

Visalia City Council Agenda



For the regular meeting of: Monday, December 18, 2006

Location: City Hall Council Chambers

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

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

EMPLOYEES INTRODUCTION:

Introduction of new employee Diane Davis, Management Analyst, Human Resources by Administrative Service Director, Eric Frost; Community Development employee Cathy Guerraz, introduced by Assistant City Manager Mike Olmos.

WORK SESSION AND ACTION ITEMS (as described)

5:00 p.m.

Public Comment on Work Session Items -

5:10 p.m.

1. Hearing and Introduction of **Ordinance 2006-18** amending portions of Titles 16 and 17 of the Visalia Municipal Code pertaining to the review of Planning Commission decisions by the City Council.

5:35 p.m.

2. Authorize staff to process the resolution for the increase in the unaltered dog license from \$25 to \$35 and the increase in the unaltered cat license from \$10 to \$20 and authorize City/Valley Oak SPCA Committee to move forward on recommendations.

**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)

3. Conference with Labor Negotiators
Agency Designated Representatives: Eric Frost
Employee organization: All
4. Conference with Real Property Negotiators (GC54956.8)
Property: Eastern Portion of APN:094-285-13
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Colleen Carlson, Steve Salomon, Mike Olmos, Paloma Development Co.

5. Conference with Real Property Negotiators
Property: APN 126-050-018 for riparian setback on Packwood Creek at Woodland Street
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Don Stone, Paul Shepard, The Orosco Group
6. Conference with Real Property Negotiators
Property: 4.25 acre parcel, APN 077-640-002 and a part of 077-100-086
Under Negotiation: Price, terms, conditions of sale
Negotiators: Steve Salomon, Don Stone, McMillin Homes Co

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Floyd Westbrook, Visalia Christian Ministries

SPECIAL PRESENTATIONS/RECOGNITION

Measure R Committee

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

7. **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) Authorize the Engineering Staff to apply for Safe Routes to School Program grant and authorize the Public Works Director to sign the necessary applications for the Safe routes to School Program.
 - c) Approve the recommendation by the Parks and Recreation Commission to establish the name of "Miki City Park" for the City owned parcel located at Mineral King and Stevenson and authorize the City Manager to execute the agreement between the City and Saito Associates Landscape Architects for an amount not-to-exceed \$28,000 for design serves related to the project.

- d) Authorization to file the final notice of completion on the following:
1. Riggin Avenue Extension Project. Project No.: 1111-00000-720000-0-9476; final contract amount of \$1,814,958.98.
 2. Lift Station Control Panel project No. 3011-720000-0-0-9504-2002.
 3. Project No. 3011-00000-720000-0-8007, Cape Seal & Slurry Seal various streets (Cost \$642,664.66).
- e) Authorization to record the following final maps:
1. Four Creeks Estates II, Phase 1 Subdivision (49 lots), located on Buena Vista Avenue between Burke Street and Ben Maddox Way and the Formation of Landscape and Lighting District No. 06-13, Four Creeks Estates II Subdivision (**Resolution Nos. 06 - 121 and 06-122 required**). APN: 077-180-005.
 2. **Item removed from agenda.**
 3. Hall Estates, located at the northeast corner of Cherry Avenue and Lovers Lane (30 lots) and the Formation of Landscape and Lighting District No. 06-05, Hall Estates (**Resolution Nos. 06-125 and 06-126 required**). APN: 127-030-014.
- f) Authorization for the City Manager to execute a contract with EDAW for the Parks and Infrastructure Master Plan for the East Downtown Strategic Plan Area, for \$484,435, and up to \$39,000 for reimbursable expenses, and up to \$42,070 for any additional survey work requested by the consultant and approved by the City, and authorization for the Administrative Services Director to make necessary adjustments.
- g) Approval of the appointment of Allen Dimick, Greg Gostanian, Annee Ferranti and Susan Barlow to the Environmental Committee.
- h) Authorization to accept the City Engineer's report, call for construction bids, set a Public Hearing and direct the recordation of an Assessment District map for the proposed Village West Street Assessment District. **Resolution 2006 - 127 required.**
- i) Approve and accept the City of Visalia Cash and Investment report for the first quarter ending September 30, 2006.
8. **PUBLIC HEARING**
- a) Adoption of Negative Declaration No. 2006-099. **Resolution No. 2006-128 required.**
- b) **Public Hearing** for General Plan Amendment No. 2006-05: A request by Visalia Land Company, Inc. and the City of Visalia to change the General Plan land use designation from RLD (Low Density Residential) to RMD (Medium Density Residential) on 17.5 acres. The site is located on the north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue APNs: Visalia Land Co., Inc. - 087-060-007,008,009, and 010, City of Visalia - 087-060-001, 002, 004, 006, 011, 012, 013, 014, 024, and 025, 087-090-015,016,017,018,019,020,021,022,023,025,028,030, 031,032, and 033. **Resolution No. 2006-129 required.**

- c) **Public Hearing** for First Reading of Change of Zone No. 2006- 04: A request by Visalia Land Company, Inc. and the City of Visalia to change the zoning from R-1-6 (Single-Family Residence, 6,000 sq.ft. minimum lot size) to R-M-2 (Multi-Family Residential) on 17.5 acres. The site is located on the north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue APNs: Visalia Land Co., Inc. - 087-060-007,008,009,and 010, City of Visalia - 087-060-001, 002, 004, 006, 011, 012, 013, 014, 024, and 025, 087-090-015,016,017,018,019,020,021,022,023,025,028,030, 031,032, and 033. **Resolution No. 2006-130 required.**
9. Continued **PUBLIC HEARING** (Continued from Nov. 20, 2006)
- a) Adoption of Negative Declaration No. 2006-67. **Resolution No. 2006-123 required.**
- b) **Public Hearing** for Adoption - Specific Plan Amendment No. 2006-02: A request by The Taylor Group to amend the Demaree/Caldwell Specific Plan to allow the relocation of an access point on Caldwell Avenue, and to allow a phased development of Sub-area B. **Resolution 2006-124 required.**

The site is located on the southeast corner of Caldwell Avenue and Demaree Street (APN: 126-030-033/034/035/036/014/015).

10. Continued **PUBLIC HEARING** (Continued from December 4, 2006)

Continued at staff request to Tuesday, January 16, 2007 - Motion required

Consider increasing the Transportation Impact Fees. After hearing testimony, consider approval of proposed Transportation Impact Fee Schedule per Resolution. **Resolution No. 2006-111 required.**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, January 8, 2007 - Visalia Convention Center
Tuesday, January 16, 2007 -Visalia Council Chambers

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: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 1

Public Hearing and Introduction of Ordinance 2006-18:

Amending Portions Of Titles 16 And 17 Of The Visalia Municipal Code Pertaining To The Review Of Planning Commission Decisions By The City Council

Deadline for Action: None

Submitting Department: City Attorney and Community Development, Planning Division

Contact Name and Phone Number: Alex Peltzer, City Attorney (636-0200)

Department Recommendation: Staff recommends that the City Council consider the information contained in this report along with the record of proceedings of the July 17, 2006, City Council meeting and the July 10, 2006, Planning Commission public hearing (provided under separate cover), and:

A. Hold a Public Hearing and take testimony from interested members of the public.

B. Introduce Ordinance 2006-18, for first reading regarding Subdivision and Zoning Ordinance Text Amendment No. 2006-0?, revising the Appeal process of Planning Commission actions;

Summary/background: The proposed Subdivision and Zoning Ordinance Text Amendments are the result of previous City Council direction to staff to draft changes to the City's Appeal process so that the City Council, acting as a body, may review Planning Commission decisions. At the July 17, 2006, Council meeting, the Council considered an ordinance that would have put in place a process whereby two council members could trigger the appeal of any decision made by the Planning Commission, which would include subdivision maps, conditional use permits, variances, ambiguity determinations and site plan review determination appeals.

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
 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.

The proposed ordinance was not introduced on July 17, and instead it was proposed that further discussions be accommodated between members of Planning Commission and the City Council, and possible alternative ordinances be considered. At the November 20, 2006, Council meeting, Council Member Kirkpatrick proposed such an alternative. The City Attorney has therefore drafted the attached ordinance, which is proposed for introduction.

Prior Action and Review:

In addition to the Council action described above, the prior version of the ordinance was reviewed by the Planning Commission. The Commission voted 4-0 to recommend against enactment of the ordinance. The reasons for this were described in the staff report for the July 17 Council meeting, a copy of which is attached hereto. In summary, the Planning Commission believed the proposed action would undermine the Planning Commission's decision authority, and that it would blur the distinct roles and responsibilities of the Council and Commission. The Commission further determined the process would compromise the appealing Council members' impartiality on the matter.

The new version of the ordinance is intended to respond to some of the concerns of the Planning Commission.

One aspect of the ordinance that has not changed, and which was the subject of objection by the Planning Commission, is the fact that an appealing council member will be entitled to participate in the deliberation and vote on the appeal. The ordinance is specifically designed to allow this to occur without creating a conflict on the part of the appealing Council Member. The revised ordinance presented here continues to have features which, in the opinion of the City Attorney, resolve the potential conflict issue, and is consistent with other cities' ordinances which have been upheld. We earlier noted that this conclusion is based on case law, including *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547; and *Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205. Although some members of the Planning Commission voiced concern that the conflict issues were not vitiated by the proposed ordinance, no authority has been presented to the City Attorney that would support that concern.

General Description of Changes:

In general, Council Member Kirkpatrick's proposal has three main points: 1) the council member appeal provisions would apply only to tentative map approvals by the Planning Commission, and related entitlements, but would not apply to stand alone conditional use permits or other decisions not related to maps; 2) a council appeal would be triggered by a single council member rather than the two required by the first version of the proposed ordinance; and 3) the appealing council member would be required to state the policy issue to be discussed in connection with the appeal, but should not state opposition or support for the application as a whole.

In addition to these three points, the attached ordinance includes many of the features of the previous draft, which were intended to resolve pre-existing inconsistencies, and which are not in conflict with the above concepts. For example, appeal periods for maps are currently different for all other types of appeals, and it was intended that these periods be made uniform. Further, the standards for reviewing a decision are in need of clarifying, whether the appeal is made by the council or by the standard "interested party" trigger. Staff believed these changes are still important to make.

Outline:

Section 1 of the proposed ordinance contains general findings and recitals and are self explanatory.

Section 2 is a modification of existing appeal procedures that are applicable only to subdivision map approvals made according to the provisions of Title 16 of the Municipal Code. This section contains the provisions relating to council member appeal, as detailed above. It specifies that if a tentative map is appealed by a council member, the accompanying entitlements (such as conditional use permits or variances) that are conditions of the tentative map are also automatically appealed.

Section 3 creates a new Municipal Code section in Chapter 2 (General) of Title 17 (Zoning). This new section contains all of the same provisions as the modified Title 16 appeal procedures created by Section 2 of the ordinance, with the exception of the council member appeal provisions. These new uniform appeal procedures, other than council appeals, would be applicable to all decisions of the Planning Commission that are made pursuant to the various chapters of the Zoning Ordinance (Title 17).

The proposed uniform appeal procedures would impose a uniform 10 day appeal period (some decisions are currently subject to 5 “working day” appeal periods).

The ordinance would clarify the standard for review when an appeal or call for review is made, and clarify what action the Council can take on review. These additions to the code reflect current practice.

Sections 4 through 8 of the proposed ordinance make conforming changes to several provisions of Title 17 that currently have their own varying appeal provisions, and replace these provisions with references to the uniform appeal procedure established by Section 3. The only substantive change created by these amendments is the change in the appeal period from five business days in most cases to 10 calendar days. Again, the council member appeal procedures would not apply to these approvals, unless they were made in connection to a tentative map.

Other issues

Appeal Fee – Currently, where an interested party files an appeal, the appellant must pay a \$300 appeal fee. This fee is established by resolution, not by ordinance. Staff does not recommend changing this policy. Interested party appeals would be subject to the \$300 appeal fee, while council member calls for review would not.

Statement of Policy Decision – The proposed ordinance requires a Council Member to indicate the policy issue to be discussed in connection with the appeal. However, in order to preserve the council member’s ability to participate in deciding the matter, the council member’s impartiality must be preserved. This is accomplished by specifying that the council member may not and should not develop a position regarding the approval or denial of the application before the hearing on the matter.

Number of Council Members – the new version of the proposed ordinance only requires one member to appeal the decision.

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

Attachments:

Exhibit A- Ordinance No. 2006-18

Exhibit B – Staff Report from July 17, 2006 item introducing prior version of ordinance, which includes the Planning Commission agenda item from July 10, 2006.

Recommended Motion (and Alternative Motions if expected):

I move to introduce Ordinance 2006-18, Amending Portions Of Titles 16 And 17 Of The Visalia Municipal Code Pertaining To The Review Of Planning Commission Decisions By The City Council, for first reading,

Environmental Assessment Status

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

NEPA Review: None

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

Copies of this report have been provided to:

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

ORDINANCE NO. 2006-18

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

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

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

Section 2 – Uniform Appeal Procedures for Map Decisions: Section 16.04.040 and Section 16.16.120 of the Visalia Municipal Code, pertaining to appeal procedures applicable to planning commission decisions made pursuant to Title 16 (Subdivisions), shall be amended to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

16.04.040 Appeals.

A. ~~Planning Commission Actions.~~ The subdivider or any interested person adversely affected may, *upon payment of an appeal fee as may be established by resolution of the city council*, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal. ~~An appeal~~ *Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.*

B. *A member of the city council may call for the review of a planning commission decision on a tentative map application made pursuant to Chapter 16.16 by making such request in writing to the city manager within 10 days of the planning commission's action. Such request shall state any policy issues related to the tentative map to be addressed upon the council's review of the tentative map application, but the council member shall not take a position regarding support for or opposition to the application. Upon receipt of such request from any single council member, the matter shall be considered to be under appeal, and the city council shall set the matter for hearing in the manner prescribed by subparagraph C. below. If the tentative map for which further review is sought by the council is conditioned upon the approval of any other development entitlement whether pursuant to this Title or other municipal code provisions, such as a conditional use permit, and such entitlement was approved by the Planning Commission in conjunction with the tentative map approval, such other entitlement shall also be considered to be under appeal, and shall be reviewed by the City Council pursuant to this section.*

C. ~~Upon the filing of an appeal, or upon the receipt by the city manager of a call for review of the matter from any one city council member, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member requests. The city clerk shall give ten calendar days notice to the applicant, the appellant (if any and if the applicant is not the appellant) and property owners within three hundred (300) feet of the proposed location as to the time and date when the appeal will be considered by the city council. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the planning commission, except that the timing of such notice shall be no less than 10 days before the hearing date.~~

D. *In holding the hearing on the matter, the council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of appeals that result from a council member request to review the matter, the requesting council member shall be entitled to fully participate in the deliberation and decision on the matter unless such council member has a disqualifying conflict. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of tentative maps, the Council may also*

take any action identified in Chapter 16.16, including specifically those actions identified in Section 16.16.120. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.

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

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

A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the Council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member requests. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the planning commission, except that the timing of such notice shall be not less than 10 days before the hearing.

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

Section 4 - Ambiguities:

Section 17.02.050 of the Visalia Municipal Code, pertaining to ambiguity decisions of the planning commission, shall be amended to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

17.02.050 Ambiguity.

Except as otherwise expressly provided pursuant to other provisions of this title, if ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or with respect to height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in processing of materials, it shall be the duty of the planning commission to ascertain all pertinent

facts and by resolution, set forth its findings and interpretations, and thereafter such interpretations shall govern unless appealed to the city council *or review of such interpretation is requested to be reviewed by the city council pursuant to section 17.02.145.* Upon review, ~~s~~Such interpretation may be approved, disapproved or modified by the city council.

Section 5 – Appeals of Site Plan Review Committee Determinations: Section 17.28.050 of the Visalia Municipal Code, pertaining to planning commission decisions on appeals of site plan review committee decisions, shall be amended and 17.128.060 shall be deleted, to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

17.28.050 Appeals to the planning commission.

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

~~17.28.060 Appeals to the city council.~~

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

Section 6 – Conditional Use Permits: Section 17.38.120 of the Visalia Municipal Code, pertaining to planning commission decisions regarding conditional use permits, shall be amended, and section 17.38.130 shall be deleted, to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

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

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

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

17.38.130 Action by city council.

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

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

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

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

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

17.42.120 Action of city council.

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

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

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

17.48.110 Variance and exceptions.

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

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

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

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

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

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

F. Hearing and Notice.

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

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

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

I. Variance Action of the City Planning Commission.

1. The city planning commission may grant a variance to a regulation prescribed within this chapter. The variance may be granted as applied for, or as modified by the commission; provided that, on the basis of the application and staff report and/or evidence submitted, the commission is able to make the following findings:
 - a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign and zoning ordinance;
 - b. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district;

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

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

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

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

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

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

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

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

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

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

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

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

~~L. Action of City Council:~~

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

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

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

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

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

PASSED AND ADOPTED:

Mayor

ATTEST:

Steven M. Salomon, City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

Alex M. Peltzer

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording:

City Council Authorize Staff to Process the Resolution for the Increase in the Unaltered Dog License From \$25 to \$35 and the Increase in the Unaltered Cat License From \$10 to \$20 and Authorize City/Valley Oak SPCA Committee to Move Forward on Recommendations.

Deadline for Action:

December 18, 2006

Submitting Department:

Administration

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

Department Recommendation:

City Council approve the increase in the unaltered dog license from \$25 to \$35 and approve the increase in the unaltered cat license from \$10 to \$20 and authorize the committee to move forward on committee recommendations.

Summary:

At the November 20, 2006, Council Work Session, Council approved the new FY 2006-07 contract amount of \$370,590 for animal control services with Valley Oak SPCA. Council also authorized staff to perform the analysis necessary for the SPCA Facility to be included in the City's General Facilities Impact Fees.

Councilmembers Don Landers and Greg Kirpatrick were appointed to serve on a work committee with Board Members and the Executive Director from Valley Oak SPCA and staff member Assistant City Manager, Carol Cairns to evaluate the new contract recommendations, the condition of the facility, potential sites for a new facility and general operations.

The committee consisting of Councilmembers Don Landers and Greg Kirkpatrick, Amy Sheklian, Valley Oak Board President, Jill Eisenhower, Vice President, Jerry Herrmann, Executive Director, and Assistant City Manager, Carol Cairns met on Sunday December 3, 2006.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The following recommendations were agreed upon by all members present:

- The City would continue to contract with Valley Oak SPCA for Animal Control Service and work toward a long term commitment.
- City staff will evaluate other locations for the SPCA Facility and not renovate current facility until options are considered.
- The City Chief Building Official will evaluate any health and safety hazards as soon as possible at the facility for immediate remediation.
- City MIS staff will evaluate as soon as possible the Valley Oaks SPCA telephone, wireless camera connectivity, software installation and computer status and connect to City wireless system if possible.
- City will develop performance standards for new contract.
- Animal control officer salary needs to be evaluated and if appropriate, increased immediately to remain competitive. City staff will conduct a salary survey of local communities and additional cities of like population in the valley area.
- Money be included in the budget to purchase the equipment for animal control officers. Currently they are provided \$300 to purchase all their operating equipment. This does not cover all the cost so the officers end up spending out of pocket for equipment.
- Animal control officers will receive 832 P.C. Training and SPCA citation process will be included in the City's Code Enforcement and Administrative Hearing process.
- City purchasing will evaluate if copy machines can be purchased at a reduced cost- perhaps through the County. Any capital request would be evaluated by the city to purchase at City or County cost.
- Evaluate the possibilities of dispatching animal control calls for service through the Police Department Dispatch Center.
- Contract with an analyst to evaluate the financial reporting system and costs centers for the animal control program.

The committee is requesting Council authorization to move forward on the above items.

Prior Council/Board Actions:

Approval of FY 2006-07 Contract November 20, 2006

Committee/Commission Review and Actions:

n/a

Alternatives:

Do not authorize license increase

Do not authorize recommendations

Attachments:

Motion (and Alternative Motions if expected): I move City Council Authorize Staff to Process the Resolution for the Increase in the Unaltered Dog License From \$25 to \$35 and the Increase in the Unaltered Cat License From \$10 to \$20 and Authorize City/Valley Oak SPCA Committee to Move Forward on Recommendations.

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: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 7b

Agenda Item Wording: Authorize the Engineering Staff to apply for Safe Routes to School Program grant and authorize the Public Works Director to sign the necessary applications for the Safe Routes to School Program.

Deadline for Action: December 18, 2006

Submitting Department: Public Works Department

Contact Name and Phone Number:

David Jacobs 713-4492
Andrew Benelli 713-4340

Department Recommendation: Authorize the Engineering Staff to apply for Safe Routes to School Program grant and authorize the Public Works Director to sign the necessary applications for the Safe Routes to School Program.

Department Discussion: The Engineering Department is working on four grant applications for the Safe Routes to School grant program. The projects are:

1. Jacob Street between School Avenue and Murray Avenue. This project would install sidewalks and upgrade the railroad crossing to improve safety for students at redwood High School. The estimated cost for this project is \$370,000.
2. Linwood Street between Cherry Avenue and Walnut Avenue. This project will install curb and gutter and sidewalk along the west side of Linwood Street to improve safety for La Joya Middle School and Linwood Elementary School at an estimated cost of \$120,000.
3. Chinowth Street between Tulare Avenue and Myrtle Avenue. This project will install curb and gutter and sidewalk along the east side of Chinowth and will improve safety for Veva Blunt Elementary School. The estimated cost of this project is \$80,000.
4. Burke Street between Houston Avenue and Ferguson Avenue. The project would install sidewalk along both the east and west side of Burke street and improve safety for Four Creeks School. The estimated cost of the project is \$120,000.

For action by:

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

For placement on which agenda:

- Work Session
 Closed Session

Regular Session:

- Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

City Staff met with Visalia Unified School District (VUSD) Staff to determine projects that are needed throughout the City. VUSD also polled the schools to find out what projects they thought were good projects to submit for Safe Routes to School grant. There were a total of ten projects that were submitted. Most of the projects have right of way issues (the grant application discourages projects with right of way issues), drainage issues or alignment issues that need to be addressed before curb and gutter and sidewalk can be placed. City staff looked at the requested and the issues involved and determined the four listed above are the best candidates for the grant.

The grant applications are due to Caltrans by January 2, 2007. The Safe Routes to School grants are 100% funded with no need for matching money. However, the grant is reimbursable so a Capital Improvement Program project will need to be setup if the grant application is successful. Engineering will return to Council if the grants are successful to set up a CIP project.

Alternatives:

Attachments: Location Maps for each grant application

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the Engineering Staff to apply for Safe Routes to School Program grants and authorize the Public Works Director to sign the necessary applications for the Safe Routes to School Program.

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

None

Financial Impact

Funding Source:

Account Number: ()

Budget Recap:

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

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 7c

Agenda Item Wording: Approve the recommendation by the Parks and Recreation Commission to establish the name of "Miki City Park" for the City owned parcel located at Mineral King and Stevenson and authorize the City Manager to execute the agreement between the City and Saito Associates Landscape Architects for an amount not-to-exceed \$28,000 for design serves related to the project.

Deadline for Action: N/A

Submitting Department: Parks & Recreation Department

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

Staff Recommendation:

City staff recommends that the City Council:

1. Approve the recommendation by the Parks & Recreation Commission to establish the name of "Miki City Park" for the vacant parcel of property owned by the City of Visalia (south of Mill Creek) located at Mineral King and Stevenson.
2. Authorize the City Manager to execute the contract agreement between the City of Visalia and Saito Associates Landscape Architects for an amount not-to-exceed \$28,000 for design services related to the future "Miki City Park" site.

Background:

For several years now, the City of Visalia has been exploring a number of options related to recognizing our sister City in Japan --- Miki City. This issue was visited by City staff and the Parks and Recreation Commission during meetings held over a four month period between June 2005 and September 2005. By ordinance the Park and Recreation Commission has the responsibility to recommend park names for consideration by the City Council. These discussions concluded with a formal recommendation by the Commission that the vacant parcel (south of Mill Creek) located at Mineral King and Stevenson would be the ideal location for a new mini-park honoring our sister City. This City owned parcel was the location of the former Chamber of Commerce building. (See Exhibit A)

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The Commission considered this request when making the recommendation for the Miki City park site. The Commission felt the Kazuo name deserves future consideration, and thought that a monument or a memorial to Mr. Kazuo in this park, with a Japanese theme, may be an appropriate tribute.

As part of the 2006-08 budget process, the City Council authorized \$200,000 for design and construction costs related to the development of the vacant parcel located at Mineral King and Stevenson. The \$28,000 in design costs will come from the \$200,000 allocation.

Through the City's formal RFP process, the City has negotiated a proposed contract for services with Paul Saito from Saito Associates Landscape Architects from Fresno, CA. Mr. Saito has over 46 years of experience in park planning and over 34 years of experience in the design of Japanese Gardens. In 1972, Mr. Saito was first hired by the City of Fresno to design the Shinzen Friendship Garden in Woodward Park.

For an amount not to exceed \$28,000, Paul Saito and Associates will provide preliminary planning services, construction documents and bid documents, and as an option, construction management services. The preliminary planning services will include a number of public outreach meetings.

Mr. Saito will also be designing the setback area adjacent to Mill Creek. In addition to the \$200,000 project allocation for the park, the City also has funding from a Transportation Enhancement Activities (TEA) grant to improve the creek setback area adjacent to the park.

The objective of this project is to create a beautiful Japanese themed mini park as a tribute to our sister City, which will be a focal point in the downtown area and a convenient place for using the trail system to rest and enjoy the serenity of the garden.

Prior Council Actions:

Authorized \$200,000 in the adopted 2006-08 budget for the development of a park on the City owned parcel at Mineral King and Stevenson.

Commission Review and Actions:

The Visalia Parks & Recreation Commission reviewed this matter at their regular meeting of September 2005 and unanimously voted to recommend to the City Council to approve the new name of Miki City Park for the City-owned parcel at Mineral King and Stevenson.

Attachments: Exhibit A - Map of proposed park area
Exhibit B – Proposed contract for services with Mr. Saito

Recommended Motion (and Alternative Motions if expected):

City staff recommends that the City Council:

1. Approve the recommendation by the Parks & Recreation Commission to establish the name of "Mike City Park" for the vacant parcel of property owned by the City of Visalia (south of Mill Creek) located at Mineral King and Stevenson.
2. Authorize the City Manager to execute the contract agreement between the City of Visalia and Saito Associates Landscape Architects for an amount not to exceed \$28,000 for design services related to the future "Miki City Park" site.

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: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 7d (1)

Agenda Item Wording: Authorization to file a Notice of Completion for the Riggan Avenue Extension Project. Project No.: 1111-00000-720000-0-9476; final contract amount of \$1,813,633.98 and authorize an additional appropriation of \$65,500 from the 1111 Fund (Gas Tax Fund.)

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

Jim Funk 713-4540
David Jacobs 713-4492

Department Recommendation: Staff recommends that the City Council authorize staff to file a Notice of Completion for the Riggan Avenue Extension Project. Project No.: 1111-00000-720000-0-9476 with a final contract amount of \$1,813,633.98 and authorize the additional appropriation of \$65,500 from the Gas Tax Fund to cover additional costs incurred outside the contract.

Department Discussion: The project extends Riggan Avenue from Dinuba Boulevard (State Route 63) to what was the westerly terminus of St. Johns Parkway east of the old AT&SF railroad tracks. The project consisted of constructing concrete curbs, gutters, storm drain lines, a sanitary sewer trunk line, raised median islands, median lighting, asphalt road section, striping, signing and a traffic signal at Riggan Avenue and Dinuba Boulevard. The project required a permit from Caltrans for work in Dinuba Boulevard (State Route 63.)

The Riggan Avenue Extension project completes a portion of the current Circulation Element and provides a major east-west connector on the north side of town. With the connection traffic can now navigate from Lovers Lane to SR 99 along the St. Johns/Riggan Avenue/Betty Drive alignment. The opening of the roadway is anticipated to draw traffic from the Houston Avenue corridor and several north-south roadways that connect to SR198 on the east side of town.

At the August 15, 2005 City Council meeting a contract was awarded to Glen Wells Construction, Inc. in the amount of \$1,688,499.50. Eight change orders at a cost of \$125,134.48 (7.4% of the awarded contract amount) were necessary to complete the project. The change

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.): 3 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.

orders were reviewed and approved by the Change Order Committee. The change approved orders entailed the following work:

1. Concrete price increase – Due to delays beyond the contractor’s control (weather and Caltrans) the price of fuel and the cost of concrete increased substantially from when the contract was bid (\$0.55/lineal foot – curb and gutter, \$0.35/lineal foot – median curb.) Net cost of change order - \$6,108.10.
2. Provide electrical and telephone service to the signal control cabinet – At the time the project was bid the required phone and electrical services point of connection to the existing systems was unclear. Cost - \$19,964.00. Install a Type 1-A flashing beacon on SR 63 per Caltrans specifications – bid plans did not address a barrier around the advanced warning device shown on the plans. During construction Caltrans required a barrier be installed around the advanced warning device or install a different flasher. Staff elected the less expensive Type 1-A flasher. Cost - \$5,260.00. Additional roadway excavation – The Caltrans approved permit plans required a thicker street section that required additional excavation. Cost - \$8,736.00; per contract unit price. Additional asphalt concrete and base rock – Caltrans approved permit plans required a thicker street structural section. Cost – asphalt concrete - \$21,000.00; per contract unit price, aggregate base rock - \$16,596.00; per contract unit price. Asphalt concrete price increase - Due to delays beyond the contractor’s control (weather and Caltrans) the price of fuel and the cost of asphalt concrete raw material increased substantially from when the contract was bid. Cost - \$2.54/ton. Net cost of change order - \$91,751.54.
3. Install Electrical meter for median street lights and steel bollards at electrical pull boxes along Dinuba Blvd. – Caltrans would not allow the City to share a meter in a dual meter box per the plans. A separate meter and service was required to allow the street lights to function and in the field Caltrans required the advanced flasher be moved north and that steel posts be installed in concrete footings at each electrical pull box leading to the flasher. Net cost of change order - \$7,891.80.
4. Additional 24-inch diameter sanitary sewer pipe – In order for the contractor to extend the sanitary sewer trunk line east the project required the contractor bore under Dinuba Blvd. For safety concerns Caltrans required the bore pit be moved east of the old edge of pavement (shoulder area) 15 feet. The plans had located a manhole and change in pipe size at the original bore pit location. Therefore, additional 24-inch pipe that would have ended at the original bore pit location needed to be extended 15 feet to the east. Net cost of change order - \$1,500.00; per contract unit price.
5. Install 22 - “No Parking” signs including sign posts and footings at \$210 per sign – Because the project striping created two through lanes No Parking signs were needed at locations where there is insufficient area for parking along St. Johns Parkway west of Ben Maddox. Net cost of change order - \$4,620.00.
6. Final quantities for asphalt concrete including price increase approved in Contract Change Order No. 2. Cost - \$10,050.00 asphalt concrete; per contract unit price, \$510.54 increased asphalt concrete price; per Contract Change Order No. 2. Net cost of change order - \$10,560.54.
7. Balance of Quantities – 24-inch bore and casing – see change order No. 4 above – casing was extended per Caltrans requirement to move bore pit east 15 feet. Net cost of change order - \$11,625.00; per contract unit price.
8. Additional mobilization costs – Contractor had to re-mobilize to grade and pave after the utilities cleared the right of way. Cost - \$1,970.00. Install truncated domes at ramps in State right of way – Caltrans required truncated domes be installed at all

new ramps in the State's right of way. Cost - \$4,500.00. Install survey monument per Caltrans standards – Plans called for monument per City standards; in the field Caltrans required the monument to be installed per State standards. Cost - \$2,000. Additional tack coat – Due to not being able to pave the project in a single time frame track coat was required that was not included in the original bid. Cost - \$417.50. Balance of Quantities – reduction in quantity for sanitary sewer pipe and sheeting shoring and bracing items. Cost - (\$17,810.00). Net cost of change order– (\$8,922.50).

Delays on the project included issuance of a Caltrans Encroachment Permit (issued December 27, 2005); weather delays (January 2006 through March 2006), right of way delays for relocating overhead telephone lines and a pole mounted Caltrans electrical service (cleared September 2006), equipment procurement delays and coordination delays between the Contractor and Caltrans.

Additional costs outside the contract include: right of way acquisition, consultant fees for construction plans and CEQA compliance, SCE pole relocation, SCE electrical service, State furnished signal hardware, material testing, miscellaneous cost (advertising, printing, permits, etc...) and staff time (construction management, surveying and inspection.) The actual costs for these items came in higher than originally estimated. The amount budgeted for the project is \$2,456,500 and the final projected cost of the project is \$2,522,000. Therefore, Staff is requesting the City Council authorize the additional appropriation of \$65,500 from the Gas Tax Fund (1111 Fund) to cover the additional costs.

Alternatives: None suggested

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize staff to file a Notice of Completion for the Riggin Avenue Extension project. Project No.: 1111-00000-720000-0-9476 in the amount of \$1,813,633.98 and to authorize the additional appropriation of \$65,000.00 from the 1111 Fund (Gas Tax Fund.)

Copies of this report have been provided to:

Financial Impact

Funding Source:

Account Number: 1111-00000-72000-0-9476 & 1231 Fund

Budget Recap:

Total Estimated cost: \$2,522,000	New Revenue: \$
Amount Budgeted: \$2,456,500	Lost Revenue: \$
New funding required: \$ 65,500	New Personnel: \$
Council Policy Change: Yes___ No__X	

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

Notice of Completion to be filed with County Recorded through City Engineer's office

City of Visalia Agenda Item Transmittal

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 7d (2)

Agenda Item Wording: Authorization to file a Notice of Completion for the Lift Station Control Panel project No. 3011-720000-0-0-9504-2002 in the amount of \$1,605,707.86.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

Jim Ross, Wastewater Manager, 713-4466
Andrew Benelli, Public Works Director, 713-4340

Department Recommendation: Staff recommends that the City Council authorize staff to file a Notice of Completion for the Lift Station Control Panel project No. 3011-720000-0-0-9504-2002 in the amount of \$1,605,707.86.

Department Discussion: In August, 2003, Council authorized the preparation of drawings and specifications to modernize the City's 45 storm and sanitary sewer lift station control panels. The Construction phase of the project was let to bid in November 2004 and a Purchase Order issued to American Inc. in January 2005 for a bid price of \$1,397,000.

The overall project intent was to replace the City's dilapidated control equipment with components that met the reliability standards established by the Regional Water Board, as well as the National Electric Code. In most instances, complete replacement of control equipment was necessary as were new enclosures to accommodate the equipment. Variable frequency drives (VFDs) were utilized on the larger pumps to increase motor efficiency.

Because most of the lift station sites are more than 30 years old, complete site drawings and equipment information and specifications were not available. As such, it was anticipated that change orders would be required during the project to accommodate field conditions that could not have been determined during prior to installation, and monies were budgeted accordingly. There were three change orders totaling \$208,707.86.

It should be noted that while each of the changes described below represent a relatively minor deviation from the original plans, the fact that they were repeated at up to 45 different sites meant that even minor changes added up to a significant amount.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Change Order No. 1 (\$157,991.72) consisted of six types of changes.

- 1a) Interior panel lighting was added at each of the 45 sites to facilitate future maintenance work in darkened conditions. In addition, float switches were replaced with more reliable ultrasonic level indicators. These changes added \$320.33 per site, or a total cost of \$14,414.68.
- 1b) At 12 of the 45 lift station sites, irrigation equipment was unknowingly powered through the existing control panels. To accommodate this situation, additional breakers and conduit had to be installed and the irrigation equipment relocated. The total cost to make these modifications was \$15,440.97.
- 1c) At eight locations, the design horsepower of the pumps did not match the actual pump installed at the site. The up-size cost varied from site to site depending on what work was required as well as the degree of discrepancy. The total cost to correct the horsepower discrepancy at all eight locations was \$19,772.75

The information provided by the City to the design engineer was based on records detailing the equipment originally installed in the lift stations. As equipment was replaced and upgraded, the records were not updated with the new information. Field verification should have been done, but was not. The City now utilizes a computer database to track such changes which should prevent this from reoccurring in the future.

- 1d) At six sites, the existing electrical service was insufficient to meet the load demands of the new control equipment. The upgrade cost varied from a credit of \$1,673.49 to an up-charge of \$4,721.44. Total cost to upgrade the electrical service to all six sites is \$15,601.58.
- 1e) During the design phase of this project, it was determined that the City would attempt to reuse existing equipment whenever possible in order to reduce overall cost. Based on visual observation, ten sites were identified in which the existing equipment appeared to be in excellent shape. Unfortunately, after the contract was awarded, it was discovered that various deficiencies made reuse of the existing equipment impossible. Total cost at all ten sites was \$42,608.09.
- 1f) There were six sites that are atypical and required work unique to that site alone. Work included custom panel fabrication, removal of a utility building, replacement of power poles, fence work, modifying 3 phase power curve, and installation of new feeder wire. Total cost for the site-specific changes is \$48,589.39.

Change Order No. 2 (\$40,901.65) consisted of five types of changes.

- 2a) The twelve sanitary sewer sites were modified to allow remote monitoring of motor amperage, thus allowing staff to detect problems at the site prior to actual failure, which should help to prevent a sewer overflow. Total cost for the twelve sites was \$14,706.81.
- 2b) An additional six sites were identified in which ancillary loads had been connected to the control panel, some of which occurred during the course of this project. Total cost for these six sites was \$10,796.64.

2c) The Mill Creek and Main site is in an historical area and care was taken to minimize visual impacts to the area. Extra conduit and concrete were required, as was relocation of ancillary equipment. Total cost \$2,799.42.

2d) The programmable logic controller (PLC) specified for this project communicates to the Ethernet. However, to program it to do so is a very labor intensive process. The PLC was upgraded to a model that is "smart" enough to do this function easily. In the future, component replacement will be "plug and play" rather than requiring a complete reprogramming of the system. Total cost for six sites \$3,460.26.

2e) The twelve sanitary sewer sites were equipped with a hard wired high level motor start to protect against sewer overflow should a PLC or ultrasonic level indicator malfunction. Total cost is \$4,548.77.

Change Order No. 3 (\$9,814.49) consisted of two types of changes.

3a) At five sites, installing various brackets and gas detection equipment as specified would make it impossible to remove the submersible pumps. Any routine maintenance of these pumps would require complete removal of the monitoring equipment. It was determined that additional traffic rated hand-holes would be installed alongside existing manholes. The bulk of the equipment would be installed in these boxes, making routine maintenance possible without removing ancillary equipment and compromising the explosion-proof nature of the installation. Total cost for five sites was \$7,229.30.

3b) Variable frequency drives (VFD) were installed in 6 sites. After installation was complete, it was noted that the power needed to operate oil pumps and drippers was being supplied from the VFD, which does not supply a constant 120/240 V @ 60 Hz. This power was not suitable to operate the oil equipment. Additional conduit and wire had to be installed to supply the correct power. Total cost at six sites was \$2,585.19.

The project is now complete and online. The Contractor is required to provide a one-year warranty as part of the project.

Financial Impact

Funding Source:

Account Number: 3011-720000-0-0-9504-2002

Budget Recap:

Total Estimated cost: \$1,605,707.86	New Revenue: \$
Amount Budgeted: \$2,037,750.00	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes___ No <u>X</u>	

Alternatives:

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize staff to file a Notice of Completion for the Lift Station Control Panel project No. 3011-720000-0-0-9504-2002 in the amount of \$1,605,707.86.

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

None

City of Visalia Agenda Item Transmittal

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 7d (3)

Agenda Item Wording: Request authorization to file a Notice of Completion for Project No. 3011-00000-720000-0-8007, Cape Seal & Slurry Seal Various Streets. (Cost \$642,664.66)

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number: Andrew Benelli 713-4340, Earl Nielsen 713-4533

Department Recommendation:

Staff recommends that authorization be given to file a Notice of Completion for Project No. 3011-00000-720000-0-8007, Cape Seal & Slurry Seal Various Streets.

Summary/background:

Cape sealing is a process that uses a rubberized asphalt mixture (made from recycled tire rubber) with an overlay of chip rock, covered with a slurry seal. The combination of these components provides a rejuvenated structure and surface for failing streets that is pliable, durable and long lasting. This process is used on failing streets to bring them back into a serviceable condition until a more permanent major reconstruction can be done.

All of the work has been completed on this project by International Surfacing Systems (ISS) at a final cost of \$647,881.96. The contract amount for this job was \$642,664.66. The overage of \$5,217.30 (0.8%) was due to a decision to add a polymer compound to several high traffic areas to further increase durability in those areas. There is no need to request additional funding for the overage as the additional cost is minimal and can be charged separately to an existing annual maintenance CIP for street overlays (1111-00000-720000-0-9525)

Streets Supervisor Mike McCoy has inspected all the streets included in this project, and is satisfied that the work has been completed to specifications. All work was performed in compliance with prevailing wages.

Attachment #1 is a list of street segments that received the treatment. These street segments were in a failing condition and now are expected to last approximately 10 more years before they will require major rework.

Because this is a new process for street maintenance, Public Works will monitor these streets as time goes on for consideration to use on other street segments.

Prior Council/Board Actions: Award of contract on October 18, 2006

This document last revised: 12/15/06 10:51:00 AM

Page

File location and name: H:\(1) AGENDAS for Council\2006\121806\Item 7d 3 NOC Cape Seal.doc

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_1__

Review:

Dept. Head _____
(Initials & date required)

Finance _____ **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.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments:

Exhibit #1: List of Street Segments receiving Cape Seal treatment.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I hereby move to authorize filing the Notice of Completion for Project No. 3011-00000-720000-0-8007, Cape Seal & Slurry Seal Various Streets.

Financial Impact

Funding Source:

Account Number: 3011-00000-720000-0-8007 (General Fund, Gas Tax Fund)

Budget Recap:

Total Estimated cost:	\$642,664.66	New Revenue:	\$
Amount Budgeted:	\$647,881.96	Lost Revenue:	\$
New funding required:	\$5,217.30*	New Personnel:	\$
Council Policy Change:	Yes _____ No <u>X</u>		

*\$5,217.30 paid from existing CIP maintenance budget 1111-00000-720000-0-9525

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action: Prior:
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:

EXHIBIT #1
LIST OF STREETS

No.	Street Segment
1.	Shirk-from Caldwell to Hwy 198
2.	Chinowth-from Caldwell to Whitendale
3.	Beech-from Terrace to Mooney
4.	Tulare-from Crowe to Woodland
5.	Giddings-from Mineral King to Main St
6.	Feemster-from Demaree to Chinowth
7.	Judy-from Chinowth to Demaree
8.	Hillsdale-from Akers west to address #5846
9.	Feemster-from Irma to Goddard
10.	Howard-from Pinkham to 100' east of Goddard
11.	Irma-Paradise to 100' east of Howard
12.	Goddard-from Paradise to 100' east of Howard
13.	Paradise-from Pinkham to Goddard
14.	Rose-from Bradley east to the End
15.	Cambridge-from Bradley east to the end
16.	Vassar-from Cotta east to the End
17.	Jackie-from Victor north to the end
18.	Cotta-from Walnut to Cambridge
19.	Duran-from Lovers Lane north to the end
20.	Duran Ct-Entire Cul De Sac
21.	Manzanita-from Douglas to Roosevelt
22.	Memory-from Fairhaven to Cherry
23.	Coppola-from Demaree to Mooney

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 7e (1)

Agenda Item Wording: Authorize the Recordation of the Final Map for Four Creeks Estates II, Phase 1 Subdivision (49 lots), located on Buena Vista Avenue between Burke Street and Ben Maddox Way and the Formation of Landscape and Lighting District No. 06-13, Four Creeks Estates II Subdivision (Resolution Nos. 06-121 and 06-122 required).

APN: 077-180-005

Deadline for Action: January 8, 2007

Submitting Department: Public Works, Engineering

Contact Name and Phone Number:

Andrew Benelli 713-4340
Greg Dais 713-4164

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for Four Creeks Estates II, Phase 1 Subdivision containing 49 single family lots. Developer is Mellogold Development Inc. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$247,499.00 and Labor and Material Bond in the amount of \$123,749.50, 3) cash payment of \$77,947.41 distributed to various accounts; and 4) Final Map.

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

For action by:

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

For placement on which agenda:

Work Session
 Closed Session
Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

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

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along Ben Maddox Way (Arterial), Edison Street (Collector) and Buena Vista Avenue (Collector). The City will be reimbursing approximately \$220,398 to the developer (Mellogold Development Inc.) by giving a credit for transportation impact fees.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 06-121 Initiating Proceedings for Assessment District No. 06-13, Four Creeks Estates 11; adopt the Engineer's Report as submitted; and adopt Resolution No. 06-122 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

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

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

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

On April 18, 2004, Council approved Open Space District No. 87 "Four Creeks Estates 11"

Committee/Commission Review and Actions: The tentative subdivision map for Four Creeks Estates 11 subdivision was approved by the Planning Commission on April 26, 2004. This map has received an extension and will expire on April 26, 2007.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Four Creeks Estates II, Phase 1 subdivision and I move to adopt Resolution No. 06-121 Initiating Proceedings for Assessment District No. 06-13 "Four Creeks Estates II" and adopt Resolution No. 06-122 Ordering the Improvements for Assessment District No. 06-13 "Four Creeks Estates II".

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

RESOLUTION NO. 06-121

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 06-13
FOUR CREEKS ESTATES II
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of trees, walls, pavement on local streets, street lights and any other applicable equipment or improvements.
2. The proposed district shall be designated Assessment District No. 06-13, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram Assessment District No. 06-13, City of Visalia, Tulare County, California", which map is on file with the City Clerk and is hereby approved and known as "Four Creeks Estates II".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

LERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 06-13

FOUR CREEKS ESTATES II

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for Assessment District No. 06-13, City of Visalia, confirmed by the City Council of the City of Visalia on the 18th day of December, 2006 by its Resolution No. 06-121

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

RESOLUTION NO. 06-122

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 06-13
FOUR CREEKS ESTATES II
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 06-12, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2007-08.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcel of real property within the Assessment District
 - Exhibit B - Tax Roll Assessment
 - Exhibit C - Engineer's Report

PASSED AND ADOPTED

Exhibit "B"

Tax Roll Assessment
FOUR CREEKS ESTATES II
Fiscal Year 2007-08

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$129.21	06-1301	Four Creeks Estates II
To Be Assigned	\$129.21	06-1302	Four Creeks Estates II
To Be Assigned	\$129.21	06-1303	Four Creeks Estates II
To Be Assigned	\$129.21	06-1304	Four Creeks Estates II
To Be Assigned	\$129.21	06-1305	Four Creeks Estates II
To Be Assigned	\$129.21	06-1306	Four Creeks Estates II
To Be Assigned	\$129.21	06-1307	Four Creeks Estates II
To Be Assigned	\$129.21	06-1308	Four Creeks Estates II
To Be Assigned	\$129.21	06-1309	Four Creeks Estates II
To Be Assigned	\$129.21	06-1310	Four Creeks Estates II
To Be Assigned	\$129.21	06-1311	Four Creeks Estates II
To Be Assigned	\$129.21	06-1312	Four Creeks Estates II
To Be Assigned	\$129.21	06-1313	Four Creeks Estates II
To Be Assigned	\$129.21	06-1314	Four Creeks Estates II
To Be Assigned	\$129.21	06-1315	Four Creeks Estates II
To Be Assigned	\$129.21	06-1316	Four Creeks Estates II
To Be Assigned	\$129.21	06-1317	Four Creeks Estates II
To Be Assigned	\$129.21	06-1318	Four Creeks Estates II
To Be Assigned	\$129.21	06-1319	Four Creeks Estates II
To Be Assigned	\$129.21	06-1320	Four Creeks Estates II
To Be Assigned	\$129.21	06-1321	Four Creeks Estates II
To Be Assigned	\$129.21	06-1322	Four Creeks Estates II
To Be Assigned	\$129.21	06-1323	Four Creeks Estates II
To Be Assigned	\$129.21	06-1324	Four Creeks Estates II
To Be Assigned	\$129.21	06-1325	Four Creeks Estates II
To Be Assigned	\$129.21	06-1326	Four Creeks Estates II
To Be Assigned	\$129.21	06-1327	Four Creeks Estates II
To Be Assigned	\$129.21	06-1328	Four Creeks Estates II
To Be Assigned	\$129.21	06-1329	Four Creeks Estates II
To Be Assigned	\$129.21	06-1330	Four Creeks Estates II
To Be Assigned	\$129.21	06-1331	Four Creeks Estates II
To Be Assigned	\$129.21	06-1332	Four Creeks Estates II
To Be Assigned	\$129.21	06-1333	Four Creeks Estates II
To Be Assigned	\$129.21	06-1334	Four Creeks Estates II
To Be Assigned	\$129.21	06-1335	Four Creeks Estates II
To Be Assigned	\$129.21	06-1336	Four Creeks Estates II
To Be Assigned	\$129.21	06-1337	Four Creeks Estates II
To Be Assigned	\$129.21	06-1338	Four Creeks Estates II
To Be Assigned	\$129.21	06-1339	Four Creeks Estates II
To Be Assigned	\$129.21	06-1340	Four Creeks Estates II
To Be Assigned	\$129.21	06-1341	Four Creeks Estates II
To Be Assigned	\$129.21	06-1342	Four Creeks Estates II
To Be Assigned	\$129.21	06-1343	Four Creeks Estates II
To Be Assigned	\$129.21	06-1344	Four Creeks Estates II

Exhibit "B"

Tax Roll Assessment
FOUR CREEKS ESTATES II
Fiscal Year 2007-08

<u>APN #</u>	<u>Assessment</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$129.21	06-1345	Four Creeks Estates II
To Be Assigned	\$129.21	06-1346	Four Creeks Estates II
To Be Assigned	\$129.21	06-1347	Four Creeks Estates II
To Be Assigned	\$129.21	06-1348	Four Creeks Estates II
To Be Assigned	\$129.21	06-1349	Four Creeks Estates II

Exhibit "C"

Engineer's Report
Landscape & Lighting Assessment District 06-13
FOUR CREEKS ESTATES II
Fiscal Year 2007-08

General Description

This Assessment District (District) is located on Buena Vista Avenue between Burke Street and Ben Maddox Way Exhibit "A" is a map of Assessment District 06-13. This District includes the maintenance of street lights, trees, and any other applicable equipment or improvements, maintaining the integrity of the wall and seeing that any acts of vandalism (graffiti, theft or damage) are mitigated in a timely fashion and also includes the preventative maintenance of all internal local City streets by means including, but not limited to overlays, chip seals/crack seals and reclamite (oiling).

Determination of Benefit

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

Method of Apportionment

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

Estimated Costs

The District includes not only the maintenance of the trees and street lights, but maintaining the integrity of the wall and seeing that any acts of vandalism (graffiti, theft or damage) are mitigated in a timely fashion. The District also includes the regular preventive maintenance of all internal local streets. Chip Seal is anticipated to be maintained on a 15 year cycle; Overlays on a 10 year cycle; Crack Seal on an 8 year cycle and Reclamite on a 6 year cycle. The total number lots within the district are 86.

Exhibit "C"

Engineer's Report
Landscape & Lighting Assessment District 06-13
FOUR CREEKS ESTATES II
Fiscal Year 2007-08

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	0	\$0.199	\$0.00
Shrub Area	Sq. Ft.	0	\$0.199	\$0.00
Water	Sq. Ft.	0	\$0.050	\$0.00
Electricity	Sq. Ft.	0	\$0.008	\$0.00
Landscape Trees	Each	0	\$25.00	\$0.00
Street Lights	Each	6	\$105.00	\$630.00
Interior Street Trees	Each	95	\$25.00	\$2,375.00
Chip Seal (15 year cycle)	Sq. Ft.	65,397	\$0.190	\$828.36
Crack Seal (8 year cycle)	Sq. Ft.	65,397	\$0.02933	\$239.79
Reclamite (6 year cycle)	Sq. Ft.	65,397	\$0.0211110	\$230.10
Overlays (10 year cycle)	Sq. Ft.	65,397	\$0.65	\$4,250.81
Project Management Costs	Lots	86	\$18.00	\$1,548.00
 TOTAL				<hr/> \$10,102.05
10% Reserve Fund				\$1,010.21
 GRAND TOTAL				<hr/> <hr/> \$11,112.26
COST PER LOT				\$129.21

Annual Cost Increase

This assessment district shall be subject to an automatic annual increase derived by the following formula:

$$\text{year "n" assessment} = (11,112.26) (1.05)^{(n-1)}$$

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

However, in no case shall the assessment be greater than 1) The actual cost of providing the benefit conferred to each parcel plus any prior years' deficit and less any carryover, as determined annually or; 2) a 10% increase over the prior year's assessment.

Exhibit "C"

Engineer's Report
Landscape & Lighting Assessment District 06-13
FOUR CREEKS ESTATES II
Fiscal Year 2007-08

The reserve fund shall be replenished as necessary to maintain a level of 10% of the estimated maintenance cost so long as the annual assessment change does not exceed the limits identified above.

Example 1. The year four estimated costs are \$12,112.36 [a 9% increase over the base year assessment of \$11,112.26]. The ceiling on the assessment increase for year 4 would be \$12,863.83 [ceiling = $(\$11,112.26) (1.05)^{(4-1)}$]. The assessment would be set at 12,112.36 or the actual cost of providing the maintenance effort.

Example 2. The year four assessment is estimated at the actual cost of providing the maintenance effort of \$12,556.85 [a 7% increase over the previous year assessment and a 13.3% increase over the base year assessment]. The ceiling on the assessment increase for year 4 would be \$12,863.83 [ceiling = $(11,112.26) (1.05)^{(4-1)}$]. The assessment would be set at \$12,863.83 or the actual cost of providing the maintenance effort because it is less than the ceiling amount and the year-to-year increase is less than the 10% cap on increases in any given year.

Example 3. The year four assessment is \$12,112.36 [a 9% increase over the base year assessment of 11,112.26] and damage occurred to the masonry wall raising the year five assessment to \$13,556.96 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$13,323.60, a 10% increase over the previous year and under the ceiling of \$13,507.02 [ceiling = $(11,112.26) (1.05)^{(5-1)}$]. The difference of \$ 233.36 will be recognized as a deficit and carried over into future years' assessment.

City Engineer Certification

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

Andrew Benelli
Public Works Director

RCE 50022

Date

City of Visalia Agenda Item Transmittal

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 7e (3)

Agenda Item Wording: Authorize the Recordation of the Final Map for Hall Estates, located at the northeast corner of Cherry Avenue and Lovers Lane (30 lots) and the Formation of Landscape and Lighting District No. 06-05, Hall Estates (Resolution Nos. 06-125 and 06-126 required). APN: 127-030-014

Deadline for Action: N/A

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340

Doug Damko 713-4268

Final Map

Staff recommends that City Council authorize the recordation of the final map for Hall Estates containing 30 single family lots. Hall Estates is a private, gated subdivision with a single access point to Cherry Avenue. Hall Estates has the Quail River subdivision located along its northern and eastern boundaries. Cherry Avenue is a local street that will function like a minor collector and will provide an access point to Lovers Lane for Hall Estates and for the Quail River and Sousa Property subdivision projects to the east. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$66,889.60 and Labor and Material Bond in the amount of \$33,444.80; 3) cash payment of \$129,795.90 distributed to various accounts; and 4) Final Map. The developer of Hall Estates is Daley Enterprises Inc. located in Tulare.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the developer for street improvements made to Arterial and Collector streets. This development is constructing street improvements on Lovers Lane (Arterial). The City will be reimbursing the developer approximately \$36,000 for Arterial/Collector street improvements. The reimbursement will come through a combination of fee credits for Transportation Impact Fees and cash payment.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 06-125 Initiating Proceedings for Formation of Assessment District No. 06-05, Hall Estates; adopt the Engineer's Report as submitted; and adopt Resolution No. 06-126 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

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

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

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

Committee/Commission Review and Actions: The tentative subdivision map for Hall Estates subdivision was approved by the Planning Commission on May 23, 2005. The tentative map will expire on May 23, 2007.

Alternatives: N/A

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

Recommended Motion (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Hall Estates and I move to adopt Resolution No. 06-125 Initiating Proceedings for Formation of Assessment District No. 06-05 "Hall Estates" and adopt Resolution No. 06-126 Ordering the Improvements for Assessment District No. 06-05 "Hall Estates."

Environmental Assessment Status

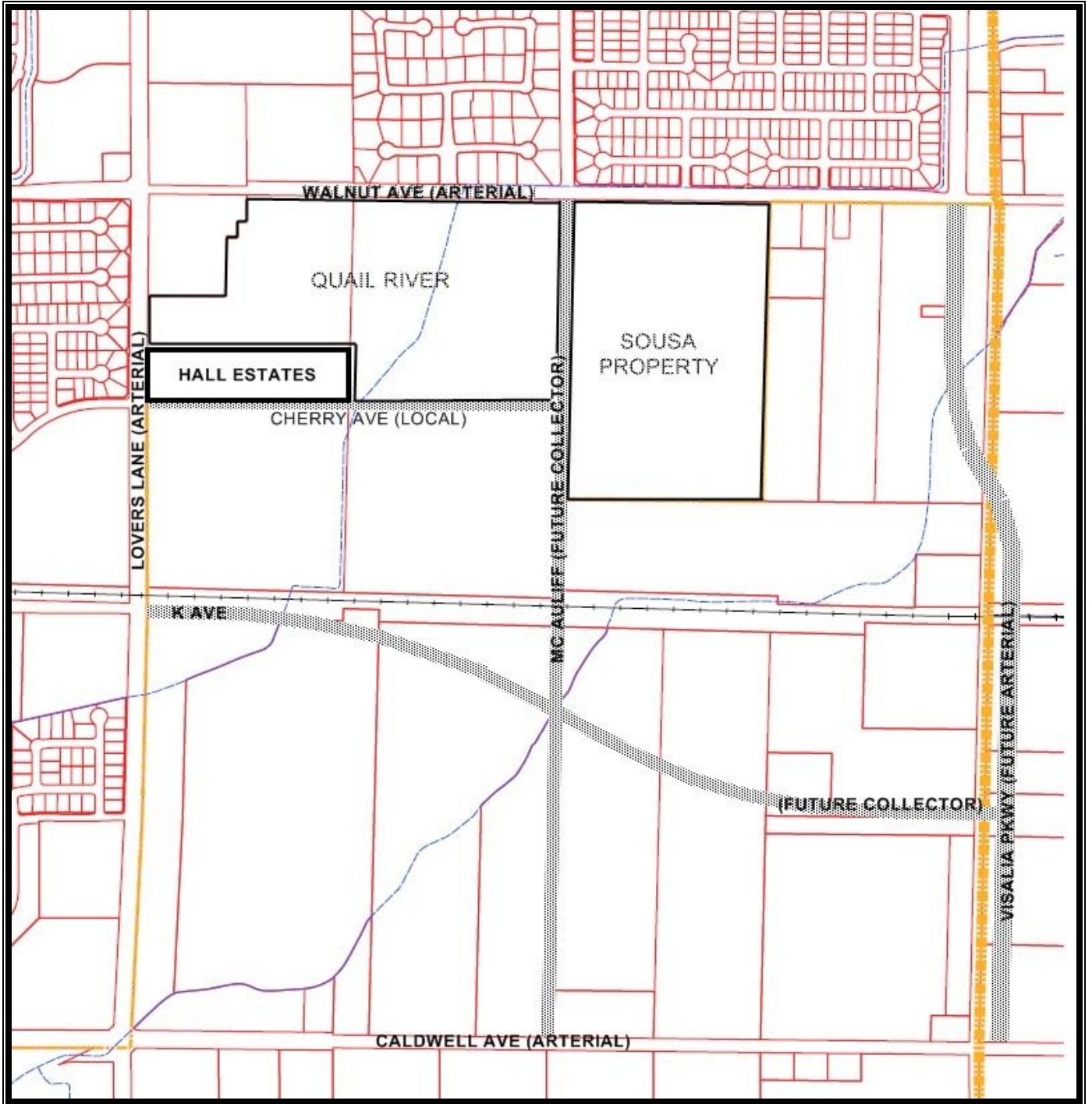
CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

LOCATION MAP



RESOLUTION NO. 06-125

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 06-05
HALL ESTATES
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of streetlights and pavement on local streets.
2. The proposed district shall be designated Assessment District No. 06-05, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 06-05, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Hall Estates".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 06-05

HALL ESTATES

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 06-05, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 18th day of December, 2006 by its Resolution No. 06-126.

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

RESOLUTION NO. 06-126

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 06-05
HALL ESTATES
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 06-05, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2007-08.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Streetlight Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "B"

Streetlight Location Diagram Hall Estates

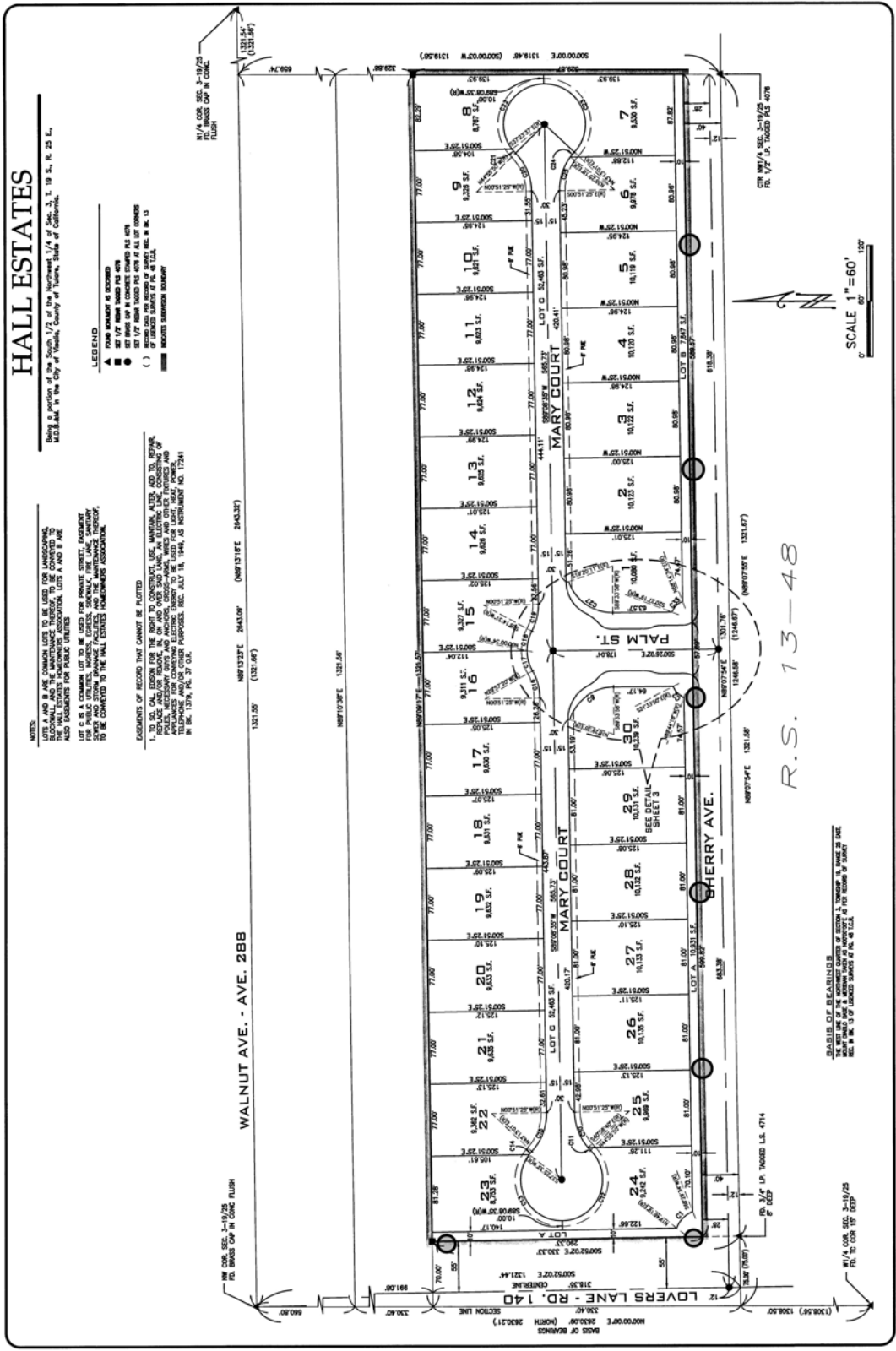


Exhibit "C"

Tax Roll Assessment
Hall Estates
Fiscal Year 2007-08

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$108.80	To Be Assigned	06-0501	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0502	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0503	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0504	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0505	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0506	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0507	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0508	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0509	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0510	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0511	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0512	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0513	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0514	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0515	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0516	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0517	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0518	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0519	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0520	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0521	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0522	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0523	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0524	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0525	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0526	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0527	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0528	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0529	Hall Estates
To Be Assigned	\$108.80	To Be Assigned	06-0530	Hall Estates

Exhibit "C"

Tax Roll Assessment
Hall Estates
Fiscal Year 2007-08

General Description

This Assessment District (District) is located at the northeast corner Lovers Lane and Cherry Avenue. Exhibit "A" is a map of Assessment District 06-05. This District includes the maintenance of streetlights and pavement on local public streets and any other applicable equipment or improvements. The maintenance of streetlights includes the energy costs and maintenance costs established by Southern California Edison's rate schedule. The maintenance of pavement on local public streets includes preventative maintenance by means including, but not limited to overlays, chip seals/crack seals and reclamite (oiling). The total number lots within the district are 30.

Determination of Benefit

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

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to street lights. The lots not adjacent to street lights benefit by the uniform maintenance and overall appearance of the District. All lots in the District derive a direct benefit from the maintenance of the local streets adjacent to this private, gated subdivision.

Estimated Costs

The estimated costs to maintain the District includes the costs to maintain street lights and pavement on local streets and any other applicable equipment or improvements. The regular preventive maintenance of pavement on local streets is based on the following schedule: Chip Seal on a 15 year cycle; Overlays on a 10 year cycle; Crack Seal on an 8 year cycle and Reclamite on a 6 year cycle.

Exhibit "C"

Tax Roll Assessment
Hall Estates
Fiscal Year 2007-08

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	0	\$0.199	\$0.00
Shrub Area	Sq. Ft.	0	\$0.199	\$0.00
Water	Sq. Ft.	0	\$0.050	\$0.00
Electricity	Sq. Ft.	0	\$0.008	\$0.00
Trees In Landscape Lots	Each	0	\$25.00	\$0.00
Trees In Local Street Parkways	Each	0	\$25.00	\$0.00
Street Lights	Each	7	\$105.00	\$735.00
Chip Seal (15 year cycle)	Sq. Ft.	19944	\$0.190	\$252.62
Crack Seal (8 year cycle)	Sq. Ft.	19944	\$0.02933	\$73.13
Reclamite (6 year cycle)	Sq. Ft.	19944	\$0.0211110	\$70.17
Overlays (10 year cycle)	Sq. Ft.	19944	\$0.65	\$1,296.36
Project Management Costs	Lots	30	\$18.00	\$540.00
TOTAL				\$2,967.28
10% Reserve Fund				\$296.73
GRAND TOTAL				\$3,264.01
COST PER LOT				\$108.80

Annual Cost Increase

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

$$A_{max} \text{ for any given year "n"} = (\$3,264.01) (1.05)^{(n-1)}$$

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

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

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

Exhibit "C"

Tax Roll Assessment
Hall Estates
Fiscal Year 2007-08

Example 1. The estimated year four cost of maintaining the improvements in the district is \$3,557.77 [a 9% increase over the base year estimated cost of \$3,264.01]. The maximum annual assessment for year four is \$3,778.50⁽⁴⁻¹⁾
[$A_{\max} = (\$3,264.01) (1.05)^{(4-1)}$]. The assessment will be set at \$3,557.77 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$3,688.33 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$3,264.01]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$73.77 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$3,778.50 [$A_{\max} = (\$3,264.01) (1.05)^{(4-1)}$]. The year four assessment will be set at \$3,688.33 plus the deficit amount of \$73.77 which equals \$3,762.10 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$3,557.77 [a 9% increase over the base year assessment of \$3,264.01] and damage occurred to the masonry wall raising the year five expenses to \$3,982.09 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$3,913.55 (a 10% increase over the previous year) and below the maximum annual assessment of \$3,967.42 [$A_{\max} = (\$3,264.01) (1.05)^{(5-1)}$]. The difference of \$68.54 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

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

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

City of Visalia Agenda Item Transmittal

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 7 f

Agenda Item Wording: Request authorization for the City Manager to execute a contract with EDAW for the Parks and Infrastructure Master Plan for the East Downtown Strategic Plan Area, for \$484,435, and up to \$39,000 for reimbursable expenses, and up to \$42,070 for any additional survey work requested by the consultant and approved by the City, and authorization for the Administrative Services Director to make necessary budgetary adjustments”.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number:

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

Department Recommendation:

It is recommended that Council

1. Authorize City Manager to execute a contract with EDAW, Inc. for the parks and Infrastructure Master Plan for the East Downtown Strategic Plan area for the original proposed fee of \$484,435, and up to \$39,000 for reimbursable expenses, and up to \$42,070 for any additional survey work requested by the consultant and approved by the City, and;
2. Authorize Administrative Services Director to make the necessary budgetary adjustments.

Summary/background:

The City Council is embarking on a significant step forward in the revitalization of the East Downtown and in the plan for a new civic center complex north of Mill Creek at Burke Street. Staff is requesting Council authorization to execute an EIR agreement with EDAW of San Francisco and its consulting team to develop a Parks and Infrastructure Master Plan for the East Downtown area. The Parks and Infrastructure Master Plan will lay the foundation for the development of both land uses envisioned by the East Downtown Strategic Plan and the Civic Center Master Plan.

On September 18, 2006, Council authorized staff to negotiate a contract with EDAW, Inc. and to make any minor adjustments to the scope and fee as deemed appropriate, and the City Manager to execute this contract. The contract is to design a Master Plan for the East

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
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Est. Time (Min.): 2

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

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

Contract negotiations have been completed:

- The Scope is primarily the same as presented in the September 18, 2006 agenda except for the addition of Site Surveying as an additional task as needed by the consultant and approved by the City.
(During the negotiation phase the existing survey maps were reviewed and found to be lacking topographic information and the engineer believed that we may need additional information beyond what is available from our GIS information and the existing survey maps)
- During the contract negotiation period Lane Engineers who were the local engineering partner with EDAW, Inc. determined that they would be unable to fulfill their commitment due to workload, and recommended that EDAW consider working with Provost & Pritchard, Inc. With the City's approval, an agreement was reached between EDAW and Provost and Pritchard.
- The base fee remains the same as the original proposal; \$484,435.
- The original approved proposal noted reimbursable expenses as "to be determined". During this negotiation period these fees were further examined and proposed to be up to \$39,000, 8% of the fee.
- As explained in the first point, it is expected that additional survey work will need to be provided, and Provost and Pritchard will provide additional tasks as required and approved by the City, for an hourly rate up to \$42,070.

This update and contract is before Council tonight to present the change in the local engineering consultant, to clarify the specific amount of reimbursable expenses, and to request approval of likely additional survey expenses. With the execution of the contract EDAW, Provost and Pritchard and the other consultant team members will immediately begin work.

Financial Considerations. Council originally approved this contract on 9/18/2006 to be funded from the Civic Center reserve and delegating staff the authority to make minor changes and negotiate reimbursable charges. In the course of finalizing the contract, EDAW has requested that the allowance for survey work be included. As a result, the total contract including reimbursable expenses and potential survey work is \$565,505.

Prior Council/Board Actions: September 18, 2006 Council approved negotiating contract with EDAW

Committee/Commission Review and Actions:

Alternatives: none offered

Attachments: Map

Recommended Motion (and Alternative Motions if expected):

It is recommended that Council

1. Authorize City Manager to execute a contract with EDAW, Inc. for the parks and Infrastructure Master Plan for the East Downtown Strategic Plan area for the original proposed fee of \$484,435, and up to \$39,000 for reimbursable expenses, and up to \$42,070 for any additional survey work requested by the consultant and approved by the City, however, making it “subject to approval of the form of contract by the City Attorney” and;

2. Authorize Administrative Services Director to make the necessary budgetary adjustments

Environmental Assessment Status

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

NEPA Review:

Tracking Information: Sign contract with EDAW

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: December 18, 2007

Agenda Item Number (Assigned by City Clerk): 7g

Agenda Item Wording: Approval of the appointment of Allen Dimick, Greg Gostanian, Annee Ferranti and Susan Barlow to the Environmental Committee.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Jim Gates, 713-4531;
Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that the Visalia City Council appoint Allen Dimick, Greg Gostanian, Annee Ferranti and Susan Barlow to the Environmental Committee.

Department Discussion

The Environmental Committee and the Citizens Advisory Committee has reviewed the applicants and recommend that the following people be appointed to fill the three current positions vacant on the Environmental Committee, and the position that will become vacant on January 1, 2006.

Allen Dimick – An accountant by trade, Allen has a keen interest in the environment. He has attended several meetings, and has actively participated in the discussions. He is a member of the Sierra Club and has served as an officer in that organization. If appointed, he will fill a vacant position with a term expiring on June 30, 2008 and be eligible for an appointment to a full term.

Greg Gostanian - A professional in the irrigation industry, Greg is a certified drip irrigation designer who would bring a unique perspective to the Committee, especially with regards to water conservation. If appointed, he will fill a vacant position expiring on June 30, 2007 and be eligible for appointments to two additional full terms.

Annee Ferranti – Annee is an Environmental Scientist for the Central Valley Regional Water Quality Control Board. Formerly, she was with the Fresno Area Permit Assistance where she conducted research and maintained information on pollution prevention, recycling, redevelopment of Brownsfields and sustainable development. If

For action by:

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

For placement on which agenda:

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Regular Session:

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Est. Time (Min.): _____

Review:

Dept. Head LBC121006

Finance

City Atty

City Mgr

appointed, she will fill a vacant position with a term expiring June 30, 2009 and be eligible for an appointment to another full term

Susan Barlow – A local business owner and active member of the community, Susan Barlow Susan is especially interested in water usage and water conservation. Her connections in the community will be helpful in communicating current and future environmental message. If appointed, she will fill the position being vacated by Wayne Collins on Jan. 1, 2007. In order to coordinate the terms, staff recommends that she be appointed to a term ending on June 30, 2010, (rather than Jan. 1, 2010) at which time she would be eligible for appointment to another full term.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

November, 2006 – Environmental Committee recommended to the CAC that these people be appointed to the available positions.

December, 2006 – The CAC recommended that these people be appointed to the available positions.

Alternatives:

To not make these appointments.

To direct staff to continue the recruitment.

Attachments:

Applications for the nominees

Recommended Motion (and Alternative Motions if expected):

I move to appoint Allen Dimick, Greg Gostanian, Annee Ferranti and Susan Barlow to the Environmental Committee to serve the recommended terms.

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)*

Allen Dimick's term expires June 30, 2008; Greg Gostanian's term expires June 30, 2007; Annee Ferranti's term expires June 30, 2009; Susan Barlow's term expires June 30, 2010. Appointments/reappointments need to be considered at these times.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 7h

Agenda Item Wording: Accept of City Engineer's report, call for construction bids, set a public hearing and direct the recordation of assessment district map for the proposed Village West street assessment district. **RESOLUTION NO. 2006-127.**

Deadline for Action: None

Submitting Department: Public Works and Administrative Services Director

Contact Name and Phone Number: Andrew Bennelli, x4340;
Eric Frost, x4474

Department Recommendation: That the City Council

1. accept the City Engineer's report on Village West,
2. call for construction bids two weeks prior to the opening of ballots,
3. set a public hearing to open ballots on February 20, 2007; and,
4. direct the recordation of assessment district map for the proposed Village West street assessment district.

Summary/background:

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

Over time, the street has deteriorated to the point it needs to be substantially improved. The residents of the subdivision approached the City, asking for assistance to repave their street. The homeowners' major problem is that a number of the homeowners are on fixed incomes and

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

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Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

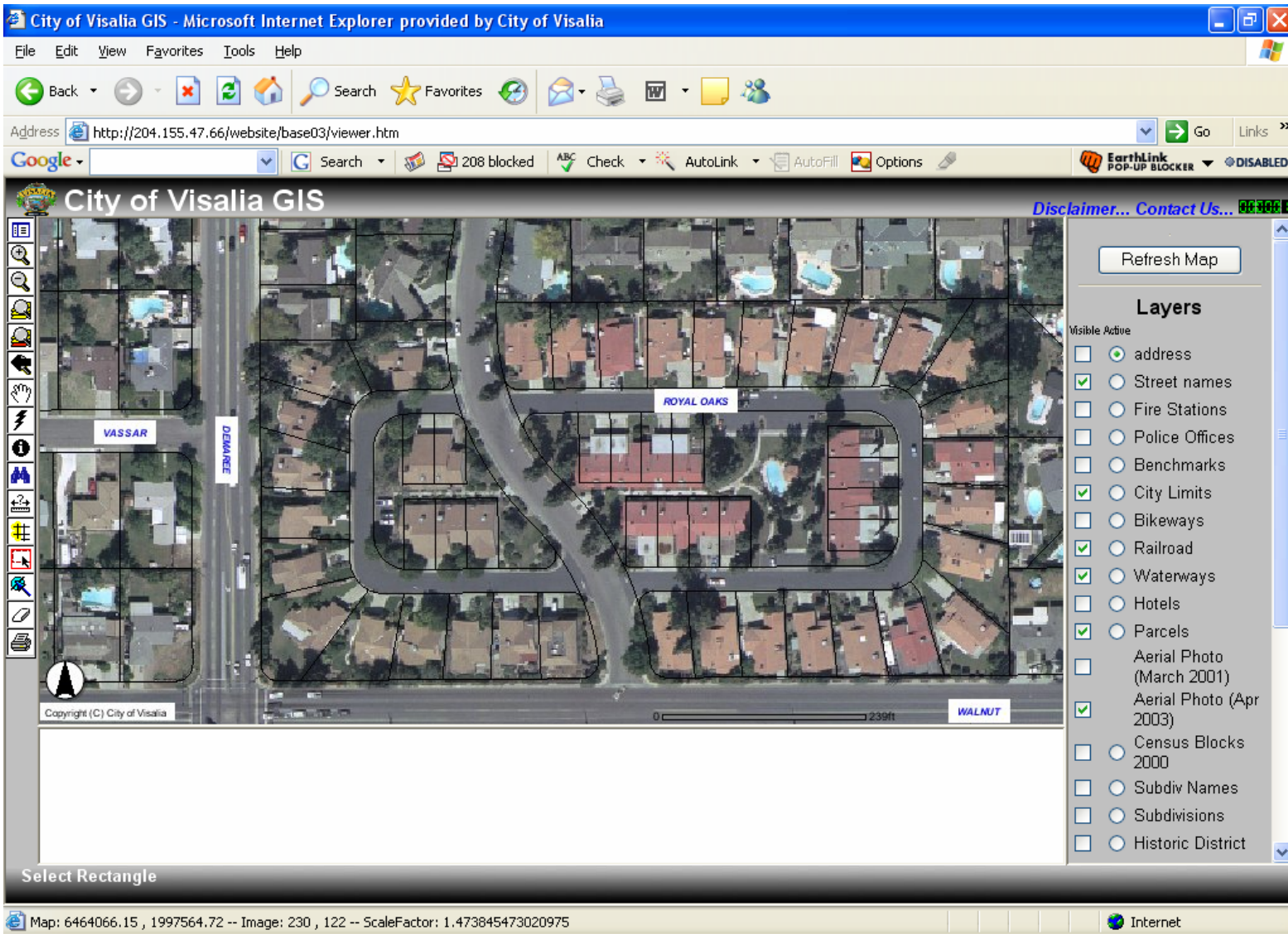
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would find a \$2,500 assessment difficult to pay. Essentially, the homeowners asked if there was some way to have the City finance the project.

The project qualified under the laws which govern street assessments and the City formed an assessment district based upon petitions from over 80% of the property owners.

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

Picture 1
Village West Aerial Map



The City's engineers have designed an overlay project for Royal Oaks. The homeowners have reviewed the plan, made requested changes and are now ready to proceed with the balloting of the proposed project with the homeowners.

The City will then schedule a public hearing to receive the votes. If the assessment is approved, the City would prepare for sale an assessment bond. The assessment bond would be levied against each home in the district. The proposed budget is as follows:

Village West Street Bonds		
Homes:	50	
Term (yrs):	15	
Est. Rate:	6%	
Annual Assessment		
- Total District	11,714	
- Per Lot	234	
<u>Project Cost</u>		
Construction Est.		97,768
<u>Incidental</u>		
Legal	10,500	
City Engineering	2,500	
City Admin.	2,000	
Publication, Misc.	1,000	
		16,000
Total Estimated Cost		113,768

The actual project may cost less and assessments would then be reduced. However, if costs are higher, then additional approvals by the property owners would be required. As a result, a very conservative budget has been prepared

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

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

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

Then to recap:

- The homeowners have obtained petitions to form the district from 41 of the 50 property owners (82%), more than sufficient to pass the ballot proposed to be on a one assessment one vote basis.
- The homeowners have approved a \$6 per month street maintenance fee in order to replace the street in the future.
- City Council has approved that the City purchase the assessment bonds directly, saving the homeowners an underwriting fee and adding a viable investment to the City's portfolio.
- Council approved a legal services agreement with Robert Haight, Attorney At Law, to perform the needed legal work for the district.
- If the district is formed and an assessment approved, the City will conduct a public bid and manage the project.
- For those that prefer to pay for the assessment in cash before the sale of the bond in order to avoid interest costs, a cash payment period will be provided.
- The County will levy an annual property tax assessment against each of the properties.

Actions tonight

The proposed actions tonight are to:

1. accept the City Engineer's report on Village West,
2. call for construction bids two weeks prior to the opening of ballots,
3. set a public hearing to open ballots on February 20, 2007; and,
4. direct the recordation of assessment district map for the proposed Village West street assessment district.

Prior Council/Board Actions: August 7, 2006

Committee/Commission Review and Actions:

Alternatives:

Attachments: Attachment #1, Engineer's Report

Recommended Motion (and Alternative Motions if expected):

Adopt **Resolution 2006-127** accepting of City Engineer's report, calling for construction bids, setting of public hearing and directing the recordation of assessment district map for the proposed Village West street assessment district.

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: Village West Home Owners Association

ENGINEER'S REPORT
VILLAGE WEST STREET ASSESSMENT DISTRICT NO.

AD-_____

ANDREW J. BENELLI, Public Works Director, Engineer of Work for Village West Street Assessment District, City of Visalia, Tulare County, California makes this report, as directed by the City Council, pursuant to Section 10204 of the Streets and Highways, Code (Municipal Improvement Act of 1913).

The improvements which are the subject of this report are briefly described as follows:

The improvement of the private streets as shown on the recorded subdivision maps for Village West Unit No. 1 (recorded February 21, 1973 in Vol. 26 at Page 83 T.C.R.) and Village West Unit No. 2 (recorded May 15, 1973 in Vol. 27 at Page 3 T.C.R.) by excavating, compacting and constructing, where necessary, curb and gutter and milling the existing asphalt concrete and base rock in-place and grading and compacting the milled material and constructing a 2 asphalt concrete overlay within the right-of-way of the private streets as shown on said maps.

Bonds and/or assessment liens representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent per annum, shall be issued and/or levied in the manner provided by the Improvement Bond Act of 1915 (Division 10, Streets and Highways Code), and the last installment of the bonds and/or liens shall mature not to exceed fourteen (14) years from the second day of September next succeeding twelve (12) months from their date.

This report includes the following attached exhibits:

- EXHIBIT A - Plans and specifications for improvements to be constructed. Plans and specifications are a part of this report whether or not separately bound.
- EXHIBIT B - An estimate of the cost of the improvements.
- EXHIBIT C - An assessment roll, showing the amount proposed to be specially assessed against each parcel of real property within this assessment district. Each parcel is described by County Assessor's parcel number or other designation, and each parcel is also assigned a separate "assessment number" for the purposes of this proceeding.
- EXHIBIT D - A statement of the method by which the undersigned determined the amount proposed to be assessed against each parcel, based on benefits to be derived by each parcel, respectively, from the improvements.
- EXHIBIT E - A list of names and addresses of the owners of real property within this assessment district, as shown on the last equalized assessment roll for taxes, or as known to the Clerk. The list is keyed to Exhibit C by assessment number.

EXHIBIT F - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Exhibit C by assessment number.

EXHIBIT G - Proposed maximum annual assessment per parcel for current costs and expenses.

Respectfully submitted,

ANDREW J. BENELLI

Public Works Director

Engineer of Work

ENGINEER'S REPORT
VILLAGE WEST STREET ASSESSMENT DISTRICT

The undersigned respectfully submits the enclosed report as directed by the City Council.

DATED: December 13, 2006

ANDREW J. BENELLI

Public Works Director, Engineer of Work

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the December 13, 2006.

LESLIE CAVILGIA, City Clerk, City of
Visalia, Tulare County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Visalia, Tulare County, California, on the _____ day of _____, 2006.

LESLIE CAVILGIA, City Clerk, City of
Visalia, Tulare County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was recorded in my office on the _____ day of _____, 2006.

ANDREW J. BENELLI

Public Works Director, City of Visalia, Tulare
County, California

By _____

EXHIBIT A
PLANS AND SPECIFICATIONS
PLANS ARE A PART OF THIS REPORT WHETHER OR NOT SEPARATELY BOUND

Project layout plan and standard plans and specifications are available in the City Engineer's Office

EXHIBIT B

ENGINEER'S COST ESTIMATE

VILLAGE WEST STREET ASSESSMENT DISTRICT

1.	Construction Costs		\$ 97,768
2.	Incidental Costs		
	a)	Design and Construction Engineering	\$ 2,500
	b)	Legal Fee	\$ 10,000
	d)	Bond Counsel out of pocket	\$ 500
	e)	City Administration Costs	\$ 2,000
	f)	Publication, Auditor's Record	\$ <u>1,000</u>
	Total Incidental Costs		\$ <u>16,000</u>
	Total Estimated Cost of Project		\$ 113,768
	Balance to Assessment		\$ 113,768

EXHIBIT C

VILLAGE WEST STREET ASSESSMENT DISTRICT
ASSESSMENT ROLL

Assessment No.	Assessment Parcel No .	Assessment Amount
1	095-242-029	\$ 2,275.36
2	095-242-030	\$ 2,275.36
3	095-242-031	\$ 2,275.36
4	095-242-032	\$ 2,275.36
5	095-242-033	\$ 2,275.36
6	095-242-034	\$ 2,275.36
7	095-242-035	\$ 2,275.36
8	095-242-036	\$ 2,275.36
9	095-242-037	\$ 2,275.36
10	095-242-038	\$ 2,275.36
11	095-241-002	\$ 2,275.36
12	095-241-003	\$ 2,275.36
13	095-241-004	\$ 2,275.36
14	095-242-028	\$ 2,275.36
15	095-242-042	\$ 2,275.36
16	095-242-041	\$ 2,275.36
17	095-242-040	\$ 2,275.36
18	095-242-039	\$ 2,275.36
19	095-241-019	\$ 2,275.36
20	095-241-018	\$ 2,275.36
21	095-242-043	\$ 2,275.36
22	095-241-005	\$ 2,275.36
23	095-242-027	\$ 2,275.36
24	095-242-044	\$ 2,275.36
25	095-242-026	\$ 2,275.36
26	095-241-006	\$ 2,275.36

Assessment No.	Assessment Parcel No	Assessment Amount
27	095-242-045	\$ 2,275.36
28	095-242-047	\$ 2,275.36
29	095-242-048	\$ 2,275.36
30	095-242-049	\$ 2,275.36
31	095-242-050	\$ 2,275.36
32	095-241-014	\$ 2,275.36
33	095-241-015	\$ 2,275.36
34	095-241-016	\$ 2,275.36
35	095-242-046	\$ 2,275.36
36	095-242-025	\$ 2,275.36
37	095-241-007	\$ 2,275.36
38	095-242-024	\$ 2,275.36
39	095-241-008	\$ 2,275.36
40	095-242-023	\$ 2,275.36
41	095-242-022	\$ 2,275.36
42	095-241-009	\$ 2,275.36
43	095-242-021	\$ 2,275.36
44	095-242-020	\$ 2,275.36
45	095-242-019	\$ 2,275.36
46	095-242-018	\$ 2,275.36
47	095-241-013	\$ 2,275.36
48	095-241-012	\$ 2,275.36
49	095-241-011	\$ 2,275.36
50	095-241-010	\$ 2,275.36

EXHIBIT D
VILLAGE WEST STREET ASSESSMENT DISTRICT

Proposed Rules for Spread of Assessment

1. Assessments shall be determined on the basis of number of units. The estimated construction cost, plus incidental costs will be spread equally to each of the benefiting parcels.
2. Street construction costs, including curb and gutter improvements, and miscellaneous construction items along with incidentals shall be spread equally to the individual parcels in proportion to the number of the parcel.
3. Incidentals shall be spread for each parcel on the unit cost basis.

EXHIBIT E
VILLAGE WEST STREET ASSESSMENT DISTRICT

LIST OF PROPERTY OWNERS

<u>Assessment Number</u>	<u>Owner</u>	<u>Address</u>
1	Bookout, Ralph W. & Betty	5617 W. Grove Ct., Visalia
2	Miller, George & Rosalie (TRS)	125 Victor Ct., Visalia
3	Russ, Gene R. & Judith M.	1846 Royal Oaks Dr., Visalia
4	Rocha, Georgia R. (TR)	1844 Royal Oaks Dr., Visalia
5	Cox, James P. & Edna F. (TRS)	1842 Royal Oaks Dr., Visalia
6	Givan, Carolyn (TR)	2615 S. Stevenson St., Visalia
7	Rugeroni, David & Joyce A.	1838 Royal Oaks Dr., Visalia
8	Cross, Robert	1836 S. Royal Oaks Dr., Visalia
9	Maloy, Lily D.	1834 Royal Oaks Dr., Visalia
10	Daguerre, Dave	2719 E. Feemster, Visalia
11	Dally, Deanna R.	1831 S. Royal Oaks Ave., Visalia
12	Scott, Gail A. (TR)	1835 Royal Oaks Dr., Visalia
13	Marquez, Monica	1909 S. Royal Oaks Dr., Visalia
14	Brumit, Philip D.	P.O. Box 3185, Visalia
15	Adams, Sharon Louise	1906 Royal Oaks Dr., Visalia
16	Walker, Steven C.	1904 Royal Oaks Dr., Visalia

17	Ediger, Gladys F.	1902 Royal Oaks Dr., Visalia
18	Lenox, Doris	1900 Royal Oaks Dr., Visalia
19	Mosley, Lloyd H. & Leslie A.	3501 S. Willis St., Visalia
20	Cox, Brian K. & Patricia L.	P.O. Box 3544, Visalia
21	Rorax, Ola H. (TR)	1238 S. Sowell, Visalia
22	Crouse, Everett C. & Eufemia	1915 S. Royal Oaks Dr., Visalia
23	Tyler, Russell W. & Judith (TRS)	1912 Royal Oaks Dr., Visalia
24	Jordan, Bill R.	1809 W. Main St., Suite A, Visalia
25	Tweed, Kathleen B. (TR)	1918 S. Royal Oaks, Visalia
26	McCormick, Jack R. (TR)	3434 Fairmont Ct., Visalia
27	Dehore, Bradley C.	1916 Royal Oaks Dr., Visalia
28	Fisher, Allen	1934 Royal Oaks Dr., Visalia
29	Hanhauser, Thomas J. & Adrienne	530 Elvis Dr., San Jose
30	Salas, Enrique Jr.	1940 S. Royal Oaks, Visalia
31	Manuele, Candyce E.	1942 Royal Oaks, Visalia
32	Kampen, Clara G.	1939 Royal Oaks Dr., Visalia
33	Mosley, Lloyd H. & Leslie A.	3501 S. Willis Ct., Visalia
34	Schmid, Leslie J (TR)	1931 S. Royal Oaks Ave., Visalia
35	Mata, Carmen	1920 Royal Oaks Dr., Visalia
36	Shuman, Melissa & Brian	1922 S. Royal Oaks Dr., Visalia
37	Morrice, Edna (TR)	1923 Royal Oaks Dr., Visalia
38	De La O, Francis D.	1924 Royal Oaks Dr., Visalia
39	Esbenshade, Phillip W. & Laura M.	1925 S. Royal Oaks Dr., Visalia
40	Allen, Jack N. & Shirley A.	1926 Royal Oaks Dr., Visalia
41	Sutton, Marion O. (TR)	1928 Royal Oaks Dr., Visalia
42	Krammer, Judith Ann	1929 S. Royal Oaks Dr., Visalia
43	Walters, Kenneth Dale	1930 Royal Oaks Dr., Visalia
44	Davis, Barbara L.	1932 S. Royal Oaks Dr., Visalia
45	Bookout, Ralph W. & Betty	5617 W. Grove Ct., Visalia
46	Powell, John & Pamela K.	1944 S. Royal Oaks Dr., Visalia
47	Black, Blaine G. & Tamara A.	1943 Royal Oaks Dr., Visalia
48	Bardone, Alfredo &	1941 S. Royal Oaks, Visalia

49
50

Kathryn (TRS)
Simoos, Michelle
Hubbard, John D. &
Pam J. (TRS)

13260 Rd. 136, Tipton
1933 S. Royal Oaks Dr., Visalia

EXHIBIT F

ASSESSMENT DIAGRAM
TO BE PROVIDED BY PUBLIC WORKS DEPARTMENT

EXHIBIT G
PROPOSED MAXIMUM ANNUAL ASSESSMENT PER PARCEL FOR CURRENT
COSTS AND EXPENSES
VILLAGE WEST STREET ASSESSMENT DISTRICT

Pursuant to Section 10204 (f) of the California Streets and Highways Code, the City Council intends to impose an annual assessment upon each of the several parcels of land in this assessment district to pay a portion of the cost and expense incurred by the City and not otherwise reimbursed, which results from the administration and collection of assessments or from the administration or registration of the associated 1915 Act bonds and the related reserve fund, bond redemption fund and any other related funds. The maximum amount of such annual assessment shall be calculated as 2% of the total assessment levied upon each such parcel of land.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
PRELIMINARILY APPROVING ENGINEER'S REPORT, CALLING FOR
CONSTRUCTION BIDS, SETTING HEARING AND ELECTION, PROVIDING NOTICE,
APPROVING BOUNDARY MAP AND DIRECTING ACTIONS WITH RESPECT
THERETO**

VILLAGE WEST IMPROVEMENT PROJECT

WHEREAS, on December ____, 2006, the City Council of the City of Visalia ("City") adopted its Resolution of Intention No. _____ to Acquire and/or Construct Improvements and Determining to Proceed (the "Resolution of Intention") under the Municipal Improvement Act of 1913, being Division 12 of the Streets and Highways Code of California (the "Act"), to initiate proceedings under the Act in and for the Village West Improvement Project (the "Improvement Project").

WHEREAS, the Resolution of Intention referred the improvements described therein to the person designated therein as the Engineer of Work and directed the Engineer of Work to prepare and file with the City Clerk a report (the "Engineer's Report") pursuant to the Act and containing information set forth in the Resolution of Intention, to which reference is hereby made for further particulars.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA, AS FOLLOWS:

Engineer's Report Preliminarily Approved

The Engineer of Work has prepared and filed the Engineer's Report with the City Clerk, and this City Council, with the aid of staff, has reviewed the Engineer's Report and hereby finds it to be sufficient for, and that it shall stand for, purposes of subsequent proceedings for the Improvement Project, and the Engineer's Report is hereby preliminarily approved.

Call for Construction Bids

That the City Clerk is hereby directed to publish once a week for two weeks in the local newspaper, published and/or circulated in the City, a notice inviting sealed proposals or bids for the construction of said improvements, and referring to the plans and specifications on file in the office of said Clerk, the first publication of which notice shall be at least fourteen (14) days prior to the time fixed for opening bids.

All proposals or bids shall be presented under sealed cover and shall be accompanied by cash, a cashier's or certified check payable to the order of the City, amounting to ten percent (10%) of the bid, or by a bond in said amount and payable to said City, executed by an admitted surety insurer. The amount so posted shall be forfeited to the City if the bidder does not, within fifteen (15) days after written notice that the contract has been awarded to him, enter into a contract with the City for the work.

Bidder's security and undertakings to secure the faithful performance of contracts are subject to and shall be governed by the provisions of section 20483 of the California Public Contract Code.

Said sealed proposals or bids shall be delivered to the Clerk on or before ____ a.m. on the ____ day of _____ 2007 at the Office of the City Clerk, City of Visalia, 707 West Acequia, Visalia, California 93291. Bids will be publicly opened, examined, and declared on said day and hour. The bids will be referred to the City Council at its meeting scheduled for _____, 2007 for further action.

Public Hearing

Pursuant to the Act, this City Council hereby orders that a public hearing shall be held before this City Council, in the regular meeting place thereof, City Council Chambers, 707 West Acequia, Visalia, California, at the hour of ____ p.m. on _____, _____, 2007, for the purposes of this City Council' determination whether the public interest, convenience and necessity require the acquisitions and improvements, whether the properties in the Improvement Project are specially benefited by the acquisitions and improvements, the tabulation of special assessment ballots and the determination of the existence of any majority protest, and this City Council's final action upon the Engineer's Report and the assessments therein. The public hearing may be continued from time to time as determined by the City Council.

Notice

The City Clerk is hereby authorized and directed to cause notice of the hearing to be given by mailing, postage prepaid, in the United States mail, and such notice shall be deemed to have been given when so deposited in such mail. The envelope or cover of the mailing shall include the name of the City and the return address of the City Clerk as the sender. The mailed notice shall be given to all property owners within the Improvement Project as shown in the Engineer's Report and whose names and addresses appear on the last equalized assessment roll of the County of Tulare or the State Board of Equalization assessment roll, or as known to the City Clerk, as the case may be. The amount of the proposed assessment for each parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire Improvement Project, the amount chargeable to the owner's particular parcel, the anticipated duration of payment for the assessment if bonded or otherwise collected, the reason for such assessment and the basis upon which the amount of the proposed assessment was calculated. Each such mailed notice to owners shall contain a ballot, which includes the City's address for receipt of completed ballots showing the owner's name, identification of the parcel and support or opposition to the proposed assessment. Each ballot shall contain a declaration under penalty of perjury to be signed by the person submitting it that the person is authorized to vote the ballot. Each notice shall include, in a conspicuous place, a summary of the procedures applicable to the completion, return and tabulation of ballots, including a disclosure that the existence of a majority protest (whereby ballots submitted in opposition exceed those submitted in favor of the assessment, with ballots weighted according to proportional financial obligation of the affected property) will result in the assessment not being imposed. The notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing ordered under Section 3 hereof.

Boundary Map

The proposed boundaries of the proposed Improvement Project are hereby described as shown on a map thereof on file in the Office of the City Clerk (the "Boundary Map"), which indicates by a boundary line the extent of the territory to be included in the proposed Improvement Project and which Boundary Map shall govern for all details for further purposes of the proceedings for the Improvement Project and to which reference is hereby made for further particulars. The City Clerk is hereby authorized and directed to endorse upon the original and at least one copy of the Boundary Map the date of the filing thereof and date and adoption of this resolution and to cause a copy of the Boundary Map to be filed with the County Recorder of the County of Tulare, in which all of the proposed Improvement Project is located, within fifteen (15) days of the adoption of this resolution, but in no event later than fifteen (15) days before the date of the public hearing ordered under Section 3 hereof. The County Recorder shall endorse upon the Boundary Map the time and date of filing and shall fasten the same securely in a book of maps of assessment and community facilities City that the County Recorder shall keep in his or her office. The County Recorder shall index the Boundary Map by the name of the City and by the distinctive designation of the proposed Improvement Project.

PASSED AND ADOPTED by the City Council of the City of Visalia, Tulare County, State of California, this _____ day of December 2006 by the following vote:

- AYES: COUNCIL MEMBERS
- NOES: COUNCIL MEMBERS
- ABSENT: COUNCIL MEMBERS
- ABSTAIN: COUNCIL MEMBERS

Mayor

ATTEST:

City Clerk

I, the undersigned City Clerk, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Visalia, California, at a regular meeting thereof held on the ____ day of December 2006, is a true and correct copy. The original of which is on file in my office.

City Clerk

This document last revised: 12/15/06 10:55:00 AM

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File location and name: H:\(1) AGENDAS for Council\2006\121806\Item 7h Village West Street Assessment 1.doc

City of Visalia Agenda Item Transmittal

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Accept the City of Visalia Cash and Investment Report for the first quarter ending September 30, 2006.

Deadline for Action: None

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost 713-4474, Cass Cook 713-4425

Department Recommendation: It is recommended that Council accept the City of Visalia Cash and Investment Report for the quarter ending September 30, 2006.

Economic Outlook

The Federal Open Market Committee (FOMC) did not raise the Fed Funds rate at its last meeting. The Fed Funds rate greatly influences short-term interest rates and over time influences long-term interest rates.

At the FOMC's last meeting, the Federal Reserve Board of Governors said that, the economy seems likely to expand at a moderate pace. The latest language states that future FOMC decisions will be based on incoming information regarding inflation and economic growth.

(Federal Reserve)

<http://www.federalreserve.gov/boarddocs/press/monetary/2006/20061025/default.htm>

The growing consensus among economists is that the economy is now headed for a soft landing and that moderate economic growth is expected over the next 6 months. Corporate earnings are up, unemployment remains low, and oil prices have fallen. Economists are focusing their attention on inflation and the effects of the downturn in the housing industry. As a result, staff believes the Fed Funds rate will remain at 5.25% through January.

Portfolio Performance

The September, 2006 investment report had a managed balance of \$114.89 million with a monthly portfolio earnings rate of 4.40%. The year-to-date rate for 2006-07 (July- September)

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

averaged 3.82%. Key benchmarks and performance statistics for the City's portfolio are shown below in Table 1, Managed Portfolio Performance Statistics.

Table 1: Managed Portfolio Performance Statistics (dollars in millions)

Quarter Ending	Portfolio Balance	City Monthly Portfolio Rate	LAIF Balance	LAIF Rate	2 YR Treasury	Weighted Average Maturity (WAM)
September, 2006	\$114.89	4.40%	\$5.94	5.09%	4.71%	1.82 years
Year-To-Date Rate for 2006-2007		3.84%*		4.90%	4.79%	
Annualized Rate for 2005-2006		3.56%		3.76%	4.52%	

*Due to realized loss on sale of investments. If the investments were not sold, the earnings rate would have been 4.20%

LAIF Rate v. Visalia Portfolio Rate

The investment committee has assumed that rates are no longer rising and that rates are in a neutral to declining environment. In a declining interest rate environment, it is advantageous to lock in interest rates. Thus, we have typically been purchasing \$2-5 million worth of securities each month which mature in three to five years. Staff has followed this plan to increase the weighted average maturity of the investment portfolio and attempt to take advantage of the rate environment. As a result the weighted average maturity (WAM) has risen from 1.26 years in September of 2005 to 1.82 years in September of 2006.

Conversely LAIF has been purchasing securities with shorter maturities. LAIF's WAM has averaged 5 to 6 months. Over the past year, Treasuries maturing in 5 years have increased by only 13 basis points while Treasuries maturing in 6 months have increased by over 100 basis points. Because we have been purchasing securities with longer maturities, the portfolio rate has not risen as fast as if we had been purchasing securities with shorter maturities. Consequently the City's portfolio rate has lagged the LAIF rate.

Market Value Losses

By taking a short term loss the portfolio is positioned for future gains. Investments were sold which were maturing in less than a year and earning 3% and the proceeds of the sale were used to purchase investments earning over 5% and maturing in three to four years. In accounting for the sale of the investments and accounting loss was realized at the time of transaction. Accounting does not account for future unrealized gains. The investments purchased with the proceeds from the sale have increased in value to the point that they have made up 75% of the loss from the sale of the investments. As rates drop, the value of these investments will increase. Moreover the City now owns investments earning over 5% for the next three to four years instead of owning investments earning 3% which would have matured in less than a year.

At the monthly investment committee meeting in December staff will reassess the interest rate environment and make necessary changes to the WAM goal.

Future Management

The City manages the portfolio partly by considering the weighted average maturity (WAM) based upon management's expectations for rising, neutral or declining interest rates. Usually, the longer an investment's maturity, the higher the interest rate will be. However, the longer the maturity, the more at risk the portfolio is to market gains or losses due interest rate changes. As a result, the City has a target WAM based upon expected interest rate environments as shown on Table II, Target Weighted Average Maturity (WAM) Based on Interest Rate Expectations.

Table II
Target Weighted Average Maturity (WAM)
Based Upon Interest Rate Expectations

Forecasted Interest Rate Environment	Target WAM (Years)
Rising	1.00
Neutral	2.00
Declining	3.00

The Federal Reserve has paused its rate hikes. The Fed Funds rate is projected to remain unchanged through January of 2007. Staff now assumes that we have moved from a rising rate environment to a neutral rate environment.

Thus, the City has shifted the target WAM to 2.0 years. The portfolio's WAM at September 30 was 1.82 years. When funds are available to invest the City will purchase investments that mature in 3, 4, or 5 years to reach the 2.0 year WAM goal. The City's investment policy limits individual investment maturities to no more than 5 years unless authorized by Council. At the monthly investment committee meeting in December staff will reassess the interest rate environment and make necessary changes to the WAM goal.

Cash Summary

The City's cash and investments consist of the following as shown on Table III: Cash Summary at Par Value (in millions) as of 09/30/06.

Table III: Cash Summary at Par Value, 09/30/06

Investment Type	Amount (in millions)
Managed Portfolio	
LAIF	\$5.94
CD's	\$0.30
Agencies	\$99.65
Medium Term Notes	\$7.00
Treasury Notes	\$2.00
Total Managed Portfolio	\$114.89

Trustee Cash and Investments	\$7.36
Banks & Depositories	\$0.40
Total Cash & Investments	\$122.65

This information is taken from the two report attachments: 1) City of Visalia Cash and Investments Summary as of June, 2006, attachment #1; and, 2) City of Visalia Managed Portfolio as of 09/30/2006, attachment #2.

The City's investments are diversified by the various maturities, call structures, and credit types in the above categories which are allowed by the City's Investment Policy and California Government Code Section 53600 et seq. LAIF funds are highly liquid to meet the City's daily cash flow requirements while maintaining a high degree of safety and a higher rate of return over other suitable liquid investments.

Prior Council/Board Actions:

Approved 2006 Fourth Quarter Investment Report
 Authority for Administrative Services Director/Treasurer or his delegate to invest funds of the City approved in June 2006.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Attachment #1, City of Visalia's Portfolio from September 30, 2006
 Attachment #2, City of Visalia Cash and Investment Summary

Recommended Motion (and Alternative Motions if expected): Accept the City of Visalia Cash and Investment Report for the first quarter ending September 30, 2006.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 8

a) Adoption of Negative Declaration No. 2006-099. Resolution No. 2006-128 required.

b) Public hearing for General Plan Amendment No. 2006-05: A request by Visalia Land Company, Inc. and the City of Visalia to change the General Plan land use designation from RLD (Low Density Residential) to RMD (Medium Density Residential) on 17.5 acres. **Resolution No. 2006-129 required.**

c) Introduction of Ordinance for First Reading of Change of Zone No. 2006- 04: A request by Visalia Land Company, Inc. and the City of Visalia to change the zoning from R-1-6 (Single-Family Residence, 6,000 sq. ft. minimum lot size) to R-M-2 (Multi-Family Residential) on 17.5 acres. **Ordinance No. 2006-130 required.**

Location: The site is located on the north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue APNs: Visalia Land Co., Inc. - 087-060-007,008,009, and 010, City of Visalia – 087-060-001, 002, 004, 006, 011, 012, 013, 014, 024, and 025, 087-090-015,016,017,018,019,020,021,022,023,025,028,030, 031,032, and 033.

Deadline for Action: None

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Brandon Smith, Associate Planner, 713-4636
Teresa Nickell, Project Planner, 713-4328
Paul Scheibel, AICP, Principal Planner 713-4369

Department Recommendation and Summary:

The Planning Commission recommends that the City Council adopt Negative Declaration No. 2006-099, and approve General Plan Amendment No. 2006-05 and Change of Zone No. 2006-04. The Commission's recommendation included an amendment to change one parcel in the subject area (APN: 087-090-020) that contains a portion of an existing mobile home park from R-1-6 to R-M-3, so that it would be consistent with the zoning of the remainder of the Country Manor Mobile Home Park. The Commission's recommendation is based on the findings that the project proposed by the applicant is consistent with the General Plan related to promoting

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.

higher density infill projects, and will provide opportunities to serve the housing needs of senior citizens.

The GPA and COZ were originally requested by the project applicant, Visalia Land Company, Inc. The applicant represents four parcels on approximately four acres located on the north side of West Myrtle Avenue approximately 165 feet west of South Chinowth Street (See Exhibit "1" for the identification of parcels represented by Visalia Land Company). The remainder of the GPA and COZ area has been added by the City of Visalia.

Upon receiving the application of the GPA and COZ for the senior residential development, City staff determined it to be advantageous to expand the boundaries of the request to include other R-1-6 zoned properties to the west toward Linwood Street and to the east on both sides of Chinowth Street (See Exhibit "1" for all other parcels included in the GPA and COZ). Thus, the proposed change in land use and zoning will change approximately 17.5 acres from Low Density Residential (R-1-6 Zone) to Medium Density Residential (R-M-2 Zone). The analysis pertaining to the expansion is discussed in greater detail below.

Approved Tentative Subdivision Map and Conditional Use Permit

The applicant requested the land use and zone change in order to accommodate a 36-unit planned residential development for senior citizens. The project would have an overall density of 13.48 units per net acre, which would necessitate changing the land use and zoning designations on the site from Low Density R-1-6 (2 - 7 units / net acre) to Medium Density R-M-2 (10 - 15 units / net acre).

The subdivision, shown in Exhibits "3" and "4", will yield a total of 36 independent living units comprised of single-family reattached units and duplex units, with one dwelling unit per lot. The subdivision will be gated and will contain private streets and common areas to be maintained by a Homeowners Association. Staff supported allowing the proposed development as a gated community since it would provide an increased level of safety and sense of security to its senior residents. Also, the design facilitates the potential future expansion of the subdivision's private streets to adjoining properties.

Staff Recommendation to Expand Boundary of Land Use and Zone Change

The recommendation to expand the land use and zone change area came during the Site Plan Review process for the senior residential development. An analysis of the neighborhood surrounding the subdivision site – particularly the R-1-6 zoned land to the west and east (see the existing zoning map attached as Exhibit "2") – disclosed that the neighborhood contains a diverse mix of undeveloped land, single-family, and multi-family dwelling units. However, the area suffers from haphazard parcelization, and water and sewer lines located along Myrtle Ave. do not presently have the capacity to handle demands from new dwelling units of any density. The small parcelization and existing R-1-6 zoning do not provide incentive for landowners to upgrade infrastructure for infill development.

City staff concluded that the neighborhood possessed several strong attributes and opportunities that would favor multi-family zoning as the highest and best use of land in the expanded project area. These attributes include:

- proximity to collector streets and commercial and office centers (Land Use Element Objective 4.1.E),
- an inherent mix of housing densities and types (Objective 4.1.D), and
- proximity to existing public facilities such as police and fire protection.

The addition of the proposed subdivision would facilitate the upgrade and expansion of infrastructure lines, the benefits of which could be shared by other properties in the area. Also, the concept of increasing allowed densities in the surrounding neighborhood to allow progressive development opportunities on vacant land would be consistent with the City Council's direction to promote and encourage infill residential development. The applicant agreed to partner with the City on the expanded GPA/COZ action.

Zoning Ordinance Section 17.44.020(A) states that for areas of zone changes that are in multiple ownership, all property owners or their authorized agents for properties within the affected area shall join in filing for a zone change application, unless the Planning Commission adopts a resolution of intention which allows the City to initiate work on the zone change without the consent of the affected property owners. The Planning Commission initiated the expansion of the zone change area through Resolution of Intention No. 2006-110, adopted by consent of the Commission on September 25, 2006.

Neighborhood Outreach to Expanded Area

Following the Commission's initiation to expand the zone change area, 22 letters and surveys were mailed to property owners in the expansion area who in sum represented 30 parcels in the area considered for zoning change. The letters gave notice of a community information meeting hosted by City staff to provide an open forum for discussion of the proposal and provide answers to questions.

Staff received surveys from property owners representing seventeen of the parcels. Of these surveys, property owners representing fourteen of the parcels were supportive of the zone change to R-M-2. One parcel responded as being neutral towards the zone change, and two parcels (separate owners) were opposed to the zone change.

A community information meeting was held at Veva Blunt Elementary School (located one-quarter mile south of the intersection of Chinowth & Myrtle) on the evening of October 11, 2006. Approximately fifteen neighbors were in attendance in addition to City staff and the project applicant, with responses to the zone change generally being positive. Most of the neighbors were in favor of both the applicant's project and the GPA/COZ expansion. The two primary reasons for their support were the project's expansion of sewer and water to properties in the area that aren't served now, and the opportunity to consolidate properties to maximize development potential.

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. 2006-099, which was prepared for the GPA and COZ in addition to the Tentative Subdivision Map and Conditional Use Permit requested by the applicant. On November 28, 2006, after holding a public hearing, the Planning Commission adopted the Negative Declaration for its consideration of environmental impacts related to the Tentative Subdivision Map and Conditional Use Permit.

Committee/Commission Review and Actions:

The expanded boundaries of the General Plan land use and zoning designations were initiated by the Planning Commission through a Resolution of Intention adopted on September 25, 2006.

The Planning Commission held a public hearing on November 28, 2006 on this project, with the Commission voting 5-0 to approve the above-mentioned Visalia Palms Tentative Subdivision Map and Conditional use Permit No. 2006-42, and to recommend approval of the GPA and COZ. During the public hearing for the item, four individuals including the applicant's

representing agent, spoke to the item. Mr. Gary French, who resides at 3944 W. Myrtle, raised a question regarding whether improvements were warranted to nearby streets. Mr. Laurance Henderson, who resides at 4007 W. Myrtle, expressed concern that he would not be notified of multi-family units permitted by right under the R-M-2 zone were to be constructed. Ms. Mona Ekema, representing CVC Housing who owns property in the subject area, praised the request stating that the site was ideal for multi-family residential uses.

In making a recommendation, Commissioner Segrue noted that the subject area included one parcel belonging to Country Manor Mobile Home Park located on the east side of Chinowth Street. Though the project would change the land use and zoning designation of the site to R-M-2, the zoning would still be inconsistent with the majority of the mobile home park that is currently designated as High Density Residential (R-M-3 zone). The Commission therefore approved the request with an amendment that this one parcel be changed from R-1-6 to R-M-3 for zoning consistency with the remainder of the mobile home park.

Prior Council/Board Actions: None.

Alternatives: None recommended.

Attachments:

- Resolution for General Plan Amendment
- Ordinance for Change of Zone
- Exhibit "1" – Proposed Land Use Map
- Exhibit "2" – Existing and Proposed Zoning Map
- Exhibit "3" – Visalia Palms Subdivision Map approved by Planning Commission
- Exhibit "4" – Visalia Palms Site Plan Map approved by Planning Commission
- Planning Commission Staff Report from November 28, 2006
- Location Map

Recommended Motion (and Alternative Motions if expected):

I move to certify Negative Declaration No. 2006-99 by adoption of Resolution No. 2006-128

I move to approve General Plan Amendment No. 2006-05 and Change of Zone No. 2006-04 by adoption of Resolution No. 2006-129 and Ordinance No. 2006-130.

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. 2006-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
ADOPTING NEGATIVE DECLARATION NO. 2006-099, WHICH EVALUATES
ENVIRONMENTAL IMPACTS FOR GENERAL PLAN AMENDMENT NO. 2006-05 AND
CHANGE OF ZONE NO. 2006-04.

WHEREAS, a request was made by Visalia Land Company, Inc. and the City of Visalia for General Plan Amendment No. 2006-05, a request to change the General Plan land use designation from RLD (Residential Low Density) to RMD (Residential Medium Density) on 17.5 acres, and for Change of Zone No. 2006-04, a request to change the zoning from R-1-6 (Single-family Residential – 6,000 sq. ft. minimum) to R-M-2 (Multi-family Residential – 3,000 sq. ft. minimum) on 17.5 acres. The subject site is located on the north side of West Myrtle Avenue between South Linwood and South Chinowth Streets, and the east and west sides of South Chinowth Street, beginning at 500 feet south of West Noble Avenue and ending approximately at 1,160 feet south of West Noble Avenue (APNs: Visalia Land Company, Inc. – 087-060-007 to 010; City of Visalia – 087-060-001, 002, 004, 006, 011 to 014, 024 and 025, 087-090-015 to 023, 025, 028, and 030 to 033.; and

WHEREAS, the City Council of the City of Visalia, after duly published notice, held a public hearing before said Council on December 18, 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. 2006-099 which evaluates environmental impacts for General Plan Amendment No. 2006-05 and Change of Zone No. 2006-04. 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. 2006-129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2006-05, A REQUEST BY VISALIA LAND COMPANY, INC. AND THE CITY OF VISALIA TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM RLD (RESIDENTIAL LOW DENSITY) TO RMD (RESIDENTIAL MEDIUM DENSITY) ON 17.5 ACRES. THE SUBJECT SITE IS LOCATED ON THE NORTH SIDE OF WEST MYRTLE AVENUE BETWEEN SOUTH LINWOOD AND SOUTH CHINOWTH STREETS, AND THE EAST AND WEST SIDES OF SOUTH CHINOWTH STREET, BEGINNING AT 500 FEET SOUTH OF WEST NOBLE AVENUE AND ENDING APPROXIMATELY AT 1,160 FEET SOUTH OF WEST NOBLE AVENUE (APNS: VISALIA LAND COMPANY, INC. – 087-060-007 TO 010; CITY OF VISALIA – 087-060-001, 002, 004, 006, 011 TO 014, 024 AND 025, 087-090-015 TO 023, 025, 028, AND 030 TO 033.

WHEREAS, General Plan Amendment No. 2006-05 is a request by Visalia Land Company, Inc. and the City of Visalia to change the General Plan land use designation from RLD (Residential Low Density) to RMD (Residential Medium Density) on 17.5 acres. The subject site is located on the north side of West Myrtle Avenue between South Linwood and South Chinowth Streets, and the east and west sides of South Chinowth Street, beginning at 500 feet south of West Noble Avenue and ending approximately at 1,160 feet south of West Noble Avenue (APNs: Visalia Land Company, Inc. – 087-060-007 to 010; City of Visalia – 087-060-001, 002, 004, 006, 011 to 014, 024 and 025, 087-090-015 to 023, 025, 028, and 030 to 033.; and

WHEREAS, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on November 28, 2006; and

WHEREAS, the Planning Commission of the City of Visalia considered the general plan amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on December 18, 2006; and

WHEREAS, the City Council of the City of Visalia finds the general plan amendment to be in accordance with Section 17.54.080 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project.

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 Planning Commission of the City of Visalia recommends approval to the City Council of the proposed General Plan Amendment based on the following specific findings and based on the evidence presented:

1. That the proposed General Plan Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed land use designation of Medium Density Residential would be compatible with existing land uses and land use designations in the surrounding vicinity.
3. That an Initial Study was prepared for the requested General Plan Amendment consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and therefore Negative Declaration No. 2006-99 will be adopted for this project.
4. That there is no evidence before the Planning Commission that the proposed project to change properties from low density residential to medium density residential land use designation will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves the General Plan Amendment described herein, in accordance with the terms of this resolution under the provisions of Section 17.54.070 of the Ordinance Code of the City of Visalia and based on the above findings.

BE IT FURTHER RESOLVED that the official General Plan Land Use Map of the City of Visalia is hereby amended to show said property changes as illustrated in Exhibit "A" attached hereunto.

ORDINANCE NO. 2006-130

AMENDING THE ZONING MAP OF THE CITY OF VISALIA BY CHANGING THE ZONING DESIGNATION ON 17.5 ACRES FROM R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQ. FT. MIN. LOT SIZE) TO R-M-2 (MULTI-FAMILY RESIDENTIAL, ONE UNIT PER 3,000 SQ. FT. SITE AREA), LOCATED ON THE NORTH SIDE OF MYRTLE AVE. BETWEEN LINWOOD AND CHINOWTH STREETS, AND THE EAST AND WEST SIDES OF CHINOWTH ST. FROM 500 FEET SOUTH OF NOBLE AVENUE TO APPROXIMATELY 1,160 FEET SOUTH OF NOBLE AVENUE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Planning Commission of the City of Visalia has recommended to the City Council change 17.5 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone on the City of Visalia Zoning Map to R-M-2 (Multi-family Residential, one unit per 3,000 sq. ft. site area). The project site is located on the north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue. (APNs: Visalia Land Co., Inc. - 087-060-007,008,009,and 010, City of Visalia – 087-060-001, 002, 004, 006, 011, 012, 013, 014, 024, and 025, 087-090-015,016,017,018,019,020,021,022,023,025,028,030, 031,032, and 033); and

Section 2: The official Zoning Map of the City of Visalia is hereby amended to show said property changes as illustrated in Exhibit “A” attached hereunto.

Section 3: This ordinance shall become effective 30 days after passage hereof.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 18, 2006

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording:

**a) Adoption of Mitigated Negative Declaration No. 2006-67.
Resolution No. 2006-131 required.**

b) Public hearing for adoption of Specific Plan No. 2006-02: A request by the Taylor Group to amend the Demaree/Caldwell Specific Plan to allow the relocation of an access point on Caldwell Avenue, and to allow the phased development of Sub-area "B".
Resolution No. 2006-132 required.

The site is located on the southeast corner of Caldwell Avenue and Demaree Street (APNs: 126-030-033/034/035/036/014/015).

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number:

Andrew Chamberlain, AICP, Senior Planner 713-4003
Paul Scheibel, AICP, Principal Planner 713-4369

Recommendation and Summary: Staff recommends approval of the requested Specific Plan Amendment to allow the relocation of an access drive on Caldwell Avenue, and the phased development of Sub-area "B" of the Specific Plan.

This request is based upon the applicants desire to develop a pharmacy with drive-thru at the corner of Caldwell Avenue and Demaree Street, as illustrated in Exhibit "A", with the cross-hatched area in the exhibit representing Phase One of the development. The balance of the site plan could be developed as Phase Two, or may be developed as multiple phases which would require another amendment to the Specific Plan. The Specific Plan requires the applicant to provide a design for the entire sub-area, even though they are only proposing one part of the area for development at this time. The Demaree/Caldwell Specific Plan is approximately 66 acres on the south side of Caldwell Avenue on the east and west sides of Demaree Street. The Plan is comprised of five sub-areas with commercial, office, and residential designations.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

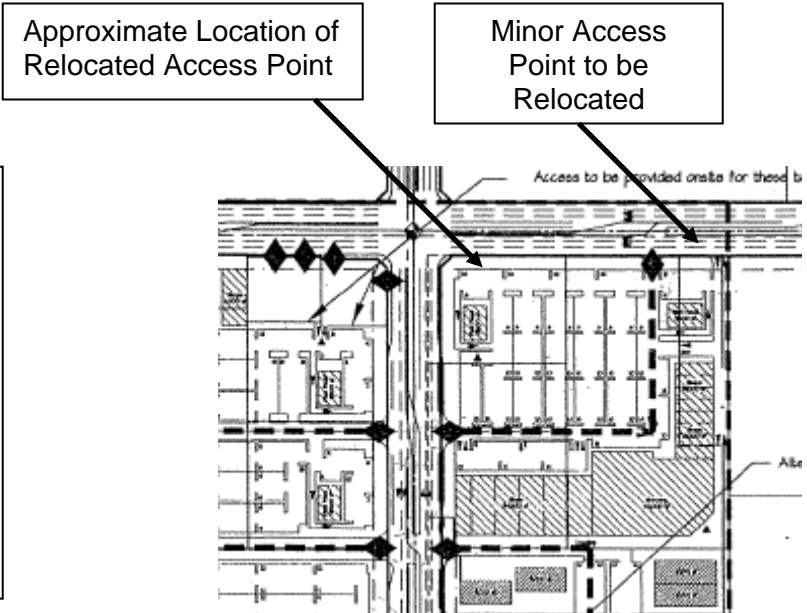
Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

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

Portion of Attached Exhibit "B" – Typical On-site Circulation Plan and Driveway Access – from Specific Plan (1999)

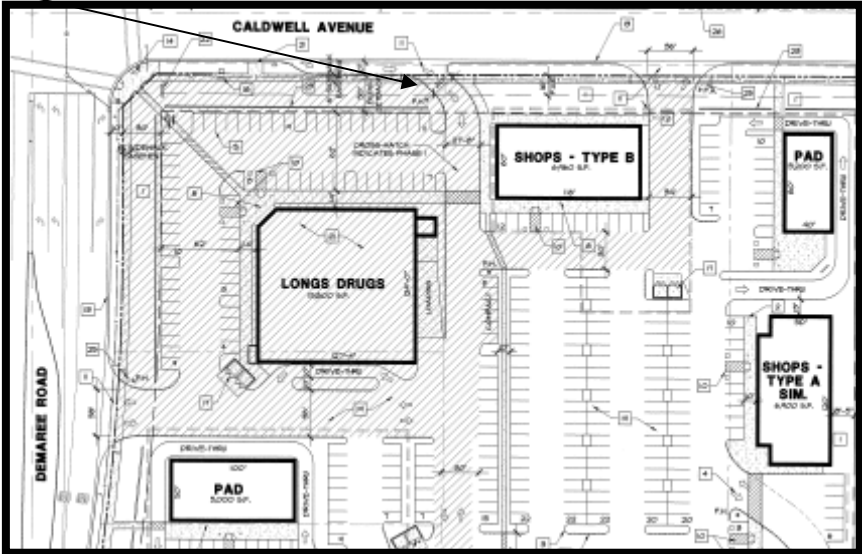
East and West Sides of Demaree Street south side of Caldwell Avenue



The applicants are requesting to relocate an access drive from the east end of the Caldwell Avenue frontage, to the west, approximately 150 feet from Demaree Street. The proposed access drive would be designed to allow right turns in only from Caldwell Avenue, and no exit onto Caldwell Avenue to prevent conflicting vehicle maneuvers at the second access point to the east.

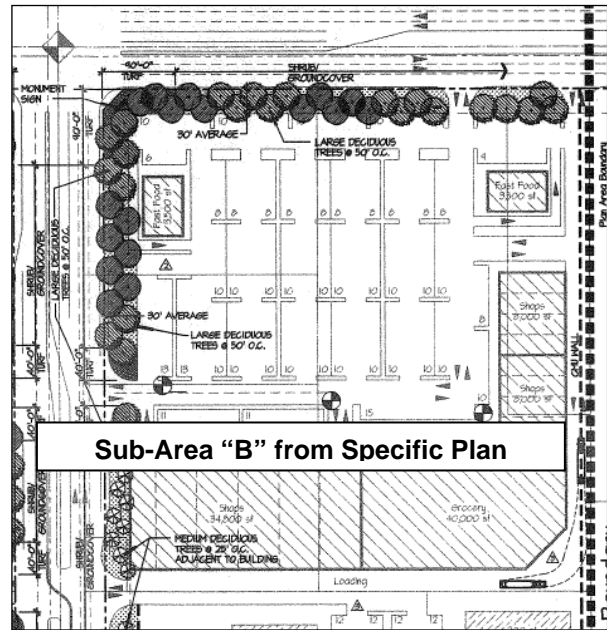
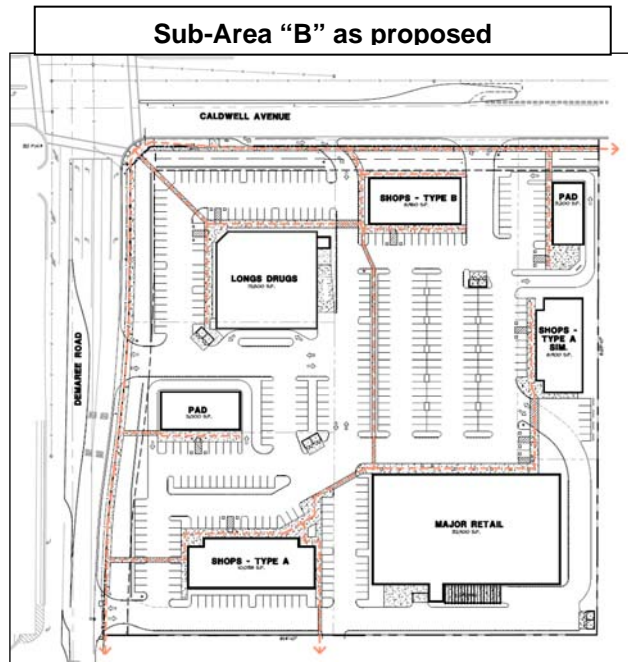
In addition, the request is to allow the phased development of Sub-area "B" of the Specific Plan. The Plan area is broken up into several sub-areas which have individualized development components as shown in Exhibit "C". Sub-area "B" has a Specific Plan requirement that the entire sub-area be developed as a single phase. The applicants are proposing a pharmacy with drive-thru at the corner of Caldwell and Demaree, on approximately 2 acres of the 8.2 acres in Sub-area "B". The applicants have prepared a site plan for the entire sub-area, attached Exhibit "A", showing how the relocation of the access point and phased development work with the overall sub-area. The phased development is shown as the cross-hatched area in Exhibit "A".

Relocated Access Drive - on Proposed Site Plan in Exhibit "A"



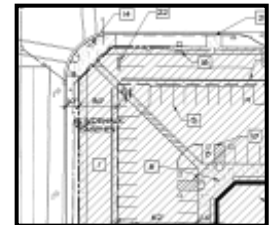
Reconfiguration of Sub-area "A":

The applicants have worked with staff to change from the original center design of parking lot in front of a strip center, to a village concept with interconnected pedestrian paths and enhanced off-site pedestrian connections. The original site plan, Exhibit “B”, from the 1999 adopted Plan shows a typical “L” shaped commercial center with no defined pedestrian paths through the parking lot, and no pedestrian connections to the future office site directly south of the sub-area.



The reconfiguration of the sub-area has resulted in significantly increased pedestrian connectivity on and off the site. The proposed site plan in Exhibit “A”, provides a dedicated pedestrian path from the “Major Retail” building on the south side of the site to the “Shops – Type B” building on the Caldwell Avenue frontage. There are also pedestrian cross connections to other pads on the site, in addition to the public sidewalks along the primary street frontages. The site plan also illustrates the opportunity for a sidewalk connection along the “Shops – Type A” building to the future office development on the south side of the sub-area. The connection to the south was not provided for in the original plan and was further discouraged by a truck access drive and loading along the south side.

During the Planning Commission review of this item, a condition was approved requiring that the northwest corner of the pharmacy parking lot, where the internal sidewalk connects to the Demaree/Caldwell public sidewalk, have improvements in the form of a special planting area which could incorporate raised planter sections, seating and/or similar treatments to add visual interest to this corner of the Specific Plan area.



Committee/Commission Review and Actions:

The Planning Commission held a public hearing on October 9, 2006 and recommended approval (5-0).

Environmental Review:

Staff recommends approval of Negative Declaration No. 2006-67. An initial study found no significant impacts, therefore Negative Declaration No. 2006-67 has been prepared indicating that there are no significant impacts resulting from this project.

Prior Council/Board Actions:

None on this item or within the Sub-area.

Related Projects:

Conditional Use Permit No. 2006-32, a request to have a drive-thru for a pharmacy in Sub-area "B", was considered and approved by the Planning Commission (5-0) on October 9, 2006, in conjunction with their review of this amendment.

Alternatives:

None

Attachments:

- Resolution adopting Negative Declaration No. 2006-67
- Resolution approving Specific Plan Amendment No. 2006-02
- Exhibit "A" – Revised Site Plan (Sub-Area "B")
- Exhibit "B" – First Site Plan for Pharmacy (Sub-Area "B")
- Exhibit "C" – Original Site Plan for Entire Specific Plan Area
- Environmental Document
- Planning Commission Staff Report
- Location Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

- I move to certify Negative Declaration No. 2006-67 by adoption of Resolution No. 2006-131.
- I move to approve adoption of Specific Plan No. 2006-02, by adoption of Resolution No. 2006-132.

Environmental Assessment Status

CEQA Review: Mitigated Negative Declaration No. 2006-67 has been prepared for the project. It will need to be certified prior to a decision on the project.

NEPA Review: None required.

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

None.

Copies of this report have been provided to:

