

# Visalia City Council Agenda



For the regular meeting of: Monday, October 16, 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.

---

## **JOINT VISALIA CITY COUNCIL/VISALIA PLANNING COMMISSION WORK SESSION AND ACTION ITEMS (as described)**

**4:00 p.m.**

1. Building on the Success of Downtown
  - East Downtown Plan
  - Civic Center Area Specific Plan
  - Interim Ordinances
  - Long Range Hospital Plans
  - Parking
2. Urban Development Boundary-Population Capacity Findings and Infill Strategies
3. Master Plans and Specific Plans in Process
  - Southeast
  - North Dinuba Blvd.
  - Lowery Ranch
  - West Highway 198
4. Concluding Comments (*Discussion only, written material will not be available.*)

**WORK SESSION AND ACTION ITEMS (as described)  
5:30 p.m. (Or, immediately following Joint Session)**

5. Overview of the Neighborhood Preservation Division and a discussion regarding the Abandoned Vehicle Abatement Programs. **Introduction of Ordinance 2006-15** for Administrative Code Enforcement and **Introduction of Ordinance 2006-16** for Nuisance Abatement and authorizing a contract Fire Inspector position.

*\*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)**

6. Conference with Legal Counsel – Anticipated Litigation (1)  
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC)
7. Conference with Labor Negotiators  
Agency Designated Representatives: Eric Frost  
Employee organization: All
8. Conference with Real Property Negotiators  
Property: .40 acres, located at 310 N. W. Third Ave., Lot 2 of Community Campus of Visalia  
Under Negotiation: Price, terms, conditions of potential lease  
Negotiators: Steve Salomon, Michael Olmos, Sharon Sheltzer, CSET Representatives
9. Conference with Real Property Negotiators  
Property: City lots bound by Center Street to the north, Court Street to the west, Church Street to the east, and public alley between Main and Center Street to the south; APN 094-291-001 and 094-291011  
Under Negotiation: Price, terms, conditions of potential lease  
Negotiators: Steve Salomon, Michael Olmos, Colleen Carlson, William Martin, Joe Cusenza, Mike Fistolera, Andy Mangano, and Stan Simpson
10. Conference with Real Property Negotiators  
Property: 34.15 acres located at the northwest corner of Road 148 and Mineral King Avenue. APN's 103-130-046.  
Under Negotiation: Price, term and conditions for a potential purchase  
Negotiators: Steve Salomon, David Jacobs, Dan Dooley, Centex Homes and Richard Bennett
11. Public Employee Performance Evaluation  
Title: City Manager

**REGULAR SESSION**

**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** - Pastor David Miller, Gateway Church

**SPECIAL PRESENTATIONS/RECOGNITION**

“CALAFCO GOVERNMENT LEADERSHIP AWARD” presentation by Phyllis Coring

**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**

12. **CONSENT CALENDAR** - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.

- a) Authorization to read ordinances by title only.
- b) Authorization to enter into a contract with Civica Software to provide a content management system, website design, transition, training, and consulting for a not-to-exceed price of \$80,000.
- c) Approval of the appointment of Lesa Mann and the reappointment of Tom Link to the Visalia Parks and Recreation Commission.
- d) Authorization for the City Manager to accept and appropriate a grant award for \$45,606.00 from the Office of Homeland Security, Homeland Security Grant Program.
- e) Authorization to file a Notice of Completion for Project No. 1231-00000-720000-0-9840-2005 the South Visalia Sanitary Sewer Trunkline Improvements.

13. **PUBLIC HEARING** - Ordinance Amendment to Subdivision Sign Regulation. **Second Reading of Ordinance No. 2006-14** authorizing the installation of kiosk and other directional signs for subdivision development.

14. REGULAR ITEM - Evaluate recent traffic safety improvements on Ben Maddox between Paradise Avenue and Tulare Avenue and consider retaining a Consulting Engineer to analyze roadway alignment alternatives.
15. Approve the Adoption of Negative Declaration 2006-58 pertaining to Williamson Act Contract Cancellation No. 2006-02; PUBLIC HEARING requesting full cancellation of Williamson Act Land Conservation Contract No. 10263 and the disestablishment of Agricultural Preserve No. 3470;
  - a. **Resolution 2006-101** Adoption of Negative Declaration 2006-58, pertaining to Williamson Act Contract Cancellation No. 2006-02. *(A separate Motion by the Council is required.)*
  - b. PUBLIC HEARING - **Resolution 2006-102**, Williamson Act Contract Cancellation No. 2006-02: A request by North Visalia Investments, LLC (Thomas C. Brodersen, agent) for the full cancellation of Williamson Act Land Conservation Contract No. 10263 and the disestablishment of Agricultural Preserve No. 3470, covering approximately 30 acres north of Riggin, east of Dinuba Boulevard. *(A separate Motion by the Council is required.)*
16. PUBLIC HEARING - Approve the recommended expenditure of and appropriate the State of California 2006 Citizens Option for Public Safety (COPS) Program funds of \$216,374. **Resolution 2006-103.**

#### REPORT ON ACTIONS TAKEN IN CLOSED SESSION

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

Buyer	Seller	Address	Other Information
City of Visalia	Pineda	341 N. Lovers Lane	Property purchased Street Right-of-way
Sequoia Boy Scouts	City of Visalia	NW 3 <sup>RD</sup> Avenue, Community Campus	Property sold
City of Visalia	Billy Peel	3249 N. Demaree	Property purchased Street Right-of-way

#### Upcoming Council Meetings

Monday, November 6, 2006  
Monday, November 20, 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:** October 16, 2006 – Joint City Council/Planning Commission Meeting

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

**Agenda Item Wording:** Building on the Success of Downtown

**Deadline for Action:** NA

**Submitting Department:** Community Development

**Contact Name and Phone Number:** Mike Olmos 713-4332

**Department Recommendation:** Information and discussion item.

**Summary/background:** Downtown Visalia continues to be one of the most vibrant and successful downtowns in the San Joaquin Valley. The success of the downtown is attributed to several factors: the hard work of business owners and investments by property owners in the downtown; the strong efforts of Downtown Visalians; the ongoing commitment and strategic investments by the City of Visalia in downtown; and other contributing factors. While recognizing our successes, opportunities exist to continue improving and expanding the downtown and to strengthen its vitality and role as the city center. These opportunities will be discussed in this report.

**Recent Major Actions:**

The City Council has recently made or facilitated numerous strategic decisions and projects to enhance the vibrancy of downtown and facilitate expansion in a complementary manner. A partial list of these efforts includes:

Planning Activities

- Completed a Medical District Master Plan to retain Kaweah Delta District Hospital facilities in the downtown. The first phases of that plan are the KDDH medical tower and City 700 space parking structure now under construction. This cooperative effort

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time

(Min.): 30

**Review:**

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

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

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

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

between KDDH and the City will provide major long-term benefits for the downtown by retaining a very large work force and visitor destination point in the downtown, by generating demand for supporting medical office and other uses in the downtown, and by creating downtown synergy through expansion of their facilities.

- Preparation of the East Downtown Strategic Plan establishing strategies to revitalize the East Downtown area as an extension of and complementary to the existing core downtown area. Interim zoning is in place to immediately implement the concepts contained in the Plan. Permanent implementation efforts (General Plan, zoning and other amendments) and now under way. (See Attachment 3.)
- Awarded a contract for a design team to prepare a master plan to upgrade infrastructure in the East Downtown area and for establishment of a new linear park along Mill Creek in the East Downtown.
- Initiated a hydrology study for identifying water sources and a circulation method for maintaining flow in Mill Creek as an environmental amenity and for groundwater recharge.
- Initiated the development of a master plan for the two-block area currently encompassing the City Hall West complex and bounded by Mineral King Avenue, Conyer Street, Acequia Avenue, and Johnson Street to transition this area to a future medical office district to support the KDDH expansion.
- Undertook a master planning effort for a new Civic Center to be located on the Oak Avenue extension, east of Burke Street. The future Civic Center complex will house most City administrative, financial and community development activities along with public safety (Fire and Police) administration. The complex may also include space to house other public agencies. The Civic Center will eventually be developed with multi-story (6-8 story) buildings and structured parking, and oriented toward a future linear park along Mill Creek with a pedestrian link to other segments of downtown.
- Initiated a “framework plan” to be prepared to establish recommendations for compatible land use planning strategies in outlying areas further north and east of downtown.

### Significant Land Acquisition and Sales

- Acquired approximately forty acres from two property owners in the area generally bounded by Mill Creek on the south; Ben Maddox on the east; Goshen on the north; and Tipton on the west, for the development of the Civic Center, Mill Creek restoration, a linear park, and private office and residential development.
- Sold a parcel at the southeast corner of Oak Street and Santa Fe to the Chamber of Commerce for their new building that was occupied in March 2006.
- Sold a parcel at the southwest corner of Acequia and Stevenson for the construction of a two-story medical office building.
- Authorized the solicitation of letters of interest from qualified development teams to develop a multi-story, mixed use project (retail and/or offices and housing) on an approximately 12,400 sq. ft. City owned site located at the southeast corner of Acequia and Santa Fe Street.
- Completed acquisition of portions of the Santa Fe Street alignment between St. John’s River and Avenue 272 to facilitate future street widening for achieving arterial status. This effort will be combined with the construction of a bridge over State Highway 198

beginning in 2007 to create a new major north-south arterial across the City to provide additional access to downtown.

### Recent Major Public Improvements Completed or Under Construction

- The City is constructing a 700 space parking structure on West Acequia, which is the largest capital project since the expansion of the Convention Center in the early 1990's.
- A new 108-space parking lot was completed in 2006 north of Mill Creek on the block in the west downtown bounded by Acequia, Conyer, Mineral King, and Stevenson.
- A new bridge over SR198 at Santa Fe is being designed.
- A project to build two parking lots on Oak Street and extend that street one block east from Santa Fe to Tipton should be completed in November.

With these strong efforts completed or underway to complement the already vibrant downtown, the future of Downtown Visalia continues to be very bright. Nonetheless, there are other public strategies that can be considered to further strengthen the downtown. These strategies will be discussed in this report.

### Kaweah Delta District Hospital Downtown Expansion

Perhaps the most significant event in the recent evolution of downtown is the decision by the Kaweah Delta Hospital District to retain its primary hospital facilities downtown. This decision followed a joint effort by the City and Kaweah Delta to develop a master plan for long-term expansion of hospital and related facilities in the area generally bounded by Acequia Avenue, Johnson Street, Mineral King Avenue, and Locust Street. A copy of the Hospital District Master Plan is attached (Attachment 6).

As an outgrowth of the Master Plan, a memorandum of understanding has been executed by Kaweah Delta and the City to formalize the relationship and commitments for downtown hospital expansion. The MOU establishes commitments by both the City and Kaweah Delta to facilitate the long-term expansion effort. To ensure ongoing communication and joint efforts, a City/Hospital task force is now in place. A copy of the MOU is attached (Attachment 7).

The master plan forecasts expansion of hospital facilities in downtown to the year 2030. Anticipated expansion will include phased development of six linked towers, each containing approximately six stories. The first tower is now under construction and will be completed in 2007. Other facilities include a six story support services building (located on Mineral King Avenue, and now completed), and a series of parking structures on the north side of Acequia Avenue to serve both the hospital and downtown businesses. The first parking structure (700 spaces) is now under construction and will be completed in Spring 2007.

The benefits of keeping Kaweah Delta Hospital in Downtown Visalia are very significant. With approximately 2,500 employees at the hospital and large numbers of visitors each day, Kaweah Delta provides a huge customer base for downtown businesses and restaurants. In addition, the hospital draws significant amounts of private sector support businesses that seek to locate near the hospital facilities. These businesses further enhance the downtown customer base. As

Kaweah Delta Hospital proceeds with expansion of downtown facilities, benefits to downtown will increase.

Given the beneficial relationship of Kaweah Delta to Downtown Visalia, it is critical that the City continue to support hospital operations and downtown expansion. To do so, **ongoing investments in downtown infrastructure to facilitate hospital expansion efforts will be needed, including provision of public parking facilities. Traffic and circulation improvements, upgrade of sewer and storm drain facilities, and other infrastructure needs will be necessary to serve the expansion project.**

### Development Density and Land Use Mix

Recent years have seen growing interest in downtown development and increasing land values. This interest will accelerate as projects noted above and private sector developments are completed. Downtown is also experiencing a “clustering effect” as businesses and offices try to locate within or near the downtown core.

Clearly, land use efficiency will be an increasing concern in downtown development. Multi-story development is becoming increasingly feasible, and is being seen in recent downtown projects (Kaweah Delta Hospital Support Services building and new Heart Tower, City Transit Center, Family Health Care Network, Farley Restoration, Crawdaddy’s restaurant complex). Multi-story development will continue to be the most feasible method to increase development density in the downtown and to encourage mixed use development.

The Council plans to transition the downtown from a destination point for shopping, work and entertainment, to a 24-hour living environment. Interest in downtown housing is growing in response to changing lifestyles and living preferences among consumers. The East Downtown Strategic Plan recognizes this trend and has included strategies for accommodating at least 1,000 future housing units in the East Downtown area. The East Downtown Framework Plan will also consider a substantial housing component.

Demand for offices in the downtown will also increase. This will be caused by several factors, including demand for medical office space to support Kaweah Delta Hospital, the downtown location of governmental offices, and the desirability of the downtown environment.

**The combination of these factors is leading the City to proactively revise standards for land use mix and density in the downtown in anticipation of the changing trend. Mixed land uses (retail, dining/entertainment, offices, and housing) in multi-story (3 or more stories) buildings will become increasingly feasible. The City anticipates this trend in the East Downtown and will include appropriate standards to accommodate this type of development in form-based codes now being prepared for that area. Development standards in the core downtown will also be examined to allow a greater land use mix and higher density development.**



## Parking Facilities and Standards

A characteristic of a vibrant and successful downtown is the increasing demand for parking. As downtown continues to be successful and expand, **strategies must be undertaken to ensure ongoing provision of adequate, appropriately located, and safe parking facilities.** In the core downtown, parking is primarily provided by public lots and parking structures. Some privately owned surface parking lots also exist around downtown to serve nearby businesses. In addition, the parking structure serving Willow Plaza is jointly owned by the City, Kaweah Delta Hospital, and several private businesses in the area.

Given the rising cost of land and the City's goal of maximizing development densities in the downtown, the most efficient and cost effective way to provide parking is through public lots and public or private/public parking structures. This strategy is implemented through the Parking in Lieu Fee Program. This program allows required parking for new or expanding developments to be satisfied by paying a one-time fee to the City in lieu of providing private off-street parking. The current parking in lieu fee is \$3,426 per parking space, which is less than the cost of land and improvements for private surface parking in the downtown. Parking in lieu fees paid to the City are used only to provide or improve public parking facilities in the downtown.

The City implements the parking in lieu program in two districts as shown on the attached Parking Districts map (Attachment 2). Zone 1 voluntarily allows parking in lieu fees to be paid for 100% of a project's parking obligation. Zone 2 voluntarily allows parking in lieu fees to be paid for 50% of the parking obligation. The current interim ordinance for the East Downtown requires that at least 50% (and permits up to 100%) of required parking to be satisfied through the in lieu fee program.

The critical obligation of the parking in lieu program is that the City must work very hard and proactively to provide public parking facilities to meet growing demands in the downtown. Knowing this, the City continues to work diligently in the provision of public parking. Current examples of these efforts include the construction of the 700 space parking structure on Acequia between Floral and Locust Streets, construction of surface lots at Oak and Santa Fe Streets and Oak and Tipton Streets, and reconstruction and/or expansion of surface lots on the east side of Conyer Street south of Acequia Avenue and north side of Center Avenue east of Court Street.

Density of development, land efficiencies, and rising land costs make public parking and private/public partnerships the most appropriate method of satisfying parking needs in the downtown. However, parking improvements are costly, with surface parking currently being constructed at approximately \$6,800 per space and structured parking at about \$23,880 per space (including land costs). **To meet future parking demands, the City will need to raise revenue to continue to create more public parking facilities in the downtown. Discouragement or prohibition of new surface parking lots facing Main Street and other major routes would assist in maximizing use of adjoining properties and supporting the provision of public parking. These strategies would enable parking obligations for future projects to be provided by public and private/public facilities thereby enabling property owners to maximize use of their lands for building improvements.**

Structured parking, though costly, is the most efficient method for providing parking in the downtown. The City will continue to plan for parking structures in strategic locations around the downtown, and construct parking facilities as funding becomes available. A map of potential parking structures locations is attached (Attachment 5).

### Downtown Circulation Upgrades

As the downtown grows, traffic will increase along with potential for congestion. **Strategies for improving traffic flows and addressing impacted intersections are being implemented** (see Attachment 4). These include the following:

- Ramp widening (to two lanes) and signalization of the west-bound Downtown Visalia off-ramp from Highway 198 has been programmed for funding by Caltrans and construction should begin in 2007.
- Design studies are underway as part of a joint City/Caltrans effort to widen the east-bound Downtown Visalia off-ramp (to two lanes) and improve the West Street intersection approach.
- The new Santa Fe Bridge across Hwy 198 will begin construction in 2008. When operational, the bridge will enable Santa Fe Street to function as a major north-south arterial street in the City and a major access way to downtown.
- Construction plans are being prepared for widening the Ben Maddox Bridge over Hwy 198. Construction of this project should begin in 2007. This project will improve traffic circulation at that key intersection and facilitate access to downtown.
- On October 2, the City Council authorized conversion of Center Street between Bridge Street and Conyer Street to angled parking (south side only) with two west-bound traffic lanes. Council also reduced traffic speed on this 11 block segment of Center to 30 mph. The combined effect of this project will be to increase available parking by 55 spaces at minimal cost, increase pedestrian safety, and improve access to businesses located on the Center Street corridor.
- Acequia Avenue is planned to be converted to two-way traffic in 2008 in conjunction with expansion of Kaweah Delta Hospital. This will enable Acequia to better accommodate the needs of both through traffic and downtown employee/visitor traffic and facilitate access to downtown parking facilities.
- Widening of Murray/Goshen Avenue will occur as development activity and traffic increases along that corridor.
- Expanding and revising the trolley routes to accommodate growth and changes in the downtown.
- Widening Conyer on the west end of the downtown from Goshen to Noble to accommodate increasing traffic and the eventual closure of West Street.
- Pedestrian/jogging/bicycle movement will be facilitated with the development of the Mill Creek Linear Park path system.

These projects will improve traffic flow in the downtown area and facilitate access to local businesses. Efficient traffic flow is important to maintain a pleasant environment for visitors and employees in the downtown. The City monitors traffic flows and works to anticipate and respond to changes in patterns or volumes resulting from downtown activity. The City will continue to

identify and implement street, transit, bicycle, pedestrian, signalization, and other improvement projects as needed to maintain and improve circulation in downtown.

### Downtown Visalians and the Downtown Alliance (Property Based Improvement District)

Organizationally, the business and property owners participate significantly in downtown through two non-profit entities. The older of the two, established in the 1960's, is the Downtown Visalians, which is the merchants association funded from a 100% levy on the City Business License Tax within a designated area (see Attachment 1). There is a 15-member board elected to rotating three-year terms by the downtown merchants. Historically, the group has spent a majority of their funds on marketing, promoting, and maintaining the downtown.

The second group, the Downtown Alliance, was created eight years ago by a vote of the property owners in a specified area (see Attachment 1). It is essentially an assessment district with two zones with different assessments. It is governed by a 21-member board comprised of fourteen property owners elected by the property owners in the district, the 5-member executive board of the Downtown Visalians, one member representing the Kaweah Health Care District, and one member representing the City of Visalia. Historically, the group has spent its funds on capital improvements (parking, street furniture, newspaper containers, etc.), private security, graffiti removal, and maintenance.

Both of these organizations have been critical to the success of the downtown. Over the years, hundreds of people have served in the thirty-one positions that are available on an annual basis. It is extremely important that the boundaries for these organizations grow and change as the downtown grows and changes geographically (refer to Attachment 1). However, both organizations were created under different pieces of State enabling legislation that were not designed to provide flexibility. **A strategy needs to be developed to enable the boundaries of these two organizations to change incrementally over time.** This will require legal analysis and a coordinated effort between the City, the two organizations, and merchants and property owners in the revitalizing areas adjacent to the current downtown. If the community is not successful in developing this strategy, fragmentation of efforts is likely to inhibit the vitality of the downtown in the future.

**Prior Council/Board Actions:** NA

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

**Alternatives:** NA

#### **Attachments:**

1. Downtown Visalians / Downtown Alliance-PBID Map
2. Parking District Map
3. East Downtown Map
4. Downtown Visalia Building Activity (Recent & Proposed Construction 2002-2006) - HANDOUT
5. Potential Parking Structure Sites
6. Kaweah Delta Hospital Master Plan
7. Kaweah Delta Hospital/ City Master Agreement

**Recommended Motion (and Alternative Motions if expected):** Information and discussion only.

*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:** October 16, 2006 – Joint City Council / Planning Commission Workshop

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

**Agenda Item Wording:** Discussion of infill strategies for undeveloped land inside the 129,000 population Urban Development Boundary

**Deadline for Action:** None

**Submitting Department:** Community Dev. – Planning Division

**Contact Name and Phone Number**

Brandon Smith, Associate Planner 713-4636  
Fred Brusuelas, Assistant Director of Community Devt. 713-4364

**Department Recommendation:** Staff recommends that the City Council and Planning Commission discuss and comment on potential infill development strategies for undeveloped residential land identified within the 129,000 population Urban Development Boundary (UDB).

**Summary/background:** During the work session period of the June 12, 2006 City Council meeting, the Council reviewed a report prepared by the Planning Division which identified locations of undeveloped residential land and presented scenarios for population capacity inside the City's current 129,000 UDB. As part of the analysis within the report, all residential land within this UDB was classified as being either developed or undeveloped land, and where appropriate, was differentiated further as being inside or outside the City limits, land tentatively approved for subdivisions, or land containing recorded maps but having no building permit activity. A copy of the June 12, 2006 report is attached.

The report concluded that residential property inside the City limits could hold approximately 163,358 persons at complete buildout – over 52,000 persons above the City's current population. The 52,000 takes into account the annexation of developed county islands, future housing within the East Downtown Expansion area, full buildout of tentatively-approved maps and unbuilt final lots, and buildout of other undeveloped unmapped lands inside the City limits. The number does not count area associated with the Lowery Ranch Master Planned Development and the Southeast Area Specific Planning Area – between these two areas there are approximately 1,000 additional acres of undeveloped residential land. The report estimates that there are 947 acres of undeveloped unmapped land inside the City limits, and that of the

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

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

**Review:**

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

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

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

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

52,000 persons noted above, approximately 16,000 persons could fit on undeveloped land which has not been entitled for development (using average densities of current development).

### **Answers to Questions raised by Council:**

In response to the work session held on June 12, 2006, Councilmembers asked questions in regard to the analysis on undeveloped residential land that required further information and/or discussion.

One question raised was regarding the definition of infill development. In fact, the Visalia Zoning Ordinance already defines "infill development areas" in the Modified Residential Standards section (Section 17.30.290). The definition for infill development areas reads "the development of new housing or other buildings on scattered, vacant sites in a built-up area. These can be either single vacant lots, underutilized lots, or smaller undeveloped pieces of land which have been bypassed for previous development."

Another topic of discussion raised by Vice Mayor Kirkpatrick was differentiating between undeveloped land and under-developed land. Undeveloped land in terms of planning can be viewed as land in its natural or agricultural state before development. The report's methodology for determining developed and undeveloped land upholds this definition, and goes further to include land which has not been legally divided for the purpose of constructing residential development. By contrast, there is no explicit definition for underdeveloped land or underutilized land that is held universally among research organizations and public planning organizations. A broad definition of underdeveloped land can include property that has development potential by virtue of its underlying zoning but still has a significant percentage in its natural state, in non-building use and/or has abandoned buildings. According to criterion U2 of the Planning Division's report methodology, rural homesites on agricultural parcels or homesites on one-or-more-acre parcels are considered undeveloped. However, it should be noted that there are parcels in Visalia that are less than one acre in size and can be considered as underdeveloped, though are not labeled as undeveloped in the report (an example of this include the residential neighborhoods in the vicinity of Myrtle Avenue and Chinowth Street or on Encina Street north of Houston Avenue). Thus, there are potentially more sites in Visalia that could accommodate infill development than just the properties identified in the report as undeveloped.

Several councilmembers also raised the topic of affordable housing, including the question of whether incentives are currently provided for affordable housing. At this time, provisions contained within the Visalia Zoning Ordinance for allowing density bonuses for affordable housing are out of date and no longer are consistent with the current State Code's provisions for density bonuses. However, developers can be granted a density bonus if affordable housing is provided in a development, provided that the developers follow the state statute State Government Code Section 65915(g)(1) allows for up to a 35% density bonus if a development meets designating at least 20% of the units for lower income families. In addition to the density bonus, such projects can qualify for up to three additional "incentives or concessions" pursuant to Government Code. Also, the Government Code states that granting of a density bonus, in and of itself, shall not require any further discretionary approvals, such as Conditional Use Permits. The Kimball Court project, completed in 2000 and located near the intersection of Caldwell and Court, is the most recent affordable housing development in Visalia which has implemented a density bonus under State law.

The City's Redevelopment Agency is currently assisting non-profit agencies in developing multiple affordable housing projects in Visalia through the use of redevelopment funds, CDBG and HOME funds. These current projects, which are not utilizing density bonuses, include a 70-unit development on Mill Creek Pkwy. and a 10-unit development on Robinwood Ct. by Kaweah Management Inc., a 4-unit development at 1631 N. Encina St. by Habitat for Humanity, and a 55-unit senior development by Visalia Senior Housing of Northern California. The Redevelopment Agency has also provided loans to assist first-time homebuyers. A total of 77 loans were completed during the 2000 – 2005 consolidated planning period, and in the last full year (2005 – 2006) of the current consolidated plan, nine loans were completed.

Mayor Gamboa expressed interest in knowing why so many undeveloped residential lots exist in the City. As of March 2006, it is estimated that there are 2,761 single-family residential lots and 200 multi-family units for which final lots have been recorded but no building permits have been issued. Of the 2,761 lots, it is estimated that 1,257 lots are located on final maps where no building permit activity has occurred. Staff found that all of the 1,257 lots are located on final maps recorded in the past year. Thus, it can be concluded that when a final residential map is recorded, developers experience a substantial time delay before the first building permit is issued on the site.

As of March 2006, it is estimated that there are 4,729 single-family residential lots and 708 multi-family residential units approved by tentative subdivision maps that have not been recorded. Further analysis by staff concludes that maps approved in the last year not having any phases of the map record as a final map account for over half of the 4,729 single-family lots. Also, staff has found that tentative lots approved through eight subdivisions account for over half of the 4,729 single-family lots. The eight subdivisions– each having at least 200 or more lots – are The Country Club, Luisi Acres, Luisi Ranch, Pheasant Ridge, Quail River, Shannon Ranch Units 2 and 3, and Woodside Sousa. Lastly, a small portion of tentatively-approved lots can be attributed to time extensions approved beyond a tentative map's initial two-year lifespan. It has been the Planning Division's practice to unconditionally support time extensions to the Planning Commission but for only one-year increments (the Subdivision Map Act allows a maximum duration of five years for tentative maps).

To compare how much the numbers of unbuilt lots have changed in the last six months, staff has determined the numbers of tentatively approved lots and final lots without building permits through September 2006 - a difference of six months from numbers reported above through March 2006. The updated numbers, contrasted with the figures from six months ago, are below:

	<u>Through Mar. 2006</u>	<u>Through Sep. 2006</u>
<u>Single-family Residential</u>		
# of Tentative Lots	4729	5098
# of Final (Recorded Lots) without Issued Building Permits	2761	2455
<u>Multi-family Residential</u>		
# of units through tentatively-approved maps	708	710
# of units through final lots without Issued Building Permits	200	141
TOTAL	8398	8404

As illustrated above, the number of unbuilt units (approximately 8,400) hasn't substantially deviated in the last six months. The increase in tentatively-approved lots in the last six months is a result of a continuing steady number of lots approved through tentative maps and fewer lots

being recorded through final maps (only four final subdivision maps have been recorded in the last six months).

With regard to building permit activity in the last six months, a total of 697 permits have been issued for single-family dwellings, keeping pace with the number of permits issued in the prior six months. A total of 37 multi-family permits have been issued in the last six months to accommodate for 131 units, also keeping in pace with the number of permits issued in the prior six months.

### **Recent Trends in Annexation Activity and Infill Development**

Over the last two years, the Planning Division has noted some clear trends with regard to annexations and infill development. Since 2004, the number of applications submitted to the City for residential annexations has substantially dropped, as illustrated below:

Year	# of Residential Annexation Applications Received	# of Acres
2002	3	53.8
2003	6	533.9
2004	12	765.7
2005	4	259.7
2006	1 (pending)	20.0

Along with seeing less residential land coming into the City limits, the Division has also been seeing less conceptual and formal subdivision requests submitted for land located on the outer edge of the City limits. Likewise, the Division has seen more requests on parcels that are generally smaller in size and are substantially surrounded by existing or approved development. With a considerable amount of undeveloped and unmapped residential land still remaining in the City limits – approximately 947 acres as of March 2006 – staff anticipates that the trend of infill development may steadily increase.

### **Implementation Plan for Addressing Infill Development Strategies**

In response to the work session held on June 12, 2006, the Council expressed a desire to encourage higher densities in future residential development, and a desire to develop and promote infill strategies. Council directed the drafting of an outline and implementation plan for addressing infill development and addressing tentatively-approved subdivision maps.

Staff has therefore prepared a draft outline which presents a course of action for addressing infill development. Before the Council can adopt infill strategies that are pertinent to Visalia and its vision for growth, there is still much additional information that needs to be collected or derived. First, criteria needs to be established on what constitutes infill and underdeveloped / underutilized land. (The Visalia Zoning Ordinance currently has a definition for the term “infill development areas” in Section 17.30.290 as stated above.) Once this is determined, a more comprehensive land inventory needs to be taken to identify all areas within the City limits which meet the criteria of infill and underdeveloped land. Such an inventory would include parcel-specific information such as parcel size, parcel dimensions, zoning, infrastructure availability, and other related information. Based on this information, the City can then analyze the information and develop standards appropriate for the infill site, allowing them to develop to their full potential. With such standards in place, which could bring more infill development to the City, the Council may also want to consider changes to the growth criteria when advancing



to the 165,000 population boundary such as increasing the percentage of residential buildout required in preceding growth rings.

Staff's outline for developing policies and standards for infill and tentatively-mapped residential sites is as follows:

1. Identify areas targeted for infill and higher density
  - A. Infill and underdeveloped land
    - i. Conduct land inventory and data collection of sites based on City adopted definitions and direction
    - ii. Draft policy for infill, vacant, or underdeveloped land
  - B. Tentatively-approved subdivision maps
2. Draft development incentives for identified areas
  - A. Density bonuses
  - B. Flexibility in development standards (i.e. reductions in setback, parking, other standards)
  - C. Allowance of mixed-use development in appropriate locations
  - D. Incentives to increase density on approved tentative maps
    - i. Refine criteria for granting of time extensions
    - ii. Prioritization of annexation and/or other entitlement processing
  - E. Streamlined permitting
3. Investigate new affordable housing opportunities for identified areas
4. Implement changes warranted by incentives
  - A. Conduct General Plan and Zoning Text Amendments where appropriate
  - B. Investigate tie-in to General Plan Land Use Element Update

## **Conclusion**

Staff recommends that the Council and Commission review the above outline and suggest additions, changes, or deletions as felt appropriate. Staff will return to Council and Planning Commission at a future meeting to present a final infill plan with an implementation strategy.

Planning staff will continue to work on the issue of infill strategies for undeveloped land within the 129,000 population boundary. Staff will be preparing a "Development Monitoring Report" indicating the progress of entitlements and development on vacant lands through the 2006 calendar year. The report will be presented to the City Council in January 2007. Information obtained from the report will establish a base line of current vacant land and under-developed land for determining actual infill opportunities and challenges. The data obtained from the report will be used to draft potential infill strategies, policy, and development criteria.

**Prior Council/Board Actions:**

On June 12, 2006, a Council work session was held to discuss a report prepared by the Planning Division which identified locations of undeveloped residential land and presented scenarios for population capacity inside the City's current 129,000 UDB.

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

**Alternatives:** None.

**Attachments:**

- "Undeveloped Residential Land" staff report from June 12, 2006 City Council work session

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

Discussion and comment only.

***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:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 16, 2006

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

**Agenda Item Wording:** Review of City Council Authorized Master Plans and Specific Plans

**Deadline for Action:** None

**Submitting Department:** Community Development

**Contact Name and Phone Number:** Fred Brusuelas 713-4364

**Department Recommendation:** Information and discussion.

**Summary/background:** The City Council has authorized several Master Plans and Specific Plans to be processed. They comprise the (1) Southeast Area Specific Plan, (2) Lowery Ranch Master Plan, (3) Village at Willow Creek (Lowe's) Specific Plan, (4) North Park Promenade Specific Plan, and (5) West Highway 198 Master Plan. The following is an overview of the projects:

**1. Southeast Area Specific Plan:** The City Council authorized the preparation of the 850 acre Southeast Specific Plan in spring 2006. This Specific Plan is a City of Visalia initiated project. The 100% Administrative Draft of the Southeast Area Specific Plan is nearly completed. The Administrative Draft, when received, will be presented to the Task Force, Property Owners and City Staff for review and Comment. Once comments are received, the Administrative Draft will be modified accordingly and be ready for distribution and Public Hearings. Scheduling of the Specific Plan for public review will occur in late 2006.

**2. Lowery Ranch Master Plan:** The City Council and Planning Commission previously conducted a joint session and reviewed the 636 acre Lowery Ranch Master Plan. At the applicant's request, a revised Lowery Ranch Master Plan received additional review by the City Council on September 18, 2006. The current revision comprises a mix of residential housing types totaling 2,348 dwelling units at a residential density of 5.34 units per acre. The Council review concluded in the following items:

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time  
(Min.): 20

**Review:**

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

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

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

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

A. The Lowery Ranch Project must be reviewed and approved with a Development Agreement. The Development Agreement must include development timing, phasing, mechanism for future city revenue, disposition of Modoc Drainage Basin, and agricultural land mitigation.

B. The Lowery Ranch Neighborhood Core must be developed as a Specific Plan. (The core neighborhood area is comprised of commercial, office and residential uses that must receive critical design review for proper planning and land use relationships).

C. Annexation of land has been authorized to extend northerly to Avenue 320. Additional processing may be required for the disposition of agricultural land currently under Williamson Act contracts.

The applicants for the Lowery Ranch Project have indicated they are preparing plans for submittal. Staff continues to meet with the applicants to discuss the project but, there is no scheduled time for application submittal. The Development Agreement will be the basis for project review and determining scheduled public hearings for City Council and Planning Commission decisions.

**3. The Village at Willow Creek (Lowe's) Specific Plan:** The Village at Willow Creek (Lowe's) Specific Plan is a 26.8 acre commercial and residential project located at the northeast corner of Demaree and Riggins Avenue. The Specific Plan is being prepared by the applicant/developer. It is scheduled for review by the Planning Commission on October 23, 2006 and the City Council on November 20, 2006. The commercial shopping center is 20 acres in size. Lowe's home improvement center is the major tenant with 139,410 square feet of building (garden center is 31,659 sq. ft.). The total commercial building coverage is 236,360 square feet.

**4. North Park Promenade Specific Plan:** The North Park Promenade Specific Plan totaling 40.5 acres of land and 425,812 sq. ft. of building area is located at the northeast and northwest corners of Dinuba Avenue and Riggins Avenue. The Specific Plan is being prepared by the applicant/developer. Home Depot, a 106,432 sq. ft. home improvement center, is the anchor tenant being considered on the northwest corner. Target, a 126,400 sq. ft. retail store, is being proposed as the anchor tenant on the northeast corner. This project has received review and comment from the City Council at a previous work session. The applicants have incorporated City Council comments into the commercial design that include building placement close to the street frontage, enhanced parking lot landscaping, shopping center walk-ability, and inclusion of plaza areas for social gathering. The project has been to Site Plan Review and will be scheduled for public hearings at the Planning Commission and City Council in late 2006.

**5. West Highway 198 Master Plan:** The City Council selected the firm of BMS Consultants to prepare this City of Visalia initiated plan. The scope of work for the West Highway 198 Master Plan has been the subject of on-going discussions for several months. The Master Plan will be agricultural focused with opportunities for compatible agricultural related uses comprising a scenic entryway into the community. Considerations are being given to agricultural economics, possible annexation policy, land uses and agricultural land preservation. It is anticipated that the City Council will take action this calendar year to have the plan prepared.

**Prior Council/Board Actions:** The City Council has authorized the aforementioned Master Plans and Specific Plans to proceed.

**Committee/Commission Review and Actions:** The Planning Commission and Parks and Recreation Commission have commented on preliminary plans for the Lowery Ranch Project.

**Alternatives:** None

**Attachments:** Map South East Area Specific Plan  
Map Lowery Ranch Master Plan  
Map Village at Willow Creek (Lowe's) Specific Plan  
Map Promenade Specific Plan  
Map West Highway198 Master Plan

**Recommended Motion (and Alternative Motions if expected):** No Action - Information Only

***Environmental Assessment Status***

**CEQA Review:** Pending

**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:

**Joint Work Sesstion**  
**Item 4**

Concluding Comments (*Discussion only, written material will not be available.*)

# City of Visalia Agenda Item Transmittal

**Meeting Date:** October 16, 2006

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

**Agenda Item Wording:** Overview of the Neighborhood Preservation Division and a discussion regarding the Abandoned Vehicle Abatement Programs and **Introduction of Ordinance 2006-15 and Ordinance 2006-16.** Amending the General Nuisance Ordinance (Chapter 40 of Title 8 of the Municipal Code) and the Administrative Enforcement Ordinance (Chapter 13 of Title 1) and authorizing the addition of a contract Fire Inspector position.

**Deadline for Action:** None

**Submitting Department:** Community Development

**Contact Name and Phone Number:** Tim Burns 713-4172

**Department Recommendation:** Council review and comment

**Summary/background:** Consider information presented by staff; provide direction as appropriate and approve introduction of ordinance amending municipal code.

At a prior council meeting, Councilmember Don Landers requested a presentation on the City's vehicle abatement program. City staff has expanded this topic to include an overview of the newly created Neighborhood Preservation Division along with an update on efforts to improve code enforcement through creation of a consolidated nuisance ordinance and administrative hearing officer process.

Through budget approval, Council approved creation of a Neighborhood Preservation Division within the Community Development Department. Effective September 2, 2006 reorganization of the Community Development Department occurred to create the Neighborhood Preservation Division.

The focus of Council's action to create the Neighborhood Preservation Division is to take a more comprehensive approach to neighborhood issues. Rather than addressing these issues on a piecemeal basis, neighborhood improvement can be better achieved by coordinated

application of code enforcement and neighborhood upgrade efforts by various City departments and outside organizations. The new division will take the lead in establishing comprehensive

**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.



code enforcement and neighborhood improvement programs by assembling and coordinating the services of other departments and organizations.

The need for comprehensive code enforcement and neighborhood improvement has been highlighted recently by requests from specific neighborhoods for assistance. During the past year, City staff has worked to address concerns raised by citizen groups from the Washington School, Oval Park, and St. Mary's Church neighborhoods. Issues that have arisen during meetings with these groups include gang activity, poor street lighting, building deterioration, graffiti, traffic concerns, pedestrian improvements, and other needs. For effective improvement in these neighborhoods, a variety of programs from several departments must be applied. The new Neighborhood Preservation division will serve as coordinator of these efforts.

The Division will initially provide three primary functions that are currently located in the Community Development Department; Code Enforcement, Substandard Housing, and Affordable Housing. The division will also coordinate regular inter-departmental meetings which will address code enforcement and neighborhood issues on a comprehensive basis. Departments involved in the regular meetings will include Fire, Police, Public Works, Community Development and Parks/Recreation. Other departments and divisions will participate on an as needed basis. The Division will initially be comprised of a Division Manager, a Combination Building Inspector, a Code Enforcement Specialist, a Housing Specialist, a Redevelopment Administrative Technician, and an Administrative Assistant. In the re-organization, the former Code Enforcement Officer position (Tim Burns) was reclassified to Neighborhood Preservation Manager to manage the new Division.

All positions within the Division have been filled except for the Housing Specialist position and recruitment for that position will begin soon. A new department head position which oversees this and other functions under the Assistant City Manager/Community Development Director is also vacant.

The Division will continue to investigate complaints received regarding life safety and quality of life matters. The Affordable Housing Program will also be incorporated into the new Division. Neighborhood preservation can be supported by affordable housing programs such as the RDA Low-Mod, CDBG and HOME programs. The Division will also be directly involved in the Administrative Hearing process discussed later in this report. As appropriate the Division may be expanded in the future to include or consolidate other neighborhood preservation functions as they are identified.

The Division will continue to receive and distribute code enforcement complaints received to appropriate Departments in specialized areas such as graffiti, weed and vehicle abatement requests.

**Vehicle Abatement Program** - Councilmember Landers requested information on the City's abandoned vehicle abatement program. This program is primarily accomplished through the effort of the Police and Fire Departments, with support and complaint referrals from the Neighborhood Preservation Division. Complaints received involving vehicles will continue to be investigated by the Police and Fire Departments.

- **The Abandoned Vehicle Abatement Program for Public Areas**

Vehicles which are reported to the Police Department as abandoned in public areas are marked by Police personnel. The registered and legal owners are then noticed

by mail and advised that if the vehicle is not removed within 10 days the vehicle will be removed by the Police Department. After expiration of the 10 days the vehicle is checked to see if it has been moved. If the vehicle has been removed no further action is taken. If the vehicle has not been removed the vehicle is removed by the Police Department pursuant to California Vehicle Code Section 22651 (k).

For fiscal year 2005-2006, 866 abandoned vehicle letters were sent out by the Police Department. 637 vehicles were removed voluntarily and 229 vehicles were removed by the Police Department. Attached is a memo from the Police Department providing further details on this program. Police Department contact person: Rick Haskill 713-4205.

- **The Private Property Vehicle Abatement Program**

Complaints received regarding inoperable or abandoned vehicles parked on private property are referred to the Fire Department for abatement. If the vehicle is determined to be abandoned pursuant to Visalia Municipal Code Section 10.32.010 it is marked with a 10 day Notice to Abate which includes an admonishment that failure to comply will result in the towing of the vehicle at the owner's expense. After 10 days the vehicle is rechecked. If the vehicle has not been removed a certified letter is sent to the registered owner, legal owner, property owner, and tenant where applicable advising them that they have 10 days to request a hearing. The letter advises them that if they fail to request a hearing or provide a written statement within that 10 day period that this Notice becomes a Final Order to Abate and if no action is taken within 5 days the City will remove the vehicle at the property owner's expense where the vehicle was towed from. The vehicle is then removed to a scrap yard or auto dismantler where it is disposed of.

From January of 2005 to July of 2006 the Fire Department received a total of 1386 abatement requests. 950 of those calls involved abandoned vehicles. 413 complaints generated letters by the Fire Department. 276 of the vehicles were removed by the owner after noticing. 35 vehicle were removed by the Fire Department and disposed of. 226 had no abatement action taken due to staffing needs and program priorities. The City Manager is recommending the addition of a Contract Fire Inspector position which would be evaluated at the end of the two year budget process.

Between mid March and mid July the Fire Department Prevention Bureau is primarily concerned with weed abatement. Vehicle abatement continues however focus is on vehicles which pose a hazard to public safety as opposed to those which are unsightly or unregistered. Attached is a memo from the Fire Department providing information on their abandoned vehicle efforts and program staffing. Fire Department contact person: Vorisia Henderson 713-4207.

### **Code Enforcement Streamlining Efforts -**

The traditional means of enforcing the provisions of the Municipal Code has been to issue criminal misdemeanor citations and to then prosecute these charges through the criminal court system. Recent experience has shown that this process is time consuming, cumbersome, expensive, and usually not entirely successful in achieving the ultimate goal of compliance with the Municipal Code. Accordingly, the City Attorney has recommended that the City begin to enforce most Municipal Code violations through an "administrative code enforcement" process,

rather than through the traditional criminal citation approach. This topic is addressed more fully in the memo from the City Attorney attached to this memorandum.

In recommending this approach, the City Attorney has also identified several areas of the Municipal Code that should be revised if the administrative process is to be fully utilized. Together with this report on general code enforcement activities, staff is also presenting two ordinances that would revise the current administrative code enforcement provisions as well as the provisions of the code that define public nuisances. These revisions are outlined more fully in the City Attorney's memo. In general, the goal of these revisions is to provide a streamlined process for levying penalties and establishing abatement orders by using an administrative hearing process, which is independent of the criminal or civil courts. The hope is that by pursuing these matters administratively, the City can be more proactive and aggressive in pursuing and correcting obvious code violations.

**Other Code Enforcement Programs-**

Contact information for other code enforcement programs is as follows:

Animal Control	SPCA	Jerry Herrmann	651-1111
Graffiti	Parks & Recreation	Nancy Cunha	713-4354
Weed Abatement	Fire Department	Vorisia Henderson	713-4207
Street Lights	Public Works/ Traffic	Myron Rounsfull	713-4412

All other code complaints/ questions are directed to the Neighborhood Preservation Division  
Julie Pereira                      Neighborhood Preservation                      713-4534

**Prior Council/Board Actions:**None

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

**Alternatives:** N/A

**Attachments:**

- Visalia Police Department Memorandum detailing procedures for the abatement of abandoned vehicles parked on City streets and the number of complaints received and the number of vehicles abated.
- Visalia Fire Department Memorandum detailing procedures for the abatement of abandoned/ inoperable vehicles parked on private property and the number of complaints received and the number of vehicles abated.
- City Attorney's Memorandum discussing Nuisance and Administrative Code revisions.

**Recommended Motion (and Alternative Motions if expected):** Review and discuss current processes; provide direction as appropriate. Move to Introduce Ordinance 2006-15 and Ordinance 2006-16.

***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:** October 16, 2006

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

**Agenda Item Wording:** Authorization to enter into a contract with Civica Software to provide a content management system, website design, transition, training, and consulting for a not-to-exceed price of \$80,000

**Deadline for Action:**

**Submitting Department:** Administration

**Contact Name and Phone Number:** Leslie Caviglia, 713-4317,  
Mike Allen, 7134515, Jason Bowling, 713-4125

**Department Recommendation:**

Staff is recommending that the City enter into a contract with Civica for a not-to-exceed price of \$80,000 which would include the content management system, website design, integration of current pages and advanced training. Because of the unique aspects of the Civica system, this would be a sole-source arrangement, and the contract would not go out for bid.

**Summary/background:**

Approximately one year ago, the City began evaluating our website with the intent of completely restructuring the site to provide more information and be more user-friendly. A Committee was formed with a representative from every Department, and several from the Information Services Division. The Committee reviewed a number of local government web pages to determine which pages seemed to have the best design, be the most user-friendly and offer a wide variety of information. The agencies that had webpages we liked were followed up with to determine what company handled their webpage. In some instances, we learned that the webpage had been developed internally, with the assistance of a designer. While we have the technical capabilities to develop our own system, we determined that this would actually be more expensive, time consuming and require significant testing to ensure the same level of reliability that can be obtained from using a developed system.

In the process of assessing our options, it became clear that the City needed a comprehensive content management system that would enable various staff members to edit our own webpage, control the on-going costs and make instantaneous changes. A content management system is a software system for organizing and facilitating the collaborative creation of documents and other content. As opposed to a "webmaster" that controls design issues and has responsibility to update all content, this software system encourages a collaborative and consistent approach

**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** \_\_\_\_\_

**Finance** \_\_\_\_\_

**City Atty** \_\_\_\_\_

**City Mgr** \_\_\_\_\_

to maintaining websites. In our situation, it needs to be a web application that multiple departments will use to easily manage the content on City websites. Early content management systems were developed internally in organizations doing a lot of content publishing. Content management systems have since evolved and are now available commercially, specifically developed for particular industries. The Committee determined that a content management system was needed that was easy to use, could interact with the applications that the City would most likely want to integrate into the webpage and was affordable. In evaluating the content management systems available, staff learned that by far, Civica had worked with the largest number of cities and appeared to have a product that was well-suited for our purposes.

Civica Software's primary business is in building attractive Web sites for Governments incorporating content management systems that allow multiple departments to directly administer and update their own portion of the site without possessing any technical skills. Civica is a division of Pixelpushers, Inc., a company established in 1997, which is currently based in Newport Beach, California. The company was initially founded by its current CTO and President, Mark Kelly, to bring an innovative approach to Web site design and maintenance. Many of Orange County's largest companies became clients.

This Civica division of this California company specializes in local governments. They have provided content management systems to 54 California cities, and 3 counties, including Tulare County, and have more public sector installations in California than any other major government-focused Content Management System vendor. There are several aspects of their product that have led us to conclude that this is the company we should work with:

**\*The product is specially designed for local governments.** There are many services that require interfaces with our website, for example, the on-line job application service and the permits system, that need to efficiently operate with the content management system. Civica has developed working relationships with all of the services and providers the City Committee identified that we currently have available on the system, or that we foresee adding in the future. For example, the City Clerk's Office anticipates going to an agenda management system that would need to interface with the website. Civica's system has the ability to interface with all of the major providers of this system, enabling Visalia to select the system best-suited for our needs.

The Civica content management system includes 11 of the modules that are considered standard on websites. These include A-Z search and indexing capabilities, an e-Notify system and a survey and opinion system. The City will be able to assess these systems and determine which we want to include on our site. While many, such as press releases, will be used, others, such as jobs, may be provided by another system already utilized by the City.

While the City has the internal capabilities to develop a content management system, it would be far more costly and would probably not work as well as this product which has been tested and used by other cities.

The cost of the basic system is \$34,150

**\*The City controls the system.** The City would own and have control of the content and the website design so we can quickly, easily and inexpensively make changes. In

addition, the software code for the website will be held in a software escrow account, in the unlikely event of a Civica business failure.

**\*Comprehensive training system.** Civica includes a comprehensive, but simple, training system. In talking with other cities, they have confirmed that the system is easy to use, and the training provided is adequate. The training includes an initial one-hour training session for employees in the use of the Civica administration system and all Civica tools necessary to routinely maintain and update the content on the web site, and the procedures for creating and posting new content onto existing pages. There is no limit to the number of employees that can be included in this training. In addition, there will be 3-hours of specialized staff training for the smaller group of employees that will be designated to manage the rights and privileges accorded to the general staff. While not limited to a specific number, the City will have the authority to designate who and how many people are included in this control group.

In addition, staff is recommending that we include the optional Advanced Technology and Construction training which will provide in-depth instruction in the methodology of website construction utilizing the full suite of Civica tools. This would include 12 hours of training for up to 4 employees and 12 hours of consultation.

Cost for additional training: \$3,600.

**\*Design Costs are reasonable.** Staff is recommending that Civica also provide the website design. While the existing City websites contain lots of good content, the design and accessibility to that content is awkward at best. The professional design services available from Civica will ensure consistency and excellence in the websites. They will work with the City Committee to develop three concepts, layouts and designs for the City to review and select a final format. The final product will include preparing the design for online implementation including the migration of the current website pages we deem appropriate to be on the new site..

Design Cost and initial migration: Not to exceed \$8,000  
Additional migration and consulting at client request: \$7.80/page or hourly rates of Principals, \$140/hr, Graphic artists and Flash Designers, \$85/hr., Custom Programmers, \$95/hr. and HTML Editors, \$55/hr.

**\*Optional Maintenance Fees.** An optional annual maintenance and upgrade program is available that will ensure all Website modules installed always contains the latest features developed during the previous year. In addition, it will provide City staff with access to Civica engineers during normal business hours to consult on any proposed Website and software integration issues. At least initially, we anticipate contracting for this service.

Annual cost: \$ 5,123

Staff has not found another content management system that is specifically designed for government applications, that has the integration capabilities, design features and ease of use that is available through the Civica system. We contacted several cities who are currently using Civica (Palo Alto and Westminster). Both were complimentary of the system and the service provided by Civica. We also consulted with Palo Alto and Westminster because they had gone through a competitive bid process. In neither case was a comparable product bid. While many

companies can design a good webpage, and there are other content management systems, there was not a comparable product that offered the content management system, ultimate control, interface options and design features offered by Civica.

In addition, staff consulted with a representative from a local computer company, the Torian Group, who had an interest in designing the City's website. Upon learning of the complete package offered by Civica and the approximate cost, they also concluded that they could not compete with this product at the price and reliability provided by Civica.

Given the unique features of the Civica system that do not appear to be available from another vendor, and that our research indicates that an independent or internal system could not be developed for the same time or money or with the same reliability, we are recommending that the Council approve this sole-source contract, rather than going through the RFP process.

Council budgeted monies for this expense in the 2006-2008 budgets. The cost will come from the \$160,000 that the Council budgeted for in the CIP from the general fund, and an additional \$40,000 from the enterprise funds. It is anticipated that the remaining monies will be used to purchase specialized modules, such as an agenda management system, in the future.

**Prior Council/Board Actions:**

July, 2006 – Council appropriated \$200,000 in CIP and enterprise funding for the purchase of a content management system, website design and implementation.

**Committee/Commission Review and Actions:**

**Alternatives:**

- To go out to bid with the contract
- To leave the website in its current configuration

**Attachments:**

**Recommended Motion (and Alternative Motions if expected):**  
I move to approve a not-to-exceed \$80,000 contract with Civica for the purchase of a content management system for our website and the appropriate web design and implementation services.

***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:** October 16, 2006

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

**Agenda Item Wording:** Appointment of Lesa Mann and the reappointment of Tom Link to the Visalia Parks and Recreation Commission

**Deadline for Action:** October 31, 2006

**Submitting Department:** Administration, Parks and Recreation

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

**Department Recommendation**

It is recommended that Lesa Mann be appointed to a full term on the Parks and Recreation Commission beginning Nov. 1, 2006 through October 31, 2009, and that Tom Link be appointed to the Commission for a partial term, effective through March 31, 2008.

**Department Discussion**

Lesla Mann is currently serving as an alternate Commissioner on the Parks and Recreation Commission. She has been in that position since March 2006. Though she is not a voting member, she regularly attends all Commission meetings and actively participates in the discussion of all agenda items. Therefore, the Commission and the Citizens Advisory Committee are recommending that Mann be appointed to serve a full term on the Commission through October 31, 2006. She would replace outgoing Commissioner Bob Marshall whose term will expire on October 31, 2006. Mr. Marshall served the City and the Commission for six (6) years.

Tom Link's second term on the Commission will expire on October 31, 2006. Usually, appointees are limited to two consecutive terms, but Mr. Link has requested that he be appointed to a partial third term so he can fulfill his term on the Board of the State Parks & Recreation Commission. His term as President of this state organization will expire in March, 2007 and his term as Past President will expire in March 2008. Therefore, Link has requested to be reappointed for a partial term, through March 2008, so he can fulfill his obligation to the State organization. The Commission and the CAC support Link's request.

The Commission has another alternate Russ Desch who wishes to remain as an alternate for now due to his busy schedule. He feels that when Link's term expires in March 2008, he will be ready to assume that role.

**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:**

March, 2006 – The Council appointment Lesa Mann to serve as an alternate to the Parks and Recreation Commission  
1999 and 2003 – The Council appointed Tom Link to serve on the Commission

**Committee/Commission Review and Actions:**

October, 2006 – The Citizen Advisory Committee approved this recommendation  
September, 2006 – The Parks and Recreation Commission recommended these appointments

**Alternatives:**

To not appoint these recommended applicants  
To ask for a new recruitment

**Attachments:**

Mann application

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

I move to appoint Lesa Mann to the Parks and Recreation Commission for the term expiring October 31, 2009, and to reappoint Tom Link to the Commission for a partial term, expiring March 31, 2008.

***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:** October 16, 2006

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

**Agenda Item Wording:** Authorization for the City Manager to accept and appropriate a grant award for \$45,606.00 from the Office of Homeland Security, Homeland Security Grant Program.

**Deadline for Action:** October 16, 2006

**Submitting Department:** Police

**Contact Name and Phone Number:** Sgt. Jason Salazar, ext. 4262; James Potts, ext. 4126; Chuck Hindenburg, ext. 4250

**Department Recommendation:** It is recommended that the City Council authorize the City Manager to accept and appropriate a grant award for \$45,606.00 from the Office of Homeland Security, Homeland Security Grant Program; and to approve the expenditure of the Homeland Security Grant Program funds for the purchase of Simunitions Equipment/Training for \$10,106.00, and a Forensic Video Enhancement System for \$35,500.00.

**Summary/background:** The County of Tulare applied for and received a grant from the Office of Homeland Security, Homeland Security Grant Program. The following equipment purchase for the Visalia Police Department was approved.

Simunitions provides realistic force-on-force training to better prepare and train law enforcement officers responding to lethal force situations. It provides training to identify and hone tactical response skills and use of lethal force in a highly stressful environment such as active shooter events on school campuses.

The Forensic Video Enhancement System will provide forensic video enhancement tools allowing the Crime Lab to get the best possible forensic video evidence from surveillance video tapes. This system will perform enhancement on video evidence and will also provide forensic audio enhancement tools.

The Homeland Security Grant award will fund 100% of the purchases price with no matching funds required.

**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**   N/A    
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_

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

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

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

**Alternatives:** Refuse the designated grant money.

**Attachments:** Memo from County of Tulare Health & Human Services Agency announcing the approval of the grant for the Visalia Police Department.

**Recommended Motion (and Alternative Motions if expected):** I move that the City Council authorize the City Manager to accept and appropriate a grant award for \$45,606.00 from the Office of Homeland Security, Homeland Security Grant Program for Simunitions Equipment/Training and a Forensic Video Enhancement System

***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:** October 16, 2006

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

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Project No. 1231-00000-720000-0-9840-2005 the South Visalia Sanitary Sewer Trunkline Improvements. (Cost \$2,614,715.00)

**Deadline for Action:** None

**Submitting Department:** Public Works Department

**Contact Name and Phone Number:** Adam Ennis 713-4323, Jim Funk 713-4540, David Jacobs 713-4492

**Department Recommendation:** Staff recommends that authorization be given to file a Notice of Completion for Project No. 1231-00000-720000-0-9840-2005, the South Visalia Sanitary Sewer Trunkline Improvements.

**Summary/background:** The sanitary sewer trunkline extends along Akers Street from about 1300 feet south of Caldwell Avenue to the Visalia Parkway alignment and along the Visalia Parkway alignment from Akers Street to Santa Fe Street, and then along Santa Fe Street from the Visalia Parkway alignment north to Caldwell Avenue. A portion of the trunk sewer line crossing Mooney Boulevard at Visalia Parkway was installed by the South Packwood Creek Development. This project tied into each end of the existing sewer. The trunkline is 36 inches in diameter along Akers Street, 33 inches in diameter along the Visalia Parkway alignment and 24 inches in diameter along Santa Fe Street. The trunkline will serve areas between Caldwell Avenue and Avenue 272 from Shirk Road to Lovers Lane and areas further to the east in the future per the 1994 City Of Visalia Sewer System Master Plan. A sewer lift station was also eliminated by extending a 12" diameter line from the trunk sewer along the future County Center Alignment to the lift station on Midvalley Avenue just west of Mooney Boulevard. The sewer trunkline is currently serving 4 subdivisions which are West Park at Akers and Visalia Parkway, Gunn Ranch at Demaree and Visalia Parkway, South Cameron Creek at West and Visalia Parkway and Salierno Estates at Court and Visalia Parkway.

All of the work has been completed on this project by George Dakovich & Son, Inc. at a final cost of \$2,614,715.00. The contract amount for this job was \$2,671,747.00. The underage of \$57,032.00 (2.1%) was due to several approved change orders. The approved changes are:

**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 Attorney Review.

- 1) The sewer line was constructed in an open trench at three locations originally shown on the drawings to be bored. The three locations are at Demaree Street, Packwood Creek and the TIC Ditch (Deduct \$105,407.00).
- 2) Two manholes between Mooney Boulevard and the future Stonebrook alignment and one manhole between Demaree Street and Dans Street were modified from standard manholes (Deduct \$10,500.00) to drop manholes with 8" stubs (Cost \$19,160.00) to facilitate future tie-in to development. The developers are reimbursing the City for additional costs. (Net cost which will be reimbursed by developers is \$8,660.00).
- 3) Two additional manholes were constructed, one on each side of Mooney Boulevard, to provide a transition between the previously installed 36" diameter pipe under Mooney Boulevard and the 33" diameter pipe installed for this project (Cost of \$7,000.00).
- 4) Existing storm sewer which was installed by developer at Gunn Ranch Development after this contract was awarded had to be removed (Cost \$3,680.00).
- 5) On the plans, the existing lift station manhole on Midvalley Avenue was shown to be removed and replaced with a new manhole to facilitate tie-in and elimination of the sewer lift station. It was anticipated that tying into the existing manhole could be costly and difficult due to the new sewer pipe invert being located near the elevation of the base of the existing manhole. However, during construction it was found that the pipe could be easily tied into the existing manhole and save time on sewer flow interruption. (Deduct \$3,000.00).
- 6) Additional costs were incurred for 12" and 24" diameter pipe due to Force Majeure conditions caused by hurricane Katrina. City Attorney reviewed contractor submittal and advised to pay half of actual increased costs (Cost \$20,000.00).
- 7) An additional pavement section was discovered below the surface pavement section in the trench area on Santa Fe Street and had to be removed and disposed (Cost of \$3,360.00).
- 8) Additional mobilization costs to move equipment to Midvalley Avenue for sewer construction due to right-of-way delays (Cost \$1,800.00).
- 9) Additional costs to remove and replace trench shield and hand dig around utilities which were installed by developers at Court Street after this contract was awarded (Cost \$3,450.00).
- 10) Deduction for not paving over trench on east side of Akers Street due to adjacent developer reconstructing that portion of road as part of developer's project (Deduct \$10,140.00).
- 11) One-half of cost to provide lighted sign boards on Akers Street for a lane closure and at Santa Fe Street for road closure as additional requirement requested by traffic engineer (Cost \$3,440.00).
- 12) One half of additional cost of delays due to working around curb and gutter installed by developers at Demaree and Court Streets after this contract awarded (Cost \$2,125.00).
- 13) Additional costs to uncover and recover manholes to allow for video inspection of sewer line (Cost \$3,300.00).
- 14) Additional costs to clean material leaked in to sewer line from premature development tie-ins to allow for video inspection (Cost \$4,700.00).

**Prior Council/Board Actions:** Award of contract on May 2, 2005.

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

**Alternatives:** None

**Attachments:** Exhibit #1 – South Visalia Sanitary Trunk Sewer Alignment, Exhibit #2 –

Disclosure Form For Firms and Contractors

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I hereby move to authorize filing the Notice of Completion for Project No. 1231-00000-720000-0-9840-2005 the South Visalia Sanitary Sewer Trunkline Improvements.

***Financial Impact***

**Funding Source:**

Account Number: 1231-00000-720000-0-9840-2005 (Wastewater-Operations)

**Budget Recap:**

Total Estimated cost:	\$2,614,715.00	New Revenue:	\$
Amount Budgeted:	\$2,671,747.00*	Lost Revenue:	\$
New funding required:	\$	New Personnel:	\$
Council Policy Change:	Yes _____ No <u>X</u>		

\* Plus 2.52 million dollar sewer bond.

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes  
Review and Action: Prior: EIR Sanitary Sewer Master Plan - 1995  
Require: None

**NEPA Review:**

Required? No  
Review and Action: Prior:  
Require:



**Tracking Information:** *Record a Notice of Completion with the County Recorder*

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 16, 2006

**Agenda Item Number (Assigned by City Clerk):** 13

**Agenda Item Wording:** Public Hearing - Ordinance Amendment to Subdivision Sign Regulations, amending Title 17, Chapter 17.48 of the Visalia Municipal Code.

**Second Reading of Ordinance No. 2006-14** authorizing the installation of kiosk and other directional signs for subdivision development.

**Deadline for Action:** No deadline

**Submitting Department:** Community Development

**Contact Name and Phone Number:** Fred Brusuelas 713-4364

**Department Recommendation:** Staff recommends the City Council adopt the second reading Ordinance No. 2006-14, Exhibit "A" (white paper). *This exhibit incorporates BIA, sign company and city staff modifications of the City Council first reading. The second reading of the ordinance will become effective 30 days from adoption.*

**Summary/background:** The City Council has previously discussed and considered the proposed ordinance amendment for subdivision signs. On September 18, 2006 the City Council conducted the first reading and directed the draft ordinance be considered by the Planning Commission at their regularly scheduled meeting of October 16, 2006.

The staff, prior to the Planning Commission Public Hearing, conducted a meeting with the BIA, sign company representatives and developer representatives to review the draft ordinance. The subdivision sign group was presented with the draft ordinance that was presented to the Planning Commission at their public hearing. The draft contained staff modifications to reflect considerations made by the City Council during their first reading. The several modifications made by staff were based upon closing perceived loop holes in the ordinance. Those modifications are shown in bold, bold italics and strike outs on attached Exhibit "B" (pink paper).

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time  
(Min.):\_30\_\_\_\_

**Review:**

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

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

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

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

**Prior Council/Board Actions:** The City Council conducted the first reading of the Subdivision Sign Ordinance Amendment on September 18, 2006 and directed the ordinance be reviewed by the Planning Commission and brought back to the City Council for the second reading on October 16, 2006.

**Committee/Commission Review and Actions:** The Planning Commission conducted a public hearing on October 9, 2006 in which testimony was received for and against the proposed ordinance amendment. Based upon considerable discussion by the Planning Commission there was no vote to affirm the proposed draft ordinance with or without modifications. The Planning Commission unanimously recommended their individual comments be forwarded to the City Council for consideration. They are as follows:

- Item U. 9 (*signs in the county*) is overly broad and should not be considered.
- Item U. 8 (*non-conforming signs*) should not be modified with new language.
- The draft ordinance is a step in the right direction.
- The subdivision signs have been a visual blight on the city.
- The proposed ordinance should not be adopted.
- The ordinance should not give a special sign privilege to a select business group.
- The signs should be allowed to have illumination for night time viewing.

The BIA, during the Planning Commission public hearing, asked that the recommendations by staff be incorporated into the ordinance. They are as follows:

- A. Item U. 1 allow up to an 18 inch sign blade
- B. Item U. 2 allow a double faced kiosk sign.
- C. Item U. 2 allow kiosk signs up to a maximum of 12 feet high.
- D. Item U. 4 should have the last sentence deleted.

**Conclusion:** Based upon the City Council first reading, City Council comments, Planning Commission comments, public testimony, input by BIA, input from sign companies and others the staff has incorporated modifications into the draft ordinance. Exhibit "A" (White paper) is the recommended version of the ordinance for City Council consideration. The modifications contained in Exhibit "A" are as follows:

1. Subsection U.1 Maximum size panel from *10x60 inches* to 18x60 inches. (*This will provide better visibility for motorists*).
2. Subsection U.1 Maximum height from *10 feet* to 12 feet. (*This will accommodate a City of Visalia logo at the top of sign*).
3. Subsection U.2 Double faced signs are allowed. (*This will provide efficient viewing for two way traffic*).
4. Subsection U.2 Language clarification regarding space availability. (*This will clarify that a permittee shall allow sign panels for any residential subdivision on their permitted kiosk, subject to space availability*).
5. Subsection U.4 Last sentence was deleted. (*The sentence was unnecessary due to other sign provisions pertaining to permits and enforcement*).
  
6. Subsection U.8 Entire item was deleted. (*It was determined that the language would subvert*

*the intent to achieve sign compliance and the timely removal of non-compliant signs).*

7. Subsection U.8 New language pertaining to City Planner authority to deny or revoke permits. This replaced former U.8 language. *(The new language provides an efficient means of sign enforcement).*
8. Subsection U.10 New language, formerly U.9, pertaining to City Planner authority to revoke a city issued sign permit for county non-compliant subdivision signs located in the county jurisdiction. *(The new language provides an effective means to clean up and minimize the installation of non-compliant signs in the county jurisdiction that surrounds the Visalia city limits).*

**Alternatives:** (1) Adopt the original first reading of the Ordinance without modifications.  
(2) Do not adopt the Ordinance.

**Attachments:** Exhibit "A" Ordinance 2006-14 (White paper). *The italics in Exhibit "A" is the new language being added to the existing ordinance for the second reading.*

Exhibit "B" Ordinance Modification of first reading sent to Planning Commission (Pink paper)

*The bold, bold italic and strike outs represent staff modifications sent to the Planning Commission after the City Council first reading.*

Exhibit "C" City Council Staff Report September 18, 2006 (Green paper)

Report to Planning Commission October 9, 2006 (Yellow paper)

**Recommended Motion (and Alternative Motions if expected):** I move to approve the second reading for Ordinance No. 2006-14, (Exhibit "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:

**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. Sign panels shall not exceed seven and one-half square feet in sign area, and shall be no greater than eighteen (18) inches in height and sixty (60) inches in width. A permittee shall allow a panel for any residential subdivision on a subdivision kiosk sign, subject to available space for same, however no more than one panel per residential subdivision on a kiosk sign is permitted. No other advertising is allowed.
2. Kiosks shall not exceed fifty (50) square feet in sign area, twelve (12) feet in height, and five (5) feet in width. Proposed kiosks exceeding these dimensions require approval through the conditional use permit process. Double face kiosk signs are allowed.
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.
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. *The city planner, or the designee of the city planner, may deny an application for a subdivision kiosk sign permit or revoke an existing subdivision kiosk sign permit where an applicant, permittee, or developer with a panel on a subdivision kiosk sign, fails to comply with any of the provisions of this Chapter.*

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.*

10. *The city planner, or the designee of the city planner, may deny an application for a sign permit for a subdivision kiosk sign, or revoke an existing permit, where it has been determined that the applicant, permittee, or developer with a panel on a subdivision kiosk sign, is maintaining residential subdivision advertising or directional signage on a parcel adjacent to the City which does not conform with the requirements of this Chapter, or if the applicant, permittee, or developer with a panel on a subdivision kiosk sign maintains any residential subdivision advertising or directional signage in the County of Tulare which does not conform with the requirements of the Tulare County Zoning Ordinance and the Ordinance Code of Tulare County.*

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 feet, *or if located behind a fence, at a height not to exceed 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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 16, 2006

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

**Agenda Item Wording:** Evaluate recent traffic safety improvements on Ben Maddox between Paradise Avenue and Tulare Avenue and consider retaining a Consulting Engineer to analyze roadway alignment alternatives.

**Deadline for Action:** None

**Submitting Department:** Public Works –Traffic Safety Division

**Contact Name and Phone Number:**

Andrew Benelli, 713-4340  
Eric Bons, 713-4350

**Department Recommendation**

Evaluate recent traffic safety improvements on Ben Maddox between Paradise Avenue and Tulare Avenue and consider retaining a Consulting Engineer to analyze roadway alignment alternatives. Staff does not recommend hiring a firm at this time. Recent actions have had a positive impact. Alternative alignments will not only be expensive, but will be very complex to implement.

**Summary/Background**

On August 7, 2006, the City received a petition from the residents of Hidden Oak Estates Subdivision requesting that the City install a permanent guard rail on Ben Maddox Way near Iris Street to “ensure the safety of our neighborhood and residents”. The petition was signed by 69 individuals. Several single vehicle traffic accidents have occurred in this segment of Ben Maddox Way including one fatality that occurred on December 16, 2005. This segment of Ben Maddox has two reversing curves (S curves). Most of the accidents were caused when vehicles lost control when negotiating the curves at high speed. The vehicle involved in the fatal accident lost control and rolled into the house on the southeast corner of Ben Maddox and Iris. Miguel and Sonia Torres live in this home and circulated the petition. They are worried that an out of control vehicle might impact their home and possibly injure a family member.

A community meeting was conducted on for August 29, 2006 to address the traffic concerns of the neighborhood and solutions to improve traffic safety. Invitations were mailed to all of the landowners in Hidden Oaks Estates and Castlewood Subdivision. Approximately fifty people attended the meeting. Staff presented several ideas to help protect private property and improve traffic safety. Several of the people in attendance ask if would be possible to change the alignment of Ben Maddox to remove the curves or “straighten out” the road. City staff made a commitment at that meeting to install permanent concrete barricades (K railing) on the west

**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** 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.

side of Ben Maddox north of Iris Street. The Police Department also agreed to increase enforcement on Ben Maddox. Please see the attached memorandum from Chief Carden that details the enforcement that has occurred since the community meeting. Staff also agreed to present a proposal to the City Council to retain a Consulting Engineer. The Consulting Engineer would evaluate realigning Ben Maddox to reduce the severity of the curves and would recommend traffic calming solutions for this area. The group attending the meeting seemed pleased with the commitments made to improve traffic safety in their neighborhood.

New concrete barricades (K rails) were installed on September 23<sup>rd</sup>. The barricades were placed north of the Iris intersection to prevent vehicles from leaving the roadway and striking pedestrians or the homes. The K rails are anchored together to form a chain that absorbs impact without allowing the car to pass through. The K rails will be painted tan or brown. Ivy will be planted to grow on the rails to improve the aesthetics.

The traffic signal at Ben Maddox Way and Tulare Avenue has been modified to operate in all-way red-flash mode from 12:00 AM to 5:00 AM every night since September 21. Many of the accidents in the past have occurred in the early morning hours. Having the signal flashing requires all vehicles to stop at the intersection and reduces the speeds of southbound traffic. There have been no accidents reported in this area since the traffic signal was set on red-flash mode.

The existing roadway meets all state and federal requirements for a forty mile per hour design speed (the posted speed limit). There are advisory signs posted recommending thirty-five miles per hour in the corners. Most vehicles can easily negotiate the corners at speeds higher than thirty-five or even forty miles per hour. Most of the accidents that have occurred have involved excess speed or driving under the influence of drugs or alcohol. Modifying the roadway will not eliminate accidents caused by drivers that are intoxicated or exceeding the speed limit.

City staff has performed a preliminary evaluation of alignment alternatives for Ben Maddox between Walnut and Tulare Streets. Three options for modifying the Ben Maddox alignment have been investigated. There are undoubtedly several other options and variations of the three alternatives that staff investigated.

One recommendation made at the Community Meeting was to move Ben Maddox further east and away from the current Iris intersection. The property on the east side of Ben Maddox in this area is undeveloped so changing this part of the alignment would not impact any homes. However, there is a small canal that crosses under Ben Maddox in this area. It would be necessary to extend the culvert to change the alignment. There is also a large oak tree that would have to be removed. The alternative would modify the northern curve (of the two reversing curves) but would not involve any modifications to the southern curve. Please see the attached aerial photographs for a concept design on how this could be accomplished.

A second option that was discussed involves increasing the radius of both of the existing curves. An aerial photograph with this concept shown is attached to this report. This alignment will have a significant impact on some existing homes.

A third option that has been discussed is the installation of a roundabout at the Tulare and Ben Maddox intersection. An aerial photograph with this concept shown is attached to this report. Property will have to be acquired on all four corners of the intersection to construct a roundabout. This design would not impact any existing structures. However, a building permit application has been submitted for a new office building on the southeast corner of Ben Maddox and Tulare. The developers of the office complex have indicated that they have a significant investment in the preparing the site and building plans. The foot print of the new building is shown on the aerial photograph. The roundabout would reduce the speed of southbound

through traffic before they enter the existing reversing curves on Ben Maddox. The roundabout would not reduce the speed of northbound traffic in the reversing curve section of the roadway.

The alternatives described above are estimated to cost between \$750,000 and \$2,500,000 depending on the cost of land acquisition, utility relocations, related road improvements, and design costs. The realignment of Ben Maddox will require other projects to be delayed.

Staff does not recommend modifying the Ben Maddox alignment. The roadway meets all design criteria and is safe for vehicles traveling at the speed limit. Additional studies are unlikely to identify cost effective modifications that will reduce accidents. Staff estimates that the fee for the study will be approximately \$40,000. Staff estimates that it will take four to six months to complete the report.

**Prior Council/Board Actions:** None

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

**Alternatives:** Do not authorize the roadway alignment study at this time.

**Attachments:** Attachment A - Area Map  
Interoffice Memorandum from Chief of Police, Bob Carden  
Aerial photographs with conceptual realignment designs

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

Authorization to retain a Consulting Engineer to evaluate roadway alignment and traffic calming alternatives for Ben Maddox Street between Paradise Avenue and Tulare Avenue. Authorize the expenditure of \$40,000 to retain the Consulting Engineer.

***Financial Impact***

**Funding Source:**

Account Number: 0012-00000-720000-0-9699

**Budget Recap:**

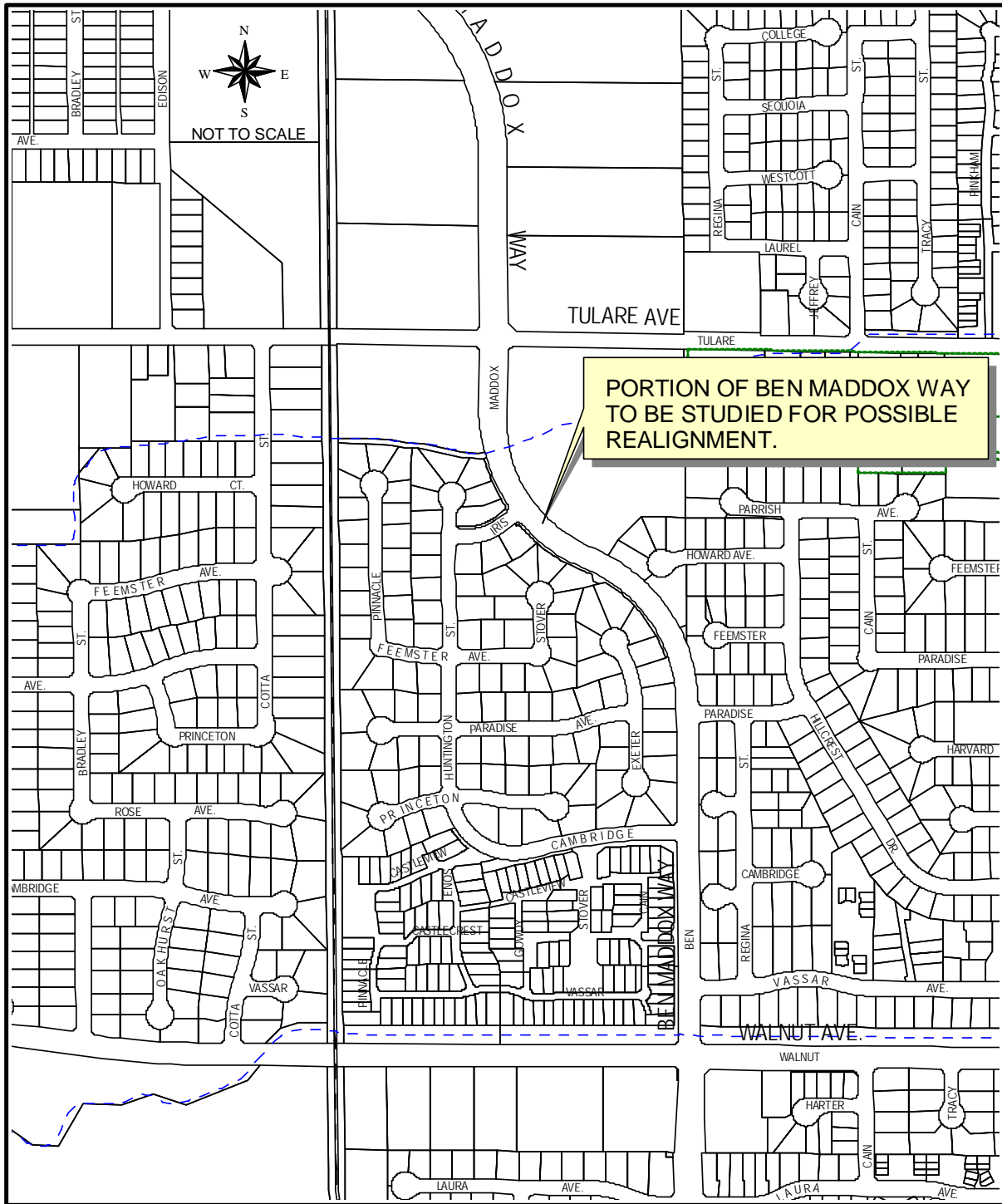
Total Estimated cost:	\$ 40,000.00	New Revenue:	\$
Amount Budgeted:	\$ 0.00	Lost Revenue:	\$
New funding required:	\$ 40,000.00	New Personnel:	\$
Council Policy Change:	Yes_____	No <u><b>X</b></u>	

***Environmental Assessment Status***

**CEQA Review: Not applicable**

**NEPA Review: Not applicable**

**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*)



## ATTACHMENT A AREA MAP



# Interoffice Memorandum

**Date:** September 19, 2006  
**To:** Andrew Benelli, Director of Public Works  
**From:** Bob Carden, Chief of Police  
**Subject:** Ben Maddox Intersection

---

At the direction of City Manager Steve Salomon, I am providing you with information pertaining to traffic issues on Ben Maddox, between Tulare Avenue and Walnut Avenue, for inclusion in your staff report to the City Council.

The Police Department has compiled information regarding incidents on Ben Maddox between September 2004 - September 17, 2005 and September 18, 2005 – September 17, 2006. This information is as follows:

## **September 2004 – September 17, 2005**

During this time, there were eight traffic collisions total:

- Four injury traffic collisions with four injured people total
- Four non-injury traffic collisions

The primary collision factors for the eight collisions are as follows:

- 1 – driving under the influence
- 4 – unsafe speed
- 1 – improper turning
- 1 – failure to drive on right side of the roadway
- 1 – right of way violation

## **September 18, 2005 – September 17, 2006**

During this time, there were seven traffic collisions total:

- One fatal traffic collision
- Four injury traffic collisions with nine injured people total
- Two non-injury traffic collisions

The primary collision factors for the seven collisions are as follows:

- 1 – driving under the influence
- 5 – unsafe speed
- 1 – unsafe turning

Additionally, since September 2005 - September 18, 2006, the Police Department has placed additional emphasis on this area of roadway. During this time:

- 81 traffic citations have been issued
- the radar trailer has been displayed on two separate occasions; each for multiple days
- 4 night-time details have been conducted, with two more scheduled for this upcoming weekend (09/22-09/24)

If you have any questions or need further information, please feel free to contact me at extension 4215.

BC/cm

cc: Steve Salomon, City Manager



## City of Visalia Agenda Item Transmittal

**Meeting Date:** October 16, 2006

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

**Agenda Item Wording:** a) **Certification of Negative Declaration No. 2006-058. Resolution No. 2006-101 required.**

**b) Public hearing for Contract Cancellation No. 2006-02:** A request by North Visalia Investments, LLC (Thomas C. Brodersen, agent) for the full cancellation of Williamson Act Land Conservation Contract No. 10263 and the disestablishment of Agricultural Preserve No. 3470, covering approximately 30 acres. The site is located on the north side of the Riggin Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare. (APN: 079-071-011) **Resolution No. 2006-102 required.**

**Deadline for Action:** None

**Submitting Department:** Community Dev. - Planning

**Contact Name and Phone Number:**

Brandon Smith, Associate Planner, 713-4636

**Department Recommendation and Summary:**

Planning Division staff recommends that the City Council hold a public hearing and then certify a negative declaration and approve a request for the full cancellation of Land Conservation Contract No. 10263. The City and the applicant are working together to facilitate the possibility of an agricultural easement exchange program, whereby the applicant could enter into an agreement to place land into a permanent conservation easement. Such a program under the Williamson Act would suffice for the penalty required when a property owner petitions for a rescission of a land conservation contract. Therefore, staff has placed a condition of cancellation that the penalty fee associated with the rescission may be used toward purchasing a permanent conservation easement on property with comparable agricultural value. This condition may be waived and the penalty would be made in cash payment if a willing seller of land cannot be identified or if Department of Conservation approval is not provided. The cancellation is also subject to a condition that a Specific Plan be prepared to include the subject property and adopted by the City Council.

Staff's recommendation is based on findings required by State law that staff believes can be supported, and based on correspondence received from the Department of Conservation.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 20

**Review:**

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

**Finance** \_\_\_\_\_  
**City Atty AP 10/2** \_\_\_\_\_  
(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.

## Request

The contract covers 30 acres on a portion of land planned for a community commercial development and a future residential development (conceptual plans for these uses are included as Exhibit "6"). The commercial development, which will span the northwest and northeast corners of Dinuba Blvd. and Riggins Ave., was the subject of a June 26, 2006 Council work session where the City Council gave comments on the design of the center and authorized the specific plan process to move forward. The commercial center has been reviewed multiple times by the Site Plan Review committee, and a draft specific plan is now being prepared for the property and its planned uses. The residential development has not yet been submitted to Site Plan Review. The site's underlying contract and preserve must be cancelled before any development associated with these alternative uses can commence on the site.

The property containing the Williamson Act contract is located inside both the 98,700 population and current 129,000 population Urban Development Boundaries. Properties which surround the site are also located within these boundaries. Currently, the site is predominantly used for the agricultural farming of tree orchards. Most of the properties surrounding the site are either developed or are approved for development (development activity surrounding the property is illustrated on a map included as Exhibit "5").

## Contract Background

Land Conservation Contract No. 10263, along with Agricultural Preserve No. 3470, became effective in 1976 at the request of property owner Leslie Gruber. At the time application was made, the property was within one mile of the City limits of Visalia; however the City of Visalia made no protest at the time the contract was created.

In May 2004, an application was filed to annex the subject property into the City limits. City Council initiated the annexation on November 30, 2004, and the annexation was approved by the Tulare County LAFCO on April 6, 2005. The annexation was recorded on July 15, 2005, at which point the City succeeded to Contract No. 10263 and Preserve No. 3470. In doing so, the City now has jurisdictional authority over the Contract and Preserve. A Notice of Full Non-Renewal was recorded for the Contract on September 3, 2004 prior to the annexation proceedings.

## Findings Required by State Law (Williamson Act)

Based upon the analysis prepared by staff (attached as Exhibit "1"), staff believes that the Council can make both the five "consistency" findings as well as the two "public interest" findings required by the State that would allow the contract to be tentatively cancelled. According to the Williamson Act, at least one of the two sets of findings must be made in order for a Council to tentatively approve the cancellation.

State law requires that a copy of the request for cancellation be sent to the Department of Conservation (DOC), so that it may conduct its own analysis of findings and render an opinion whether the "consistency" and "public interest" findings can be made. The City Council is then required to consider the comments received by the Department of Conservation before taking action on the item. The comment letter received for this cancellation (attached as Exhibit "2") does not raise objections to the proposed contract cancellation. The DOC cites the unlikelihood of adjacent lands also being removed from agricultural use, based on existing and pending urban development surrounding the site, and indicates that the proposed alternative use is consistent with the applicable provisions of the City's General Plan. With regard to public interest, the DOC remarks that the (City) Council is charged with considering the interest of the public as a whole in the value of the land for open space and agricultural use.

### Conditions of Approval

Staff's recommendation for cancellation of the Williamson Act contract includes conditions that are required by State law and must be met before the final cancellation is approved, and includes conditions that are specific to the subject property.

State law requires that contracted land which is cancelled by petition before the non-renewal period of the contract takes its full ten-year course is subject to a penalty fee of 12½% of the fair market value of the property. The Tulare County Assessors Office has determined that the fair market estimate for this property is \$3,860,000 (refer to correspondence attached as Exhibit "3"). Therefore, a penalty fee of \$482,500 must be paid to the State before the final cancellation is approved.

Based on prior Council discussions, staff is placing a condition of the tentative cancellation that the penalty fee would be used towards the purchase of a permanent conservation easement over property with at least comparable agricultural value. This condition is consistent with Government Code Section 51256 (text attached as Exhibit "7"), which permits a city or county to enter into an agreement with the landowner to rescind a contract and simultaneously place other land in the city or county under an agricultural conservation easement, if a series of findings can be made by the City Council. Once a suitable location is found by the applicant and the City, the Council will be charged with making these findings (which can be found in the Government Code) before the agreement is made.

The City's current policy has been to take in Agriculture Preserve cancellations on an ad-hoc basis; however, during a June 26, 2006 work session on the topic of Easement Exchanges, Councilmembers expressed a desire to adopt policy regarding easement exchanges. Thus, prior to the property owner entering into agreement for placing alternate land under easement, City policy would need to be adopted and a prioritization of locations of easements would need to be established. As stated in Condition 1 below, the applicant can make the traditional payment of the penalty fee to the state if a City program has not been established and approved by the Department of Conservation within one year.

Staff is also requiring a condition of cancellation that prior to the authorization of recording a final cancellation for the contract, a Specific Plan prepared in accordance with Section 3.5.8 of the Land Use Element of the Visalia General Plan shall be adopted by the City Council. The land use policy requires that areas identified in the General Plan as community centers shall be developed as part of a Specific Plan. The recommended condition to adopt a Specific Plan for the site prior to final cancellation would ensure that the alternative land use plan is prepared consistent and in accordance with the adopted Specific Plan.

Other conditions include a requirement that the penalty fee be recomputed if within one year all conditions have not been satisfied, and a requirement that the applicant initiate proceedings for disestablishing the Agricultural Preserve on the property.

The recommended conditions for the tentative cancellation of the contract are as follows:

1. To the extent practicable, the applicant(s) shall use reasonable efforts to utilize the \$482,500 penalty fee associated with rescission of the Williamson Act contract for the purposes of accomplishing an exchange consistent with the provisions of Government Code section 51256. Toward that end, applicant(s) shall: a) endeavor to identify and negotiate with a willing seller of a permanent conservation easement over property with at least comparable agricultural value as that of the subject property; b) enter into a contract with

- the City of Visalia providing for the purchase by application of such an easement in lieu of payment of the penalty fee; and c) obtain approval from the Department of Conservation for such exchange as required by Government Code section 51256. This condition may be waived upon a showing by applicant(s) that, after reasonable effort, no willing seller has been identified within six months of adoption of this resolution, or that Department of Conservation approval has not been provided within 12 months of adoption of this resolution. If this condition is waived, it shall be replaced with the condition that applicant(s) provide evidence of payment of the appropriate penalty fee to the State of California.
2. Unless the agreement is mutually entered into, or a certificate of cancellation of contract is issued within one year from the date of the recording of the certificate of tentative cancellation, the penalty fee shall be recomputed as of the date of notice that the landowner has satisfied the required conditions of the tentative cancellation.
  3. A Specific Plan prepared in accordance with Section 3.5.8 of the Land Use Element of the Visalia General Plan shall be prepared to include the subject property and adopted by the City Council.
  4. The applicant shall file an application and pay application fees for the disestablishment of Agricultural Preserve No. 3470.

#### Environmental Finding

In making a recommendation, the Council is required to make an environmental finding, in accordance with the California Environmental Quality Act (CEQA). Staff is recommending that the Council certify Negative Declaration No. 2006-058, which was prepared for the contract cancellation on the site and declares that the project will not have a significant effect on the environment. The Negative Declaration document is attached as Exhibit "4".

**Prior Council/Board Actions:** None.

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

**Alternatives:** None recommended.

#### **Attachments:**

- Resolution for Tentative Cancellation
- Exhibit "1" - Analysis of Findings for Cancellation of Contract No. 10263
- Exhibit "2" - Letter Received from Department of Conservation
- Exhibit "3" - Letter Received from Tulare County Assessor
- Exhibit "4" - Negative Declaration No. 2006-058
- Exhibit "5" - Development Activity Surrounding Contract
- Exhibit "6" - Proposed Alternative Land Use on Site
- Exhibit "7" - Government Code Section 51256
- Location Sketch
- Agricultural Preserves in Vicinity of Contract
- Zoning Map

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

I move to certify Negative Declaration No. 2006-058 by adoption of Resolution No. 2006-101.

I move to approve the Tentative Cancellation of Land Conservation Contract No. 10263 as conditioned by adoption of Resolution No. 2006-102.

***Environmental Assessment Status***

**CEQA Review:** A Negative Declaration has been prepared for the project. It will need to be certified prior to a decision on the project.

**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. 2006-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,  
ADOPTING NEGATIVE DECLARATION NO. 2006-058, WHICH EVALUATES  
ENVIRONMENTAL IMPACTS FOR CONTRACT CANCELLATION NO. 2006-02.

**WHEREAS**, a request was made by North Visalia Investments, LLC (Thomas C. Brodersen, agent) for the full cancellation of Williamson Act Land Conservation Contract No. 10263 and the disestablishment of Agricultural Preserve No. 3470, covering approximately 30 acres. The site is located on the north side of the Riggins Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare. (APN: 079-071-011) and

**WHEREAS**, the City Council of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Council on October 16, 2006 for the Project; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this Project, and that no mitigation measures would be required for the Project; and

**WHEREAS**, on the basis of this Initial Study, a Negative Declaration has been prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

**WHEREAS**, the Initial Study and Negative Declaration for the Project were prepared and noticed for review and comment; and

**WHEREAS**, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

**WHEREAS**, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and found that the Initial Study and Negative Declaration contain and reflect the independent judgment of the City of Visalia; and

**WHEREAS**, pursuant to AB 3158, Chapter 1706 of the Statute of 1990, the City Council of the City of Visalia hereby finds that no evidence has emerged as a result of said Initial Study to indicate that the proposed project will have any potential, either individually or cumulatively, for adverse effect on wildlife resources.

**NOW, THEREFORE, BE IT RESOLVED** that a Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2006-058 which evaluates environmental impacts for Contract Cancellation No. 2006-02. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2006-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, APPROVING A CERTIFICATE OF TENTATIVE CANCELLATION FOR WILLIAMSON ACT LAND CONSERVATION CONTRACT NO. 10263, COVERING APPROXIMATELY 30 ACRES. THE SITE IS LOCATED ON THE NORTH SIDE OF THE RIGGIN AVENUE EXTENSION, APPROXIMATELY 120 FEET EAST OF DINUBA BOULEVARD (STATE HIGHWAY 63).

**WHEREAS**, a request was made by North Visalia Investments, LLC (Thomas C. Brodersen, agent) for the full cancellation of Williamson Act Land Conservation Contract No. 10263 and the disestablishment of Agricultural Preserve No. 3470, covering approximately 30 acres. The site is located on the north side of the Riggins Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare. (APN: 079-071-011) and

**WHEREAS**, the subject property is within Agricultural Preserve No. 3470, established pursuant to the Williamson Act (California Government Code Section 51200 et seq.) and is subject to Land Conservation Contract No. 10263; and

**WHEREAS**, the Agricultural Preserve No. 3470 and Land Conservation Contract No. 10263 were established and entered into between the County of Tulare and property owner in 1976; and

**WHEREAS**, the property owner has served a Notice of Nonrenewal for the entire area contained under said Contract, and the notice was recorded as Document No. 2004-0090053 at the Tulare County Recorder on September 3, 2004; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required; and

**WHEREAS**, the City Council of the City of Visalia, after twenty (20) days published notice did hold a public hearing on October 16, 2006, regarding the request for cancellation; and

**WHEREAS**, notice of the public hearing was also given pursuant to Government Code Section 51284; and

**WHEREAS**, the City Council of the City of Visalia finds that the findings required by State law by which said contract may be tentatively canceled have been made; and

**WHEREAS**, the City Council finds the Contract Cancellation to be carried out in accordance with procedures for tentative cancellation of contracts outlined in State law; and

**NOW, THEREFORE, BE IT RESOLVED** that a Negative Declaration was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia makes the following findings based on evidence presented in the Analysis of Findings for Contract Cancellation No. 2006-02:

1. That the cancellation is for land on which a notice of non-renewal has been served pursuant to Section 51245 of State Government Code.

A notice of nonrenewal was filed with the County of Tulare and was recorded with the Tulare County Recorder on September 3, 2004 as Document No. 2004-0090053. The contract is now scheduled to expire on its own in 2013.

2. That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

Currently, the adjacent land to the southwest is developed with a single-family residential subdivision. Land to the south of the parcel containing the contract has been tentatively approved for a single-family residential subdivision. Land to the north and west of the site has been slated for the development of a community commercial shopping center. Additional land to the north is currently in agricultural use, though a single-family residential subdivision has been conceptually proposed on the site. Please refer to an attached map which illustrates current development activity which surrounds the site.

The site and all immediately surrounding land are within the City's Urban Growth Boundary (UGB), which designates areas for urban expansion of the City to the year 2020. The City also designates intermediate urban development boundaries within the Urban Growth Boundary to promote compact growth and avoid "leapfrog" development within the UGB. The site and surrounding area has been inside the intermediate Urban Development Boundary since 1991 when the boundaries were drawn. Agricultural land that is located northeast of the site across from the St. John's River is designated for Urban Reserve but is outside the current Urban Development Boundary and cannot be developed until thresholds enforced by the City's General Plan Policies have been met to allow further expansion.

The subject property and all adjacent land are inside the City's Urban Area Boundary and inside the Sphere of Influence established by the Local Agency Formation Commission of the County of Tulare.

As described above, land immediately adjacent to the site on three sides is either already developed or has been proposed for development consistent with the underlying General Plan land use and zoning designations. Since the land to the northeast is outside the current Urban Development Boundary, it is protected from immediate development until such time as the thresholds needed to expand the current Urban Development Boundary are met. Until that time, the land cannot be considered for urban use regardless of whether or not the current cancellation request is approved.

3. That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

The City General Plan designates the site for Community Commercial and Multi-family Residential uses (see attached General Plan Land Use map). In compliance with policies contained in the City General Plan Land Use Element, a specific plan is currently being prepared to consider the commercial and multi-family residential uses on the site. The attached copies of the proposed alternative uses on the site illustrate commercial and multi-family residential development. These uses will be subject to the policies and standards contained within the specific plan. These facts support a finding that the cancellation is for an alternative use that is consistent with both the City and County General Plans.



4. That cancellation will not result in discontinuous patterns of urban development.

The 30-acre site containing the agricultural preserve is directly adjacent to urban development to the southwest. Land directly adjacent to the property to the south has been tentatively approved for single-family residential use and land directly adjacent to the property to the west and north is included as part of the alternative land use proposed for the subject site.

The City has an urban development boundary system to manage the location, extent, and direction of growth. There are also specific policies to control where commercial development with supporting residential shall be located within the City. One of the major commercial policies is that community-scale shopping shall be directed to four designated "Community Centers" with the City's Urban Area Boundary. One of the locations of the Community Centers, according to Policy 3.5.8 of the City's Land Use Element, shall be "the northeast, northwest, or southeast corner of Riggins and Highway 63." These locations were selected based on their proximity to arterial street intersections that have connections to freeway access and adequate north/south and east/west circulation.

As described earlier, the City of Visalia has an adopted General Plan Land Use Element which implements compact and concentric growth through the use of concentric Urban Development Boundaries or "growth rings" that are drawn around the City Core Area as illustrated on the attached Location Map. The subject site is located approximately one mile north of the City Core Area, and is also located inside City limits and the Sphere of Influence. Land located between the subject site and the City Core Area has been inside the City limits for 20 or more years. The land located between the site and the Core Area is generally urbanized. Furthermore, the land located immediately south and west of the subject site either contains development or is tentatively approved for development. Land to the east of the site across from the St. John's River is outside of the City's current Urban Development Boundary and cannot be developed at this time.

Ironically, the most likely scenario that would lead to the discontinuous growth would be if the agricultural preserve was not removed. In this case, the resulting land use pattern would become one of commercial and residential development surrounding a 30-acre patch of agricultural land on multiple sides. The traditionally intensive farming practices in Tulare County are not suitable to coexist in this way, which means that the 30-acre parcel would most likely lay fallow. Because the land could not develop, there would be greater demand for commercial development elsewhere on land (probably agricultural land) that is farther away from urban development. This would result in an urban pattern that is less dense, less efficient, and less well-planned, with corresponding adverse effects upon agriculture.

5. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non contracted land.

The development of the contracted land for its proposed alternative use would provide a pattern of development that is contiguous to and consistent with existing and approved development surrounding the site. The subject site is adjacent to approved development on the south side which is closest to the City Core, and the area associated with the proposed alternative use would be adjacent to approved development on the west side as well. The site would be surrounded on all sides by land that is inside the City limits and is designated for development in accordance with the City General Plan.

The proposed alternative use on the site is an 8.5-acre portion of a 40-acre community-scale commercial center. The remaining 31.5 acres of the proposed alternative use is located on non-contracted land that is adjacent to the site. However, there is no further non-contracted land that is suitable and available for the remaining 8.5 acres of the community-scale commercial development. The only other site that contains a Community Commercial land use designation and is within proximity to the site and the community's draw area would be 20 acres located on the northeast corner of Demaree Street and Riggan Avenue, two miles west of the subject site. However, this site is currently under contract to be developed with commercial uses consistent with the land use designation, and is therefore not available. Furthermore, prohibiting the subject site from developing with the proposed use would create a pattern of non-contiguous development since the land to the north and west can proceed with development without contractual restrictions.

The proposed alternative use on the site also includes approximately 15.5 acres of multi-family residential development supporting the adjacent community center. On June 12, 2006, the Visalia City Council acknowledged a report prepared by City staff which illustrated the amount and locations of undeveloped residential land within the City's current Urban Development Boundary. Based on maps which were included as exhibits to the report, the largest piece of non-contracted and available land which could support a multi-family residential development of equal or greater density within a two-mile radius was 13 acres located near the northwest corner of Dinuba Blvd. and Ferguson Ave., one-half mile south of the subject site. Thus, the land is smaller than the land available on the contracted site. Furthermore, the 13.5 acres is not available for development at this time.

6. That other public concerns substantially outweigh the objectives of the Williamson Act.

Based upon the Legislative findings in Section 51220 of the Williamson Act, the objectives of the Act can be describes as follows:

- Preservation of the maximum amount of the limited supply of agricultural land
- Provision for agricultural workforce
- Discouragement of the premature and unnecessary conversion of agricultural land to urban uses
- Preservation of agricultural land for its open space value

Recognizing that Visalia is now the county seat of the most productive agricultural county in the nation, there is no argument that the public as a whole has an interest in the maintenance and preservation of agricultural land. Visalia's economy is and will continue to be tied to agriculture. The question then is whether there are other concerns regarding this cancellation request that substantially outweigh the concern over protection of agricultural land.

As has been previously stated, Visalia's General Plan seeks to protect agricultural land. The General Plan also recognizes that the City will continue to grow at a strong pace based on several factors. These factors include one of the lowest cost-of-living rates within the State of California, which helps to contribute towards a large domestic migration of people to the Tulare County and the rest of the San Joaquin Valley. In

addition, the Housing Needs Allocation that has been placed upon the City by the State Dept. of Housing and Community Development in 2002 provides evidence that the City and County will continue to grow at a rapid rate. In order to meet this allocation Visalia will need to approve housing development at a faster pace than ever before.

With housing comes the need to provide adequate services, including commercial services. Visalia is also the regional commercial center for Kings and Tulare Counties. In order to balance these two interests of agricultural land preservation and provision for housing and its necessary services, the Visalia General Plan has strong objectives and policies that support a growth pattern that is compact and concentric around the City core. These policies, when implemented through the careful placement of urban development boundaries, serve to provide land inside the boundary for growth while protecting land outside the boundary from premature conversion to urban uses.

The project site is within the current Urban Development Boundary. Development of the site is therefore consistent with the General Plan's urban boundary system. The City's concentric and compact growth policies have been supported by past and present City Councils and have strong support in the community. The policies seek to balance the need for growth and the need to protect agricultural land. These policies allow growth on lands nearest the existing community and protect agricultural lands farther away from the community. If these policies were not in place, agricultural land under Williamson Act contract would most likely be passed over by development, creating the leap-frog growth effect that is commonly recognized as being detrimental to agricultural land preservation. Passing over such land would also require City infrastructure to be extended further out, thereby raising the cost of housing and other development, and accelerating an urban sprawl effect.

Based upon the evidence, it is clear that the City's policies for agricultural land protection have and will continue to provide a better strategy for the overall protection of agricultural land in Visalia's vicinity than relying on the Williamson Act alone. The patchwork pattern of agricultural preserves within Visalia's adopted Urban Area Boundary, if left undeveloped, will contribute to leap-frog development and urban sprawl of the city. Therefore, the public concerns for avoidance of urban sprawl and leap-frog development, as well as the promotion of compact, concentric growth that seeks to balance agricultural land protection with growth requirements, urban development boundaries and thresholds, substantially outweighs the objectives of the Williamson Act.

7. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and that Negative Declaration No. 2006-058 is hereby adopted.

8. There is no evidence before the Council that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

9. Based upon the certification of cancellation valuation of the site by the Tulare County Assessor, the City Council determines and certifies to the Tulare County Auditor that the appropriate cancellation fee to be paid to the Tulare County Treasurer upon cancellation of Contract No. 10263 is \$482,500.

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia approves a tentative cancellation for a portion of Land Conservation Contract No. 9788, in accordance with the terms of this resolution under the provisions of Sections 51280 through 51287 of the State Government Code and based on the above findings, subject to the following conditions:

1. To the extent practicable, the applicant(s) shall use reasonable efforts to utilize the \$482,500 penalty fee associated with rescission of the Williamson Act contract for the purposes of accomplishing an exchange consistent with the provisions of Government Code section 51256. Toward that end, applicant(s) shall: a) endeavor to identify and negotiate with a willing seller of a permanent conservation easement over property with at least comparable agricultural value as that of the subject property; b) enter into a contract with the City of Visalia providing for the purchase by application of such an easement in lieu of payment of the penalty fee; and c) obtain approval from the Department of Conservation for such exchange as required by Government Code section 51256. This condition may be waived upon a showing by applicant(s) that, after reasonable effort, no willing seller has been identified within six months of adoption of this resolution, or that Department of Conservation approval has not been provided within 12 months of adoption of this resolution. If this condition is waived, it shall be replaced with the condition that applicant(s) provide evidence of payment of the appropriate penalty fee to the State of California.
2. Unless the agreement is mutually entered into, or a certificate of cancellation of contract is issued within one year from the date of the recording of the certificate of tentative cancellation, the penalty fee shall be recomputed as of the date of notice that the landowner has satisfied the required conditions of the tentative cancellation.
3. A Specific Plan prepared in accordance with Section 3.5.8 of the Land Use Element of the Visalia General Plan shall be prepared to include the subject property and adopted by the City Council.
4. The applicant shall file an application and pay application fees for the disestablishment of Agricultural Preserve No. 3470.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 16, 2006

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

**Agenda Item Wording:** Public Hearing to approve the recommended expenditure of and appropriate the State of California 2006 Citizens Option for Public Safety (COPS) Program funds of \$216,374. Adopt Resolution 2006-103 regarding the grant to be executed.

**Deadline for Action:** October 16, 2006

**Submitting Department:** Police

**Contact Name and Phone Number:** Chief Bob Carden, ext. 4215 or Chuck Hindenburg, ext. 4250

**Department Recommendation:**

Council is recommended to approve and appropriate the proposed expenditure plan for the 2006 Citizens Option for Public Safety (COPS) Program funds (\$216,374) to be used to:

- Add one police officer (detective) position to the Investigations Bureau - \$81,000
- Two Crime Prevention hourly employees - \$40,000
- Lease a building for and further energize and enhance the PAL program - \$65,000
- Tactical Response Training for School Critical Incidents - \$20,374
- Tactical Response equipment for SWAT - \$10,000 and adopt Resolution 2006-103 regarding the grant to be executed.

**Summary/background:** AB 3229 creates the Citizens Option for Public Safety Program (COPS). The bill allocates money to cities and counties for law enforcement and public safety purposes. The City was awarded Supplemental Law Enforcement Services Fund (SLESF) funds in the amount of \$216,374 for the year 2006. These funds will be deposited in and expensed from Fund 6311, Citizens Option for Public Safety (COPS). This item, received on September 26<sup>th</sup>, has a submission date of October 20<sup>th</sup>. Several meetings have been held with Department Staff to develop and finalize the recommendation for expenditure.

The City Council is responsible for appropriating SLESF funds. This money may only be spent on "front line law enforcement services" and may not be used to supplant existing law

**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** 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.

enforcement services. "Front line law enforcement services" is not specifically defined, but it includes "anti-gang" and "community crime prevention programs." There is no provision in AB 3229 permitting requests for funding to be made directly by community activists to the City Council.

### **Add One New Detective Position to Property Crimes Unit**

The investigation of property crimes continues to be a priority with the Visalia Police Department. Our current Property Crimes Investigations Bureau has operated with the same staffing level for the past five years. The Department is suggesting that by adding one new detective position to the Property Crimes Unit, this will assist the Department in reducing the increase in property crimes, as well as potentially increasing the amount of property recovered. Salary, benefits, a vehicle, and equipment for the new position will be approximately \$81,000 through October 2007. At the expiration of the COPS 2006 funding, the officer positions may be absorbed into the General Fund budget through attrition of existing authorized positions, added to the allocated strength through the appropriate new position request process, or further extended with future grant funding.

### **Funding for Two Part-time Crime Prevention Assistants**

The Department currently staffs one full-time Crime Prevention Technician. The Department recommends adding two Crime Prevention hourly personnel who would work a flexible schedule, allowing them to attend evening and weekend events, greatly enhancing Department Crime Prevention efforts. The hourly personnel would assist with and develop new Neighborhood Watch groups, as well as strengthening current Neighborhood Watch programs. Additional attention could be given to the implementation of a "Crime Free Multi-Housing" program. These personnel would also maintain a database and work closely with different community groups and other City agencies such as Recreation Department, SEU, Code Enforcement and Fire, promoting Crime Prevention efforts in areas such as graffiti abatement and gang awareness. Additional personnel would promote Disaster Preparedness by working with the American Red Cross, providing CERT training to our Neighborhood Watch groups and the community at large. They will also be available to schedule and coordinate Crime Prevention presentations of various topics. Hourly salary, car allowance and cell phones are included in the \$40,000. A primary goal of this program will be to reduce the increase in property crimes in the City of Visalia.

### **PAL Program**

The PAL Program, which has previously shared space with other programs within the City, is in need of dedicated space to continue and enhance successful programs for at-risk youth. The \$65,000 allocated to PAL would be used to lease and equip a building, as well as providing for needed equipment and supplies. A property has been identified which will potentially meet the needs of PAL based on its size and location. Planning has confirmed that a conditional use permit would allow the planned activities as currently zoned. Additional expenditures include the purchase of a boxing ring and program supplies to further enhance the PAL program. Over 2,000 children participated in this program in the past year.

The Department is currently leasing off-site storage space to store property and evidence that cannot be accommodated at headquarters. When the lease expires in September 2007, a potential exists to save approximately \$14,000 annually by moving the off-site storage to unused space in the building currently being recommended for the PAL Program. This would be an ongoing savings.

### **Tactical Response Training for School Critical Incidents**

The Visalia Police Department currently has a plan to utilize the Rapid Response Team in the event of a shooting incident at our schools. While this approach may ultimately resolve the matter, the Department would like to enhance our response capabilities even further. The Visalia Police Department will adopt training in order to enhance response times to reduce injuries or the loss of life resulting from this type of shooting incident. The allocation for overtime funding for mandatory training of all sworn personnel is \$10,374, and \$10,000 is allowed for the purchase of Simunitions equipment (simulated live-fire using non-lethal marking cartridges) to be used during the training scenarios.

### **Tactical Response Equipment**

The SWAT Team is the unit that is called in high-risk situations and, consequently, the unit which is exposed to the highest likelihood of violent confrontation. State-of-the-art equipment is essential to minimize the risk to the SWAT Team members. Three pieces of equipment that the SWAT Team currently does not have, but are essential for increased officer safety, will be addressed by the grant: (1) \$5,000 – portable, electronic pole camera for observing over walls, around corners, in attics, etc., (2) \$2,500 - tactical communications equipment (hands-free portable radio) for “officer to officer” and “officer to dispatch” communications, (3) \$2,500 - one forty millimeter multi-launch chemical (tear gas) delivery weapon for entry and riot control.

The Department believes that utilizing these grant funds in the aforementioned programs meets the intention and spirit of the COPS Grant Program and greatly enhances the safety of our community, as well as the safety of the officers tasked with providing professional and responsive police service.

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

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

**Alternatives:** Refuse the designated grant money.

**Attachments:** Resolution of the City Council authorizing the Police Department to use State COPS grant monies as recommended.

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

I move to approve the recommended expenditures of 2006 Citizens Option for Public Safety (COPS) Program funds, that \$216,374 be appropriated in recognition of the grant, and to adopt Resolution 2006-103 regarding the grant to be executed.

#### ***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- 103

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
AUTHORIZING THE POLICE DEPARTMENT  
TO USE STATE COPS GRANT MONIES AS RESOLVED BELOW

WHEREAS, the City of Visalia has been granted State funds through the Citizen Option for Public Safety Program (COPS); and

WHEREAS, the monies are expected to be expended for the enhancement of services by the Police Department to the betterment of the community;

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

1. That the City Council of the City of Visalia held a public hearing to receive input from the public concerning the expenditure of the aforesaid funds; and
2. That the City of Visalia is committed to see that these funds are properly expended.

PASSED AND ADOPTED: 10/16/06

STEVEN M. SALOMON, CITY CLERK

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2006- passed and adopted by the Council of the City of Visalia at a regular meeting held on October 16, 2006.

Dated: October , 2006

STEVEN M. SALOMON, CITY CLERK