. 3
To Be Assigned	\$228.06	06-0735	West Park No. 3
To Be Assigned	\$228.06	06-0736	West Park No. 3
To Be Assigned	\$228.06	06-0737	West Park No. 3
To Be Assigned	\$228.06	06-0738	West Park No. 3
To Be Assigned	\$228.06	06-0739	West Park No. 3
To Be Assigned	\$228.06	06-0740	West Park No. 3
To Be Assigned	\$228.06	06-0741	West Park No. 3
To Be Assigned	\$228.06	06-0742	West Park No. 3
To Be Assigned	\$228.06	06-0743	West Park No. 3
To Be Assigned	\$228.06	06-0744	West Park No. 3

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 06-07
West Park No. 3
Fiscal Year 2006-07

To Be Assigned	\$228.06	06-0745	West Park No. 3
To Be Assigned	\$228.06	06-0746	West Park No. 3
To Be Assigned	\$228.06	06-0747	West Park No. 3
To Be Assigned	\$228.06	06-0748	West Park No. 3
To Be Assigned	\$228.06	06-0749	West Park No. 3
To Be Assigned	\$228.06	06-0750	West Park No. 3
To Be Assigned	\$228.06	06-0751	West Park No. 3
To Be Assigned	\$228.06	06-0752	West Park No. 3
To Be Assigned	\$228.06	06-0753	West Park No. 3
To Be Assigned	\$228.06	06-0754	West Park No. 3
To Be Assigned	\$228.06	06-0755	West Park No. 3
To Be Assigned	\$228.06	06-0756	West Park No. 3
To Be Assigned	\$228.06	06-0757	West Park No. 3
To Be Assigned	\$228.06	06-0758	West Park No. 3
To Be Assigned	\$228.06	06-0759	West Park No. 3
To Be Assigned	\$228.06	06-0760	West Park No. 3
To Be Assigned	\$228.06	06-0761	West Park No. 3
To Be Assigned	\$228.06	06-0762	West Park No. 3
To Be Assigned	\$228.06	06-0763	West Park No. 3
To Be Assigned	\$228.06	06-0764	West Park No. 3
To Be Assigned	\$228.06	06-0765	West Park No. 3
To Be Assigned	\$228.06	06-0766	West Park No. 3
To Be Assigned	\$228.06	06-0767	West Park No. 3
To Be Assigned	\$228.06	06-0768	West Park No. 3
To Be Assigned	\$228.06	06-0769	West Park No. 3
To Be Assigned	\$228.06	06-0770	West Park No. 3
To Be Assigned	\$228.06	06-0771	West Park No. 3
To Be Assigned	\$228.06	06-0772	West Park No. 3
To Be Assigned	\$228.06	06-0773	West Park No. 3
To Be Assigned	\$228.06	06-0774	West Park No. 3
To Be Assigned	\$228.06	06-0775	West Park No. 3
To Be Assigned	\$228.06	06-0776	West Park No. 3
To Be Assigned	\$228.06	06-0777	West Park No. 3
To Be Assigned	\$228.06	06-0778	West Park No. 3
To Be Assigned	\$228.06	06-0779	West Park No. 3
To Be Assigned	\$228.06	06-0780	West Park No. 3
To Be Assigned	\$228.06	06-0781	West Park No. 3
To Be Assigned	\$228.06	06-0782	West Park No. 3
To Be Assigned	\$228.06	06-0783	West Park No. 3
To Be Assigned	\$228.06	06-0784	West Park No. 3
To Be Assigned	\$228.06	06-0785	West Park No. 3
To Be Assigned	\$228.06	06-0786	West Park No. 3
To Be Assigned	\$228.06	06-0787	West Park No. 3
To Be Assigned	\$228.06	06-0788	West Park No. 3
To Be Assigned	\$228.06	06-0789	West Park No. 3

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 06-07
West Park No. 3
Fiscal Year 2006-07

To Be Assigned	\$228.06	06-0790	West Park No. 3
To Be Assigned	\$228.06	06-0791	West Park No. 3
To Be Assigned	\$228.06	06-0792	West Park No. 3
To Be Assigned	\$228.06	06-0793	West Park No. 3
To Be Assigned	\$228.06	06-0794	West Park No. 3
To Be Assigned	\$228.06	06-0795	West Park No. 3
To Be Assigned	\$228.06	06-0796	West Park No. 3
To Be Assigned	\$228.06	06-0797	West Park No. 3
To Be Assigned	\$228.06	06-0798	West Park No. 3
To Be Assigned	\$228.06	06-0799	West Park No. 3
To Be Assigned	\$228.06	06-07100	West Park No. 3
To Be Assigned	\$228.06	06-07101	West Park No. 3
To Be Assigned	\$228.06	06-07102	West Park No. 3
To Be Assigned	\$228.06	06-07103	West Park No. 3
To Be Assigned	\$228.06	06-07104	West Park No. 3
To Be Assigned	\$228.06	06-07105	West Park No. 3
To Be Assigned	\$228.06	06-07106	West Park No. 3
To Be Assigned	\$228.06	06-07107	West Park No. 3
To Be Assigned	\$228.06	06-07108	West Park No. 3
To Be Assigned	\$228.06	06-07109	West Park No. 3
To Be Assigned	\$228.06	06-07110	West Park No. 3
To Be Assigned	\$228.06	06-07111	West Park No. 3
To Be Assigned	\$228.06	06-07112	West Park No. 3
To Be Assigned	\$228.06	06-07113	West Park No. 3
To Be Assigned	\$228.06	06-07114	West Park No. 3
To Be Assigned	\$228.06	06-07115	West Park No. 3
To Be Assigned	\$228.06	06-07116	West Park No. 3
To Be Assigned	\$228.06	06-07117	West Park No. 3
To Be Assigned	\$228.06	06-07118	West Park No. 3
To Be Assigned	\$228.06	06-07119	West Park No. 3
To Be Assigned	\$228.06	06-07120	West Park No. 3
To Be Assigned	\$228.06	06-07121	West Park No. 3
To Be Assigned	\$228.06	06-07122	West Park No. 3
To Be Assigned	\$228.06	06-07123	West Park No. 3
To Be Assigned	\$228.06	06-07124	West Park No. 3
To Be Assigned	\$228.06	06-07125	West Park No. 3
To Be Assigned	\$228.06	06-07126	West Park No. 3
To Be Assigned	\$228.06	06-07127	West Park No. 3
To Be Assigned	\$228.06	06-07128	West Park No. 3
To Be Assigned	\$228.06	06-07129	West Park No. 3
To Be Assigned	\$228.06	06-07130	West Park No. 3
To Be Assigned	\$228.06	06-07131	West Park No. 3
To Be Assigned	\$228.06	06-07132	West Park No. 3
To Be Assigned	\$228.06	06-07133	West Park No. 3
To Be Assigned	\$228.06	06-07134	West Park No. 3

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 06-07
West Park No. 3
Fiscal Year 2006-07

To Be Assigned	\$228.06	06-07135	West Park No. 3
To Be Assigned	\$228.06	06-07136	West Park No. 3
To Be Assigned	\$228.06	06-07137	West Park No. 3
To Be Assigned	\$228.06	06-07138	West Park No. 3
To Be Assigned	\$228.06	06-07139	West Park No. 3
To Be Assigned	\$228.06	06-07140	West Park No. 3
To Be Assigned	\$228.06	06-07141	West Park No. 3
To Be Assigned	\$228.06	06-07142	West Park No. 3
To Be Assigned	\$228.06	06-07143	West Park No. 3
To Be Assigned	\$228.06	06-07144	West Park No. 3
To Be Assigned	\$228.06	06-07145	West Park No. 3
To Be Assigned	\$228.06	06-07146	West Park No. 3
To Be Assigned	\$228.06	06-07147	West Park No. 3

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 06-07
West Park No. 3
Fiscal Year 2006-07

General Description

This Assessment District is located at the northwest corner of Chinowth Street and Visalia Parkway. Exhibit "A" is a map of Assessment District 06-07. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block walls includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district are 147.

Determination of Benefit

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

Method of Apportionment

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

Estimated Costs

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 06-07
West Park No. 3
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>
LANDSCAPE LOTS				
Turf Area	Sq. Ft.	19,350	\$0.199	\$3,850.65
Shrub Area	Sq. Ft.	33,262	\$0.199	\$6,619.14
Trees	Each	240	\$25.00	\$6,000.00
Electricity	Sq. Ft.	52,612	\$0.008	\$420.90
Water	Sq. Ft.	52,612	\$0.050	\$2,630.60
Trees In Local Street Parkways	Each	177	\$25.00	\$4,425.00
Street Lights	Each	37	\$105.00	\$3,885.00
Project Management Costs	Lots	147	\$18.00	\$2,646.00
TOTAL				\$30,477.28
10% Reserve Fund				\$3,047.73
GRAND TOTAL				\$33,525.01
COST PER LOT				\$228.06

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:

$$A_{max} \text{ for any given year "n"} = (\$33,525.01) (1.05)^{(n-1)}$$

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 06-07
West Park No. 3
Fiscal Year 2006-07

Example 1. The estimated year four cost of maintaining the improvements in the district is \$36,542.26 [a 9% increase over the base year estimated cost of \$33,525.01]. The maximum annual assessment for year four is \$38,809.39 [$A_{\max} = (\$33,525.01)^{(4-1)}$ (1.05)]. The assessment will be set at \$36,542.26 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 \$37,883.26 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$33,525.01]. 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 \$757.67 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 \$38,809.39 [$A_{\max} = (\$33,525.01)^{(4-1)}$ (1.05)]. The year four assessment will be set at \$37,883.26 plus the deficit amount of \$757.67 which equals \$38,640.93 [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 \$36,542.26 [a 9% increase over the base year assessment of \$33,525.01] and damage occurred to the masonry wall raising the year five expenses to \$40,900.51 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$40,196.49 (a 10% increase over the previous year) and below the maximum annual assessment of \$40,749.86 [$A_{\max} = (\$33,525.01)^{(5-1)}$ (1.05)]. The difference of \$704.02 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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5n

Agenda Item Wording: Request authorization to accept an "Irrevocable Offer to Dedicate Real Property" for Mooney Blvd. right-of-way for roadway purposes as offered per Document No. 2003-0011275, Dated February 10, 2003 and Shannon Ranch East Subdivision generally located between Riggan Avenue and Shannon Parkway.

Resolution No 2006-82

Deadline for Action: September 18, 2006

Submitting Department: Public Works, Engineering

Contact Name and Phone Number:

Andrew Benelli: 713-4340
Greg Dais: 713-4164

Department Recommendation and Summary: Staff recommends that the City Council accept the "Irrevocable Offer to Dedicate Real Property" for Mooney Boulevard right-of-way for roadway purposes as offered per Document No. 2003-0011275, dated February 10, 2003 and for Corvina Avenue as offered on Shannon Ranch East Subdivision generally located between Riggan Avenue and Shannon Parkway.

An irrevocable offer of dedication is a means used by public agencies to ensure that right of way can be obtained at a future time. Government Code Section 7050 states that an irrevocable offer of dedication "may be accepted at any time by the city council of the city within which such real property is located at the time of acceptance." Irrevocable offers of dedication are acquired by public agencies during development entitlement processes, such as subdivisions or conditional use permits, to enable dedication to be exercised when the need to widen or improve a street becomes necessary.

The "Irrevocable Offer to Dedicate Real Property" that was offered in Document No. 2003-0011275, dated February 10, 2003 and Shannon Ranch East Subdivision for the future alignment of Mooney Boulevard and a portion of the south half of the future alignment of Corvina Avenue. The Irrevocable Offer is used when the streets are not going to be dedicated and built with the map, but sometime in the future. This allows the City to accept the dedication when the City or a developer is ready to construct the roadways. Until the City accepts the Irrevocable Offer the property owner still has use of the land.

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 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

Acceptance of the irrevocable offer to dedicate will provide the City of Visalia with an 84-foot wide street right-of-way along Mooney Boulevard between Riggin Avenue and Shannon Parkway. Mooney Boulevard street improvements will consist of constructing a full width road between Riggin Avenue and Corvina Avenue. This will complete the section of Mooney Boulevard between Riggin Avenue and Shannon Parkway. Accepting the irrevocable offer will also provide the south half of Corvina Avenue which will allow Shannon Ranch 2, Phases 3 & 5 to construct a full width road between Mooney Boulevard and Payson Avenue.

Finally, staff recommends the City Council accept the irrevocable offer of dedication along Mooney Boulevard. Having the dedication now will allow the City to move forward with completing the construction of Mooney Boulevard from Riggin Avenue to Shannon Parkway.

Prior Council/Board Actions: City Council approved the recordation of Shannon Ranch East Subdivision.

Committee/Commission Review and Actions: None

Alternatives: Relinquish the Irrevocable Offer of Dedication for Real Property as offered per Document No. 2003-0011275, dated February 10, 2003 and Shannon Ranch East Subdivision.

Attachments: Project location sketch and Resolution.

City Manager/Executive Director Recommendation:

<p>Recommended Motion (and Alternative Motions if expected): Move to accept an "Irrevocable Offer to Dedicate Real Property" for Mooney Boulevard right-of-way for roadway purposes as offered per Document No. 2003-0011275, dated February 10, 2003, and the right-of-way for Corvina Avenue as offered on Shannon Ranch East Subdivision. Resolution 2006-82.</p>

Copies of this report have been provided to:

Financial Impact

Funding Source:

Account Number:

Budget Recap:

Total Estimated cost: \$ N/A New Revenue: \$ N/A

Amount Budgeted: \$ N/A Lost Revenue: \$ N/A

New funding required: \$ N/A New Personnel: \$ N/A

Council Policy Change: Yes No

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

MOONEY BLVD. IRREVOCABLE OFFER



LOCATION MAP

RESOLUTION NO. 2006-82

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
AUTHORIZING THE ACCEPTANCE OF A
IRREVOCABLE OFFER TO DEDICATE REAL PROPERTY**

WHEREAS, as offered per Document No. 2003-0011275, Dated February 10, 2003 and Shannon Ranch East Subdivision and

WHEREAS, the City Council of the City of Visalia finds it to be in the public interest to accept into the City's street system those certain parcels more particularly and legally described as follows:

Parcel A

That portion of Lot 1 of Shannon Ranch Central Subdivision Map, recorded in Volume 40 of Maps at Page 99 of Tulare County Records, located in the Southeast quarter of Section 13, Township 18 South, Range 24 East, Mount Diablo Base and Meridian in the City of Visalia, County of Tulare, State of California described as follows:

Beginning at the Northwest corner of said Lot 1;

Thence, easterly 346.58 feet along the North line of said Lot 1, a curve concave to the North, with a central angle of 19° 51' 28" and a radius of 1000.00 feet;

Thence, South 89° 32' 21" East, continuing along said North line, 216.20 feet to the Northeast corner of said Lot 1;

Thence, South 00° 05' 34" West, along the East line of said Lot 1, a distance of 445.63 feet; thence, North 89° 28' 04" West, 42.00 feet, to a line parallel with and 42.00 feet West of said East line;

Thence, North 00 °05 '34 " East along said parallel line, 386.58 feet;

Thence North 44° 43' 23" West, 42.56 feet, to a line parallel with and 29.00 feet South of the North line of said Lot 1;

Thence, North 89° 32' 21" West, along said parallel line, 144.39 feet;

Thence, continuing westerly 358.59 feet along said parallel line, a curve concave to the North, with a central angle of 19° 57' 59" and a radius of 1029.00 feet to the West line of said Lot 1;

Thence, northerly 29.06 feet along said West line, a non-tangent curve concave to the East with a central angle of 01° 19' 56", a radius of 1250.00 feet and a beginning radial which bears of South 66° 29' 57" East, to the TRUE POINT OF BEGINNING;

Parcel B

That portion of Lot 2 of Shannon Ranch Central Subdivision, recorded in Volume 40 of Maps at page 99 of Tulare County Records, located in the Southwest quarter of Section 18, Township 18 South, Range 25 East, Mount Diablo Base and Meridian in the City of Visalia, County of Tulare, State of California described as follows:

Beginning at the Northwest corner of said Lot 2;

Thence, South 89° 32' 21" East, 42.00 feet, to a line parallel with and 42.00 feet East of the West line of said Lot 2;

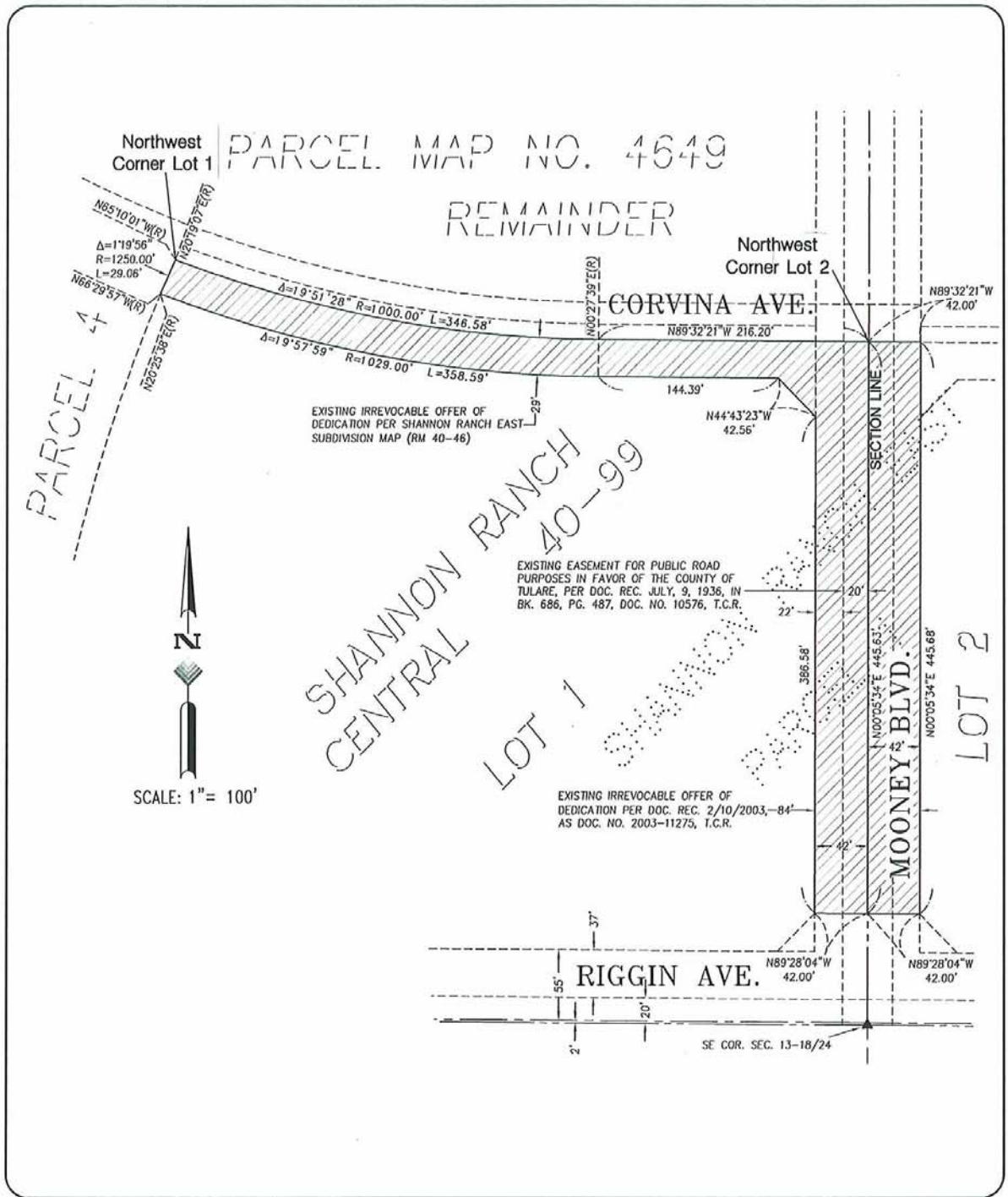
Thence, South 00° 05' 34" West, along said parallel line, 445.68 feet;

Thence, North 89° 28' 04" West, 42.00 feet, to the West line of said Lot 2;

Thence, North 00° 05' 34" East along said West line, 445.63 feet to the TRUE POINT OF BEGINNING.

See Exhibit B for map.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Visalia hereby accepts the "Irrevocable Offer to Dedicate Real Property" as described herein and made a part thereof.




PLOT DATE:	8/29/06
JOB NO.	050690
DWG. NAME:	050690-IDD-MOONEY.dwg
SCALE:	1" = 100'
SHEET NO.:	1 of 1

EXHIBIT B

PROPOSED DEDICATION

PREPARED BY:



5110 W. CYPRESS AVE
P.O. BOX 3699
VISALIA, CA 93278
TEL: (559) 733-0440
FAX: (559) 733-7821

DRW BY: _____

CHK BY: _____

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 50

Agenda Item Wording: Request authorization to file a Notice of Completion for Parcel Map 2003-10, located west of Neeley Street and north of State Highway 198.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

Patrick Barszcz – 713-4241

Andrew Benelli – 713-4340

Department Recommendation:

Staff recommends that the City Council give authorization to file a Notice of Completion for Parcel Map 2003-10. All the necessary improvements for this Final Parcel Map have been completed and are ready for acceptance by the City of Visalia. This project was developed by Visalia Auto Plaza Associates, LLC. The developers have submitted a 10 % maintenance bond in the amount of \$ 74,355.00 to the City of Visalia to guarantee the improvements against defects for one year.

Summary/background: N/A

Prior Council/Board Actions:

Tentative Parcel Map 2003-10 was approved by the Planning Commission on November 10, 2003. City Council approved Resolution 2003-154 denying an appeal upholding the Planning Commissions approval on December 10, 2003.

Committee/Commission Review and Actions: N/A

Alternatives: N/A

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Attachments: Location Map, Vicinity Map and Developer Disclosure.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Parcel Map 2003-10.

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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5p

Agenda Item Wording: Authorization for the Housing Authority of Tulare County to operate in the City of Visalia with respect to the Mill Creek Parkway Multi-family Housing Project. **Resolution 2006- 83.**

Deadline for Action: September 18, 2006

Submitting Department: Community Development

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Adopt **Resolution No. 2006-83** authorizing the Housing Authority of Tulare County to operate in the City of Visalia. This authorization will allow the Housing Authority to issue multifamily housing revenue bonds, and then loan the proceeds of the bonds to Kaweah Management Company (an affiliated non-profit housing organization) to finance construction of the 70-unit Mill Creek Parkway Townhomes Multi-family Rental Housing Project.

Summary/background: In July, 1978, the City of Visalia and the Housing Authority of Tulare County executed a Cooperation Agreement which allows the Housing Authority to operate in the City with respect to certain affordable housing projects administered by the Authority. Under the current agreement, the Housing Authority now operates several projects in the City.

Under California law, a county housing authority cannot operate in any city in the county unless the consent of the city governing body has been obtained. In our case, while the current Cooperation Agreement clearly authorizes the Housing Authority to operate in the City of Visalia, it only covers projects that involve financial assistance from the U.S. Department of Housing and Urban Development (HUD). The current agreement does not cover projects which do not involve HUD financial assistance.

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 8/30/06 KR
(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 Housing Authority is currently constructing a 70 unit affordable multi-family housing project on approximately 9.6 acres located on the south side of Mill Creek Parkway, between Lovers Lane and McAuliff Street. The estimated construction cost for the project is \$10.1 million. The Visalia Redevelopment Agency (RDA) has committed \$4,536,450 in restricted low and moderate income set-aside housing funds to help finance this project. The Housing Authority intends to provide supplemental financing from the sale of revenue bonds for the project.

Because the Mill Creek Parkway project does not involve the use of HUD funds, it is not covered by the existing Cooperation Agreement. Therefore, the City Council is being requested to give its consent, pursuant to the requirements of California Health and Safety Code Section 34209, for the Housing Authority to operate within the City with respect to the Mill Creek Parkway project. This consent will enable the Housing Authority to issue revenue bonds to help fund the project.

Construction of the Mill Creek development is now underway. The Mill Creek project will assist significantly in the provision of affordable housing for low income Visalia residents and will help the City meet its affordable housing goals established in the Housing Element. In addition, the Housing Authority has a history of building and operating successful affordable housing projects in Visalia and Tulare County. Adoption of the attached resolution will enable the Housing Authority to obtain necessary supplemental bond financing for the Mill Creek project and authorize the operation of the project.

Prior Council/Board Actions: September 7, 2004 – Redevelopment Agency Board authorized agreement with the Kaweah Management Company to purchase 55 year affordability covenants for \$3.0 million in Low and Moderate income housing funds for Mill Creek Project.

March 6, 2006-RDA Board authorized additional \$1,536,450 in Low and Moderate Income Housing funds (total \$4,536,450) for Mill Creek Project

Committee/Commission Review and Actions: NA

Alternatives: None recommended.

Attachments: Site maps.

Recommended Motion (and Alternative Motions if expected): Move to adopt **Resolution No. _2006-83** authorizing the Housing Authority of Tulare County to operate in the City of Visalia with respect to the Mill Creek Parkway Multi-family Housing Project.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2006 - 83

**A RESOLUTION OF THE VISALIA CITY COUNCIL CONFIRMING CONSENT
FOR THE HOUSING AUTHORITY OF THE COUNTY OF TULARE TO
OPERATE IN THE CITY OF VISALIA**

WHEREAS, the City of Visalia (the “City”) and the Housing Authority of the County of Tulare (the “Authority”) are parties to a Cooperation Agreement, entered into on July 19, 1978, with respect to the operation by the Authority of low-income housing developments in the City which receive assistance from the United States of America acting through the Secretary of Housing and Urban Development (“HUD”); and

WHEREAS, the Authority now proposes to issue multifamily housing revenue bonds, and to loan the proceeds of the bonds to Kaweah Management Company to finance construction of a 70-unit Mill Creek Parkway Townhomes multifamily rental housing development in the City.

NOW, THEREFORE BE IT RESOLVED that the City Council hereby confirms its consent to the operation by the Authority within the City to issue multifamily housing revenue bonds, and to loan the proceeds of the bonds to Kaweah Management Company for the sole purpose of financing construction of the 70-unit Mill Creek Parkway Townhomes multifamily rental housing development.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Leslie Caviglia, Deputy City Clerk

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5q

Agenda Item Wording: Authorization to execute performance agreement between VF Outdoor, Inc. West Coast Distribution Facility in the Industrial Park and the City of Visalia authorizing use of CDBG (Community Development Block Grant) funds to apply to development and impact fees for the project.

Deadline for Action: August 28, 2006

Submitting Department: Community Development

Contact Name and Phone Number: Michael Olmos 713-4332

Department Recommendation: Staff recommends that Council authorize the City Manager to execute a performance agreement between the City of Visalia and VF Outdoor, Inc. which will allow \$304,048.12 of CDBG funds to facilitate completion of their new 810,000 square foot facility in the Industrial Park. The purpose of the City's funding the development and impact fees is to facilitate job creation opportunities.

Summary:

VF Outdoor, Inc. is nearing completion of an 810,000 sq. ft. distribution center on an approximately 64-acre site in the Industrial Park. The VF facility is a significant new tenant in the Industrial Park and will become a large scale employer in the community. A tool used to encourage their location in Visalia and to consequently create 350 job opportunities, was to offer to pay a portion of its development and impact fees in the amount of \$304,048.12 by using CDBG funds. The commercial building is almost complete and staff is requesting City Council's authorization to enter into the performance agreement with VF Outdoor, Inc.

No funds will be provided directly to VF Outdoor, Inc.; the funds shall be applied toward the development and impact fees resulting from the building permit for the new VF facility in the Industrial Park. The \$304,048.12 consists of:

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 8/29/06
City Atty 8/29/06
(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.

<u>Amount</u>	<u>Fee</u>
\$98,330.50	Visalia Unified School District Impact Fees;
1,669.50	State Strong Motion fee;
130,928.18	Visalia Public Facilities Impact Fee;
<u>73,120.94</u>	increases in City public facility impact fees, public safety impact fees, storm drainage fees, and transportation impact fees which occurred between May 30, 2005 and December 31, 2005.
\$304,049.12	Total

The City's covenant is contingent on VF Outdoor, Inc. obtaining the use of the site and the facility and conducting business in the City until June 1, 2011. VF must also meet and maintain employment thresholds as outlined in the agreement (Hiring Schedule), which requires 150 median average employees upon opening in 2006; by December 31, 2008 a median average for the calendar year of 350 full-time equivalent employees; and 50% of these employees must be low- and moderate- income as defined in the applicable federal regulations. VF Outdoor, Inc. must also assist the City with compliance, monitoring and reporting requirements resulting from the use of CDBG funds.

Each year VF's status for compliance will be evaluated on June 1st, beginning in 2007 through 2011. If VF does not meet or exceed the employment thresholds outlined in the Hiring Schedule, or ceases operations before June 1, 2011, VF must pay the City of Visalia a pro-rated portion of the \$304,048.12 advance proportionate to the employee shortfall for that year(s). The formula for this default remedy is outlined in Section 6.2 of the agreement which contains the customary conditions and remedies in the event the performance requirements are not met.

Background:

Council has taken similar actions in the past using performance agreements, i.e. in June 1999 the City provided \$678,000 of CDBG funds for CIGNA's fees in conjunction with development of their main facility, and other \$107,000 in April, 2001 for the expansion of their main facility. In February 2000 \$250,000 in fees were waived for Jo-Ann Stores facility.

On September 19, 2005 Council approved modification to the Economic Development Policy providing the City Manager with the authority to offer a new or expanding company assistance, not to exceed \$250,000 without City Council approval upon meeting conditions a.) \$30 Million in investment (Building, taxable improvements, equipment and inventory), and/or b.) 100 employees (full-time equivalents); and/or c.) Generation of estimated discretionary tax revenues to the City exceeding \$200,000 annually. Because the fees are above the \$250,000 limit, staff is requesting approval by the City Council.

Funding: To be funded by Federal Community Development Block Grant funds.

Prior Council/Board Actions: September 19, 2005 Council approved modification to the Economic Development Policy providing the City Manager with the authority to offer a new or expanding company assistance, not to exceed \$250,000 without City Council approval upon meeting the conditions of the policy.

Committee/Commission Review and Actions: N/A

Alternatives:

Attachments: Copy of September 19, 2005 staff report modifying the Economic Development Policy for providing financial assistance to new or expanding businesses.

Recommended Motion (and Alternative Motions if expected): Move to authorize City Manager to execute Performance Agreement between V.F. Outdoor, Inc. and the City of Visalia.

Environmental Assessment Status

CEQA Review:

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:

City of Visalia Agenda Item Transmittal

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5r

Agenda Item Wording: Request authorization for City staff to negotiate a contract with EDAW, Inc. for master planning the East Downtown Strategic Plan area, and to authorize the City Manager to execute this contract.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number:

Michael Olmos, Assistant City Manager, 713-4332
Sharon Sheltzer, Project Manager, 713-4414

Department Recommendation:

It is recommended that Council

1. Authorize staff to negotiate a contract with EDAW, Inc. for master planning the East Downtown Strategic Area, making any minor adjustments to the Scope of Services and fee (proposed fee is \$484,435) as deemed appropriate by both negotiating parties.
2. Authorize the City Manager to execute this contract

This consultant selection process is directed at hiring a landscape/park design and civil engineering team to prepare a Master Plan for the East Downtown Strategic Plan Area including the future Civic Center and East Downtown linear park system. The infrastructure portion of the Master Plan will include an analysis of existing infrastructure systems (sewer, water, storm drain, gas, phone, electric, communications systems, streets, transportation systems), identification of system deficiencies and recommended upgrades and standards to facilitate the build out of the East Downtown Strategic Plan Area. In addition the selected team will provide designs for the Civic Center linear park and the central park in the residential/mixed use neighborhood to the north, including creek restoration, as well as designs for the streetscapes including streets and parking, signage, lighting and public art. The Master Plan Summary Report will also include an implementation and phasing plan.

Following the adoption of the East downtown Strategic Plan, this next step is a critical component in "setting the stage" for the Civic Center development. Prior to developing in the Civic Center area, the infrastructure needs must be determined, the block and roadway plans defined and the implementation plan in place. Then the first phase boundaries of development

Subject: Civic Center Selection of Landscape Architect and Civil Engineer
Sharon Sheltzer

This document last revised: 9/15/06 12:23:00 PM

File location and name: H:\(1) AGENDAS for Council\2006\091806\Item 5r EDAW.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.):__10__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

can be determined and the City can to begin to develop the Civic Center, Police and Fire Headquarters and the linear park as critical components and focal points in the downtown area. These improvements will serve as an attraction to and in encouragement of private and public investment. As such, this next phase of planning for the East Downtown area will include substantial additional community outreach that will be guided by EDAW within the format of two interactive community charrettes with focus groups, a two day open house in downtown and a two week public display booth with review cards.

This contract will be limited to the Master Plan portion described in the Request For Qualifications (RFQ), and not the Construction Documents for Phase 1 development at this time, because the results of the Master Plan are likely to influence the implementation steps and scope of Phase 1. When the Master Plan is completed and decisions are made regarding the next steps, if the selected consultant team has performed satisfactorily, then after successful negotiations, the contract can be amended to include Phase 1 implementation documents, or the Civic Center area Construction Documents can be separately bid.

Summary/background

First Round- Request for Qualifications are reviewed and interviews held-field narrowed to three

In response to the City Request for Qualifications for a Landscape Architect and Civil Engineering firm, the City received nine proposals on May 12, 2006. These proposals were reviewed by the Proposal Review Committee who included Bob Link, Gregg Kirkpatrick, Lawrence Segrue, Tom Link, Lindsay Bailey, Michael Olmos, Andrew Benelli, Vince Elizondo and Sharon Sheltzer.

From this initial process seven firms were selected to interview. These were EDAW (SF), SWA (Sausalito), RHAA (Mill Valley), RRM (San Luis Obispo), Design workshop (Nevada), Sierra Designs (Visalia) and Freyer and Laureta (San Mateo).

SWA declined because their Principals were unavailable for the interview and decided it would be a disadvantage in such a competitive field. The other six teams accepted and all interviews were conducted on June 23. All members of the Proposal Review team were invited to participate in the interview process, and community members were invited. The final composition of the interview team included Greg Kirkpatrick, Lawrence Segrue, Harvey May, Brian Kempfh, Lindsay Bailey, Michael Olmos, Vince Elizondo, Andrew Benelli, and Sharon Sheltzer.

Through vote and discussion the committee selected the top three teams:

1. EDAW Inc. (SF) with Lane Engineers-civil (Visalia) and Rimas Gurcinas -electrical engineer (Visalia) as local team members
2. RRM (San Luis Obispo) with TPG Consulting-transportation planners (Visalia) and CM Construction Services-construction management (Visalia) as local team members
3. RHAA (Mill Valley) with Sandis Engineers

References were thoroughly checked. Each firm leading the team received commendable references from a wide variety of clients.

Second Round- Top three teams were requested to provide a Scope of Services, Project Timeline and Fee Proposal

Responses were received by all three teams on August 15, 2006 and forwarded for review to all Review Committee Members that were available to attend the August 24, 2006 meeting. Don Landers also joined in the process at this point as a City Council representative. This meeting for the recommendation of the final candidate to the City Council was attended by Lindsay Bailey, Andrew Benelli, Brian Kempf, Don Landers, Harvey May, Michael Olmos and Sharon Sheltzer. After a summary of the process to date and the selection protocol, discussion about the comparison between the Scope of Services, and with consideration given to the previous interviews and RFQ proposals, by unanimous agreement the Selection Committee selected EDAW, Inc. as the most qualified firm and team. RRM and RHAA were selected as second and third, respectively.

EDAW, Inc.

In the fields of landscape architecture, urban design and environmental planning, EDAW has developed for the last half century into a corporation with 30 offices and over 1200 people. The Visalia project will be led out of the San Francisco office (corporate headquarters) with a staff of 70. EDAW has a proven track record of providing projects on-time and on-budget while using innovative and sustainable design. Three key representative projects that they highlighted include, the Port of Los Angeles Waterfront Promenade and Harbor Boulevard, Mission Street Park and Streetscapes in San Francisco, and Tuolumne River Regional Park Gateway Parcel in Modesto.

The EDAW project team includes Steve Hanson as Principal in Charge, Alma Du Solier as Project Manager, and Todd Kohli as Project Landscape Architect. Mr. Hansen's primary focuses have been on public waterfronts and parks, academic and corporate campuses, and mixed use development. He has degrees in Landscape architecture and fine arts, he authored a published book, has been a featured speaker and is the recipient of numerous awards. Ms. Du Solier has been working as a key designer and project manager for a wide range of projects from urban parks and streetscape projects to large developments. She has a degree in architecture as well as a Masters in landscape architecture and is also the recipient of numerous honors and awards. Todd Kohli has experience in mixed use urban design, from master planning of large scaled projects to detailed construction documentation and implementation. He has a degree in landscape architecture and has had numerous honors and awards, publications and speaking engagements.

The broader EDAW team includes:

- Moffat & Nichol, a multidisciplinary engineering and planning firm with nationally recognized solutions in the areas of transportation and public works engineering, with a specialization in waterfront structures. Typical projects have included erosion protection design, flood control design, wetlands creation/enhancement, dredging design and marina/harbor protection.
- Selbert Perkins Design- Environmental graphics firm with a national reputation
- Lighting Design Alliance- Lighting designer with national recognition
- Lane Engineers- Local civil and structural engineer

Gurcinas and Associates, a local electrical engineer, and Fine Arts Services as a public art consultant, will be brought on in the later Phase I Civic Center area development, if the team is selected for this work.

Qualifications Based Selection Process

The City is following the Qualifications Based Selection Procedure effective January 1, 1990 and delineated in the California Government Code Sections 4526-4529. It is also known as the "Mini-Brooks Act" because it was based on federal legislation adopted in 1972 known as the Brooks Selection Bill. This law mandates local agencies throughout the State of California to select consultant services on the basis of 'demonstrated competence and professional qualifications' in relation to the scope and need of a particular project. Procedures are outlined if a fee cannot be negotiated with the most qualified firm that the public agency deems to be "fair and reasonable". If the City is unable to obtain a fee that is deemed "fair and reasonable", negotiations must be terminated with EDAW before negotiations can commence with RRM. If an agreement is not reached with RRM then negotiations must be terminated before commencing with RHAA.

Per legal procedure, the City selected EDAW as the most qualified firm, and designated the second and third firms. Cost proposals were then opened and the fees were as follows:

1. EDAW \$484,435 is the proposed fee for the Master Plan project, including engineering, signage, graphic and lighting consultants
2. RRM \$577,374 is the proposed fee for the Master Plan project including traffic and civil engineering, communication engineering, construction cost estimating and local liaison.
3. RHAA \$172,545 is the proposed fee for the Master Plan project including engineering

City staff and consultant Bruce Race believes that the EDAW proposed fee of \$484,435 is "fair and reasonable" but intends to clarify the scope and fee through further discussions if given the opportunity by Council.

Prior Council/Board Actions:

Dec. 19, 2005 Civic Center Master Plan Update, authorized staff to issue RFQ for professional services

Dec. 19, 2005 Authorization to implement the Action Plan for the East Downtown Strategic Plan

Oct. 3, 2005 Approved the East Downtown Strategic Plan

Committee/Commission Review and Actions:

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

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

Alternatives: None recommended

Attachments:

References

Civic Center Scope of Services for Master Plan

Staff Scope of Services Summary

EDAW proposed fee schedule

Recommended Motion (and Alternative Motions if expected):

It is recommended that Council

3. Authorize staff to negotiate a contract with EDAW, Inc. for master planning the East Downtown Strategic Area, making any minor adjustments to the Scope of Services and fee as deemed appropriate by both negotiating parties.
4. Authorize the City Manager to execute this contract

Environmental Assessment Status

CEQA Review: Preliminary work (anticipated to be a Mitigated Negative Declaration) to be completed by contract with TPG Consulting, Inc.

NEPA Review:

Tracking Information:

*Teleconference to refine Scope of Services and fee
Prepare and execute contract*

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 5s (1)

Agenda Item Wording:

Second reading of Ordinance 2006-13, authorizing the City of Visalia to enter into a Ten (10) Year Lease Agreement With a Five (5)Year Option Between the City of Visalia and TOP OF THE THIRD, INC. For Professional Baseball at Recreation Park Stadium and Approve a \$5,000,000 Funding Plan for Phase 3 and Phase 4 Renovation.

Deadline for Action:

September 18, 2006

Submitting Department:

Administration

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

Department Recommendation:

Staff recommends that the City Council adopt Ordinance 2006-13, authorizing the City to enter into a ten (10) year lease agreement with a five (5) year option between the City of Visalia and TOP OF THE THIRD, INC., for professional baseball at Recreation Park Stadium and approve a \$5,000,000 funding plan for Phase 3 and Phase 4 renovation. The lease is attached as Attachment A to the proposed Ordinance. The Ordinance was introduced on August 28, 2006, and minor changes to the form of the lease have been made since then.

Summary/background:

Staff recommends that the City Council approve a ten (10) year lease agreement with a five (5) year option between the City of Visalia and TOP OF THE THIRD, INC., for professional baseball at Recreation Park Stadium and approve a \$5,000,000 funding plan for Phase 3 and Phase 4 renovation.

The major agreement points between the CITY of VISALIA and TOP OF THE THIRD are:

TOP OF THE THIRD:

- Will provide a Class A California League Professional Baseball Team in Visalia for 10 years with a 5 year option.
- Will provide annual maintenance and repair services to the facility of \$10,000 annually.
- Will provide grounds and maintenance staff year round.
- Will provide staff year round for special events.
- Will market special events for the stadium.

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.

- Will utilize Hospitality Suite year round.

CITY OF VISALIA

- Requires California League Class A professional baseball equivalent or higher during the term of the lease.
- Lessee and Lessor shall equally share the revenue generated by a naming rights contract.
- The Lessor and Lessee will work cooperatively to schedule other special events in the stadium. All revenues minus expenses for other Special Events held in the stadium will be shared equally by the Lessee and Lessor.
- Consistent with the current lease the City will continue to pay the maintenance of the field. In order to expedite the maintenance process the Lessee will be provided a \$40,000 budget for the salary of a grounds supervisor, field maintenance, equipment repair and maintenance, product for field surface and other stadium grounds maintenance. The City previously contracted with a private vendor to provide this service. The provider maintained the field only and any additional work he performed was billed separately. The annual 2007 contract (11 months) for time and materials would be \$33,000. Any additional work would be in addition to that amount. The lessee will provide a year round maintenance supervisor and provide field maintenance as well a minor maintenance for the stadium. The Lessee anticipates saving the City approximately \$5,000 per year by handling the maintenance internally as opposed to contracting out.(chart attached)
- The City currently provides major maintenance and repairs of the stadium facilities and grounds. In order to allow the Lessee to schedule repairs and maintenance in a more timely fashion and without having to schedule work through the City Building Division the City will provide the Lessee with the authority to authorize repairs and maintenance up \$20,000 annually in 2007-09 and up to \$30,000 in 2010-2016. The City will continue to be responsible for major maintenance and repair above this level.
- The City will provide Lessee \$25,000 to purchase used mowing and field equipment on approval of the lease. \$5,000 will be set aside annually by the City to replace field equipment.
- The City will continue to pay the electric bill for the baseball season at a maximum \$30,000 annually plus a CPI increase.
- \$5million renovation program.
 - General admission will be increased \$.25 in 2007, \$.50 in 2008-2013 and \$1.00 in 2014-2016.
 - Premium seats will be increased \$1.00 in 2007-2013 and \$2 in 2014-2016.
 - Special events will increase \$1.00 in 07. Increases in the following years will be subject to an annual evaluation by the Stadium Events Committee (but no less than \$1.00 per ticket).

REVENUE:

Revenue will be generated from the surcharge on tickets and revenue from special events over the 10 year lease. The projected revenue for each year is as follows:

- 2007 \$ 26,500
- 2008 -- 2013 \$117,500
- 2014– 2016 \$181,000
- 2017 – 2020 \$181,000

15 year Total Revenue \$2,179,500

The revenue projections can increase substantially depending upon the number of large special events that can be booked as well other large group sales for baseball.

Staff and TOP OF THE THIRD, INC., believe that after Phase 4 is completed there will be numerous opportunities for utilization of the stadium that do not currently exist.

PHASE 3 and PHASE 4

Phase 3 (Construction Oct, 2006-March 2007)	Estimated Price
1. Rightfield Renovation	\$2,300,000
• 2-story Hospitality Suite (200 capacity)	
• Administrative & Ticket Offices, Storage	
• Concessions	
• Restrooms	
• New Seating Section (400 seats)	
• Grass Berm (400 capacity)	
• Team Dugouts-expand/restroom	
• ADA Compliant access and seating	
2. Kids Fun Zone (speed pitch, field, water feature, etc.)	100,000
3. Novelty Store Renovation	75,000
4. Scoreboard	400,000
5. Sound upgrades, 1 st and 3 rd base side	25,000
6. LF Concession: new roof, new brick façade	50,000
7. Electrical maintenance/repair/upgrades (picnic deck...)	40,000
8. Cooling Fog System-LF Picnic Deck	5,000
PHASE 3-TOTAL	\$2,995,000

PHASE 4	
1. Grandstand Renovation	1,750,000
• 4-5 Suites	
• Press Box	
• Additional reserved seating (600 seats)	
• Roof, Canopy (with fog system)	
2. Sound	25,000
3. Field Lighting	40,000
4. Field sod/irrigation/etc.	100,000
5. Visiting clubhouse: new lockers, showerheads, lighting	20,000
PHASE 4 –TOTAL	\$1,935,000

TOTAL PHASES 3 & 4

\$4,930,000

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

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

Prior Council/Board Actions:

Approval of Phase 1 2002

Approval of Phase 2 2005

Introduction of Ordinance 2006-__ on August 28, 2006. Direction to bring back with

Committee/Commission Review and Actions:

n/a

Alternatives:

Do not approve long term lease

Attachments:

Proposed Lease

Recommended Motion (and Alternative Motions if expected): I move City Council Adopt Ordinance 2006-13, authorizing the City of Visalia to enter into a Ten (10) Year Lease Agreement With a Five (5)Year Option Between the City of Visalia and TOP OF THE THIRD, INC. For Professional Baseball at Recreation Park Stadium and Approve a \$5,000,000 Funding Plan for Phase 3 and Phase 4 Renovation. *Requires simple majority per Charter of City of Visalia.*

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:

ORDINANCE NO. 2006- 13

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE
AGREEMENT BETWEEN THE CITY OF VISALIA AND TOP OF THE
THIRD, INC. FOR THE LEASE OF PROPERTY**

WHEREAS, the City of Visalia owns and operates certain real property commonly referred to as the Recreation Park Stadium; and

WHEREAS, the City of Visalia desires to lease said property to a tenant for the purpose of providing professional baseball at the Recreation Park Stadium; and

WHEREAS, the City of Visalia and Top of the Third, Inc. desire to enter into a lease agreement for said Demised Premises for a period of 10 years with a 5 year option; and

WHEREAS, the said Demised Premises is more particularly shown on Exhibit A attached hereto; and

WHEREAS, pursuant to the Charter of the City of Visalia, the City Council may by ordinance authorize the lease of property for a period of greater than five years; and

WHEREAS, the City Council introduced an ordinance authorizing the City Manager to enter into the subject lease at the August 28, 2006, meeting of the City Council.

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

Section 1. The City Manager of the City of Visalia be, and is hereby authorized to execute on behalf of the City of Visalia, that certain Lease Agreement by and between the City of Visalia and Top of the Third, Inc., in the form as provided in Exhibit B attached hereto, and further authorizes the City Manager to make any non-substantive administrative changes to Exhibit B that may be necessary or appropriate.

Section 2. This ordinance shall go into effect thirty (30) days after its passage.

PASSED AND ADOPTED: JESUS GAMBOA, MAYOR

ATTEST: _____

STEVEN M. SALOMON, CITY CLERK APPROVED BY CITY ATTORNEY

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2006-13 passed and adopted by the Council of the City of Visalia at a regular meeting held on August 28, 2006 and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated: STEVEN M. SALOMON, CITY CLERK

By Leslie Caviglia, Deputy City Clerk

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 6

Agenda Item Wording: Proposal to support Measure R, the Countywide sales tax initiative to improve streets and roads.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Bob Link, 713-4355

Discussion:

Council Member Bob Link asked the Mayor to include this item on the agenda to see if other members of the Council are interested in reconsidering their vote regarding Measure R, the sales tax initiative that would improve the streets and roads in Visalia and throughout the County. (See attached memo).

Prior Council/Board Actions:

July 17 – Council voted 3-2 to support the concept, but to put the matter on a later ballot, after more work could be done to the expenditure plan

June 5 – Council voted 5-0 to authorize the TCAG representative to support the proposed Measure plan providing specific provisions were included in the Measure and the implementation plan

Committee/Commission Review and Actions:

Alternatives:

To not support the Measure
To not take a position/be listed as neutral on the Measure

Attachments:

Memo from Council Member Link
Letter from TCAG

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC

Finance N/A

City Atty N/A

City Mgr

Recommended Motion (and Alternative Motions if expected):

I move that the Visalia City Council support Measure R, the Countywide sales tax initiative to build and maintain roads and streets throughout the County.

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)*



September 12, 2006

TO: My Fellow Members of Council
FROM: Bob Link, Member of Council
SUBJECT: Visalia's Position on Measure R

After a great deal of consideration and discussion with many of our constituents, I am asking the City Council to consider supporting Measure R, the county-wide sales tax initiative that would improve the streets and roads in Visalia and throughout the County.

When this Measure was first proposed over a year ago, I was very supportive and firmly believed that a half-cent sales tax increase was needed. I believed then and continue to believe that it is needed to build and maintain the roadways that Visalia needs to meet the traffic congestion and street maintenance needs of our community, and that the County needs to improve and maintain the major freeways and rural roads in our County.

When I voted in July to not support the Measure being proposed by TCAG, I did so because I felt more time was needed to fully develop the expenditure plan and the management aspects of the Measure, and to organize a successful campaign to pass the Measure. My vote was in the hope that the Measure would be put on a future ballot, not because I lacked support for the concept.

Now that the Measure is moving forward on this November's ballot, I firmly believe that Visalia should join with most of the other cities and the County in supporting the Measure. Toward that end, with the assistance of our staff, I have worked with TCAG in recent weeks to clarify issues pertaining to the expenditure plan so that I can be assured that the transportation needs of the City of Visalia will be adequately met over the next 30 years..

First, I believe that the need to improve our streets and roads in Visalia and throughout the County is so critical that Visalia needs to be part of the effort to pass the Measure. We simply can't turn our back on the need to improve the safety of our roads and the capacity of our transit system.. In addition, I believe it is important to our economic base. Better roads are needed to move commodities and products in and through the County.

There are also specific and important projects in Visalia that need the funding this Measure would provide. Projects like the interchanges at Akers, Shirk, Ben Maddox and Lovers Lane, the expansion of Plaza Drive into the industrial park and the widening of portions of Riggin Road will all be aided by the funds raised through Measure R. In addition, other projects that are important to Visalians, such as traffic signal synchronization, improvements to the transit system and our bike trails will also be funded through Measure R.

In addition, I am pleased and impressed with the clarifications that TCAG has provided us regarding how the plan can be changed, the mechanism for rewarding communities that successfully obtain outside funding for the projects in the plan, and their willingness to look at prioritizing the projects listed in Phase II, many of which are the very projects Visalia needs to see move forward. (See attached letter).

Given the critical needs that need to be addressed, and with the assurances and clarifications that have been provided, I am giving my support to Measure R. In my mind, this Measure is very important and simply too important for Visalia to prevent us from joining with the County and 6 other cities in Tulare County to improve our roads and streets.

I have requested the Mayor let us revisit this issue on Sept. 18th to see if there are others of you on the council who would like to reconsider their vote as I have.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 7

Agenda Item Wording: Public Hearing –

1. Adoption of Negative Declaration No. 2006-24 (**Resolution No. 2006-89 required**)

2. Annexation 2006-06, Goshen Avenue, initiation of annexation of a County island, generally located on the south side of Goshen Avenue and west of Lovers Lane. (**Resolution No. 2006-90 required.**)

Deadline for Action:

Submitting Department: Administration

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

Department Recommendation:

Staff recommends that Council adopt **Resolution No. 2006-89**, adopting Negative Declaration No. 2006-24 and adopt **Resolution No. 2006-90** initiating Annexation 2006-06, Goshen Avenue Island. This is an annexation of a county island, approximately 14.07 acres in size, surrounded by the City.

Filing fees will be expended from CIP Acct. # 0011-00000-720000-0-9514-2005.

Summary/background:

Goshen Avenue Island

Goshen Avenue Island consists of approximately 14.07 acres and contains 17 parcels. It is generally located on the south side of Goshen Avenue and west of Lovers Lane. All of the 17 parcels within the island have sanitary sewer available. Five of the 17 parcels are connected to the system. There are a total of 18 residences in the island with an estimated population of 52.

This annexation is being processed through the special "Island Annexation" legislation enacted by the State, as described below. A "Question and Answer" pamphlet that provides information

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.

regarding some of the questions staff anticipated might be asked was included with the public hearing notice that was sent to property owners. In addition, on September 12, a neighborhood meeting was held for the property owners in the "island" to provide an opportunity to ask questions and for staff to provide information and to describe the annexation process, however no one from the island attended the meeting..

The Visalia Land Use Element designates the properties as "Low Density Residential" and the territory would be zoned R-1-6 (Single Family Residential), upon annexation.

City Services, including Police and Fire protection, will be provided to the island upon annexation. As previously mentioned, sanitary sewer service is available to all of the 17 parcels. Many of the city services, such as Park and Recreation programs, are already available to the residents of the island, and following annexation, the full complement of city services and programs will be provided.

Costs to Property Owners

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

Island Annexations

This island annexation, Goshen Avenue, is being processed through special State Legislation that became effective January 1, 2000 and that will sunset January 1, 2007. (A bill approved by the State Legislature and pending the signature of the Governor will extend this legislation to 2014.) This legislation provides a streamlined process for island annexations that meet certain criteria. This state legislation provides a window of opportunity to create a more efficient method for local government to deliver public services and eliminate the costly duplication of services that result when two agencies, the City and the County, provide similar urban services within the same general geographic area. The legislation provides that island annexations initiated by City Council must be approved by the Local Agency Formation Commission (LAFCO) if specific criteria are met. The criteria are:

- It does not exceed 150 acres in area, that area constitutes the entire island
- The territory constitutes an entire unincorporated island located within the limits of a city.
- It is surrounded, or substantially surrounded, by the city to which annexation is proposed.
- It is substantially developed or developing.
- It is not prime agricultural land.
- It will benefit from the annexation or is receiving benefits from the annexing city.

Nine islands have been annexed through this special legislation to date.

Effective Date of Annexation

The resolution and proposal questionnaire include a request to LAFCO that the effective date of the annexation be set for February 1, 2007, to allow for LAFCO noticing requirements for a public hearing in December and time period before the Notice of Completion may be filed. Staff believes that it will be helpful for residents of the island and service providers to know specifically when the change in jurisdiction will take place.

Summary

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

Prior Council/Board Actions:

Committee/Commission Review and Actions:

The Planning Commission reviewed 16 potential island annexations on January 26, 2003 and forwarded them to the City Council with the finding that they are consistent with the Visalia General Plan.

Alternatives: None recommended.

Attachments: Location Map
Resolution
Proposal Questionnaire
Plan for Services

Recommended Motion (and Alternative Motions if expected):

I move that Council adopt Resolution No.2006-89, adopting Negative Declaration No.. 2006-24 and adopt Resolution No. 2006-90 initiating Annexation 2006-06, Goshen Avenue Island.

Environmental Assessment Status

CEQA Review:

Required? Yes

Initial Study prepared and Notice of intent to adopt a Negative Declaration was published and posted for a period of not less than 20 days in accordance with provisions of CEQA. Adoption of Negative Declaration No. 2006-24 is a part of the proposed action.

Review and Action: Prior:
Required

NEPA Review:

Required? 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)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 8

Agenda Item Wording: Public Hearing –

1. Adoption of Negative Declaration No. 2006-23. (**Resolution No. 2006- 87 required.**)

2. Annexation 2006-05, Tulare Avenue, initiation of annexation of a County island, generally located on the south side of Tulare Avenue and west of Pinkham Street. (**Resolution No. 2006- 88 required.**)

Deadline for Action:

Submitting Department: Administration

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

Department Recommendation:

Staff recommends that Council adopt **Resolution No.2006-87**, adopting Negative Declaration No. 2006-23 and adopt **Resolution No.2006 - 88** initiating Annexation 2006-05, Tulare Avenue Island. This is an annexation of a county island, approximately 12.55 acres in size, surrounded by the City.

Filing fees will be expended from CIP Acct. # 0011-00000-720000-0-9514-2005.

Summary/background:

Tulare Avenue Island

Tulare Avenue Island consists of approximately 12.55 acres and contains 14 parcels. It is generally located on the south side of Tulare Avenue and west of Pinkham Street. Nine of the 14 parcels within the island have sanitary sewer available. Two of the 14 parcels are connected to the system. There are a total of 12 residences in the island with an estimated population of 35.

This annexation is being processed through the special "Island Annexation" legislation enacted by the State, as described below. A "Question and Answer" pamphlet that provides information

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.

regarding some of the questions staff anticipated might be asked was included with the public hearing notice that was sent to property owners. In addition, on September 12, a neighborhood meeting was held for the property owners in the "island" to provide an opportunity to ask questions and for staff to provide information and to describe the annexation process. One property owner attended the meeting and spoke with city staff from Police, Fire and Public Works/Engineering who represented their departments.

The Visalia Land Use Element designates the properties as "Low Density Residential" and the territory would be zoned R-1-6 (Single Family Residential), upon annexation.

City Services, including Police and Fire protection, will be provided to the island upon annexation. As previously mentioned, sanitary sewer service is available to 9 of the 14 parcels. Many of the city services, such as Park and Recreation programs, are already available to the residents of the island, and following annexation, the full complement of city services and programs will be provided.

Costs to Property Owners

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

Island Annexations

This island annexation, Tulare Avenue, is being processed through special State Legislation that became effective January 1, 2000 and that will sunset January 1, 2007. (A bill approved by the State Legislature and pending signature by the Governor will extend this legislation to 2014.) This legislation provides a streamlined process for island annexations that meet certain criteria. This state legislation provides a window of opportunity to create a more efficient method for local government to deliver public services and eliminate the costly duplication of services that result when two agencies, the City and the County, provide similar urban services within the same general geographic area. The legislation provides that island annexations initiated by City Council must be approved by the Local Agency Formation Commission (LAFCO) if specific criteria are met. The criteria are:

- It does not exceed 150 acres in area, that area constitutes the entire island
- The territory constitutes an entire unincorporated island located within the limits of a city.
- It is surrounded, or substantially surrounded, by the city to which annexation is proposed.
- It is substantially developed or developing.
- It is not prime agricultural land.
- It will benefit from the annexation or is receiving benefits from the annexing city.

Nine islands have been annexed through this special legislation to date.

Effective Date of Annexation

The resolution and proposal questionnaire include a request to LAFCO that the effective date of the annexation be set for January 1, 2007, to allow for LAFCO noticing requirements for a public hearing in November and time period before the Notice of Completion may be filed. Staff believes that it will be helpful for residents of the island and service providers to know specifically when the change in jurisdiction will take place.

Summary

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

Prior Council/Board Actions:

Committee/Commission Review and Actions:

The Planning Commission reviewed 16 potential island annexations on January 26, 2003 and forwarded them to the City Council with the finding that they are consistent with the Visalia General Plan.

Alternatives: None recommended.

Attachments: Location Map
Resolution
Proposal Questionnaire
Plan for Services

Recommended Motion (and Alternative Motions if expected):

I move that Council adopt **Resolution No. 2006 – 87**, adopting Negative Declaration No. 2006-23 and adopt **Resolution No. 2006 - 88** initiating Annexation 2006-05, Tulare Avenue Island Annexation.

Environmental Assessment Status

CEQA Review:

Required? Yes

Initial Study prepared and Notice of intent to adopt a Negative Declaration was published and posted for a period of not less than 20 days in accordance with provisions of CEQA. Adoption of Negative Declaration 2006-23 is part of the proposed action.

Review and Action: Prior:
Required

NEPA Review:

Required? 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)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording:

Public Hearing - Adoption of **Resolution No. 2006- 84** , ordering the vacation of a portion of the west side of Vista St., between Noble Ave and a point mid-block between Westcott Ave. and Meadow Avenue. (Resolution No. **2006- 84** required.)

Deadline for Action: none

Submitting Department: Public Works/Engineering

Contact Name and Phone Number:

Phyllis Coring – 713-4566
Doug Damko – 713-4268

Department Recommendation:

Staff recommends that City Council hold a public hearing and adopt **Resolution No. 2006-84** , ordering the vacation of a portion of the west side of Vista St., between Noble Ave and a point mid-block between Westcott Ave. and Meadow Avenue.

Summary/background:

On August 17, 2006, City Council adopted Resolution No. 2006-72, declaring its intent, and setting the date of public hearing, to vacate (abandon) from 10 to 30 feet of excess right of way along the west side of Vista St., between Noble Ave. and a point mid-block between Westcott and Meadow Ave.

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 resultant 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.

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.

The vacation (abandonment) will not require property owners to change any improvements on their property. The pavement width and curb and gutter location will not change as the result of this action. The proposed action affects 14 individual properties.

The amount of right-of-way to be vacated along the west side of Vista St. varies in width from 10 feet to 30 feet. The vacation 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 in August, notices were posted along the roadway and notices were published in the newspaper as required by the State Streets and Highway Code. In addition, letters and hearing notices were sent to the 14 property owners who would be affected by this proposed action. Utility companies were previously noticed. No objections have been received to date, although several property owners contacted city staff with questions.

Following the public hearing, Council may adopt a resolution ordering the vacation of excess right-of-way. The vacation would become effective upon the recordation of the 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. 2006-84**, ordering the vacation of a portion of the west side of Vista St., between Noble Ave and a point mid-block between Westcott Ave. and Meadow Avenue.

Environmental Assessment Status

CEQA Review: The project is a Class 5 Categorical Exempt from CEQA, per CEQA Guideline Section 15305.

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*)

A certified copy of the resolution must be recorded – the effective date of the vacation will be the date the resolution is recorded.

Copies of this report have been provided to:

RESOLUTION NO. 2006- 84

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
ORDERING THE VACATION OF A PORTION OF THE WEST SIDE OF VISTA ST.,
BETWEEN NOBLE AVE AND A POINT MID-BLOCK BETWEEN WESTCOTT AVE. AND
MEADOW AVENUE AS DESCRIBED IN
EXHIBITS "A-1" THROUGH "F-2", ATTACHED HERETO.**

WHEREAS, the Council of the City of Visalia adopted Resolution No. 2006-72 on August 17, 2006, declaring its intention to vacate a portion of the west side of Vista St., between Noble Ave and a point mid-block between Westcott Ave. and Meadow Avenue., and setting the date of public hearing, and

WHEREAS, this being the time and place for the hearing on said matter as provided in said resolution adopted by the City Council of the City of Visalia, and

WHEREAS, notice of said proposed vacation has been duly posted and published as provided in and required by the State of California Streets and Highway Code, Public Streets, Highways and Service Easements Vacation Law, and

WHEREAS, the City Council having heard all evidence concerning said matter, finds the portion of the street is unnecessary for the present use of prospective public street purposes and the Council, having so found, further finds that no damage will result to anyone from the vacation of said right-of-way.

NOW THEREFORE BE IT ORDERED by the City Council of the City of Visalia, that said right-of-way as described and depicted in Exhibits "A-1" through "F-2" of this resolution, be vacated and that the public easement of said right-of-way is hereby terminated;

AND BE IT FURTHER ORDERED, by the City Council of the City of Visalia that a certified copy of this order be attested by the City Clerk of the City of Visalia, and be recorded in the office of the County Recorder of the County of Tulare, State of California.

Passed and Adopted

City of Visalia
Agenda Item Transmittal

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Extension of Interim Ordinance 2006-10 establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area designated as Zone 2, generally located north of Murray/Goshen Avenue and east of Santa Fe: Approval of **Resolution 2006-85**. Extending Interim Ordinance 2006-10 for 22 months and 15 days. *(A 4/5 vote is required to extend this ordinance)*

Deadline for Action: None

Submitting Department: Community Development

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

Recommendation and Summary: Staff recommends Council extend for a period of 22 months and 15 days the attached Ordinance No. 2006-10 "Interim Ordinance Establishing Prohibited and Permitted Uses and Development Standards for a Portion of the East Downtown Strategic Plan Area designated as Zone 2, generally located north of Murray/Goshen Avenue and east of Santa Fe". This interim ordinance was adopted and became effective on August 7, 2006 pursuant to California Government Code Section 65858 and has an initial life of 45 days. On August 28, Council accepted the written report describing measures being taken to alleviate the conditions which led to the adoption of Ordinance No. 2006-10. If the ordinance is not extended by action of the Council it will expire on September 21, 2006. If the City Council chooses to extend the ordinance it will be in effect until August 6, 2008.

Background

On December 19, 2005, Council approved the East Downtown Strategic Plan and authorized several steps towards implementation. The East Downtown Strategic Plan area is bounded by Murray/Goshen on the north, Ben Maddox on the east, Mineral King on

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time

(Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

the south and Bridge Street on the west, and is located immediately south of the area covered by Ordinance 2006-10. The steps included the establishment of an earlier interim ordinance for the Strategic Plan Area (Zone 1) that would prohibit new uses incompatible with the Strategic Plan, modify the list of permitted and conditional uses allowed in a portion of the plan area consistent with the plan concepts, and modify development standards and in lieu parking standards. The interim zone would be in effect until permanent General Plan, zoning, parking, and design district standards can be developed, reviewed with East Downtown property owners and interested parties, processed pursuant to planning procedures, and eventually considered for adoption by Planning Commission and Council.

Due to the interest in redeveloping lands located north of the Strategic Plan Area, the City Council authorized preparation of a "Framework Plan" for an area located north of Murray/Goshen Avenue to approximately Houston Avenue, and the framework plan will provide recommendations regarding future land use patterns and development standards for this area. These recommendations will lead to General Plan and zoning amendments to facilitate investment and optional development in this portion of the community.

With ongoing interest in downtown development, on August 7, Council adopted a second interim ordinance (no. 2006-10) to extend the concepts contained in the East Downtown Strategic Plan to the subject area designated as Zone 2. Zone 2 is a portion of and located within the framework plan area. This Interim Ordinance for Zone 2 is the subject of the extension hearing on September 18, 2006.

The 2006-10 ordinance for Zone 2 has several significant features, including the following:

- The East Downtown Overlay Zone applies to a portion of the East Downtown Strategic Plan area, as shown on the attached map and designated as Zone 2. This zone is divided into two areas; the first is the larger portion of a block bounded by Murray/Goshen to the south, Santa Fe to the west, Douglas to the north, and Burke to the east, and the second is the larger portion of property owned by the Farm Bureau in the block bounded by Murray/Goshen to the south, Burke to the west, Douglas to the north and one property short of Ben Maddox to the east.
- The North East Downtown Overlay Zone 2 supersedes the requirements of underlying zone designations to implement the concepts contained in the Strategic Plan. The existing zoning for this area is Service Commercial except for one parcel that is zoned Quasi Public. The Overlay Zone establishes interim land use regulations for the overlay district consistent with the Strategic Plan concepts, and prohibits most service commercial land uses that are allowed under the current CS Zone district.
- Service commercial uses that became nonconforming under the interim overlay district will be subject to nonconforming use provisions contained in the Zoning Ordinance. In general, these provisions allow legally nonconforming uses to be maintained indefinitely, and expanded up to 20% upon granting of a conditional use permit. Further, if a nonconforming use is discontinued, it can be re-

established with a similar or more restrictive nonconforming use so long as said re-establishment occurs within 180 days and provided no structural alterations are made to the building. Visalia Municipal Code Sections 17.40.060 (Nonconforming Uses) and 17.40.070 (Expansion of Nonconforming Uses and Structures) are attached.

- The ordinance allows up to a maximum of (i.e., no more than) 50% of required parking to be provided on-site. The establishment of a maximum limit for on-site parking is intended to facilitate higher density urban development in the East Downtown by encouraging property owners to devote most or all of their sites to retail, office, and mixed use buildings, and not for parking. Remaining parking obligations will be satisfied through the in lieu parking district program, or through private off-site parking facilities. Up to 100% of required parking in the interim overlay area can be purchased through the in lieu parking program. The current in lieu parking fee is \$3329.18 per space. The fee is subject to periodic modification by Council.
- The East Downtown Overlay Zone 2 contains modified parking requirements. The parking standards contained in the Overlay Zone will require less parking than current standards. Reduced parking standards are reflective of the high density urban perspective of the East Downtown Strategic Plan, and will provide an incentive for private sector investment in the East Downtown area.
- Per Government Code Section 65858 this proposed extension of the interim ordinance will last 22 months and 15 days. This time frame will be sufficient to complete the framework plan and process follow up General Plan and zoning amendments.

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

Prior Council/Board Actions:

August 28, 2006 Council issuance of 10 day report for Ordinance 2006-10

August 7, 2006 Adoption of Interim Ordinance 2006-10

Alternatives:

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

Attachments:

1. East Downtown Overlay Zone (Ordinance No. 2006-10)
2. Map of Interim Ordinance Area Zone 2
3. Visalia Municipal Code Sections 17.040.060 & 17.040.070

4. Resolution 2006-85

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to extend Ordinance No. 2006-10, an interim ordinance establishing the East Downtown Overlay Zone 2, for a period of 22 months and 15 days, and adopt **Resolution 2006-85** in support of Interim Ordinance No. 2006-10.

Environmental Assessment Status

CEQA Review: None required for Interim Ordinance

NEPA Review:

Copies of this report have been provided to:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

ORDINANCE NO. 2006-10

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

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

SECTION 1 – Preamble and Findings.

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

SECTION 2 - Definitions.

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

land covered by the Northeast Downtown Zone 2 shall be determined by reference to the map on file, and not by reference to the above general description.

- B. Primary Commercial Street shall refer to the following streets (unless otherwise noted, the entire length of the street that lies within the East Downtown Overlay Zone shall be included in the Primary Commercial Street designation): Santa Fe Street, Main Street, Burke Street, Oak Street between Bridge Street and 300 feet east of Tipton Street, Mineral King Avenue between Bridge Street and Tipton, and Mineral King Avenue for 300 feet on either side of Burke Street.
- C. Mixed Use Commercial Development shall mean any development of two stories and taller that mixes two or more commercial uses.
- D. Mixed Use Residential Development shall mean any development of two stories and taller that mixes commercial and residential uses.
- E. Live-Work Development shall mean a development of one or more stories that feature a residential component connected to a commercial component and that is designed to allow the resident of the residential component to work or maintain a business in the connected commercial component.

SECTION 3 – Allowable Land Uses.

- A. The provisions of Visalia Municipal Code Section 17.18.050, including the uses identified in the matrix referred to therein which would otherwise be applicable, shall have no application to land within the Northeast Downtown Zone 2. The only land uses that shall be allowed within the Northeast Downtown Zone 2 shall be those identified in this section.
- B. The purpose of the Northeast Downtown Zone 2 is to promote infill development that is compatible with downtown commercial uses and mixed-use neighborhoods identified in the Plan. To the extent this purpose is in conflict with the purposes identified in Visalia Municipal Code Section 17.18.010 that would otherwise be applicable, the purpose stated herein shall prevail.
- C. Nothing in this ordinance shall affect, supersede or alter the provisions of 17.40, relating to the continued existence and one-time expansion, subject to conditional use permit, of non-conforming uses.
- D. If a development, of a type that is listed in this section as being permitted, conditionally permitted or temporarily permitted, would otherwise require a Planned Development Permit according to the provisions of Visalia Municipal Code Chapter 17.26, such development shall comply with that chapter and obtain a Planned Development Permit in addition to complying with this ordinance.
- E. No residential uses, whether part of a purely residential development or a Mixed Use Residential development, shall be allowed on the ground floor of any building on any parcel that has frontage on any Primary Commercial Street.
- F. The first floor of any development located on any parcel that has frontage on any Primary Commercial Street shall be limited to the uses identified by asterisks in the list of permitted and conditionally permitted uses set forth in sub paragraph G below.
- G. The following uses shall be designated as Permitted, Conditional or Temporary within the Northeast Downtown Zone 2, and such designations shall have the same meaning and effect as provided in Title 17 of the Visalia Municipal Code:

PERMITTED, CONDITIONALLY PERMITTED, TEMPORARY AND FIRST FLOOR USES

P=Permitted use

C=Conditional use

T=Temporary use

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

Agricultural	
Farmers Market	C*
Auditoriums	C*

Banks and Financial Institutions	
---	--

Walk-up automatic teller	P*
Branch office with out drive-up	P*
Branch office with drive-up	C
Main office	P

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

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

Bed and Breakfast Accommodations	
---	--

Traditional Inns	P
	P*

Bus Depots	
-------------------	--

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

Catering Services

P

Christmas Tree Sales

T

Other Seasonal Commercial Uses/	
--	--

Special Events	T*
-----------------------	----

Churches and Other Religious Institutions	
--	--

Up to 200 seats	C
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Clothing/Costume Rental

P*

Communications	
-----------------------	--

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

Daycare, Licensed	
--------------------------	--

Adult	
-six or fewer adults	P
-7 to 12 adults	P
-13 or more adults	C
Children	
-eight or fewer children	P
-9 to 14 children	P
-15 or more children	C
In conjunction with primary permitted use	P

Eating and Drinking Establishments	
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Bars/Taverns --bars	C*
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-micro breweries/restaurant brewing, limited	P*
-bottling or packaging, consumption on premises or distribution locally in kegs	C*
Cafeterias	C
Pizza/Sandwich Shops	
-Serving wine/beer	P*
-No alcohol	P*
Fast Food without Drive-thru	P
Ice Cream Shop	P*
Night Clubs/Discotheques	C*
Sit-down Restaurant/Café	
-with or without full bar using less than 25% of public area	P*
-full bar using greater than 25% of public area	C*
Specialty Foods Store	P*
Florist	P*
Galleries-Art/Photography/Crafts	P*
Home Business (live-work)	P
Hotels and Motels	C*
Laundry/Dry Cleaners	
-cleaning plant	C
-pick-up point	P*
-self service	P
Manufacturing/Assembling	
Cabinetmaker/carpenter shops w/ retail	C
Printing and publishing	
-desktop, blueprint, photocopy	C
-publishing, printing, and/or binding	C
Raw Materials Manufacture with retail component	
-kiln works for clay products	C
Medical Facilities/Services	
Convalescent hospitals/ nursing homes	C
Clinics (medical groups, urgent	

care/walk-ins, dental, counseling, rehabilitation)	C
Dialysis centers	C
Opticians – Dispensing	P

Mixed-use Commercial

Development two stories and taller which mixes commercial uses	C*
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Museums P*

Offices

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

Parking Facilities for Off-site Uses C

Park and Ride C

Photocopy Services/Desktop Publishing

With printing press	C
Without printing press	P*

Photography/Photo Services

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

Planned Unit Developments

(subject to Chapter 17.26) C*

Private Clubs and Lounges C

Private Postal Service

Mail boxes, mailing service	P*
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Public Community Services (Public or Government Ownership)

Community and Recreational Centers	C
------------------------------------	---

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

Railroads

Passenger Stations	P*
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Recreation Facilities

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

Residential Uses

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

Retail

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

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

Schools, Public and Private

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

Service Commercial

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

Theaters

Auditoriums	C*
Movie	C*
Live Performance	C*

Utilities

Business Offices	P
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Veterinary Services

Animal Care Clinic (no boarding)	C*
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Other

Other Uses Similar in Nature and Intensity as Determined by the City Planner	C*
Business which Initially Employ more than 750 Employees	C

SECTION 4 - Development Standards

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

in conflict with the provisions of Visalia Municipal Code Chapter 17.30, then the provisions of this section shall prevail. Otherwise, the provisions of Visalia Municipal Code Chapter 17.30 shall also be applicable to the developments subject to this ordinance.

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

Required Setbacks

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

Parking Requirements

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

SECTION 5 – Effective Date and Duration

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

PASSED AND ADOPTED:

RESOLUTION NO. 2006-85

A RESOLUTION OF THE VISALIA CITY COUNCIL EXTENDING INTERIM
ORDINANCE NO. 2006-10 FOR 22 MONTHS AND 15 DAYS

WHEREAS, Interim Ordinance No. 2006-10 was adopted by the Visalia City Council on August 7, 2006 by a 5-0 vote; and

WHEREAS, Interim Ordinance No. 2006-10 temporarily establishes prohibited uses, allowed uses and development standards for a portion of the East Downtown Area, designated as Zone 2 and generally located in an area north of Murray/Goshen Avenue and east of Santa Fe; and

WHEREAS, Interim Ordinance No. 2006-10 was adopted pursuant to California Government Code Section 65858 and would expire 45 days from the date of adoption (September 21, 2006) unless said interim ordinance is extended by vote of the City Council following notice called for by Government Code Section 65858; and

WHEREAS, the notice called for in Government Code Section 65858 for consideration of extension of Interim Ordinance No. 2006-10 has been provided; and

WHEREAS, a public hearing was held by the City Council on September 18, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Visalia City Council hereby extends Interim Ordinance No. 2006-10 for a period of 22 months and 15 days.

17.40.060 Nonconforming uses.

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

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

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

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

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

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

17.40.070 Expansion of nonconforming uses and structures.

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

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

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

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

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

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

City of Visalia Agenda Item Transmittal

Meeting Date: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Review of the 2005-2006 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) (CDBG & HOME). **Resolution 2006- 86**

Deadline for Action: September 18, 2006

Submitting Department: Community Development

Contact Name and Phone Number: Eric Frost x4474, Rhonda Haynes x4460, Sharon Sheltzer x4414, Kari Blofsky x4298

Department Recommendation: That the City Council adopt by resolution the Final CAPER (Consolidated Annual Performance Evaluation Report).

Summary/background:

On August 28, 2006, the City Council reviewed the City's Consolidated Annual Performance Evaluation Report (CAPER) and provided direction. Specifically, staff made the following adjustments or notes:

- Neighborhood revitalization is a difficult job and may require door to door outreach. As staff reworks plans for next year, strategies to reach out to targeted neighborhoods, possibly in a door to door method will be included.
- Increase staffing and vendor support. The hiring of vacant positions is in process and increased coordination and efforts with contracted providers should increase the City's efforts in housing.
- Build structures with other housing groups. The City has a history of partnership with other housing organizations such as the Tulare County Housing Authority, Visalia Senior Housing, Inc. and Christian Church Homes of Northern California. With these partners, we have created several senior housing projects including the Visalia Senior Housing Tower project next to the City's Senior Center (50 units), Kimball Court and the Good New Center.

Presently the City has two affordable housing projects underway (Robinwood has 10 units and Mill Creek has 70 units) and one senior housing project in the early stage of development (Expected to have in excess of 50 units). Staff also is in preliminary discussions with VIAH and the Housing Authority about a possible project for apartment

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.

rehabilitation to provide affordable housing. As this plan is prepared, Council will need to review and approve the plan to go forward. Staff would like to explore options to expand partnerships to include other non-profit affordable housing developers, and sees the future housing development in the East Downtown area as an opportunity to build additional relationships.

- Consider using more or different vendors, including Self-Help Enterprises, C-SET and others, if appropriate. Staff will be reviewing a number of contracts this year and will reach out to Self-Help and C-Set in particular.
- Advertise the First Time Home Buyers Program to make sure it is well known in the community, including radio and cable advertising. Increase interaction with realtors to remind them to notify eligible candidates. Staff will add these projects to its work program to improve the awareness of this and other programs. Between August 28 and September 5, 2006 VIAH has received 68 inquiries into the details of the program since Council authorized the loan program changes.

Since the August meeting, both the CAC and North Visalians have reviewed the CAPER and endorsed the Council's approval. Some of the comments from those two public meetings include the following:

- Consider using the local schools as a referral source for public outreach.
- For programs targeting seniors in mobile home parks, prepare directed fact sheets for each park's manager or homeowners association.
- The CAC subcommittee on CDBG programs is interested in receiving periodic updates.
- Bring back a progress report when the next action plan is submitted.
- Be careful not to get people into a position that the program over extends the families' fiscal abilities.
- Ensure that some materials are available in Spanish.
- Consider using some of the resources of NeighborhoodWorks, national nonprofit organization created by Congress to provide financial support, technical assistance, and training for community-based revitalization efforts.

Staff will incorporate these comments into its work plan. Tonight, Council's action is to conduct a public hearing and adopt the CAPER which will then be sent to HUD.

HUD Reporting Requirements. The City of Visalia must submit a Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development as part of the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program requirements. This report is due by October 1, 2006. Essentially, the CAPER is the City's report card on how these grant monies are being used.

The 2005-2006 Program Year CAPER provides Council with information about where CDBG and HOME funds were spent compared to the needs of the community. The report recognizes the progress and accomplishments achieved this year in reaching the goals set in the 2005/10 Five-Year Consolidated Plan, and the 2005-2006 Annual Action Plan.

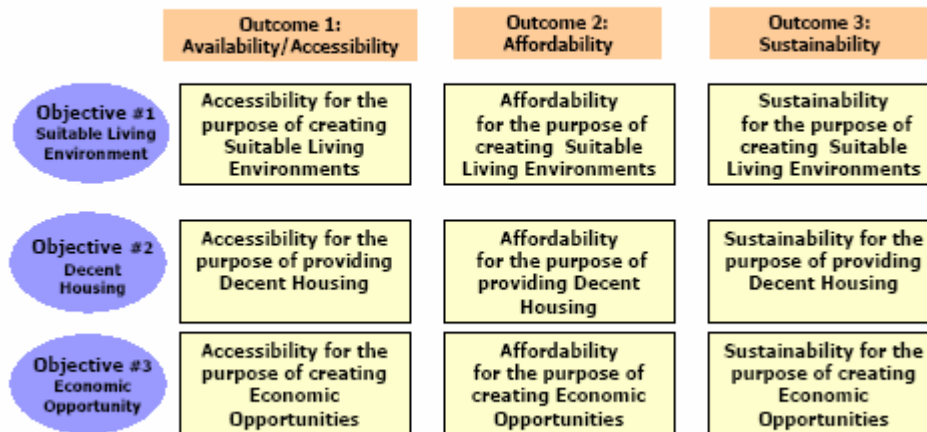
The City receives HOME and CDBG grants to further the national objectives spelled out by Congress. The national objectives are to:

- create suitable living environments including activities designed to benefit communities;
- provide decent housing; and
- create economic opportunities.

The outcomes are to make services, infrastructure, public services, public facilities, and housing to low-and moderate-income people, including persons with disabilities available, accessible, affordable and sustainable by improving communities and our neighborhoods by helping to make them livable by removing or eliminating blighted areas. In other words, the national objectives strive to make sure that all these objectives are available, affordable and sustainable as shown on Chart I, Link between Objectives, Outcomes and Outcome Statements.

Chart I

Exhibit 2-1: Link between Objectives, Outcomes, and Outcome Statements



Report Format. HUD has revised the method of reporting the City's housing activities by creating a standard template that all HUD grant recipients must complete. This new format, called the Consolidated Development Plan (CDP), provides for standardized reporting, but can be redundant for some cities like Visalia. The report covers the fiscal year ending June 30, 2006. Further, to allow Council time to consider the report, this draft is being provided now with some additional reporting to come later as final numbers are gathered for last fiscal year.

Program Analysis. During the 2005-2006 Action Plan year, some programs exceeded expectations while others fell below desired results. Staff is identifying appropriate actions to improve results in areas that achieved less than satisfactory results. The City's programs could be classified as follows:

Neighborhood Rehabilitation Projects assisting low income families, programs include: the Senior Handicapped and Repair Program (SHARP), the Housing Rehabilitation Program, the Emergency Repair and Basic Needs Program; and, the Senior Home Repair Program.

Public Improvement Projects are the ADA Compliance projects, Community Campus of Visalia, Park Improvements, the Parking Structure Construction, and the East Parking Structure Debt Payment.

Community Service Projects are Code Enforcement Program, Fair Housing Hotline Program and the Continuum of Care Support.

Economic Development funds include the VF Corporation and Redevelopment Projects include the Downtown Senior Housing Project and property acquisitions.

Table I, HUD Program Goal Achievement is summarizes the 2005-2006 Action Year Goals and Accomplishments below:

Table I
HUD Program Goal Achievement

Program	Goal	Actual	% of Goal
Senior Home Minor Repair Program (Provides minor home repairs to seniors)	600	735	123
Emergency Repair and Basic Need's (Provides home repair loans up to \$10,000 to mitigate health and safety problems.)	9	2	22
Senior and Handicapped Repair Program (Provides grants of up to \$5,000 to low and extremely low income individuals to repair mobile homes.)	14	14	100
Housing Rehabilitation Program (Provides 2% loans up to \$35,000 to rehabilitate homes of low to moderate income individuals.)	6	0	0
First Time Homebuyers (Provides 2% loans up to \$75,000 to low to moderate income individuals for home ownership.)	20	9	45
Fair Housing (Provides referral information and assistance to those complaining about possible housing discrimination.)	120	149	125

In addition, the City has completed Chart II, Outcome Performance Measurement, patterned after the HUD reporting model as shown in Chart I, Link between Objectives, Outcomes and Outcome Statements.

Chart II

Outcome Performance Measurements			
	Outcome # 1: Availability/Accessibility	Outcome # 2: Affordability	Outcome # 3: Sustainability
Objective #1: Suitable Living Environment	1) Senior Repair & Handicapped Access Program; 2) ADA Compliance Program; 3) Park Improvements; 4) Continuum of Care Support	1) Downtown Senior Housing Project	1) Senior Home Repair Program; 2) Code Enforcement; 3) Fair Housing Hotline Program
Objective #2: Decent Housing	1) Property Acquisition-Housing Projects; 2) Administration	1) First Time Homebuyers Program; 2) Robinwood Court (TCHA) Project	1) Emergency Repairs & Basic Needs Program; 2) Housing Rehabilitation Program; 3) Loan Recapture Program
Objective #3: Economic Opportunity	1) Community Campus of Visalia		1) East Acequia Parking Structure (Section 108); 2) West Acequia Parking Structure (Section 108); 3) West Acequia Parking Construction; 4) Job Creation

Council has already taken action to improve the performance of the First Time Homebuyers program by increasing the maximum loan amounts. Staff proposes reviewing and suggesting improvements to the Emergency Repair and Basic Needs (ERBN) loan program and Housing Rehabilitation Program. Both these programs performed at levels less than desired.

In addition to improving the performance of these programs, the City also has an obligation to expend grant monies within 5 years of receipt. HUD also requires that all program income received from HUD programs be expended before grant revenues are accessed. Because the City has traditionally used HOME and CDBG monies in loan type programs, a large amount of program income has been received over the last several years. In the 1990s, HOME program income averaged approximately \$200,000 a year. For the last three years, HOME program income has exceeded \$1,000,000 a year. As a result, the City has not drawn upon its grants but only used program income. As a result, staff needs to increase the activity of its programs to assure that prior grant awards are not withdrawn.

Prior Council/Board Actions: Reviewed the Draft CAPER on August 28, 2006. Adoption of the 2005/10 Consolidated Plan and annual adoption of the respective 2005-2006 Action Plan and amendments for expenditure of Federal Community Development Block Grant and HOME Funds.

Committee/Commission Review and Actions:

Alternatives: None recommended.

Attachments: 2005-2006 Program Year Consolidated Annual Performance and Evaluation Report (CAPER).

Recommended Motion (and Alternative Motions if expected): Move to adopt by resolution 2006-86 the 2005-06 CAPER for submission to HUD.

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: September 18, 2006

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: : Public Hearing on the proposed first amendment to the Community Development Block Grant (CDBG) and HOME Program FY 2006-07 Action Plan

Deadline for Action: September 18, 2006

Submitting Department: Community Development and Redevelopment Division

Contact Name and Phone Number:
Kari Blofsky, Financial Analyst 713-4298
Eric Frost, Administrative Services Director, 713-4474

Department Recommendation: After holding a public hearing to take public testimony and comments, Staff recommends the City Council:

- Approve and adopt the proposed first amendment to the CDBG and HOME Program FY 2006-07 Action Plan; and
- Appropriate:
 - \$1,000,000 to the FTHB/HOME Program
 - \$100,000 to ERBN program/CDBG
 - Delete \$194,665 from the ERBN program/HOME, to comply with HUD regulations

Summary/background:

The US Department of Housing & Urban Development (HUD) administers the Community Development Block Grant (CDBG) and HOME programs that distribute federal funds to promote affordable housing, economic development and public improvement projects and programs to benefit low-income families and persons with special needs. HUD has designated the City of Visalia as an entitlement city by virtue of having a population exceeding 50,000 residents. This designation allows Visalia to receive CDBG and HOME Program funds without having to annually apply for the grants. Table I, Fiscal Resources 2006-07, details the resources available to the City.

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.

Table I			
Estimated Fiscal Resources 2006-07			
	CDBG	HOME	Total
Grant	\$ 1,217,012	\$ 512,706	\$ 1,729,718
Program Income	\$ 250,000	\$ 600,000	\$ 850,000
Total	\$ 1,467,012	\$ 1,112,706	\$ 2,579,718

Program income is generated from loan payments and loan payoffs when a home is sold or refinanced.

On April 17, 2006, the City Council adopted the 2006-2007 Annual Action Plan for the use of Federal CDBG and HOME Program funds. The budget was based upon anticipated projects, programs and activities to be undertaken during the fiscal year. HOME program income for fiscal year 05/06 was budgeted at \$600,000 and actual program income was reported at \$1,500,000. HUD regulations state that program income must be used before grant funds are used. Due to these regulations and time limit requirements for spending program income the City may lose a portion of the grant funding if program income is not spent in a timely matter. Changes in programs and an overwhelming amount of HOME Program income have necessitated the reallocation of the CDBG and HOME Program funds and adoption of an amendment in accordance with HUD regulations.

The Community Redevelopment Agency of the City of Visalia has met with the CAC committee September 6th 2006 and the North Visalia Neighborhood Advisory Committee September 11, 2006 to review and comment on the Action Plan Amendment. Both groups approved the plan.

Proposed Action Plan Amendment – Budget Amendment

The following summary shows the proposed amendment to the current 2006-2007 Action Plan budget, as shown in Table II, Proposed 2006-2007 Action Plan Amendment.

Table II PROPOSED 2006-2007 ACTION PLAN AMENDMENT			
HOME			
PROJECT (Increase)	BALANCE JULY 1, 2006	PROPOSED AMENDMENT	AMENDED PROJECT BALANCE
1 First Time Homebuyers Assistance Program	751,252	1,000,000	1,751,252
PROJECT (Decrease)			
2 Emergency Repairs and Basic Needs	194,665	(194,665)	-
NET CHANGE HOME		<u>805,335</u>	
PROPOSED 2006-2007 ACTION PLAN AMENDMENT			
CDBG			
PROJECT (Increase)	BALANCE JULY 1, 2006	PROPOSED AMENDMENT	AMENDED PROJECT BALANCE
3 Emergency Repairs and Basic Needs	-	100,000	100,000
NET CHANGE CDBG		<u>100,000</u>	

A line item discussion of the proposed amendment follows:

Proposed Increases

1- First Time Homebuyers Assistance Program: HOME investment Partnership funds provide Visalia Interested in Affordable Housing (VIAH) to administer the program. The funds provide a second mortgage, up to \$75,000 at an interest rate of two-percent (2%) making it possible for low-to-moderate income families to own a home within the City limits. The total amended project balance is \$1,751,252; anticipated number of loans to be completed is 23.

2- Emergency Repair and Basic Needs Program (ERBN): Funds are provided allowing Central Valley Christian Housing (CVC) to administer the ERBN program. The funds are provided as a second mortgage, up to \$10,000, at an interest rate of two-percent (2%), making it possible for extremely low –to– low income homeowners to address specifically health and safety issues. Examples of assistance are: replacement of roofs, flooring, electrical, plumbing and sewer, which pose immediate threat to the family's

health and well-being. Funds for this program were originally budgeted from the HOME grant. It was recently determined that HOME funds are ineligible to pay for this Program. Therefore, \$100,000 of CDBG funds need to be budgeted to cover the expenses for 2006-07. Anticipated number of units to be assisted is 9.

Proposed Decrease

3- Emergency Repair and Basic Needs Program (ERBN): Funds for this program were originally budgeted from the HOME grant. It was recently determined that HOME funds are ineligible to pay for this Program.

Staff will meet with committees, receive comment and report back to Council at the September 18th Council meeting.

Prior Council/Board Actions: April 17, 2006 Annual Action Plan 2006-07 adopted by Council and August 28, 2006 Work session first amendment to 2006-07 Action Plan

Committee/Commission Review and Actions:

Citizens Advisory Committee: Meeting was held September 6th, 2006, forwarded to City Council with approval. North Visalia Neighborhood Advisory Committee: Meeting was held September 11th, forwarded to City Council with approval.

Alternatives: None

Attachments: Revised CDBG and HOME project list.

Recommended Motion (and Alternative Motions if expected):
Upon holding a Public Hearing:
I move the City Council:
▪ Approve and adopt the proposed first amendment to the Community Development Block Grant and HOME Program FY 2006-07 Action Plan; and
Authorize staff to make the appropriate budget adjustments

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)*

Staff to make the appropriate budget adjustments and proceed with the projects, programs and activities in accordance with the adopted budget as amended.

Copies of this report have been provided to: