

Visalia City Council Agenda



For the regular meeting of: Monday, June 20, 2005

Location: City Hall Council Chambers

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

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

WORK SESSION AND ACTION ITEMS (as described)

3:00 p.m.

1. Discussion of requests by the Visalia Motormile.
2. Presentation of preliminary results of community survey regarding the future of the West Highway 198 corridor, located generally between Akers Street and Valley Oaks Golf Course, and between Goshen Avenue and Walnut Avenue.
3. Topics for subdivision design standards amendments by Fred Brusuelas, Community Development/Public Works Director.

REGULAR ITEM

5:30 p.m. (Or, Immediately following Work Session)

4. PUBLIC HEARING - to receive comment on the proposed changes to Landscape & Lighting Assessment Maintenance District funding, and voting results for those districts balloted. *(Upon completion of the public hearing, staff will proceed with opening & tabulating the ballots, the results of which will be reported at the regular evening session which begins at 7 p.m., as soon as they become available.)*

ITEMS OF INTEREST

CLOSED SESSION

6:00 p.m. (Or, immediately following Public Hearing Item)

5. Conference with Labor Negotiator
Employee Groups: Group M; Unrepresented, Department Head, Confidential Groups
Agency Negotiator: Jim Harbottle, Eric Frost, Janice Avila

6. Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Gov. Code Section 54956.9)
Name of Case: City of Visalia v Harrah, et. al., TCSC No. 04-210016
7. Conference with Real Property Negotiators
Property: Approximately 14.79 acre property at the northwest corner of Road 152 and SR 198, for future SR 198 interchange
Under Negotiation: Discussion of price, terms and conditions of purchase
Negotiators: Steve Salomon, Dan Dooley, Michael Olmos, Blain Farming
8. Conference with Real Property Negotiator
Property: 1.9 acre parcel City owned riparian setback corridor, APN: 126-730-014
Under Negotiation: Discussion of price, terms, and conditions of a possible easement to Commercial Developers, Inc.
Negotiators: Steve Solomon, Michael Olmos, Andrew Benelli, Clyde Barbeau, Commercial Developers, Inc.
9. Item removed from Agenda.
10. Public Employee Performance Evaluations
Title: City Manager

**REGULAR ITEM (Or, immediately following Closed Session)
6:30 p.m.**

11. REGULAR ITEM - Review and approve action on 2005/06 Budget.

**REGULAR SESSION
7:00 p.m.**

PLEDGE OF ALLEGIANCE

INVOCATION – Kent Mishler, Kaweah Delta Health Care District Chaplain

SPECIAL PRESENTATIONS/RECOGNITION

Proclamation Presentation in honor of Recreation & Parks Month for the Month of July.

Resolution of Commendation presentation to Kelly Hauert.

-PROPERTY & BUSINESS IMPROVEMENT DISTRICT PUBLIC HEARING

12. PUBLIC HEARING – to create a Property & Business Improvement District for five (5) years. This would extend the program in the existing area. *(Relates to Item 16 on this Agenda.)*

(Upon completion of the public hearing, staff will proceed with opening & tabulating the ballots, the results of which will be reported at the end of the Regular Session.)

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.

13. **BALLOT RESULTS** - Landscape & Lighting Assessment Maintenance District funding, and voting results for those districts balloted. *(Relates to Item 4 - If results are not available at the time this item appears on the agenda, the results will be announced at the end of the meeting.)*

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

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

- a) Authorization to read ordinances by title only.
- b) Authorize the City Manager to amend the existing agreement with Brandon Morse, Plaza Park Raceway for an additional five (5) year period beginning November 1, 2005 and ending October 31, 2010.
- c) Recertification of the Measure T Plan.
- d) Approval of **Resolution 2005-78** adopting the 2005-2006 appropriations limit for the City of Visalia General Fund.
- e) Approve the appointments of Bob Taylor and Jon Raius to the Historic Preservation Advisory Committee, approved Brian Albertoni and Niessen Eric Foster as alternate members to the Committee, and approve the reappointment of Jesus Gutierrez to the Committee.
- f) **Second Reading of the following Ordinance(s):**
 1. **Ordinance 2005-06** declaring 1415 N. Tipton surplus property. Property to be purchased by the Redevelopment Agency for an affordable housing project.
 2. **Ordinance 2005-07** authorization to award bid no. 04-05-58, a ten year Lease of Farm Land, to Koetsier Dairies for a total of \$470,804.40 over 10 years. The Property is located at the northwest corner of Ave. 280 and Highway 99.

- g) Authorization to record the amended final map of The Villas at Bella Sera Subdivision, located at the Northeast corner of Akers Street and Goshen Avenue.
- h) Authorize the Recordation of the final subdivision map for Mota Estates (Tentative Subdivision Map No. 5437), located on the north side of Hurley Avenue and east of Tommy Avenue. APN: 085-530-05.
- i) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation of* the final map(s) related thereto (if applicable):
 - 1. Authorize the Recordation of the Final Map for Silver Oaks Unit #1, located Southwest corner of Demaree Street and Ferguson Ave. (81 lots) and the Formation of Landscape and Lighting District No. 05-16, Silver Oaks Units 1 through 3 (258 Lots); **Resolution 2005-79 and 2005-80 required.** APN: 077-080-12.
 - 2. Authorize the Recordation of the Final Map for Ashley Grove Estates Units 5&6, located On the East Side of Demaree Street, between Ferguson Ave and Riggin Ave. (96 lots) and the Formation of Landscape and Lighting District No. 05-14, Ashley Grove Units 3 through 6(163 Lots); **Resolution 2005-81 and 2005-82 required.** APN: 089-010-09.
 - 3. Authorize the Recordation of the Final Map for Shannon Ranch Units 8&9, located North side of Riggin Ave between County Center Road and Demaree (96 lots) and the Annexation of Shannon Ranch Units 8&9 into Landscape and Lighting District No. 02-10, Shannon Ranch; **Resolution 2005-83 and 2005-84 required.** APN: 078-010-011.
- j) Approval of representatives from the Planning Commission and the Parks and Recreation Commission to the Civic Center Master Plan Task Force.
- k) Authorization to enter into an agreement with McMillin Homes for \$450,000 to construct a 5.8 acre neighborhood park and storm basin.
- l) Approval of the lease agreement for the new food concession vendor at the Transit Center between the City of Visalia and Taqueria Vallarta.
- m) Authorization for the City Manager to execute a professional services agreement with Advocation, Inc. (State Lobbyist) in the amount of \$60,000 annually for continuing legislative advocacy services for fiscal year 2005-06.

At the request of staff the Item 15 will be continued to Monday, July 18, 2005 (Motion required.)

15. PUBLIC HEARING -

- a) Certification of the Final Environmental Impact Report, prepared for the Elliott and Vander Weerd properties. The project area for the EIR is located east of Shirk Street and south of the Tulare Avenue alignment between Shirk Street and Roeben Avenue. State Clearinghouse No. 2004061090. **Resolution No. 2005-xx required.**
- b) Initiation of Proceedings for Annexation No. 2003-08 (Elliott East): A request to annex approximately 80 acres into the City of Visalia. **Resolution No. 2005-xx required.**

- c) General Plan Amendment No. 2003-20: A request to change the General Plan land use designation from Agriculture to Low Density Residential on 80 acres. **Resolution 2005-xx required.**

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

- 16. **BALLOT RESULTS (See Item 12 on the Agenda)** - to create a Property & Business Improvement District for five (5) years. This would extend the program in the existing area.
 - Approval of final formation of the Downtown Property & Business Improvement District III for a five year term, first year budget, District Boundaries, assessments, zones and exemptions and directing staff to file and record the District in order to receive the assessments and approval of an Administrative Services Agreement with Downtown Visalians, Inc. for daily operations and activities. **Resolution 2005-85 required.**
- 17. **PROTEST HEARING** - Protest hearing regarding formation of "Open Space District No. 88, Parcel Map No. 2004-18, located at the southwest corner of Ferguson Avenue and Cain Street. If less than 50% of property owners protest, adopt a resolution forming the Open Space District. **Resolution 2005-86 required.**
- 18. **PUBLIC HEARING** - Conditional Use Permit No. 2005-14 is a request by Bill Morgan (Quad Knopf, agent) to allow a 136-unit multi-family residential development in the R-M-2 zone with a 9% density bonus. The site is located on the southwest corner of Lovers Lane and K Road (APN 126-120-028, -029). **Resolution 2005-87 required.**
- 19. **PUBLIC HEARING** -
 - a) General Plan Amendment No. 2005-05 is a request by Mangano Homes to change the general plan land use designations from Public Institutional to Low Density Residential on 19 acres, located on the southeast corner of Demaree Street and Ferguson Avenue (APN: 089-020-020, 022). **Resolution No. 2005-88 required.**
 - b) Change of Zone No. 2005-03 is a request by Mangano Homes to change the zoning from QP (Quasi Public) to R-1-6 (Single-family Residential) on 19 acres, located on the southeast corner of Demaree Street and Ferguson Avenue (APN: 089-020-020, 022). **Introduction of Ordinance 2005-08 required.**
 - c) Certify Negative Declaration No. 2005-32.
- 20. **PUBLIC HEARING - Adoption of Resolution 2005-89** which allows the City of Visalia to place Miscellaneous Special Assessments on the Tulare County secured property tax roll for Curb and Gutter, Sewer Connection, Business Incentive Zone, Landscape and Lighting, Northeast Improvement District, Los Rios/Casa Blanca, and Property & Business Improvement District.

21. PUBLIC HEARING - Authorization to amend the City's Rates & Fees document for Impact Fees effective for the fiscal year 2005/06. **Resolution 2005-90 required.**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, July 4, 2005 (NO MEETING)

Monday, July 18, 2005

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: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Discussion of requests by the Visalia Motormile.

Deadline for Action: N/A

Submitting Department: Administration

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

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

Department Recommendation and Summary:

Earl Grizzell of the Visalia Motormile made a presentation to the Council on April 4. Council requested staff meet with Mr. Grizzell and discuss his specific requests. The recommendations related to those requests are listed below. However, overriding the responses to those specific requests is a staff concern that the Visalia Motormile concept should be further solidified before Council considers major requests that would have more lasting impacts.

The Visalia Motormile is, at this point, a marketing strategy. There is a limited website, and Mr. Grizzell has secured the rights to the name. Currently, there are three businesses, two auto dealerships and one auto service related business that are committed to the Motormile project. Staff recognizes and appreciates the economic value of these businesses and the benefit of joint advertising. Mr. Grizzell's vision is to have the Visalia Motormile encompass most/all the auto-related businesses in the Mineral King/East Main/Ben Maddox area. Such a venture could be very beneficial to those businesses and the City. However, at this point, there is no long-term commitment to this advertising concept, and there is limited involvement.

If Council wants to support the Visalia Motormile concept, it may be appropriate to consider short-term efforts, like the proposed banners on light poles discussed below, that would promote the concept without a long term commitment. However, it seems premature to proceed with something like a free standing highway sign without involvement from more businesses and/or a long-term commitment to the Visalia Motormile concept by the businesses involved.

Staff has provided Mr. Grizzell with information on forming a business improvement district. It would also be possible for an auto district to be formed as a merchant's association where merchants agree to an augmentation to the business license tax to pay for promotions (like the Downtown Visalians.) While there are other ways that an auto district could be formed, these are models that have been used successfully in Visalia.

Also, if the Council chooses to move forward with the concept, it is recommended that the staff and Mr. Grizzell meet to further define the boundaries of the Motormile area. Consideration

could included, but not be limited to, ensuring it does not conflict with the Downtown Property Improvement District and the Civic Center area.

If the Motormile concept moves forward, Council may want to consider the precedent that it is setting. Staff recommends specifically spelling out the conditions under which any approvals for banners, signs, area boundaries, etc are given, so that like proposals can be fairly assessed in the future.

Staff offers the following comments regarding the specific requests:

***Add A Free Standing Highway Sign at the Ben Maddox Exit** – The City's sign ordinance requires a conditional use permit for these types of signs. Staff has provided Mr. Grizzell with information on the CUP process. As noted above, staff has concerns about adding such a large sign until there is more participation from a larger segment of the auto industry in the Motormile, and there is at least multi-year commitment to the concept.

***Banners On Light Poles** – Mr. Grizzell would like to hang banners from the light poles that would define the Motormile area. (See attached) In general, the light poles in the Ben Maddox/East Main/Noble area are City light poles and therefore within the City's jurisdiction. The Council could direct staff to come up with an agreement regarding the use of the light poles including installation, maintenance and content approval. Staff recommends that if banners are to be used, they promote the district rather than specific businesses.

***Change Highway Sign Exit Sign** – Mr. Grizzell asked that the highway signs prior to the Ben Maddox Exit, which formerly indicated it was an exit to Woodlake, have the Visalia Motormile added to it. Those signs are controlled by the California Department of Transportation and any request to change the signage would need to be processed through Cal Trans. Staff would be glad to work with Mr. Grizzell to determine the best process for making such a request.

***Directional Sign at the Ben Maddox Exit** – Mr. Grizzell requests that the City consider directional signs at the Ben Maddox Exit that could direct visitors to the Motor Mile, Downtown, major attractions, etc. He also suggested that as Visalia grows, it may be appropriate to install similar directional signs at most or all major exits to assist visitors. (See Buena Vista sample attached). Staff agrees that such signs may be a good step for Visalia and recommends that Council direct staff to study the placement, costs, maintenance and other issues associated with adding directional signs at one or more locations and report back to Council within the next six months.

***Free Bus Ads** – The City cannot legally provide free advertising for a for-profit business venture because it would be a gift of public funds. The current transit advertising policy also prohibits trading out space for in-kind services.

***Special Events** - Council specifically asked staff to work with Mr. Grizzell on any special events that might be related to the Motormile. While that is a long-term goal of this advertising strategy, there were no specific proposals for staff to discuss. Staff did provide Mr. Grizzell with information on the special events committee and will willing work with him as events are proposed.

Prior Council/Board Actions:

Mr. Grizzell made a presentation to the City Council during the citizen's request portion of the meeting.

Committee/Commission Review and Actions: N/A

Alternatives:

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia
Agenda Item Transmittal

Meeting Date: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Presentation of preliminary results of community survey regarding the future of the West Highway 198 corridor, located generally between Akers Street and Valley Oaks Golf Course, and between Goshen Avenue and Walnut Avenue.

Deadline for Action: None

Submitting Department: Administration and Community Development/Public Works

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.):_60__

Contact Name and Phone Number: Leslie Caviglia 713-4317

Mike Olmos 713-4332

Recommendation and Summary: The purpose of this work session is to receive and discuss the preliminary findings of the recent survey conducted by Fairbank, Maslin, Maulin, and Associates (FMMA) to determine the community's sentiment regarding the future of the West Highway 198 corridor, generally located between Akers Street and Valley Oaks Golf Course, and between Goshen Avenue and Walnut Avenue. A representative(s) of FMMA will attend the work session and present the findings of the survey.

History: As the City Council is aware, the future of the West Highway 198 corridor has been discussed for many years, by both current and previous Councils. The most recent discussions have focused on two primary issues: (1) Is there substantial community interest in establishing a permanent open space scenic corridor along West Highway 198, and, if, so, how can this objective feasibly be accomplished? and (2) Should owners of agriculturally-designated properties located north and south of W198 be permitted to develop their lands to urban uses?

The current agricultural designation of private properties in the corridor has kept these lands in agricultural use (or vacant) for many years. However, property owners in the area have continually expressed interest in developing their properties, and that interest

has increased significantly in recent years as developers seek properties in close proximity to the community to meet current strong demands for urban development in Visalia or as existing facilities in the corridor have needed expansion (Sierra Village Retirement Facility, Central Valley Christian School).

Understanding community concerns regarding the W198 scenic corridor and recognizing the increasing interest of property owners in the area to urbanize their properties, the City Council initiated two significant efforts. In 2001, Council initiated the preparation of a plan to establish a permanent, City-owned open space setback along the W198 corridor. To accomplish this study, the City hired an urban design team consisting of Bruce Race (RaceStudio, Berkeley) and Larry Mintier (Lawrence Mintier and Associates, Sacramento) to assist in undertaking a community outreach effort and development of an open space concept plan, including financing options. This work continued into 2002 and culminated in the preparation of the West Highway Open Space concept plan diagram attached to this report along with related text.

In June, 2003, the Council accepted the preliminary plan and authorized the preparation of a final concept plan for development of a permanent open space corridor along W198 from approximately Akers Street to Valley Oaks Golf Course. The Council at that time consisted of Bob Link, Don Landers, Jesus Gamboa, Phil Cox, and Wendy Rudy. Council also initiated the necessary changes to the General Plan and Zoning Ordinance to begin the process of implementing the open space corridor concept.

To assist in the preparation of the final concept plan, Council later appointed a West Highway 198 Task Force to develop recommendations for design guidelines for the future open space area and financing recommendations. The members of the Task Force consisted of Council Members Link and Gamboa, Planning Commissioners Doug Thompson and Victor Perez, Parks and Recreation Commissioner Margaret Huggins, and Citizen Members John Lindt and Alan George.

In June, 2003, Council also took a significant step in addressing the development interests of property owners in the W198 corridor by initiating the preparation of a comprehensive plan for properties north and south of Highway 198, behind the proposed open space setback area. This follow up planning effort would develop recommendations for future land uses to be allowed on properties behind the open space corridor, between Goshen Avenue and Walnut Avenue. Council also indicated its intent to appoint a task force to assist in the preparation of the comprehensive plan for the W198 corridor.

Following Council authorization of the implementation process for the open space plan, Staff has prepared the necessary changes to the General Plan and Zoning Ordinance and undertaken the environmental review process for the open space designations. Formal review of these items has been deferred until Council considers community opinion on this subject via the FMMA survey. Likewise, work on the comprehensive plan has awaited Council review of the survey and authorization to staff to undertake the planning process.

Committee/Commission Review and Actions:

West Highway 198 Task Force review of open space design guidelines and financing options.

Planning Commission work sessions with City Council on open space concept plan.

Prior Council/Board Actions:

Council actions on matters related to the West Highway 198 open space concept plan and future comprehensive land use plan as described above.

Alternatives: N/A

Attachments: West Highway 198 Open Space Concept Plan Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Information and discussion item; Council direction as appropriate.

Financial Impact

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

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? No

Review and Action: Prior:
Required:

NEPA Review:

Required? No

Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Topics for subdivision design standards amendments

Deadline for Action: None

Submitting Department: Community Development and Public Works Dept. - Planning

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.): 45

Contact Name and Phone Number:

Michael Olmos, Community Development & Public Works Director 713-4332
Fred Brusuelas, Community Development & Public Works Assistant Director 713-4364
Andrew Benelli, Community Development & Public Works Assistant Director 713-4340

Department Recommendation and Summary:

Staff recommends that (1) The City Council discuss the suggested amendments to subdivision design standards and add, delete or modify as appropriate; (2) Direct staff to refer items for Development Standards Task Force review; and (3) Bring back a final report for City Council review and action.

Background:

The City Council at a workshop on June 6, 2005 received a presentation from the City Planner and City Engineer regarding subdivision design standards and the need to evaluate the current standards in response to changing subdivision design proposals. Observations and recommendations were presented to the City Council by staff and the City Council directed staff to return with suggestions for subdivision design standard changes.

Suggestions for Subdivision Design Standard Amendments

1. Clarify the purpose and intent for making amendments to the current subdivision design standards:
 - a. The purpose is to manage proposals of new subdivision design trends for which current standards are less than effective.
 - b. The intent is to create quality subdivision design and physical improvement that produce optimum neighborhood livability.

- c. The intent is to foster effective subdivision review by establishing development standards that are clearly understandable by the applicant and City decision makers.
2. Amend the subdivision ordinance after evaluating the following items:
 - a. Cul-de-sac length and diameters
 - b. Number of lots or dwelling units along the cul-de-sac street
 - c. Block length
 - d. Number of lots or dwelling units along block length
 - e. Small lot sizes and shapes
 - f. Flag lot sizes and shapes
 - g. Pedestrian access
 - h. Ponding (storm water) lot sizes and shapes
 - i. Solar access design (east-west streets)
 - j. Open space criteria
 - k. On street parking
 - l. Driveway design and orientation
 - m. Block wall location (local streets)
 - n. Multiple family residential lot design
3. Amend the Subdivision improvement standards as follows:
 - a. Evaluate the super block connectivity standards (P-27)
 - b. Evaluate cul-de-sac standards (P-18) and private streets (P-25)
 - c. Incorporate changes from subdivision amendments
4. Amend the Zoning Ordinance After Evaluating the Following Items:
 - a. Livability design standards related to trash pick up, parking and useable open space
 - b. Home owner association requirements
 - c. Pedestrian connectivity
 - d. Multi-plex residential project design related to multiple ownership and common areas
 - e. Intent and purpose to created livable and walkable neighborhoods and communities
 - f. Clarify definitions of net density and gross density
 - g. Lot size and shapes for small parcel projects
 - h. Lot coverage for small parcel projects
5. Process to Establish "Draft" Design Standard Recommendations for the City Council Action:
 - a. Authorize the aforementioned suggestions for subdivision design amendments.
 - b. Direct staff to prepare items for review and comment by the Development Standards Task Force.
 - c. Forward Development Standards Task Force recommendations to the City Council for review within 90 days.

- d. Direct staff to prepare ordinance amendments for public hearing review and Planning Commission and City Council action.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: None

Attachments: N/A

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to forward the Subdivision Design Standards (as modified) to the Development Standards Task Force for review; staff to bring back Task Force recommendations for council review and future direction.

Copies of this report have been provided to:

<i>Financial Impact</i>			
Funding Source:			
Account Number: None.			
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: Not Required
Required? No

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

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

None.

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 4

Agenda Item Wording: Public Hearing to discuss recommended changes to Landscape & Lighting Maintenance Assessment Districts funding, and voting results for balloted districts. ***(Upon completion of the public hearing, staff will open & tabulate ballots. The results will be reported in Regular Session.)***

Deadline for Action: None

Submitting Department: Community Development & Public Works - Administration

Contact Name and Phone Number:

Eric Frost, Administrative Services Director	713-4474
Earl Nielsen, Public Works Manager	713-4533
Tim Fosberg, Financial Analyst	713-4565

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

DEPARTMENT RECOMMENDATION:

That City Council conduct a Public Hearing to accept public testimony on funding for the maintenance of specific Landscape and Lighting Maintenance Assessment Districts (Districts) administered by the City and direct staff to implement the recommended District Assessment Adjustment Program (Program) adjusting annual benefit assessment amounts.

SUMMARY:

PUBLIC HEARING: The Public Hearing is being held for the purpose of taking public input on the ballot vote of several districts, to approve an increase in benefit assessments collected for the maintenance of Landscape and Lighting Districts (Districts) administered by the City. The City mailed 1,294 ballots covering 19 Districts on May 6, asking property owners to approve, if needed, a limited annual increase in the calculation of their benefit assessment. Upon completion of the public hearing, staff will open and tabulate the balloted Districts and the results will be reported at the end of the Regular Session. The results will be included in the Landscape & Lighting portion of the Public Hearing for placing Miscellaneous Special Assessments on the County's Tax Roll for fiscal year 05-06, Also being held tonight.

ADJUSTMENT PROGRAM: Staff recommends implementing an Assessment Adjustment Program (Program) that annually adjusts assessments, to a maximum of 10%, until all of the Districts' cash balances are at an appropriate level. Over the next few years this Program will bring those Districts that have negative cash balances back into a positive position, eliminating the General Fund advances to these Districts. The Assessment Adjustment Program includes:

1. Incorporating the Standard Annual Automatic Inflator, at a maximum rate of 10% per year, on cash deficit Districts.
2. Implementing Cost Containment Measures, e.g. reduction of maintenance, especially on cash deficit District's that even after incorporating the standard annual automatic inflator, the District's future cash projection still remains a deficit.

DISCUSSION:

The City offers various types of assistance to real property owners for improvements and maintenance. Tonight's discussion is on the Landscape and Lighting Maintenance Assessment Districts (Districts) that benefit these real property owners. These Districts maintain common area improvements (e.g. turf, shrubs, trees, walls, and irrigation equipment) around participating subdivisions, with each parcel sharing equally in the annual cost.

Current Financial Condition: As of March 2005, there were over 130 Districts representing over 9,500 parcels. The following analysis covers those Districts that were on the County Tax Roll as of the June 30, 2004, of which there were 80 Districts representing over 7,200 lots. A little more than half, 42 had a deficit cash balance. See Table I – Districts' Cash Balances reporting of deficit Districts, by the amount of their deficit cash balance.

Table I
Districts' CASH Balances

<u>DEFICIT Cash</u>	<u># of Dist.</u>	<u>Total Balance</u>
\$(1) to \$(999)	11	\$ (6,377)
\$(1,000) to \$(4,999)	20	(58,256)
\$(5,000) to \$(9,999)	9	(59,432)
\$(10,000) and above	2	(54,448)
	<u>42</u>	<u>\$ (178,513)</u>

These Districts' balance of cash over the years has steadily decreased, the amount of which depends on how close the maintenance costs are to the assessments. Assessment amounts are initially based on an Engineers Report estimating the maintenance costs at the time of formation. An occasional exception to the cash trend would be for a significant financial occurrence, such as costs to repair a wall damaged by a car and not reimbursed. Increases to assessment amounts require a balloting of the property owners for approval, except for those District's formed after Dec. 1994, in which a standard automatic assessment inflator was included, allowing a limited annual increase.

ASSESSMENT ADJUSTMENT PROGRAM (Program).

Staff recommends implementing a Program of adjustments to assessments that will bring individual Districts' cash balance to an appropriate level over the next few years. The number of years the Districts' assessment will be increased depends on the current amount of its deficit balance. Staff will annually review the individual Districts expenditures and assessments to determine if increases are needed in future years and will report to Council annually on the progress of the Program. The Assessment Adjustment Program includes:

1. Incorporating the Standard Annual Automatic Inflator: An annual automatic assessment inflator (Inflator) was incorporated into the formation of all L&L District's starting in Dec. 1994. The Inflator is included in the Engineers Report which initially estimates the District's costs for maintenance and utilities, is the basis for the first year's benefit assessment. The inflator allows for cumulative increases of 5% per year with a maximum increase of 10% in one year. This annual increases can be done without balloting of the property owners for approval. To increase an assessment on a District formed before Dec. 1994 currently requires balloting. Staff balloted only those districts (See Balloting below) with deficit cash balances and with future cash projection continuing to be a deficit.

For those District's that are projected to continue with a deficit cash balance staff will be implementing the recommendations included in the Cost Containment Measures. Staff will be continuously monitoring the expenses of these Districts and for implementation of the following measures.

2. Implementing Cost Containment Measures and Other Options: Staff will implement various measures to reduce District expenses to those Districts that are projected to remain in a cash deficit position.

- reduce the work currently being contracted for (e.g. reduce watering, mowing frequency, and other services being provided)
- replace or remove improvements that require maintenance and replace them with improvements that require little or no maintenance (groundcover)

PUBLIC HEARING - Balloting

Proposition 218 requires that increases not previously agreed to in a property-based assessment be subject to a ballot vote of all the affected property owners. Approval is given through a simple majority of the returned ballots. The property owners will be asked to vote to approve or disapprove the inclusion of the standard annual automatic inflator for those districts that do not have one (pre Dec.1994). For those Districts that approve of the automatic inflator, their assessments for the fiscal year 2005-06 will be increased between 5 and 10% percent depending on the District's deficit cash balance. For those Districts that do not vote to approve the inflator, staff will evaluate each District to determine the best course of action including implementing cost containments to assist in managing the District maintenance and the District would be considered for balloting again next year.

Historical, Accounting, and Additional Information:

Landscape & Lighting Districts are created to facilitate the collection of benefit assessments, paying for the maintenance of the Districts real property improvements on behalf of property owners. Since the first District was created in 1987, each District's individual revenues and expenses are separately accounted for. This accounting reflects the current financial condition and the trends in assessment revenues and expenses which is the basis for either increasing, decreasing, or for maintaining the amount of the District's benefit assessment.

Approximately 10 to 15 new Districts are being created annually. Generally, all contiguous phases of a residential development are in an individual District. The maintenance of almost all of the District's are provided by private landscapers that bid to contract for maintaining given areas. The City's Urban Forestry Supervisor manages these contracts, ensuring performance by the contractors and also handles complaints by District property owners.

All property owners within a L&L District share equally in the maintenance, based on the number of lots in the District. Overhead costs, not specific to an individual district, are allocated to all of the Districts lots equally. District property owners have an annual L&L assessment placed on their Tulare County Property Taxes each year by the City in August. The process begins in April and a public hearing is held for any increases or other changes that require public input. Districts fall under provisions of the Landscape & Lighting Act of 1972, and since the assessments are a property related fee they are subject to Proposition 218 requirements.

Balloting Process:

Proposition 218 requires that increases to a property based assessment not previously agreed to, such as an including the standard automatic annual inflator, be subject to a ballot vote of all the affected property owners. Authorization is determined by a simple majority of the returned ballots.

The City mail 1,294 ballot letters to the 19 deficit cash balance District's on Friday May 6th, 45 days before tonight's Public Hearing. An Informal Public Meeting was held by the City on May 25th, at the

Convention Center from 5pm – 8pm, for District owners to come and discuss any questions or concerns with City staff. Each ballot letter sent out contained the information on the date, time and place of this meeting.

Upon completion of the public hearing, staff will open & tabulating ballots, of which the results will be reported at the end of the Regular Session. If the recommended inclusion of the standard annual automatic Inflater passes, the assessments will be increased for the 05-06 Tax Roll and the District will be monitored for future adjustments or cost containments. If it fails, staff will evaluate each District to determine the best course of action including implementing cost containments to assist in managing the District and would consider balloting again next year.

Prior Council/Board Actions: None

Committee/Commission Review and Actions:

The Citizens Advisory Committee reviewed the recommended Assessment Adjustment Program on May 4, 2005 and recommended that Council approve the programmed increases and decreases.

Alternatives:

None

Attachments:

Attachment 1 – Sample Ballot Mailing

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

- 1.) I Move to open the Public Hearing to discuss recommended changes to the Landscape & Lighting Maintenance Assessment District's funding.
- 2.) I Move to approve the recommended Assessment Adjustment Program for changing the benefit assessment to Landscape & Lighting Maintenance Districts.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Corporation Yard
336 N. Ben Maddox
Visalia, CA 93291

June 20, 2005

John & Jane Doe

100 Anywhere Street
Visalia Ca 93277



Subject: To maintain common landscape and lighting in your neighborhood, the City is asking you to approve a Benefit Assessment Increase Allowance for the Williw Brook District.

Dear John & Jane Doe:

This letter includes a ballot. The City is asking you to consider a change in how common landscaping and lighting is funded in your neighborhood. You will be asked to either approve or disapprove the proposal.

The City maintains common landscape and lighting in your neighborhood, funded by a benefit assessment. The maintained landscaping and improvements visually enhance your neighborhood, add value to the surrounding properties and increase your quality of life.

To fiscally manage your district and maintain the landscape's appearance in your neighborhood, the City of Visalia is proposing to include a standard Benefit Assessment Increase Allowance for your District. The City is requesting you consider and return the enclosed ballot indicating your choice, either approving or disapproving a Benefit Assessment Increase Allowance. The approval of the allowance will allow the City to make small changes in the assessment fee to balance the district's finances.

Proposal: Provide a Benefit Assessment Increase Allowance which limits changes in benefit assessments to the lesser of: 1) cost; 2) a 5% per year cumulative increase (from the year the District was created); or, 3) 10 % of the current assessment, **WHICHEVER IS THE LEAST.**

Please consider the enclosed documents, which include a ballot form, an informational page about the Williw Brook District, a detailed overview of this process, and a return envelope.

If you have questions or concerns, please attend an informational meeting on May 25th at the Visalia Convention Center from 5 to 8 pm, or if you prefer, you may contact Earl Nielsen, Public Works Support Services Manager at 713-4533. Thank you for your time and consideration.

City of Visalia City Clerk's Office
707 W. Acequia
Visalia, CA 93291

June 20, 2005

City of Visalia City Clerk's Office
707 W. Acequia
Visalia, CA 93291

Attn: **Williow Brook, 90-14** District ballot

BALLOT INSTRUCTIONS

Completion and Return Instructions:

1. Fill out the ballot at the bottom of this page. Be sure to print your name, mark your choice, sign, and date the ballot (the ballot will not be counted without your signature)
2. Fold this page so the addresses above are visible.
3. Insert this page into the provided return envelope so the Clerk's address is visible through the window of the envelope.
4. Place appropriate postage on the return envelope and mail it.
5. In order to be counted, the ballot must arrive at the above address (City Clerk's Office) on or before 5:00pm, June 20, 2005.
6. ALTERNATIVE DELIVERY: you may also hand deliver the ballot to the City Clerk's office at 707 W. Acequia, Visalia, CA., on or before 5pm on June 20, 2005. If delivered in person, the ballot **must** be in a sealed envelope, or it cannot be accepted.

If you have any question or concerns about the ballot process or Benefit Assessment Increase Allowance, please attend the information meeting being held May 25th at the Convention Center, or if you prefer, contact Earl Nielsen, Public Works Support Services Manager at (559) 713-4533.

BALLOT

Proposal: Provide a Benefit Assessment Increase Allowance which limits changes in benefit assessments to the lesser of: 1) cost; 2) a 5% per year cumulative increase (from the year the District was created); or, 3) 10 % of the current assessment, WHICHEVER IS THE LEAST.

John & Jane Doe, owning property located at 100 Anywhere Street in the Williow Brook Landscape & Lighting Assessment Maintenance District:

(Check one)

APPROVES

DISAPPROVES

(Property Owner Signature)

(Date)

DISTRICT WILLIOW BROOK, 90-14 INFORMATION

The City is proposing an automatic Benefit Assessment Increase Allowance in order to keep up with maintenance costs for the common areas in your District, **work toward eliminating a current outstanding deficit cash balance of \$(5,845)** and to eventually create a small reserve (10% of annual maintenance costs) to help offset any future unexpected maintenance costs. Keeping the landscaping and improvement common areas maintained helps to keep neighborhoods looking good and helps to increase property values. Currently your district is comprised of 47 lots, with current year benefit assessments at \$2,783 and last year's expenses of \$3,703, detailed as follows:

Annual Benefit Assessment Revenue	\$2,783
Fiscal Year 2003/04 actual expenses	
Contract Services (Landscape Contractors, etc.)	\$1,907
Electricity	\$157
Water / Refuse / Sewer	\$591
City Forces (Graffiti removal, irrigation repair / modifications, and / or plant replacement)	\$814
Project Management Costs	<u>\$234</u>
Total Current Annual Expenses	\$3,704

Adding the annual maintenance costs to the current negative cash balance for your District brings the current total outstanding costs to \$(9,548). If approved, the proposed Assessment Increase Allowance calculation would cap the maximum allowable increase the annual assessment for your district to \$3,061 this year (from the existing \$2,783 assessment). Consequently, your contribution to keeping the maintenance up in your District would be **an additional \$5.92 per year, or \$0.49 per month.** You would see this as an increase in the Property Benefit Assessment included on your County of Tulare real property tax bill.

On the following page is a ballot which gives you, the property owner, and certain options:

1. **Yes, I approve of the proposed Automatic Benefit Assessment Increase Allowance.** If a majority of the returned ballots select this option, it will allow the City to secure funding from your District for the increased costs of maintenance, and over a period of time will repay any outstanding deficit cash balance.
2. **No, I do not approve of the proposed Automatic Benefit Assessment Increase Allowance.** If a majority of the returned ballots select this option, it will cause the City to re-evaluate the level of maintenance provided to your District, and likely will result in reduced maintenance, such as reduced watering and/or reduced frequency of mowing and trimming of the common areas.

Public Hearing and Informational Meeting

An informal question and answer meeting will be held on May 25th at the Visalia Convention Center from 5pm – 8pm. Citizens affected by this proposal will have the opportunity to discuss their questions and any concerns with City staff at this *informal* meeting.

The Public Hearing for this proposal will be held in the City Council Chambers at 707 W. Acequia, Visalia CA., and is scheduled at the end of the City Council Work Session, at approximately 5:30pm. The ballots will be counted and the results delivered to Council at the end of the Regular Session of the City Council Meeting that same evening. At this meeting, affected citizens will have an opportunity to speak to Council, and may also change their ballot vote if desired.

Benefit Assessment Increase Allowance

Why is the Benefit Assessment Increase Allowance Needed?

Most of the older Districts do not generate enough revenue funding through their Benefit Assessments to pay the costs of the maintenance and upkeep of their improvement areas. Historically the City has only occasionally asked for small increases (never more than 10%) from these Districts, through a required ballot process. However, the ballot process is costly and not always successful, so if funds from Benefit Assessments are not enough to cover maintenance costs and an increase is not approved, the City of Visalia must make the difficult decisions to decrease the District's level of maintenance, in an effort to contain the maintenance costs to the amount of Benefit Assessments received. Decreased maintenance efforts have included reduced watering and mowing frequency, replacing labor intensive plantings with a ground cover that requires very little or no maintenance, and other less visually enhancing options. Some districts are already experiencing some or all of these cost saving measures.

How will it Work?

With a Benefit Assessment Increase Allowance, each District is reviewed annually to determine if an increase to the Benefit Assessment is needed. If total costs are greater than the annual assessment being received, a standardized calculation would be used to determine the allowable increase for that year. **If an increase is warranted it would be limited to either the amount of total costs, a 5% per year cumulative increase (from the year the District was created), or 10% of the current assessment, WHICHEVER IS THE LEAST. Only if total costs are greater than the Benefit Assessment revenue received, will the automatic benefit assessment increase allowance be used. In no case would any increase be more than 10% of the current assessment in any given year, without balloted approval by the property owners. This is the same automatic allowance process that is already being used in districts created after 1994. If approved the automatic allowance will:**

- Decrease the costs incurred by the Districts from repetitive balloting.
- Allow the City to better fiscally manage the individual districts, and to more closely match benefit assessment revenue to the actual costs incurred.
- Reduce the need for cost reduction measures, and improve neighborhood appearances throughout the City, particularly in the older Districts.

Do assessments ever decrease?

Yes they do. Decreases do not require a ballot vote, so are done automatically. This year the City is decreasing Benefit Assessment to over 30 Districts. The City's goal is to match District maintenance costs to the benefit assessment revenue as closely as possible, so Districts are evaluated for both increases and decreases.

Example of a Benefit Assessment Allowance Increase Calculation:

5% cumulative increase calculation = (base year assessment) x $1.05^{(N-1)}$ (Where N = number of years District has existed).

Example:

A District's base year Benefit Assessment was \$8,000. The 2nd year it was increased 5%, and no increase in the 3rd year. The existing assessment is therefore \$8,400. There are 90 properties in the District, so the existing assessment equals \$93.34 per property per year:

In year 4 after the District was initially created, the costs are \$9,600, and there is \$300 outstanding from the prior year to repair a brick wall, **so total costs are \$9,900.** The calculation to determine what the assessment increase can be is:

5% cumulative (using base year assessment)
 $\$8,000 \times 1.05^{(N-1)} = \mathbf{\$9,261.00}$

Or

10% single year (using current Year assessment)
 $\$8,400 \times 1.1 = \mathbf{\$9,240.00}$

The **lesser** of the two maximum allowances is \$9,240.00 which is also less than the total costs, **so the total assessment increase would be limited to \$9,240 or \$102.67 per property (an increase of \$9.33 per year, or about \$0.78 a month for each property).** The \$660 of excess costs would be carried over to the next year. Had the total costs been less than \$9,240, the increase would have been limited to the actual amount of total costs.

City of Visalia Agenda Item Transmittal

Meeting Date: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Review and approve action on the 2005/06 Budget

Deadline for Action: June 30, 2005

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, x4474, Gus Aiello, x4423, Ruth Martinez, x4327

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

Department Recommendation and Summary:

The Council has already adopted a two year budget which included Fiscal Year 2005/06. The budget for FY 2005/06 before any amendments totals \$128 million. Staff recommends that the Council make the following adjustments, in the amount of \$1,816,600 the City's budget as shown on Table I, Proposed Changes – Mid-Cycle. The proposed revised FY 2005/06 budget is \$130 million.

Table I
Proposed Changes – Mid Cycle
Fiscal Year 05/06
(All Amounts in Thousands)

General Fund	<u>Ongoing</u>	<u>Dev. Fees</u>	<u>Capital/ one-time</u>	<u>Total</u>
1) Site Plan Professional Help		120.0		120.0
2) Associate Planner/ General Plan		85.0		85.0
3) Police Records Clerks	86.2			86.2
4) Police Officers	146.5			146.5
5) Fire Department	105.0			105.0
6) Administration Help	15.0			15.0
7) New Park Maintenance	11.6			11.6
9) Whitendale/Jefferson Park	9.6			9.6
9) City Hall Rent	152.7			152.7
10) Stonebrook Park Well			25.0	25.0
11) Recreation Software	7.4		52.6	60.0
General Fund	534.0	205.0	77.6	816.6
Waste Water				
12) Sewer Connections			1,000.0	1,000.0
Total	534.0	215.0	1,077.6	1,816.6

City Council considered information on:

June 6	Overview of 05/06 budget
June 13	Capital Improvement Program Status

During Council's meeting on June 6, request #5 from the Fire Department, was identified as requiring further clarification. The Department is asking the Council to approve the request for \$105,000 at this time and will develop a detailed plan and return to Council at a later date.

Council will further review several items on July 18 including non-profit support, golf course and transportation, storm sewer and sanitary sewer related CIP items. In addition, a number of smaller items will come back to Council as the items are prepared for Council review, including a potential request from the Fox Theater and the SPCA.

Discussion

The City Council adopted a two year budget in June of 2004. The second year's budget will become effective July 1, 2005. Last year, the Council had numerous work sessions on the budget, reviewing the City's capital and operating budgets in depth. Council grappled with the State takeaways, in which the State will take another \$1.3 million from the City's General Fund this year on top of early 1990 state actions which cost Visalia some \$2 million a year. In the end, the Council approved a budget that was balanced by using both Emergency and PERS operating reserves.

As part of prudent fiscal management, Council should consider the City's current condition and make budget adjustments as appropriate. Adjustments are part of the ongoing fiscal review that Council conducts in the form of budget, mid-year, mid-budget cycle and audit reports. To assist the Council at this time, staff has prepared several items, namely:

- **A Capital Project Status Report.** Staff has assembled a separate report on all capital projects for the Council's review. The report provides the April 30, 2005 status of all the City's projects. As Council deems appropriate, the City Council may reemphasize or redirect staff efforts on these projects.
- **Recertified Measure T Plan.** Measure T requires that the City Manager submit a revised Measure T spending plan each year. That separate report provides Council with management's recommendations on plan implementation. The report outlines the current status of the sales tax override and recommends that Council continue implementing the plan as outlined in the ballot measure, despite less than expected revenues.
- **Prop. 4 Spending Limit.** Each year the City is required to adopt a spending limit. The limit came out of the Prop. 13 era which strived to control spending by setting a spending limit based upon inflation or income growth and population growth.
- **Recommended changes to the General Fund Budget.** In reviewing next year's budget, some opportunities exist for Council to adjust the budget of General Fund programs. Management has met with department heads and is recommending additions to the 05/06 budget along with alternatives that are not recommended.

One item that is not included in this report is a review of monies given to non-profit agencies. The City gives funds to 5 non-profits. Council has directed staff to review the use of those funds and report back to Council. On June 17, members of the CAC with Vince Elizando, Parks and Recreation Director and Gus Aiello, Finance Manager, will interview the affected agencies and plan to report back to Council on July 18 about their finding and any potential recommendations.

Current Year Projections. The City's fiscal position has improved since the adoption of the budget last year. At the beginning of the fiscal year, the City balanced its General Fund budget by using operating reserves from both the City's Emergency (\$0.8 million) and PERS reserve (\$2.3 million). City Management also made a commitment to reduce the use of operating reserves as opportunities presented themselves in the coming fiscal year.

The City has made progress on controlling the 04/05 budget. Operating expenditures are expected to be \$1.4 million less than budgeted and revenues are more than expected. As a result, the City has not had to use either of its operating reserves this fiscal year. In fact, some one time revenues will cause the City to have a surplus which will be applied to the Council's priorities as shown on Table II, Application of General Fund Revenues over Expenditures:

Table II
Application of General Fund Revenues over Expenditures, 04/05
All Amounts in Millions

<u>Sources</u>						
Sale of Fun Park Land	2.03	}				
VLF Gap Financing	1.54	}				
Other One-time Revenues	0.74	}				
Ongoing Revenues	1.80					
Expenditure Savings	<u>1.03</u>					
			7.04			
Less: Emergency Reserve	(0.80)					
PERS Reserve	(2.30)					
Net Budget Adjustments	<u>(1.05)</u>					
			(4.15)			
			<u>)</u>			
Estimated Revenues over Expenditures			2.89			
<u>Uses</u>				Balance	Net	
				6/30/2004	6/30/2005	Available
Sports Park Reserve	45.0%	1.30	6.54	(7.80)	0.04	
Civic Center Reserve	45.0%	1.30	9.30	(0.10)	10.50	
Rec Stadium Reserve	5.0%	0.14	0.23	(0.65)	(0.28)	
198 Corridor Reserve	5.0%	<u>0.14</u>	<u>0.07</u>	<u>0.00</u>	<u>0.21</u>	
Estimated Allocation		2.89	16.14	(8.50)	10.47	

Note: One-time revenues equal \$4.31 million, more than estimated revenues over expenditures.

Further, management was charged with working on a number of items this last year, namely:

- **Increased Planning Efforts:** Staff was tasked to work on the following planning activities:
 - East Downtown plan
 - Open Space West 198 plan
 - Southeast Growth Area Master plan (potential consultant interviews scheduled)
 - Comprehensive North and South of Highway 198 plan
 - General Plan Update (to begin in 2006)

Good progress has been made on the East Downtown plan, now to include planning for the City's civic center. In addition, Council will move into the Transit Center at the end of summer, symbolically moving City Hall towards the east. The other planning efforts are in various stages of development, demonstrating the City's increased planning efforts.

- **Implementation of Measure T.** In a separate report, the progress made on implementing Measure T is discussed. However, the addition of these new resources is improving the City's

ability to respond to the Community's public safety needs by adding 5 officers this year and 5 more this coming year as well as building two new police precincts as well as acquiring land for the Northwest Fire Station and Training Facility.

- **Capital Improvements.** The Capital Improvements Plan outlined the expenditure of \$82.1 million over the two year budget plan. The budget includes the following projects, implementing Council priorities:

Sports Park Complex, phase 1

Improved relationship with Sequoia National Park

Design is nearing completion; a construction manager has been engaged. Bid scheduled for July

Design is nearing completion and a construction manager has been engaged. Bid scheduled for August.

West Acequia Parking Garage

Council has revised the Transportation Impact fees, identified arterial streets to be accelerated.

Maximization of major arterial streets

Bruce Race has been engaged to assist Council with planning for the Civic Center.

Civic Center Master Plan

The Visitors and Convention Bureau has been combined with the City's Convention Sales Force in the Chamber, to become a separate entity next year.

Increase investment in tourism

Staff continues to develop a cooperative relationship with the National Park Service, anticipating shuttle service in 2006.

- **Review and implement various impact fees:** Council this past year reviewed and implemented revised Transportation Impact Fees, Police and Fire Impact Fees; General

Facilities Impact fees and Park Impact Fees. A General Plan Maintenance Fees was implemented to help defray costs associated for updating the General Plan. Staff has also brought to Council Annexation Fees for a Ground Water Recharge.

- **Work to reduce the use of operating reserves:** As previously stated, the City did not use either the Emergency or the PERS reserve this last year due to spending savings and improved revenues.
- **Implement a self-insured Workers Compensation Program:** The City has converted to a self-insured program this last year. Total cost for this year appears to be approximately \$1 million compared to a total premium cost the prior year of \$2.5 million.

Despite the progress the City has made, the State continues to have challenges. Revenues are up compared to expectations at the State level. However, many of these revenues may be temporary.

The State conducted a tax amnesty program this last year, ending in March. The hammer in the program was that if a company was found owing additional taxes after the amnesty program, the taxes would double. Rather than risk the potential of a doubling of taxes, many companies paid the contested amounts and are seeking a reimbursement. Some proportion of the extra revenues will be rebated next year, reducing revenues. Compounding this problem is the State's obligation to increase repayments for past borrowing by \$4 billion next year. As a result, the State budget remains a major concern.

Analysis of 05/06 Budget – General Fund. The adopted General Fund budget for Fiscal Year 05/06 includes the use of operating reserves in the following amounts: Emergency Reserve (\$1.30 million) and PERS Reserve (\$2.25 million). Management was charged with finding ways to reduce the budget's reliance upon reserves to fund the budget. Through both management actions such as a change in funding Worker's Compensation and increasing revenues, the need to use the Emergency Reserve has been eliminated. Council was also able to deal with a number of operational issues at mid-year. However, the City's General Fund Budget still relies upon the use of PERS Reserves in the 05/06 budget.

Table III, FY 05/06 General Fund Budget Forecast, details Finance's best assessment for FY 05/06. The table divides additional revenues into what are ongoing revenues and what are one-time revenues. As a result, the Council has additional resources: approximately \$500,000 of ongoing revenues with another \$600,000 of one-time revenues related to payment of past sales tax revenues and another \$300,000 in higher than expected development revenues.

In evaluating the best use these resources, it is important to remember the fund's source. One-time funds should be put towards capital projects or other one-time expenditures. Ongoing funds may be committed towards ongoing expenditures. To do otherwise might lead to structural budget problems now being experienced by the State of California. **Management recommends that new, ongoing expenditures be funded only from ongoing revenue sources. Therefore, approximately \$500,000 of new, ongoing programs may be funded.**

Earlier, management met with each department head to examine their recommendations if opportunities became available to improve services. The most pressing of their requests which ongoing or dedicated revenues can support are recommended below:

Table III

FY 05/06 General Fund Budget Forecast
(All Amounts in Millions)

	<u>Orig. Budget</u>	<u>Forecast</u>	<u>Change</u>
Revenues			
Current	43.7	46.0	2.3
One-time	0.0	1.0	1.0
Internal Reimbursements	16.1	16.1	0.0
Total	59.8	63.1	3.3
Expenditures			
Departmental	57.8	58.0	0.2
CIP	4.9	6.9	2.0
Transfers/Debt	4.1	4.1	0.0
Total	66.8	69.0	2.2
Rev. Over/(Under) Exp.	(7.0)	(5.9)	1.1
Planned Use of Reserves			
Operational (PERS and Emergency)	4.0	2.2	(1.8)
Capital (ie, Sports Park and CIP)	3.0	5.1	2.1
Total	7.0	7.3	0.3
Remaining Resources	0.0	1.4	1.4
Budget Recommendations		(0.8)	
Net Remaining *	0.0	0.6	

** Remaining resources are one-time monies and would be applied to Council's reserve priorities*

- \$120,000 for **increased outside professional serves** to improve site plan review and meet the continuing demands of the development community. The weekly site plan meetings have increased from 2-3 hours to 8 hours. Staff now platoons into the meetings and “Now Serving” numbers are posted to manage the flow of applicants. Outside help will help staff prepare for these meetings and improve application processing. This approach is recommended instead of directly hiring a planner and engineer in order to avoid a long-term commitment to employees. Funding will come from continued, elevated development fees.
- \$85,000 for **an Associate Planner** to begin preliminary work on the City’s General Plan. The City implemented a new planning fee this last year to fund work on the City’s General Plan. The City plans to employ consultants to work on the plan next fiscal year for promises to be a multi-year project. However, much preliminary work needs to be done to before hiring a consultant which can begin now with the addition of this planning position.
- \$86,200 for **two Police records specialist**, identified as the number one need by police management, are necessary to reduce the cycle time between the initial report of a crime and the assignment of that crime to the appropriate detective as well as improving other police record keeping. The last increase police records specialist allocations occurred some 10 years ago.

- \$146,500 for **two additional Police Officers**, replacing two of the four grant funded police officer positions that will discontinue during the fiscal year, one immediately and the other in December. Police management has recommended that all four positions be replaced. However, budget constraints lead to the reduced recommendation and point out the problem with grants: grants end and ongoing revenues may not be available. No police officers will be laid off because grant funded officers will be transitioned into open positions.
- \$105,000 to the **Fire Department to support the facility in the southeast portion of the City**. The Department is asking the Council to approve this request at this time and will develop a detailed plan and return to Council at a later date.
- \$15,000 for ongoing, hourly **clerical support for the Council and City Manager's office** needed to fully staff the administrative offices as they move to the Transit Center sometime this summer.
- \$11,600 for increased **Park Maintenance for two new parks** coming on line this year. The City is about to operate the new Cherry Meadow Park and a yet unnamed park at Burk and Monte Vista. Each of these parks will cost approximately \$5,800 a year in additional mowing, janitorial and utility costs.
- \$9,600 for increased **Park Maintenance for Jefferson and Whitendale** Parks to support use of those facilities for league play fields. As the community grows and increased demand is placed on open space, Jefferson and Whitendale have become organized play fields. Park and Recreation recommends increasing the mowing contract for these area from once every two weeks to once a week, increasing the care given to these facilities.
- \$152,700 to begin funding **an annual rent or depreciation charge for City Hall West occupancy**. The City Council is working towards building a New City Hall. One strategy for paying for the building would be to assess a rental or depreciation charge for its own space and setting aside that rental charge in the Civic Center Reserve fund. The proposed charge would be for City Hall West at \$1 per square foot per month. City Hall East currently makes an annual payment towards debt service as that facility was originally purchased as part of the 1996 Convention Center Debt refinancing. However, when that debt is repaid in 2020, those funds can also be put into the building replacement fund.
- \$25,000 to **refurbish the Stonebrook Park Well**. The park currently has a well that is failing. The well is not gravel packed, thus allowing dirt to flake off into the well, sometimes stopping the water flow. The options open to the City are to refurbish the well or connect to CalWater. Connecting to CalWater would cost \$17,000; however, the annual operating cost is approximately \$6,500 compared to \$2,700 a year for the City well. In a little more than two years, the operating cost savings for the City Well would pay for the cost differential.
- \$60,000 for **improved Recreation Management Software system**. The Recreation Department uses a DOS based computer program which maintains the Recreation Departments class and park registrations. This system is from the early 1990s, does not support internet registration and does not compare well to other systems. Recreation

purposes converting the current system to Class software, the most commonly used recreation system on the market with over 200 California users. The major benefits of the system are:

- support internet and phone registration
- better integration of systems which supports a quicker registration and retrieval of information. For example, the current system might take 5 minutes to register for a class while the new system may take as little as 1 minute to register.
- improved management system reporting which will support improved decision making by the Recreation Department management
- improved databases which reduce support requirements
- better software customer support to resolve system problems

The cost is \$31,000 for acquisition, \$21,600 for installation and training, \$7,400 ongoing maintenance.

The total cost of these proposed amendments is \$816,600 as shown on Table IV, General Fund Proposed Changes:

Table IV
General Fund Proposed Changes
Fiscal Year 05/06
(All Amounts in Thousands)

General Fund	<u>Ongoing</u>	<u>Dev. Fees</u>	<u>Capital/ one-time</u>	<u>Total</u>
1) Site Plan Professional Help		120.0		120.0
2) Associate Planner/ General Plan		85.0		85.0
3) Police Records Clerks	86.2			86.2
4) Police Officers	146.5			146.5
5) Fire Department	105.0			105.0
6) Administration Help	15.0			15.0
7) New Park Maintenance	11.6			11.6
9) Whitendale/Jefferson Park	9.6			9.6
9) City Hall Rent	152.7			152.7
10) Stonebrook Park Well			25.0	25.0
11) Recreation Software	7.4		52.6	60.0
General Fund	534.0	205.0	77.6	816.6

New programs have been limited to approximately \$500,000, supported by ongoing revenues. The Site Plan Professional Help and Planner would be supported by elevated development fees and would provide additional planning and engineering services. If and when fee levels decrease, the out sourcing of this work would be discontinued. The remaining money is one-time revenues and would be put into the Council's priorities if revenues exceed budget.

Other Departmental Recommendations Not Recommended Due to a Lack of Funding

Administration

- **Potential Need at the SPCA.** The SPCA is working on a budget proposal for Council. The proposal is not ready for Council and needs to be thoroughly reviewed by staff. However, the City has a statutory duty to provide animal control and will need to deal with this issue when the SPCA has prepared their materials. The current fixed price

contract, signed 5 year ago, expires in June but allows for month to month continuation until a new agreement is reached. The agreement does not reflect the cost of serving a larger Visalia and current business costs for insurance. As a result, this may become an increased cost in the future.

In addition, the SPCA's facilities are in poor condition. The Agency is working to develop a capital building plan and will need assistance from all the entities that use the SPCA facility as well as non-profit contributions to build a new facility. As their plans progress, they will present their plan to Council.

Fire

- **Fire Reorganization.** Fire is working on a plan to reorganize their service delivery. The reorganization may include increased costs. The plan intends to realign battalion chief duties to focus some additional management responsibilities on the day chiefs and add personnel to the fire marshal duties. However, the City Manager has asked that the department defer major reorganization changes in light of budget constraints.
- **Increase Emergency Medical Response.** The City has begun providing Paramedical Service. Ten paramedics are now employed with potentially 3 more to be hired shortly. The hiring process is actually ahead of the original plan and might allow the City to accelerate the staffing of paramedics. However, management recommends staying with the current ramp up plan, evaluating the growth and cost of the program before accelerating the plan's implementation.
- **Trailer Vs Vehicle.** Fire has a need to refill air bottles at a fire, respond to hazmat incidents and investigate suspected arsons which requires substantial equipment. The equipment is now transported using trailers instead of vehicles. This approach was thought to be a less costly method for meeting this need. However, the problem with the approach is that the trailers are not used. The time required to find a driver with a Class A license and connect a vehicle to the trailers during the real time pressures of an emergency response has led the first responders to take from the trailers what equipment they can carry and respond to the incident. Although the department is meeting the community's needs, the approach is less than optimal. After further study, the department hopes to bring this item back to the City Council.
- **Airport Commercial Flight Requirements.** New FAA regulations require that Fire Suppression equipment, located at the Airport, be on standby for 15 minutes before and after scheduled commercial flights land and take off as of June 2005. The equipment need not be staffed by full-time Fire personnel. However, the FAA requirements limit availability of Fire unit responses during those short intervals of scheduled landings and take-offs. Fire Management is developing staffing patterns to meet the demand. City Management has asked them to meet the response within their current budget.

Parks and Recreation

- **Management of Landscape and Lighting Maintenance Assessment Districts (LLMADs).** As the City increasingly relies on LLMADs to care for common space areas in new subdivisions, the number of LLMADs increases. Parks and Recreation is charged with managing these districts and concerned about the management effort needing additional staffing. Because the management of these LLMADs has just

recently been reassigned to Parks and Recreation, City Management has asked staff to continue managing the process to determine what the need is after the new staffing arrangement has been in place for a while.

- **Park Ranger Program.** Park and Recreation has identified an increased security need to the City's parks, particularly as larger parks come on line. City Management has directed staff to work within the confines of current monies unless community support builds for a City-wide LLMAD for such services.
- **Maintenance of Waterways.** As the City acquires more waterways, the trails become more connected and used. As a result, more maintenance of those trails is needed. City Management has directed staff to work on developing funding sources for the maintenance of these waterway trails such as building community support builds for a City-wide LLMAD.

Other Funds

With one exception, Management does not propose any changes to the other funds of the City as presented for the 05/06 fiscal year. The Council recently approved a 2.5% rate increase for Solid Waste and Waste Water has an already approved 5.0% rate increase. Both are scheduled for July 1. The typical residential bill will increase less than \$1 per month. Overall, the enterprises continue to remain fiscally healthy and solvent. Management recommends one major additional capital project in the wastewater fund.

- \$1,000,000 for **sewer lateral connections** to the Waste Water system. The City is annexing a number of fully developed County islands. As a result, some 1,000 homeowners will have an opportunity to connect to the City's sewer system. Each connection costs approximately \$5,000. Staff expects that half will connect within the next two or three years. Although the homeowners pay a fee to connect to the system, the City needs to budget the cost of constructing the sewer laterals and lines.

A number of challenges exist in the impact fee funds, notably the Transportation related funds, as the City adjusts to a new fee structure for Transportation Impact Fees. Additionally, Transit has asked for an hourly employee to conduct management audits of the Transit management company. City management has asked Transit staff to develop management audits using internal staff. Additional time will also help the City assess the cost impact of recent service extensions implemented this year.

Summary. Staff recommends that the Council make the following adjustments to the City's budget as shown below on Table V, Proposed Changes – Mid Cycle:

Table V
Proposed Changes – Mid Cycle
Fiscal Year 05/06
(All Amounts in Thousands)

General Fund	<u>Ongoing</u>	<u>Dev. Fees</u>	<u>Capital/ one-time</u>	<u>Total</u>
1) Site Plan Professional Help		120.0		120.0
2) Associate Planner/ General Plan		85.0		85.0
3) Police Records Clerks	86.2			86.2

4) Police Officers	146.5			146.5
5) Fire Department	105.0			105.0
6) Administration Help	15.0			15.0
7) New Park Maintenance	11.6			11.6
9) Whitendale/Jefferson Park	9.6			9.6
9) City Hall Rent	152.7			152.7
10) Stonebrook Park Well			25.0	25.0
11) Recreation Software	7.4		52.6	60.0
General Fund	534.0	205.0	77.6	816.6
Waste Water				
12) Sewer Connections			1,000.0	1,000.0
Total	534.0	215.0	1,077.6	1,816.6

The proposed changes total nearly \$2 million. Table VI, Budget Summary – with Proposed Changes, shows the City’s total budget for 2005/06. With the proposed changes, the total budget is \$130 million. Therefore, the proposed changes a less than 1.5% of the City’s total budget.

Finally, it is significant to note that the City recently received an A rating on its debt from Standard and Poor’s. One of the comments from the rating agency was that, in its opinion, the City exhibited excellent financial management. Such a statement from a rating agency is high praise but fails to capture the discipline that the Council has exhibited by matching ongoing revenues to ongoing expenses, setting aside reserves for major capital projects and remaining fiscally accountable to the community. In any case, such actions as this review sustain the City’s fiscally conservative approach to finances.

**Table VI
BUDGET SUMMARY - With Proposed Changes**

SOURCES and USES	GENERAL FUND	CAPITAL PROJECT FUNDS	SPECIAL REVENUE FUNDS	DEBT SERVICE FUNDS	BUSINESS TYPE FUNDS	INTERNAL SERVICE FUNDS	TOTAL BUDGET
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2005-06

SOURCES:

Revenues	46,972,000	11,036,880	14,297,158	87,000	42,257,856	-	114,650,894
Available Resources - Planned Use/(Return)	6,671,486	6,816,100	56,298	-	2,256,969	(306,822)	15,494,031

This document last revised: 6/17/05 10:57:00 AM

By author: Eric Frost

File location and name: H:\(1) AGENDAS for Council\062005\Item 11 Budget Mid-cycle report.doc

05/06 SOURCES	53,643,486	17,852,980	14,353,456	87,000	44,514,825	(306,822)	130,144,925
USES:							
Operations	(58,728,913)	(476,777)	(9,468,326)	(12,043)	(38,439,260)	(20,370,982)	(127,496,301)
Reimbursements	16,104,273	-	758,946	133,563	2,044,615	20,967,891	40,009,288
Net Operations	(42,624,640)	(476,777)	(8,709,380)	121,520	(36,394,645)	596,909	(87,487,013)
Debt Service	(293,722)	(537,473)	(123,446)	(1,576,922)	(5,159,055)	-	(7,690,618)
Capital Projects	(6,957,140)	(17,682,737)	(3,952,440)	-	(11,437,170)	(1,657,690)	(41,687,177)
Transfers In	-	844,007	214,869	1,368,402	5,622,433	-	8,049,711
Transfers Out	(3,767,984)	-	(1,783,059)	-	(2,498,668)	-	(8,049,711)
Add Back Depreciation	-	-	-	-	5,352,280	1,367,603	6,719,883
05/06 USES	(53,643,486)	(17,852,980)	(14,353,456)	(87,000)	(44,514,825)	306,822	(130,144,925)
NET SOURCES AND USES	-	-	-	-	-	-	-

Prior Council/Board Actions:

2004/06 Budget Adoption, June 29, 2004
 Mid-year Financial Report, March 28, 2005

Committee/Commission Review and Actions:

Alternatives: The City Council could:

- 1) act on these items tonight; or,
- 2) request more information and act upon this and other items on June 13 or June 20.

The Council has met the Charter requirement of adopting a balanced budget when it did so last year. Article IX, section 8 states:

Section 8. Adoption of the Budget: After the conclusion of the public hearing, the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable, and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the various departments or activities therein described. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion.

These proposed actions are meant to make small changes in the City's budget as it moves forward.

Attachments: #1a, General Fund Budget Summary, FY 04/05
#1b, General Fund Budget Summary, FY 05/06
#2, All Fund, Total Budget Summary, FY 05/06

City Manager Recommendation:

<i>Financial Impact</i>			
Funding Source:			
Account Number: _____		(Call Finance for assistance)	
Budget Recap:			
Total Estimated cost: \$		New Revenue: \$	
Amount Budgeted: \$		Lost Revenue: \$	
New funding required: \$		New Personnel: \$	
Council Policy Change: Yes _____	No _____		

Recommended Motion (and Alternative Motions if expected):
Approve the following (with exceptions as appropriate):
1. Proposed revisions to the 2005/06 Budget;
2. Certified Measure T plan;
3. Proposition 4 spending limit; and,
4. 2004/05 CIP status report.

<i>Environmental Assessment Status</i>			
CEQA Review:			
Required?	Yes	No	
Review and Action:		Prior:	
		Required:	
NEPA Review:			
Required?	Yes	No	
Review and Action:		Prior:	
		Required:	

Copies of this report have been provided to:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

RELATES TO ITEM 16 on the Agenda

Meeting Date: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: BALLOT RESULTS - Tabulate property owners ballots for creation of a Property & Business Improvement District ("PBID III") for five (5) years. This would extend the program in the existing area. Approval of final formation of the Downtown Property & Business Improvement District III for a five year term, first year budget, District Boundaries, assessments, zones and exemptions and directing staff to file and record the District in order to receive the assessments and approval of an Administrative Services Agreement with Downtown Visalians, Inc. for daily operations and activities. **Resolution 2005-85 required.**

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 20

Deadline for Action: June 20th, 2005

Submitting Department: Administration and Community Development & Public Works

Contact Name and Phone Number:

Bob Nance, Economic & Redevelopment Manager, 713-4511
Steve Salomon, City Manager, 713-4312
Michael Olmos, Community Development & Public Works
Director, 713-4332
Fred Brusuelas, Assistant Director, Community Development &
Public Works, 713-4364

Department Recommendation and Summary:

This public hearing is being conducted by Council for the renewal of the existing downtown PBID District for a 5 year term commencing July 01, 2005 and to end on June 30, 2010. The boundaries of the existing PBID will be carried forward to PIBD III. Proposed services and programs will be very similar to services being provided by the existing PBID. These services are described in the attached Management Plan. To consider forming PBID III, staff recommends the following:

Public Hearing:

That the City Council open the public hearing and:

1. Take public testimony regarding the proposed assessment district formation/renewal;
2. Call for any outstanding votes to be brought forward for counting and table any further actions until the results are presented by the City Clerk;
3. Close the Public Hearing and:
4. Direct the City Clerk to tabulate the votes for the renewal/formation of the proposed PBID III and upon a report by the City Clerk affirming that a majority of the assessment votes to be in favor of renewal/formation of the proposed PBID III, take those actions

specified hereinafter as required to complete the formation of the Downtown Property & Business Improvement District III for a five year term as follows:

Upon the City Clerk reporting the assessment vote indicates the approval of the renewal of the PBID, the City Council will be requested to take the following actions:

PBID Formation Actions:

1. Approve the District Boundaries, assessments, exemptions, work program and budget per the proposed Management Plan for the Downtown Visalia Property and Business Improvement District dated May 2005;
2. Authorize staff to file the District in order to receive the annual assessments;
3. Approval and authorization of the City Manager to execute the agreement with the Downtown Visalians, Inc. for day-to-day operations and activities; and
4. Authorize the Administrative Services Manager to prepay up to the first three years of the City/Agency's assessment to provide funds to continue those contracted services and related activities associated PBID II that will continue through PBID III until such time as PBID III funds are received from Tulare County.

Action Summary: This is the final action required for the formation and recording of the second renewal for a 5-year term of the Downtown Visalia Property-Based Business Improvement District. Upon taking these actions, staff will prepare and present the required documents and assessment rolls to Tulare County by the August deadline for filing the district. The first receipts of funds for the new district are anticipated to be available in December 2005.

New Downtown Visalians & Alliance Board and Sub-Committees

Efforts are underway to advertise and recruit new board members for the third term of the Downtown Visalia Property-Based Business Improvement District. Formed under the terms and conditions detailed in the Management Plan, this group will act to under the authority the City Council for both the day-to-day operations and activities as well as those projects and programs outlined in the Management Plan and adopted budget. It is proposed that the new board and subsequent sub-committees will be constituted and have met prior to the first payment of funds being available in December 2005.

Administrative Services Agreement with Downtown Visalians, Inc.

As was done for the initial Downtown Visalia PBID, staff is recommending executing an agreement with the Downtown Visalians, Inc. for Administrative Services related to management, staffing and day-to-day operations of the district. The work proposed under this services agreement includes coordinating activities funded by the PBID so as to maximize the resources available to accomplish the goals and objectives of both the PBID and Downtown Visalians in a timely and cost effective manner. This arrangement allowed the previous two PBID districts to maximize its funds and resources along with improved interaction with the respective property owners and businesses.

The proposed Administrative Services Agreement provides \$69,000 per year to be paid to the Downtown Visalians, Inc. for operational and management services for each year of the 5-year PBID term.

Background:

This document last revised: 6/17/05 10:58:00 AM
By author: Bob Nance
File location and name:

Formation History: The PBID was initially formed in 1998 with a three year term. It was renewed in 2001 with a four year term and is now proposed for a second renewal with a five year term that will end in June 2010 unless renewed for a third time.

PBID Boundaries and Zones: The PBID District is roughly bounded on the north by School Street, west by Conyer Street, south by Mineral King Avenue and east by Santa Fe Street. The District contains two sections Zone 1 which consists primarily of those parcels along and between Acequia Avenue and Center Street from Santa Fe and Willis and Zone 2 which includes all other outlying parcels. (See DOWNTOWN VISALIA PID BOUNDARIES map included herein.) The zones are based upon the benefit received for the projects, programs and activities to be undertaken during the 5-year term. Based upon the evaluation of the Assessment Engineer, those property owners in Zone 1 receive more benefit, and pay a higher rate, than those property owners in Zone 2 who will be assessed at a lower rate than Zone 1 property owners.

Benefits: The PBID III Management Plan outlines areas for use of PBID III funds to further benefit the district. This projects, programs and activities include: Parking and Improvements, Tree Maintenance, Maintenance of landscaping in the downtown, Security/Safety, Business Development, Marketing and Communication and Administration. These activities are discussed in greater detail in the Management Plan. (A copy of the Management Plan and budget is included herein.)

Baseline Services Agreement:

The Management District will not use property assessment funds to pay for services that are currently being provided by the City or County. Assessment funds are to pay for services that enhance those that are being provided by the public sector, and services that are specific to the downtown , such as marketing.

Prior Council/Board Actions:

Previous actions towards the formation of the third term of the Downtown Property-Based Business Improvement District

Committee/Commission Review and Actions:

Alternatives:

None recommended

Attachments:

Management Plan
District Map
Resolution for adoption

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Public Hearing:

That the City Council open the public hearing and:

1. Take public testimony regarding the proposed assessment district formation/renewal;
2. Call for any outstanding votes to be brought forward for counting and table any further actions until the results are presented by the City Clerk;
3. Close the Public Hearing and:
4. Direct the City Clerk to tabulate the votes for the renewal/formation of the proposed PBID III and upon a report by the City Clerk affirming that a majority of the assessment votes to be in favor of renewal/formation of the proposed PBID III, take those actions specified hereinafter as required to complete the formation of the Downtown Property & Business Improvement District III for a five year term as follows:

Formation Action:

Upon the City Clerk reporting the assessment vote indicates the approval of the renewal of the PBID, the City Council will be requested to:

1. Approve the District Boundaries, assessments, exemptions, work program and budget per the proposed Management Plan for the Downtown Visalia Property and Business Improvement District dated May 2005;
2. Authorize staff to file the District in order to receive the annual assessments;
3. Approval and authorization of the City Manager to execute the agreement with the Downtown Visalians, Inc. for day-to-day operations and activities; and
4. Authorize the Administrative Services Manager to prepay up to the first three years of the City/Agency's assessment to provide funds to continue those contracted services and related activities associated PBID II that will continue through PBID III until such time as PBID III funds are received from Tulare County.

Copies of this report have been provided to:

Financial Impact

Funding Source: Redevelopment Funds will pay City and Agency assessments at the rate of \$62,955.90 per year for the five year term.

Budget Recap:

Total Estimated cost: \$314,779.50	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes___	No__X__	

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Tracking Information: Upon approval by the City Council, staff to proceed with the filing of the PBID Assessment District with Tulare County.

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Resolution 2005-85
Resolution of Adoption for
The Downtown Visalia
Property and Business Improvement District Resolution

WHEREAS, on June 01, 1998 the City Council for the City of Visalia, established a "Downtown Visalia Property and Business Improvement District" (commonly referred to as the "PBID") pursuant to the adoption of Resolution No. 98-65 and in compliance with the requirements set forth in the Property and Business Improvement District Law of 1994, Section 36000, et seq., of the California Streets and Highways Code; and

WHEREAS, the City Council in June 2001 renewed the PBID (as "PBID II") for a four year term upon the affirmative results of the vote by the property owners; and

WHEREAS, the term of the PBID will expire effective June 30, 2005; and

WHEREAS, in furtherance of its to date successful goal of improving and conveying special benefits to the properties within the historic central business district of Visalia, a majority of the property owners in said district have supported the establishment of a new property and business improvement district (hereinafter referred to as "PBID III"); and

WHEREAS, the City of Visalia supports this desire to establish a PBID III and on May 02, 2005 passed Resolution No. 2005-60 which conceptually approved PBID III;

WHEREAS, it is the continuing goal of PBID III to stabilize and improve the environment, strengthen investor confidence, strengthen the leverage of the downtown business community, establish private sector control and accountability and retain and attract business; and

WHEREAS, pursuant to the provisions of Proposition 218, written notice of the proposed assessment, ballots, and notice of a public protest hearing was mailed to all record landowners to be effected by the proposed PBID III; and

WHEREAS, a public protest hearing was held on June 20, 2005, at 7:00 p.m., in the City Council Chambers, located at 707 W. Acequia, Visalia, California, concerning the establishment of the PBID III, however no written or verbal protests were received or presented; and

WHEREAS, a majority of the ballots returned at the protest hearing supported the implementation of the self-imposed assessment; and

WHEREAS, a list and description of the proposed improvements, projects, programs and activities, a copy of which is attached hereto as Exhibit "A", was reviewed, voted upon and approved by majority vote of the affected property owners for expenditure of the assessment funds; and

WHEREAS, the PBID III shall serve business and property owners located between Mineral King Avenue on the south, School Street on the north, Conyer Street on the west and Santa Fe Street on the east, historically and commonly referred to as the Central Business

District (a map is attached hereto as Exhibit "B" which identifies the district boundaries as well as the Assessor's Parcel Numbers of the affected properties); and

NOW, THEREFORE, BE IT RESOLVED THAT the City of Visalia does hereby find and determine that:

1. It is in the best interests of the downtown business community that the City of Visalia establish the Downtown Visalia Property and Business Improvement District (PBID III); and
2. The properties within the PBID III will benefit by the improvements, projects, programs and activities funded by the assessments proposed to be levied; and
3. The Visalia City Council is hereby directed to do all acts and execute, verify and file all documents necessary to effectuate the formation of the PBID III;
4. The PBID III shall adopt a Management District Plan. The Budget and assessment data within such plan shall be as follows:

The total PBID III budget for its first year of operation is \$355,500; over the five-year life of the PBID III the maximum total budget is \$1,777,500. Any annual surplus/deficit will be rolled in to the following year's budget.

Assessments: PBID III will comprise two assessment zones that have been created which contain different levels of services based on the needs of each zone. Zone One is the core of the downtown and will receive the majority of capital improvements and services, thus a higher assessment. Security, maintenance, marketing and economic development services are proposed for both zones and are allocated based upon the land within each zone.

Four property assessment variables will be used that vary with property location and benefits received. The assessment variables will be lot square footage, parking area square footage, first floor square footage and floors other than first floor square footage. Annual assessments will range from .040 and .014 cents per square foot of land and parking area, 0.08 to .027 cents per square foot of the first floor area and .056 to .019 per square foot of other floor area.

Cap: Assessments may be subject to changes in the Consumer Price Index, not to exceed 3%.

Collection: Assessment will appear as a separate line item on annual property tax bills.

City Services: The City of Visalia has established a policy to maintain the level of services within the PBID III after the PBID III is established;

Duration: Per state law, the PBID III will have a five-year life. After five years, the petition process must be repeated for the District to continue; and

5. All real property in the PBID III established by this Resolution shall be subject to any amendment to the Property and Improvement District Law (Streets and Highways Code Section 36600, *et seq.*); and

6. The improvements and activities to be provided in the PBID III will be funded by the levy of the assessments; and
7. The revenue from the levy of assessments within the PBID III shall not be used to provide improvements or activities outside the District or for any purpose other than the purpose specified in the Resolution of Intention; and
8. This resolution shall be entitled "The Downtown Visalia Property and Business Improvement District Resolution," as Resolution No. _____ with an effective adoption date commencing July 21, 2005.

CITY OF VISALIA

By: _____

SAMPLE

Recording Requested by
And Return to:
Department of Community and
Economic Development
City of Visalia
Visalia, California 93291
Attention: Director

NOTICE OF ASSESSMENT

On June 20, 2005, the City Council for the City of Visalia approved the "Downtown Visalia Property and Business Improvement District" (commonly referred to as PBID II) pursuant to the adoption of Resolution No. _____ and in compliance with the requirements set forth in the Property and Business Improvement District Law of 1994, Section 36000 et seq., of the California Streets and Highways Code. The undersigned City Clerk of the City of Visalia, County of Tulare, State of California, hereby gives notice that an assessment diagram and assessment were filed in the office of the City Clerk relating to the following described property:

The legal description of the Assessment District, assessment roll with listing by APN #, and the assessment diagram/map of Assessment District No. 98-01, City of Visalia, County of Tulare, State of California as recorded in Book ___ of ___, Maps of Assessment and Community Facilities Districts at page ___, in the office of the County Recorder of the County of Tulare, State of California.

Notice is further given that upon the recording of this Notice in the office of the County Recorder, the several assessments assessed on the lots, pieces, and parcels shown on the filed assessment diagram shall become a lien upon the lots or portions of the lots assessed, respectively.

Reference is made to the assessment diagram, legal description, and assessment roll recorded in the office of the City Clerk of the City of Visalia, County of Tulare, State of California.

ATTEST: Roxanne Yoder
City Clerk/City of Visalia

By _____
Deputy

Dated _____

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

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

Agenda Item Wording: Authorize the City Manager to amend the existing agreement with Brandon Morse, Plaza Park Raceway for an additional five (5) year period beginning November 1, 2005 and ending October 31, 2010.

Deadline for Action: None

Submitting Department: Parks & Recreation Department

Contact Name and Phone Number:
Vincent A. Elizondo, Director of Parks & Recreation, 713-4367

Department Recommendation:

City staff recommends that the City Council authorize the City Manager to amend the existing concession agreement with Brandon Morse, Plaza Racing Association, for the use of the Plaza Park Raceway for an additional five (5) year period starting November 1, 2005 and ending October 31, 2010.

Background:

President Brandon Morse of the Plaza Park Racing Association currently has a five (5) year lease agreement to operate the Plaza Park Arena (Raceway) for vehicular races throughout the racing season. The schedule of races and racing practice sessions are subject to the approval of the Visalia Parks & Recreation Commission. The current agreement (Exhibit A) is set to expire on October 31, 2005.

For many years, the City of Visalia has had an outstanding working relationship with the Plaza Park Racing Association to operate the arena. Attendance for the 28 (average) racing events per year continues to be stable. The association continues to maintain and make general repairs to the racing track portion of the arena, while the City is responsible for major repairs unrelated to the track. There is no recent history of any other vendor that has expressed an interest in operating the arena. The business of operating the arena is unique, and the profit of margin is very slim for the vendor. The operation of the arena as a raceway provides a tremendous recreational opportunity for those that have the hobby interest of vehicular racing and it provides a source of entertainment for racing fans in the local region.

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

Exhibit B illustrates the income and expenditures for the 2004 racing season for the Plaza Park Racing Association. In 2004, the Plaza Park Racing Association paid the City \$23,384.00 for rent and utilities for use of the Plaza Park Speedway.

Again, the City is proposing to amend the existing agreement (Exhibit C) for an additional five years under the same basic terms and conditions. A few minor changes will be included related to clarifying some contract language. These changes include the following:

1. Updating information about the vendor and the authorized agents in the agreement.
2. The agreement states that the City shall be responsible for all "major repairs" related to the upkeep of the facility. The amended agreement will state that the City will make necessary major repairs "to the extent funds are allocated by the City Council for specified improvements".
3. A small inflationary clause will remain in the new amended agreement. The payment for each primary racing event shall increase by \$10.00 for each of the following racing seasons (\$825 in 2006; \$835 in 2007; \$845 in 2008; \$855 in 2009; and \$865 in 2010).

Prior Council/Board Actions: None.

Committee/Commission Review and Actions: December 13, 2004 annual review by Parks and Recreation Commission.

Alternatives: To terminate the agreement or to continue to re-negotiate the agreement.

Attachments: None

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): City staff recommends that the City Council authorize the City Manager to amend the existing agreement with Brandon Morse, Plaza Park Raceway for an additional five (5) year period beginning November 1, 2005 and ending October 31, 2010.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

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

Agenda Item Wording: Recertification of the Measure T Plan

Deadline for Action: June 20, 2005

Submitting Department: Administration – City Manager

Contact Name and Phone Number:

Steve Salomon, 713-4312

Gus Aiello, 713-4423

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.): _____

Recommendation

That Council approve recertification of the Measure T plan with one recommended change.

Summary

The Measure T plan is on schedule. Year one of the plan has been met by achieving the following;

- Hiring 5 police officers
- Purchasing 5 police patrol vehicles
- Contracting with a construction manager to manage the construction of 2 police precincts
- Including the police administration and dispatch center in the Civic Center study
- Purchasing 5 acres of land for the location of the Northwest Fire Station/Training Center
- Releasing a Request for Qualifications (RFQ) for a construction manager to manage the building of the Fire project

On July 1, 2004, the City began collecting a ¼ cent sales tax in order to implement the Measure T plan. Each year, the City Manager is required to recertify the plan and bring it to Council for approval. It is recommended that Council accept the City Manager's recertification of the plan for the 05/06 fiscal year with one additional change; the purchase of a fire engine rather than a Quint fire apparatus in FY 05/06.

Discussion

This document last revised: 6/17/05 11:00:00 AM

By author:

File location and name:

Measure T is being implemented according to plan. The first year of the plan calls for mostly operational expenditures, such as the hiring of police officers, while at the same time accumulating cash for more capital intensive expenditures in subsequent years.

Police

During the first two years of plan implementation, the City will have hired ten police officers and purchased ten new marked vehicles. There has been some turnover with the police officers hired for the FY 04/05 plan, resulting in a salary and benefits costs savings of approximately \$156,000. However, all Measure T positions are currently filled. The City began the process of constructing two Police precincts and has contracted with Monique Cayle of CM Construction Services in Visalia, to manage those projects. With regards to the new Police administration and dispatch center, the City has included this project in the Civic Center Master Plan study. Upon completion of the study, a site will identified and purchased and construction will follow.

Fire

The Fire Department has also progressed according to plan. The City has acquired a five acre site for a Northwest Fire station at Shirk and Ferguson, which had a ground breaking on June 3, 2005. Council approved City staff to pursue a Construction Manager at Risk contract to assist in the management of the Fire Station project. Finance has issued a Request for Qualifications (RFQ) to interested firms that will manage the project from design through construction. Responses to the RFQ were received 5/27/05 and are being reviewed. The only change to Fire's plan, as noted above, is the purchase of a fire engine rather than a Quint fire apparatus in FY 05/06. Council authorized the purchase of Quint earlier this fiscal year to replace an older engine, resulting in the need for another engine. An engine is less expensive than a Quint apparatus and operationally, Fire requires one Quint, according to Chief Sandoval.

Table I below, Measure T Plan Years 1 and 2, details progress milestones.

TABLE I	
Measure T Plan Years 1 and 2	
FY 04/05	
Police	Status
Hire 5 new Police Officers	(5) officers hired 7/04
Purchase 5 new Police vehicles	(5) vehicles purchased 5/04
New Police Admin/Dispatch Center *	The location of the facility is included in the Civic Center study
(2) Police Precints*	The City has contracted with Monique Cayle of Construction Management Services in Visalia. The architectural firm Indigo is 95% done with construction drawings. Bids for construction are anticipated the end of August
Fire	Status
Purchase 5 acres of land for NW Station/Training facility*	The City acquired the 4/7/05. A groundbreaking was held 6/3/05
Design NW Fire Station and Training Area*	A Request for Qualifications for Construction Manager @ at Risk was distributed by Finance. Responses were received 5/27/05 and are in review
Projected FY 05/06	
Police	Status
Hire 5 new Police Officers	(5) officers expected to be hired 7/05
Purchase 5 new Police vehicles	(5) vehicles expected to be received 10/05
Fire	Status
Develop/construct NW Fire Station/Training facility*	A Request for Qualifications for Construction Manager @ at Risk was distributed by Finance. Responses were received 5/27/05 and are in review
Fire Engine*	Recommended change from the original plan to purchase an Engine rather than a Quint Fire apparatus
Acquire 2 acres for SE Fire Station*	The location of the property is part of the South East Master Plan

* Includes General fund and Impact Fees

Accountability

At its March 29, 2004 meeting, Council approved an item which detailed various accountability policies for City staff to implement. A summary of these and the status of the each are detailed below:

- **Expand City's audit engagement to include Measure T** - the Finance Department is finalizing an engagement letter with M. Green and Co. CPA firm to perform a progress audit to ensure adherence to the plan as written.
- **Annual review by the Citizens Advisory Committee (CAC)** – the CAC has created a Measure T subcommittee consisting of 6 members (Ed Blanco, Tim Foster, Tom Sherry, Amarik Singh, Shawn Smith and Brian Summers). The charge of the subcommittee is to

review the Measure T plan annually and make a recommendation to the entire CAC on recertification of the plan. The subcommittee has met multiple times with City staff, including the City Manager, and most recently with Police Chief Barker and Fire Chief Sandoval to review the progress made on the plan. At its June 1, 2005 monthly meeting, the subcommittee made a motion to recertify the plan with the change in Fire as noted. The CAC concurred with the recommendation and moved to approve.

- **City manager recertification of the Plan** – City Manager recommends recertification of the Plan as outlined in the Measure T ballot.

Additionally, the City committed to and has implemented the following structure and policies:

- **Establish a separate Measure T fund and two subfunds**– two funds have been established, one for Police (1121) and one for Fire (1122)
- **The subfunds will earn or be charged interest** – to date, the funds have a combined interest earnings of \$8,443, \$2,774 for Police and \$5,669 for Fire.
- **Advances must be repaid within 24 months** – in order to accelerate the purchase of Police vehicles, a General Fund advance was made at the end of FY 03/04 and subsequently repaid in early FY 04/05.
- **General Fund support for Public Safety may not be less than the prior year** – the table below confirms an annual increase in Public Safety General Fund spending, excluding Measure T:

	FY 03/04	FY 04/05	FY 05/06
	Actual	Projection	Budget
Police	19,044,197	20,037,700	22,642,252
Fire	8,075,548	8,948,300	9,438,512

- **Establish an economic uncertainty fund of 25%** - the economic uncertainty fund is established only after the current year plan is funded. The intent is to have a reserve account of 25% of the current year revenues. Projected revenues are \$3.9 million. Therefore, the Police and Fire economic uncertainty funds have been set up at \$0.585 and \$0.390 million, respectively. Table II, Measure T Financial Status, provides an update of projected revenues and expenses in FY 04/05.

TABLE II
Measure T Financial Status
FY 04/05

	Police		Fire		Total	
	<u>Budget</u>	<u>Projected</u>	<u>Budget</u>	<u>Projected</u>	<u>Budget</u>	<u>Projected</u>
Revenues	2,700,000	2,340,000	1,800,000	1,560,000	4,500,000	3,900,000
Investment Earnings	-	3,000	-	6,000	-	9,000
Total Revenues	2,700,000	2,343,000	1,800,000	1,566,000	4,500,000	3,909,000
Salary & Benefits	477,100	320,474	-	-	477,100	320,474
Spec. Dept. Exp.	-	8,000	-	-	-	8,000
Prof. Services	-	5,500	-	3,500	-	9,000
Interest Expense	-	2,500	-	20	-	2,520
Capital Improvements	2,023,741	250,000	358,948	1,000	2,382,689	251,000
Vehicle/Audit	39,500	39,500	20,000	20,000	59,500	59,500
Total Expenditures	2,540,341	625,974	378,948	24,520	2,919,289	650,494
Economic Uncertainty Fund	-	585,000	-	390,000	-	975,000
Rev over/(under) exp	159,659	1,132,026	1,421,052	1,151,480	1,580,711	2,283,506

- **Accelerate plan implementation in the event revenues exceed plan amounts –** revenues do not exceed the plan, so the plan is not being accelerated.

Revenues

Table III, Measure T Receipts – 04/05, projects the Measure T receipts. Cash collections are estimated to fall short of the budget by \$600,000. This shortfall is primarily due to differences in how point of sale and district sales taxes are applied to sales of vehicles, construction materials and business to business where the ultimate destination is outside Visalia. If the final destination sale is outside Visalia, the purchase is not subject to the ¼ cent sales tax, which was not anticipated when the Measure T revenue budget was prepared. Approximately \$240 million of such sales occur in Visalia each year.

Although the shortfall is significant, it should not warrant a change to the original plan, at least not yet. The plan anticipated accumulating resources during the first years of the plans life. The accumulation will be less at the outset than planned. It is recommended that City staff closely monitor the Measure T cash flow as opposed to the demands of the plan over the next fiscal year and report back to Council on the status of the fund. Future growth may bridge this funding gap.

Table III
Measure T Receipts - 04/05

	<u>Budget</u>	<u>31-Mar</u>	<u>Projections</u>		<u>Projected Variance</u>
			<u>June 30 Cash</u>	<u>Full Year</u>	
Police	2,700,000	1,298,732	1,134,026	2,340,000	360,000
Fire	1,800,000	871,506	1,151,480	1,560,000	240,000
Total	4,500,000	2,170,238	2,285,506	3,900,000	600,000

Summary

Measure T is being implemented according to plan. The plan calls for a cash balance of \$3.5 million at the end of the first year, which is projected to be \$2.3 million. The remaining cash balance is for future planned capital and infrastructure expenditures such as (2) police precincts and the Northwest Fire Station. The difference of \$1.2 million can be attributed to the funding of the economic uncertainty fund in the amount of \$975k as well as a shortfall in anticipated revenues as discussed. However, given these facts, the City Manager recommends recertification of the plan with one additional change; to accommodate the purchase of a fire engine rather than a Quint apparatus. With regards to the revenue shortfall, as noted above, it is recommended that City staff closely monitor sales tax receipts as the plan progresses.

Prior Council/Board Actions:

December 2, 2003 – Council agenda item authorizing an ordinance to a tax ballot measure for a ¼ cent tax

March 29, 2004 – Council review of the proposed implementing actions and direct staff as appropriate (includes fiscal accountability measures).

April 5, 2004 - adoption of resolution certifying the results of the Measure T ballot.

June 28, 2004 – certification of the Measure T plan

March 28, 2005 – recommendation for staff to monitor revenues and revise the Measure T plan if revenues significantly vary from projections.

March 28, 2005 – accelerate the hiring of Measure T personnel and capital expenditures from FY 05/06.

Committee/Commission Review and Actions:

Alternatives: Recertify the plan with changes to be determined

Attachments: Memorandum from the Citizens Advisory Committee
Visalia Public Safety Tax Measure Program Guidelines as approved by City Council December 2, 2003

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to accept recertification of the Measure T plan, with one additional change as noted.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

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

Agenda Item Wording: City Council approval of Resolution No. 2005-78 adopting the 2005-06 appropriations limit for the City of Visalia General Fund.

Deadline for Action: June 30, 2005

Submitting Department: Administrative Services - Finance

Contact Name and Phone Number:

Eric Frost, Administrative Services Director	713-4474
Ruth Martinez, Financial Analyst	713-4327

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.): ____

Department Recommendation and Summary:

That the City Council adopt Resolution No. 2005-78 establishing the appropriations limit for the 2005-06 fiscal year of \$82,807,600 for the General Fund.

Discussion:

The Appropriation Limitation imposed by Propositions 4 and 111 creates a restriction on the amount of revenue which can be appropriated in any fiscal year. The Limit is based on actual appropriations during the 1978-79 fiscal year and is increased each year by a factor comprised of the change in population combined with the change in California per capita personal income.

The only fund subject to limit is the General Fund.

The State of California Department of Finance is mandated to provide the population and California per capita personal income change data for local jurisdictions to calculate their appropriations limits.

Based on the following data received from the Department of Finance, a population change of 3.88 and per capita income change of 5.26, the appropriations limit for 2005-06 is \$82,807,600. The total appropriation subject to limitation for the 2005-06 fiscal year is \$38,833,000 which is well under the appropriations limit.

Any challenge to the appropriations limit must be brought within 45 days from the effective date of the resolution.

Prior Council/Board Actions: Budget Adoption, June 29, 2004

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Attachment 1 - Calculation Worksheets

Attachment 2 - CA Department of Finance – Price and Population Information

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Financial Impact

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

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

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

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
ESTABLISHING THE 2005-06 APPROPRIATIONS LIMIT

WHEREAS, in 1979, California voters approved Proposition 4 (Article XIII-B of the California State Constitution). Informally known as the "Gann Initiative," Article XIII-B provides limits to the amount of tax proceeds state and local governments can spend each year.

WHEREAS, in 1980, the State Legislature added Section 9710 of the Government Code stating that the governing body of each City must establish, by resolution, an appropriations limit for the following year. The limit for any fiscal year is equal to the previous year's limit, adjusted for population changes and the change in the U.S. Consumer Price Index (or California per capita personal income, if smaller). The necessary statistical information is provided by the California Department of Finance.

WHEREAS, Proposition 111 modified Article XIII-B. A City may choose which annual adjustments to use. The adjustment factors include the growth in the California Per Capita Income, or the growth in the non-residential assessed valuation due to construction within the City and the population growth within the City or county.

AND IT FURTHER provided for the 2005-06 fiscal year, any challenge to the appropriations limit must be brought within 45 days from the effective date of the resolution.

NOW, THEREFORE, BE IT RESOLVED that the appropriations limit as defined by Propositions 4 and 111 is set at \$82,807,600 for 2005-06 fiscal using a percentage change growth factor of 3.88 and change in per capita income of 5.26 as established by the California Department of Finance.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

Agenda Item Number: 14e

Agenda Item Wording: Approve the appointments of Bob Taylor and Jon Raius to the Historic Preservation Advisory Committee, approve Brian Albertoni and Niessen Eric Foster as alternate members to the Committee, and approve the reappointment of Jesus Gutierrez to the Committee.

Deadline for Action: None

Submitting Department: Community Development and Public Works Department – Planning

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

Contact Name and Phone Number:

Brandon Smith, Associate Planner – 713-4636

Recommendation and Summary:

The Citizens Advisory Committee recommends that the City Council appoint Bob Taylor and Jon Raius to the Historic Preservation Advisory Committee, approve Brian Albertoni and Niessen Eric Foster as alternate members to the Committee, and approve the reappointment of Jesus Gutierrez to the Committee. The two appointed members would be replacing Nick Leontiff, who has completed serving his second consecutive term on the committee, and Greg Romanazzi, who has completed one term on the committee but could not serve a second term due to personal commitments.

The Historic Preservation Advisory Committee is a seven person committee which reviews applications for projects and alterations to designated buildings within the City's Historic District and the Local Register of Historic Structures. This Committee meets twice a month.

The Committee will have the needed seven members with the recommended appointment of Bob Taylor and Jon Raius. The inclusion of Brian Albertoni and Niessen Eric Foster as alternates will allow the Committee to maintain seven members in the event that members need to leave the committee. As an alternate, either Mr. Albertoni or Mr. Foster would be recommended by the Committee to the Council for appointment to complete a term upon the resignation of another member.

Mr. Taylor has much background experience with serving on various Committees with the City, including the Sign Ordinance Recovery Committee, Resource Recovery Committee, and Energy Committee. He is a retired principal for Sierra Vista High School in Tulare. Mr. Raius is a semi-retired general building contractor, and has previously served on the Historic Preservation Committee. Mr. Taylor and Mr. Raius were recommended by the Historic Committee based upon their past experience with City committees and interest in historic preservation.

Mr. Albertoni has traveled internationally to over 60 countries with his profession as the Director of Marketing with World Wide Sires, and has a strong passion towards architecture and preserving Visalia's historical integrity. Mr. Foster, who is a letter carrier with the U.S. Postal Service, has familiarity with the local government structure having served with the Visalia Unified School Board.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: On June 1, 2005, the Citizens Advisory Committee reviewed the recommendation from the Historic Committee and moved to send this recommendation to the City Council.

Alternatives: None recommended

Attachments:

- Committee Applications for applicants

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to approve the appointments of Bob Taylor and Jon Raius to the Historic Preservation Advisory Committee, approve Brian Albertoni and Niessen Eric Foster as alternate members to the Committee, and approve the reappointment of Jesus Gutierrez to the Committee.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? No

Review and Action: Prior:
Require:

NEPA Review:

Required? No

Review and Action: Prior:
Require:

Tracking Information:

Anticipated schedule of review: None.

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: June 20, 2005

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

Agenda Item Wording: Second Reading of Ordinance 2005-06 declaring 1415 N. Tipton surplus property. Property to be purchased by the Redevelopment Agency for an affordable housing project

Deadline for Action: none

Submitting Department: Community Development
and Public Works

Contact Name and Phone Number: David Jacobs – 713-4492

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 min.

Department Recommendation and Summary: Staff recommends the City Council authorize the second reading of Ordinance 2005-06 declaring 1415 N. Tipton surplus property.

1415 N. Tipton was purchased for the Houston Widening project. The property is located at the northeast corner of Santa Fe Street and Houston Avenue. The Houston Avenue project will construct a round about at the intersection of Houston, Santa Fe and NE 5th.

The Engineering Division normally holds onto excess property until the project is completed. This allows for a lay down area for the contractor and a place to store and retrieve excess dirt. This property however is located behind a block wall which does not allow the property to be used for the project.

The Redevelopment Agency is willing to purchasing the property for an affordable housing project. The appraised value of the lot according to a Hopper appraisal is \$35,000. Once the Redevelopment Agency has purchased the property they will work with the local non profit agencies to complete an affordable housing project. Once a non-profit agency has been located the Redevelopment Agency will come back to Council for approval of the project.

Prior Council/Board Actions: First reading of Ordinance No. 2005-06 approved on June 6, 2005

Committee/Commission Review and Actions: None

Alternatives:N/A

Attachments: Ordinance, Location map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the second reading of the Ordinance 2005-06 declaring 1415 N. Tipton surplus property.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

ORDINANCE NO. 2005-06
DECLARING 1415 N. TIPTON SURPLUS
AND DECLARING INTENT TO SELL TO
VISALIANS INTERESTED IN AFFORDABLE HOUSING
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City of Visalia owns all the legal and beneficial interest in certain real property commonly referred to as APN 091-211-001, and commonly known as 1415 N. Tipton Street, and

Section 2: Said real property is more particularly and legally described in Exhibit "A" attached hereto and made a part hereof

Section 3: The City Council of the City of Visalia, having considered evidence submitted in oral and written form, finds the subject real property is not now, nor will be of public use or necessity, and

Section 4: The City of Visalia wishes to sell real property and the rights and entitlement, and

Section 5: Having found the subject property to have no further public use or necessity, the Council declares said property to be surplus and hereby authorizes the sale of said property

Section 6: This ordinance shall become effective thirty days after passage hereof.

PASSED AND ADOPTED:

Bob Link, Mayor

ATTEST:

APPROVED BY CITY ATTORNEY:

Steven M. Salomon, City Clerk

Daniel M. Dooley

EXHIBIT 'A'

1415 N. Tipton Legal Description

Lot 1 of Katie Village Subdivision, in the City of Visalia, County of Tulare, State of California, as per Map recorded in Book 30, Page 23 of Maps in the office of the County Recorder of said County,

Excepting the following described property:

Beginning at the southwest corner of said Lot1
Thence along the east line of said Lot 1, N 0°05'36" W, 10.00 feet;
Thence along a line parallel and 10.00 feet north of the south line of said Lot 1, N89°50'25"W, 108.10 feet to the beginning of a curve concave northeasterly with a radius of 40.00 feet;
Thence northwesterly 32.72 feet along said curve through a central angle of 46°51'57" to the beginning of a compound curve concave to the east, having a radius of 89.00 feet;
Thence northerly 63.50 feet along said curve through a central angle of 40°52'54" to the north line of said lot 1;
Thence along said north line S89°54'24"E, 0.96 feet to the northwest corner of said Lot 1;
Thence along the west line of said Lot 1, S00°07'09"E, 80.00 feet to the southwest corner of said Lot 1;
Thence along the south line of said Lot 1, S89°50'25"E, 161.89 feet to the point of beginning

Said lot contains 7909.26 square feet

City of Visalia Agenda Item Transmittal

Meeting Date: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 14f(2)

Agenda Item Wording: Adoption of Ordinance 2005-07, authorizing award of bid no. 04-05-58, a ten year Lease of Farm Land, to Koetsier Dairies. The Property is located at the northwest corner of Ave. 280 and Highway 99. Ordinance 2005-07 required.

Deadline for Action: June 30, 2005

Submitting Department: Community Development and Public Works

Contact Name and Phone Number: David Jacobs, Assistant Director, 713-4492; Jim Ross, Utilities Manager, 713-4466

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

Department Recommendation

Staff recommends that Council adopt Ordinance 2005-07 and award bid no. 04-05-58, Lease of Farmland, to Koetsier Dairies. This ten year lease of 202.5 acres of farmland, located at the northwest corner of Ave 280 and Highway 99, is valued at \$470,804.40 over a ten year period.

Discussion

The City of Visalia wastewater fund owns a 900 acre parcel of farm land located on Ave 280, between Highway 99 and Road 68. The site has been in walnut production for approximately 35 years. Due to declining production, 250 acres of walnut trees were recently removed. This portion, near the northwest corner of Ave 280 and Highway 99, is now ready for other crop uses. Not included in this lease agreement is the westernmost 50 acres whose use has not yet been determined.

The City of Visalia issued Request for Bids (RFB) 04-05-58 for a ten year lease of 202.5 acres of the property. The following six bids were received:

Bidder	10-year lease price
Koetsier Dairy	\$470,804.40
Bebereia Farms	\$287,996.00
Bassett Farms	\$283,500.00
Sharp	\$243,000.00
Bob Brazil	\$240,050.00
Shuklian Farms	\$50,625.00

Due to the condition of the land, a significant investment of time and money will be required during the first several years of this lease. For example, the land must be ripped and cross-ripped in order to expose and remove tree roots. These roots must then be hand loaded onto trailers, shredded and hauled away. Additional root removal will be required during the first few years of this lease. Root removal must be followed by leveling. The lease period of ten years will allow Lessee time to recover their initial investment.

Lease payments will be made based on the following schedule:

Year of Lease	Payment per acre	Number of acres	Annual total
Year 1	0	202.5	\$0
Year 2	100	202.5	\$20,250
Year 3	190.62	202.5	\$38,600.55
Year 4	290.62	202.5	\$58,850.55
Year 5	290.62	202.5	\$58,850.55
Year 6	290.62	202.5	\$58,850.55
Year 7	290.62	202.5	\$58,850.55
Year 8	290.62	202.5	\$58,850.55
Year 9	290.62	202.5	\$58,850.55
Year 10	290.62	202.5	\$58,850.55
Total 10-year lease amount			\$470,804.40

Koetsier Dairy is located on Ave 280, directly south of the subject property. They have been at this location for over 30 years where they farm 140 acres. In addition, they farm an additional 65 acres near the Highway 99 and Highway 198 interchange.

Should additional sections of walnut trees be removed during the course of this agreement, Lessee shall be allowed to lease the additional acres upon mutually agreeable terms and conditions. In addition, the City may terminate or withdraw portions of land from this agreement, without penalty, upon twelve months notice.

Prior Council/Board Actions: First reading of Ordinance approved on June 6, 2005.

Committee/Commission Review and Actions: None

Alternatives: N/A

Attachments: Site map
Ordinance 2005-07

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Move to adopt Ordinance 2005-07 and award bid no. 04-05-58, a ten-year lease of 202.5 acres of farmland, located at the northwest corner of Ave 280 and Highway 99, to Koetsier Dairies.

Financial Impact

Funding Source:

Account Number: 4311-642952-43432

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$ \$470,804.40
Amount Budgeted: \$	Lost Revenue: \$	
New funding required: \$	New Personnel: \$	
Council Policy Change: Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Annual billing in December beginning 12/05 ending 12/14.

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

ORDINANCE NO. 2005-07
TEN YEAR LEASE OF FARMLAND
TO KOETSIER DAIRY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City of Visalia owns all the legal and beneficial interest in certain real property commonly referred to as APN 119-010-021, and, commonly known together with APN 118-020-037 and APN 118-020-036 as the City of Visalia walnut orchard, and

Section 2: Said real property is more particularly and legally described in Exhibit "A" attached hereto and made a part hereof and describes the parcel to be Leased to Koetsier Dairy, and

Section 3: The City Council of the City of Visalia, having considered evidence submitted in oral and written form, finds the subject real property is useful as farmland, and

Section 4: The City of Visalia wishes to lease to Koetsier Dairy, and Koetsier Dairy wishes to lease from City of Visalia 202.5 acres said real property and the rights and entitlement, all on the terms and conditions set forth in a Lease Agreement, and

Section 5: The City of Visalia wishes to lease to Koetsier Dairy and Koetsier Dairy wishes to lease from City of Visalia additional portions of property as may become available for lease during the course of the lease agreement, upon mutually agreeable terms and conditions, and

Section 6: The Council Hereby authorizes said property to be leased to Koetsier Dairy per the terms and conditions of the above-mentioned agreement.

Section 7: This ordinance shall become effective immediately after passage hereof.

PASSED AND ADOPTED:

Bob Link, Mayor

ATTEST:

APPROVED BY CITY ATTORNEY:

Steven M. Salomon, City Clerk

Daniel M. Dooley

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

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

Agenda Item Wording: Authorization to record the amended final map of The Villas at Bella Sera Subdivision, located at the Northeast corner of Akers Street and Goshen Avenue.

APN: 077-080-030

Deadline for Action: July 18 2005

Submitting Department: Community Development and Public Works Department

Contact Name and Phone Number:

Greg Dais 713-4164
Andrew Benelli 713-4340

Department Recommendation and Summary: The recommendation is that City Council approve the recordation of the amended final map of The Villas at Bella Sera Subdivision containing 150 single family lots. All bonds, cash payments, and subdivision map agreement were submitted with the original map submittal. The purpose of the amended map is to divide the one large common area lot for street purposes into several smaller common area lots (lots M, N, O, P, Q, R and S as shown on the attached map) for street purposes. No change in lot design will occur as a result of the amended map.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: The tentative subdivision map for The Villas at Bella Sera Subdivision was first approved by Planning Commission on June 28, 2004 with the expiration date of June 28, 2006.

The original final subdivision map was approved by City Council on January 10, 2005.

Alternatives: N/A

Attachments: Location sketch and subdivision map.

City Manager Recommendation:

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

Recommended Motion (and Alternative Motions if expected): Move to authorize recordation of the amended final map of The Villas at Bella Sera Subdivision.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior: Environmental finding completed for tentative subdivision map.
Required:

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: June 20, 2005

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

Agenda Item Wording: Authorize the Recordation of the final subdivision map for Mota Estates, Tentative Subdivision Map No. 5437, located on the north side of Hurley Avenue and east of Tommy Street. APN: 085-530-05

Deadline for Action: N/A

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340

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

Department Recommendation and Summary:

Staff recommends that City Council approve the recordation of the final subdivision map for Mota Estates (Tentative Subdivision Map 5437). This subdivision map divides 2.0 acres into five parcels. Four of the lots are from 19,800 square feet to 23,529 square feet. The map also includes a common lot that will be used for landscaping along Hurley Avenue. All bonds, cash payments, subdivision agreement and final subdivision map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond (deposit) in the amount of \$17,654.70 and Labor and Material Bond (deposit) in the amount of \$8,827.35; 3) cash payment of \$12,377.62 distributed to various accounts; and 4) Final Subdivision 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. The developers have submitted cash deposits to serve as the Faithful Performance Bond and the Labor and Materials Bond. 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 (or cash deposit) valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final parcel 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 parcel map.

The Tentative Subdivision Map for this project was initially approved by the Planning Commission on March 22, 2004. However, the applicant did appeal one of the Conditions of Approval that was required by the Planning Commission. The applicants requested a change in a condition that required that a block wall be constructed twenty-five feet from the Hurley right of way limit. The City Council approved the appeal which reduced the setback distance to ten feet.

The Conditions of Approval for the Tentative Subdivision Map require that a Landscaping and Lighting Assessment District be formed to maintain the "landscaping and fences and/or walls along the public street frontages and open space area of the subdivision." The Conditional Use Permit for the development requires that a Homeowners Association be formed "for the maintenance of the "private street, gate, and any landscaping specific to the private portion of the subdivision." Staff recommends that the developer not be required to form the Landscaping and Lighting District and that instead the Homeowners Association is given the responsibility of maintaining the block wall and landscaping along Hurley Avenue. The developers have formed the homeowners association and have submitted a copy of the Homeowners' Articles of Association for City files.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: Tentative Subdivision Map 2004-22 was approved by the Planning Commission on December 13, 2004. The tentative subdivision map will expire on December 13, 2006.

Alternatives: N/A

Attachments: Location Map, Tentative Parcel Map

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the final subdivision map for Hurley Estates, located north of Hurley Avenue and east of Tommy Street.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Exhibit "A"

Location Map

Location: 5808 W. Hurley Avenue (APN: 085-530-05)



Location Map

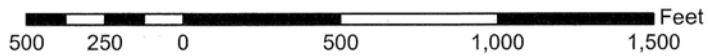
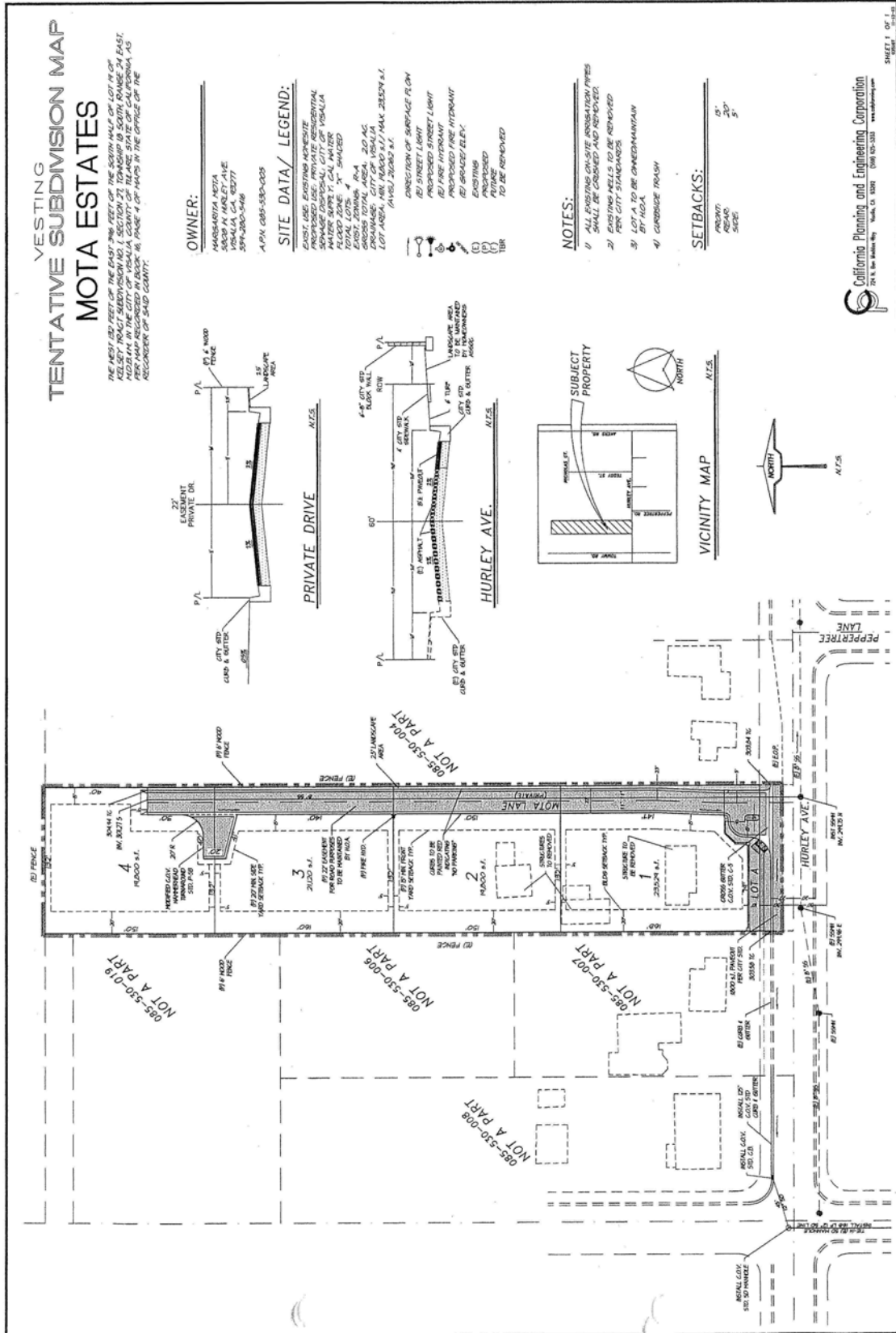


Exhibit "B"

Tentative Subdivision Map



VESTING TENTATIVE SUBDIVISION MAP MOTA ESTATES

THE WEST 150 FEET OF THE EAST 300 FEET OF THE SOUTH HALF OF LOT 10 OF KELSEY TRACT, SUBDIVISION NO. 1, SECTION 27, TOWNSHIP 19 SOUTH, RANGE 24 EAST, MERIDIAN 12 WEST, SAN DIEGO COUNTY, CALIFORNIA, AS PER MAP RECORDED IN BOOK 16, PAGE 4 OF MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

OWNER:
 MARGARITA MOTA
 5809 N. HARLEY AVE.
 SAN DIEGO, CA 92177
 619-594-5448

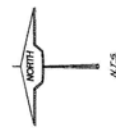
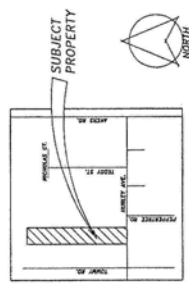
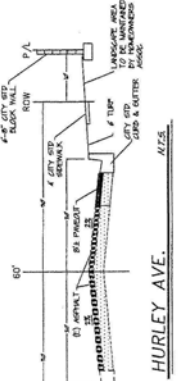
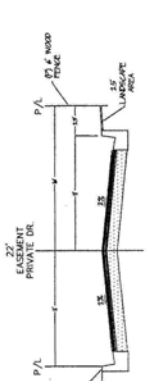
SITE DATA / LEGEND:
 EAST, LANE, EXISTING ACRESITE
 PROPOSED USE: PRIVATE RESIDENTIAL
 PROPOSED LOT AREA: 200 SQ. FT.
 WATER SUPPLY: CAL. WATER
 FLOOD ZONE: "X" SHADED
 EXIST. ZONING: R-1
 GROSS TOTAL AREA: 200 SQ. FT.
 LOT AREA, MIN. ROAD S.I. / MAX. 23.524 S.I.
 (AVG.) 20.00 S.I.

- (1) CONVECTION OF SURFACE FLOW
- (2) STREET LIGHT
- (3) PROPOSED STREET LIGHT
- (4) FIRE HYDRANT
- (5) BRIDGE/DECK
- (6) EXISTING
- (7) PROPOSED
- (8) FUTURE
- (9) TO BE REMOVED

NOTES:
 1) ALL EXISTING ON-SITE IRRIGATION PIPES SHALL BE CRUSHED AND REMOVED.
 2) EXISTING WELLS TO BE REMOVED.
 3) PER CITY STANDARDS.
 4) PER CITY STANDARDS.
 5) PER CITY STANDARDS.
 6) GARBAGE TRASH

SETBACKS:
 FRONT: 5'
 REAR: 20'
 SIDE: 5'

California Planning and Engineering Corporation
 70 N. San Marcos Ave., Suite 10, 92108 (619) 521-3333
 www.cpecorp.com
 SHEET 1 OF 1
 DATE: 05-14-05



**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

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

Agenda Item Wording: Authorize the Recordation of the Final Map for Silver Oaks Unit #1, located Southwest corner of Demaree Street and Ferguson Ave. (81 lots) and the Formation of Landscape and Lighting District No. 05-16, Silver Oaks Units 1 through 3 (258 Lots) (Resolution Nos. 05-79 and 05-80 required). APN: 077-080-12

Deadline for Action: June 20, 2005

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Peter Spiro 713-4256

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

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for Silver Oaks Unit #1 containing 81 Lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$871,524.91 and Labor and Material Bond in the amount of \$435,762.46; 3) cash payment of \$157,390.27 distributed to various accounts; and 4) Final Map.

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

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-79 Initiating Proceedings for Formation of Assessment District No. 05-06, Silver Oaks; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-80 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. This development is planned to be done in several phases, the first unit contains 81 Lots while the second unit has 79 Lots, and the third has 98 Lots. The second and the third phases are anticipated to be recorded in the next two upcoming city council meetings.

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

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

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

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Silver Oaks Unit #1 and I move to adopt Resolution No. 05-79 Initiating Proceedings for Formation of Assessment District No. 05-16 "Silver Oaks" and adopt Resolution No. 05-80 Ordering the Improvements for Assessment District No. 05-16 "Silver Oaks."

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 05-79

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 05-16

Silver Oaks

(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements.

2. The proposed district shall be designated Assessment District No. 05-16, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-16, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Silver Oaks".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-16

Silver Oaks

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-16, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 20th day of June, 2005 by its Resolution No. 05-79 & 80

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

RESOLUTION NO. 05-80

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-16
Silver Oaks
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-16, 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 2004-05.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram Assessment District No. 05-16 City of Visalia, Tulare County, California



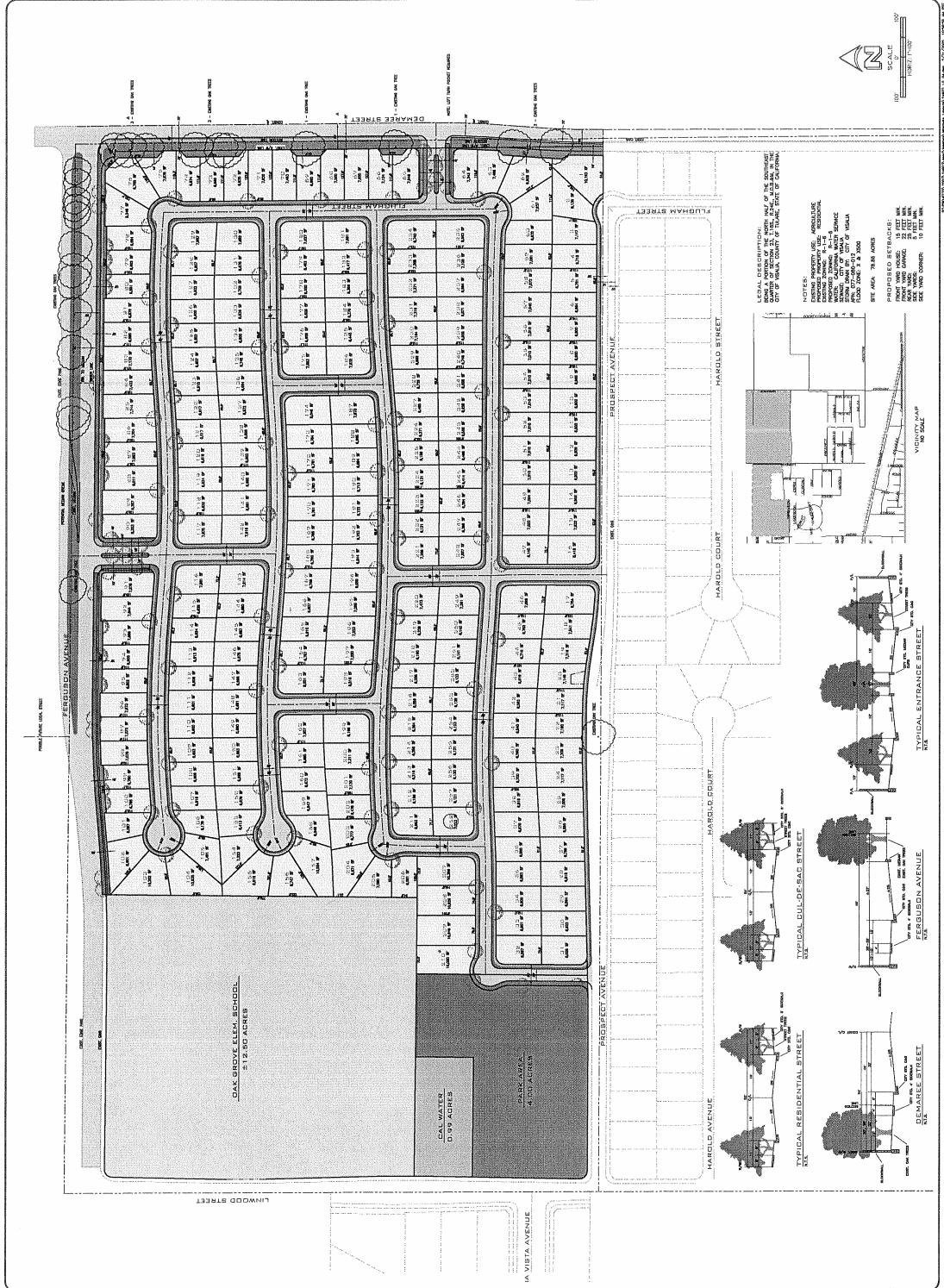
THE
ENGINEERING
FIRM
1818 S. COLLEGE ST.
VISALIA, CA 93277
PHONE (559) 832-8888
FAX (559) 832-8840

DATE	BY	DESCRIPTIONS

DATE	APPROVED BY	DESCRIPTION

SILVER OAKS
APN: 077-080-012
CITY OF VISALIA
MANAGAN HOMES
1501 S. COLLEGE ST.
VISALIA, CA 93277
PHONE (559) 827-1200

TITLE	MANAGAN HOMES
SCALE	AS SHOWN
DATE	05/17/05
JOB NUMBER	248-03
SHEET	1



LEGAL DESCRIPTION:
SILVER OAKS, A COMMUNITY DEVELOPMENT PROJECT, CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA.

NOTES:
1. EXISTING PROPERTY LINES, ARCHITECTURE, AND UTILITIES SHOWN FOR INFORMATION ONLY. THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN.
2. THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN.
3. THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN.
4. THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN.

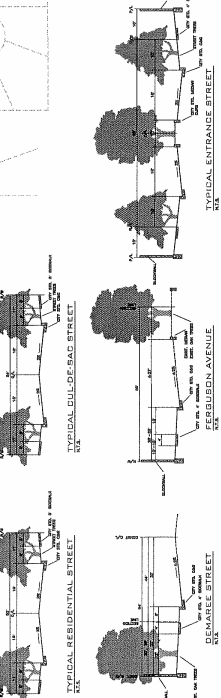


Exhibit "B"

Landscape Location Diagram
Silver Oaks

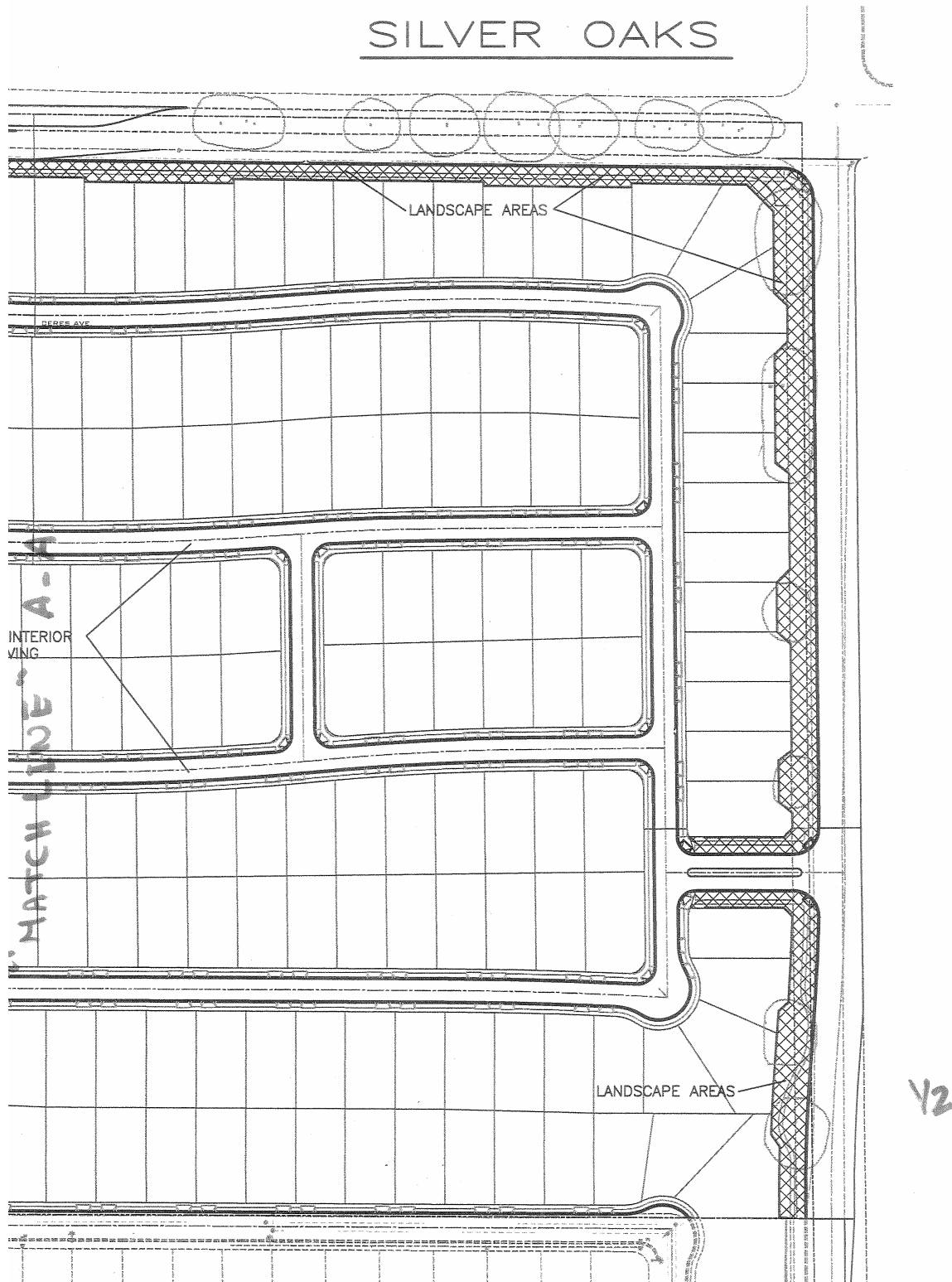


Exhibit "B"

Landscape Location Diagram Silver Oaks

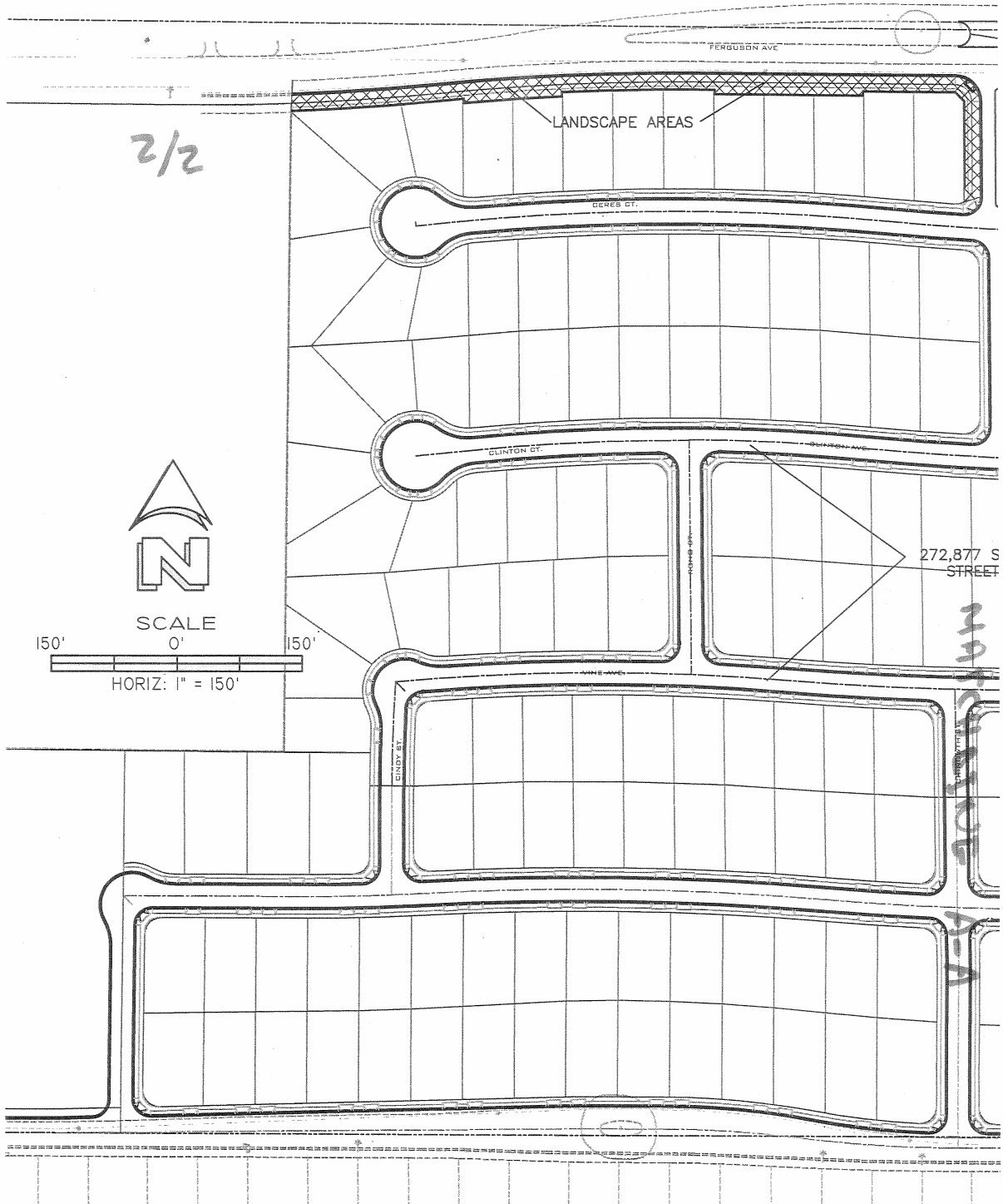


Exhibit "C"Tax Roll Assessment
Silver Oaks
Fiscal Year 2004-05

APN #	Assessment	Owner	Lot #	District
To Be Assigned	\$282.92	To Be Assigned	05-1601	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1602	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1603	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1604	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1605	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1606	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1607	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1608	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1609	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1610	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1611	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1612	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1613	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1614	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1615	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1616	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1617	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1618	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1619	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1620	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1621	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1622	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1623	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1624	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1625	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1626	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1627	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1628	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1629	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1630	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1631	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1632	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1633	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1634	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1635	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1636	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1637	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1638	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1639	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1640	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1641	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1642	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1643	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1644	Silver Oaks

Exhibit "C"

Tax Roll Assessment
Silver Oaks
Fiscal Year 2004-05

To Be Assigned	\$282.92	To Be Assigned	05-1645	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1646	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1647	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1648	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1649	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1650	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1651	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1652	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1653	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1654	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1655	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1656	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1657	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1658	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1659	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1660	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1661	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1662	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1663	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1664	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1665	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1666	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1667	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1668	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1669	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1670	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1671	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1672	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1673	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1674	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1675	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1676	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1677	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1678	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1679	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1680	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1681	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1682	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1683	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1684	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1685	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1686	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1687	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1688	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1689	Silver Oaks

Exhibit "C"

Tax Roll Assessment
Silver Oaks
Fiscal Year 2004-05

To Be Assigned	\$282.92	To Be Assigned	05-1690	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1691	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1692	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1693	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1694	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1695	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1696	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1697	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1698	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-1699	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16100	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16101	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16102	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16103	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16104	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16105	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16106	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16107	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16108	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16109	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16110	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16111	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16112	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16113	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16114	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16115	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16116	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16117	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16118	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16119	Silver Oaks
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To Be Assigned	\$282.92	To Be Assigned	05-16124	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16125	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16126	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16127	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16128	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16129	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16130	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16131	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16132	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16133	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16134	Silver Oaks

Exhibit "C"

Tax Roll Assessment
Silver Oaks
Fiscal Year 2004-05

To Be Assigned	\$282.92	To Be Assigned	05-16135	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16136	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16137	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16138	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16139	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16140	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16141	Silver Oaks
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To Be Assigned	\$282.92	To Be Assigned	05-16143	Silver Oaks
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To Be Assigned	\$282.92	To Be Assigned	05-16145	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16146	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16147	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16148	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16149	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16150	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16151	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16152	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16153	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16154	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16155	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16156	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16157	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16158	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16159	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16160	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16161	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16162	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16163	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16164	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16165	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16166	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16167	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16168	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16169	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16170	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16171	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16172	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16173	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16174	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16175	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16176	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16177	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16178	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16179	Silver Oaks

Exhibit "C"

Tax Roll Assessment
Silver Oaks
Fiscal Year 2004-05

To Be Assigned	\$282.92	To Be Assigned	05-16180	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16181	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16182	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16183	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16184	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16185	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16186	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16187	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16188	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16189	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16190	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16191	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16192	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16193	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16194	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16195	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16196	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16197	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16198	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16199	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16200	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16201	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16202	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16203	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16204	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16205	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16206	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16207	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16208	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16209	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16210	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16211	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16212	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16213	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16214	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16215	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16216	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16217	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16218	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16219	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16220	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16221	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16222	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16223	Silver Oaks
To Be Assigned	\$282.92	To Be Assigned	05-16224	Silver Oaks

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-16
Silver Oaks
Fiscal Year 2004-05

General Description

This Assessment District (District) is located at the southwest corner of Ferguson Avenue and Demaree Street. Exhibit "A" is a map of Assessment District 05-16. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The maintenance of pavement on local streets includes preventative maintenance by means including, but not limited to overlays, chip seals/crack seals and reclaimer (oiling). The total number lots within the district are 258.

Determination of Benefit

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

Method of Apportionment

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

Estimated Costs

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-16
Silver Oaks
Fiscal Year 2004-05

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.	31241	\$0.180	\$5,623.38
Shrub Area	Sq. Ft.	40947	\$0.180	\$7,370.46
Water	Sq. Ft.	72188	\$0.050	\$3,609.40
Electricity	Sq. Ft.	72188	\$0.008	\$577.50
Trees In Landscape Lots	Each	133	\$25.00	\$3,325.00
Trees In Local Street Parkways	Each	430	\$25.00	\$10,750.00
Street Lights	Each	44	\$105.00	\$4,620.00
Chip Seal (15 year cycle)	Sq. Ft.	304500	\$0.190	\$3,857.00
Crack Seal (8 year cycle)	Sq. Ft.	304500	\$0.02933	\$1,116.49
Reclamite (6 year cycle)	Sq. Ft.	304500	\$0.0211110	\$1,071.38
Overlays (10 year cycle)	Sq. Ft.	304500	\$0.65	\$19,792.50
Project Management Costs	Lots	258	\$18.00	\$4,644.00
 TOTAL				<hr/> \$66,357.11
10% Reserve Fund				\$6,635.71
 GRAND TOTAL				<hr/> <hr/> \$72,992.83
COST PER LOT				\$282.92

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:

$$A_{max} \text{ for any given year "n"} = (\$1,908.53) (1.05)^{(n-1)}$$

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-16
Silver Oaks
Fiscal Year 2004-05

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.

Example 1. The estimated year four cost of maintaining the improvements in the district is \$79,562.98 [a 9% increase over the base year estimated cost of \$1,908.53]. The maximum annual assessment for year four is \$84,498.33 [$A_{\max} = (\$1,908.53) (4-1) (1.05)$]. The assessment will be set at \$79,562.98 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 \$82,481.90 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$1,908.53]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$1,649.64 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 \$84,498.33 [$A_{\max} = (\$1,908.53) (4-1) (1.05)$]. The year four assessment will be set at \$82,481.90 plus the deficit amount of \$1,649.64 which equals \$84,131.54 [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 \$79,562.18 [a 9% increase over the base year assessment of \$1,908.53] and damage occurred to the masonry wall raising the year five expenses to \$97,065.86 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$87,518.4 (a 10% increase over the previous year) and below the maximum annual assessment of \$88,723.24 [$A_{\max} = (\$1,908.53) (5-1) (1.05)$]. The difference of \$8,342.62 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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-16
Silver Oaks
Fiscal Year 2004-05

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: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 14i(2)

Agenda Item Wording: Authorize the Recordation of the Final Map for Ashley Grove Estates Units 5&6, located On the East Side of Demaree Street, between Ferguson Ave and Riggan Ave. (96 lots) and the Formation of Landscape and Lighting District No. 05-14, Ashley Grove Units 3 through 6(163 Lots) (Resolution Nos. 05-81 and 05-82 required). APN: 089-010-09

Deadline for Action: June 20, 2005

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340

Peter Spiro 713-4256

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

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for Ashley Grove Estates Units 5&6 containing 96 Lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$1,495,628.10 and Labor and Material Bond in the amount of \$747,814.05; 3) cash payment of \$245,755.16 distributed to various accounts; and 4) Final Map.

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

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-81 Initiating Proceedings for Formation of Assessment District No. 05-14, Ashley Grove Units 3 through 6; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-82 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

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

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

Committee/Commission Review and Actions: The tentative subdivision map for Ashley Grove Estates subdivision was approved by the Planning Commission on September 22, 2003. The tentative map will expire on September 22, 2005.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Ashley Grove Estates Units 5&6 and I move to adopt Resolution No. 05-81 Initiating Proceedings for Formation of Assessment District No. 05-14 "Ashley Grove Units 3 through 6" and adopt Resolution No. 05-82 Ordering the Improvements for Assessment District No. 05-14 "Ashley Grove Units 3 through 6."

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 05-81

RESOLUTION INITIATING PROCEEDINGS
FOR FORMATION OF
ASSESSMENT DISTRICT 05-14
Ashley Grove Units 3 through 6
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The proposed district shall be designated "Assessment District No. 05-14, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-14, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Ashley Grove Units 3 through 6".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-14
Ashley Grove Units 3 through 6
(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-14, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 20th day of June, 2005 by its Resolution No. 05-81 & 82

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

RESOLUTION NO. 05-82

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-14
Ashley Grove Units 5 through 6
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for "Assessment District No. 05-14, 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 2004-05.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED:

Exhibit "A"

Assessment Diagram Assessment District No. 05-14 City of Visalia, Tulare County, California

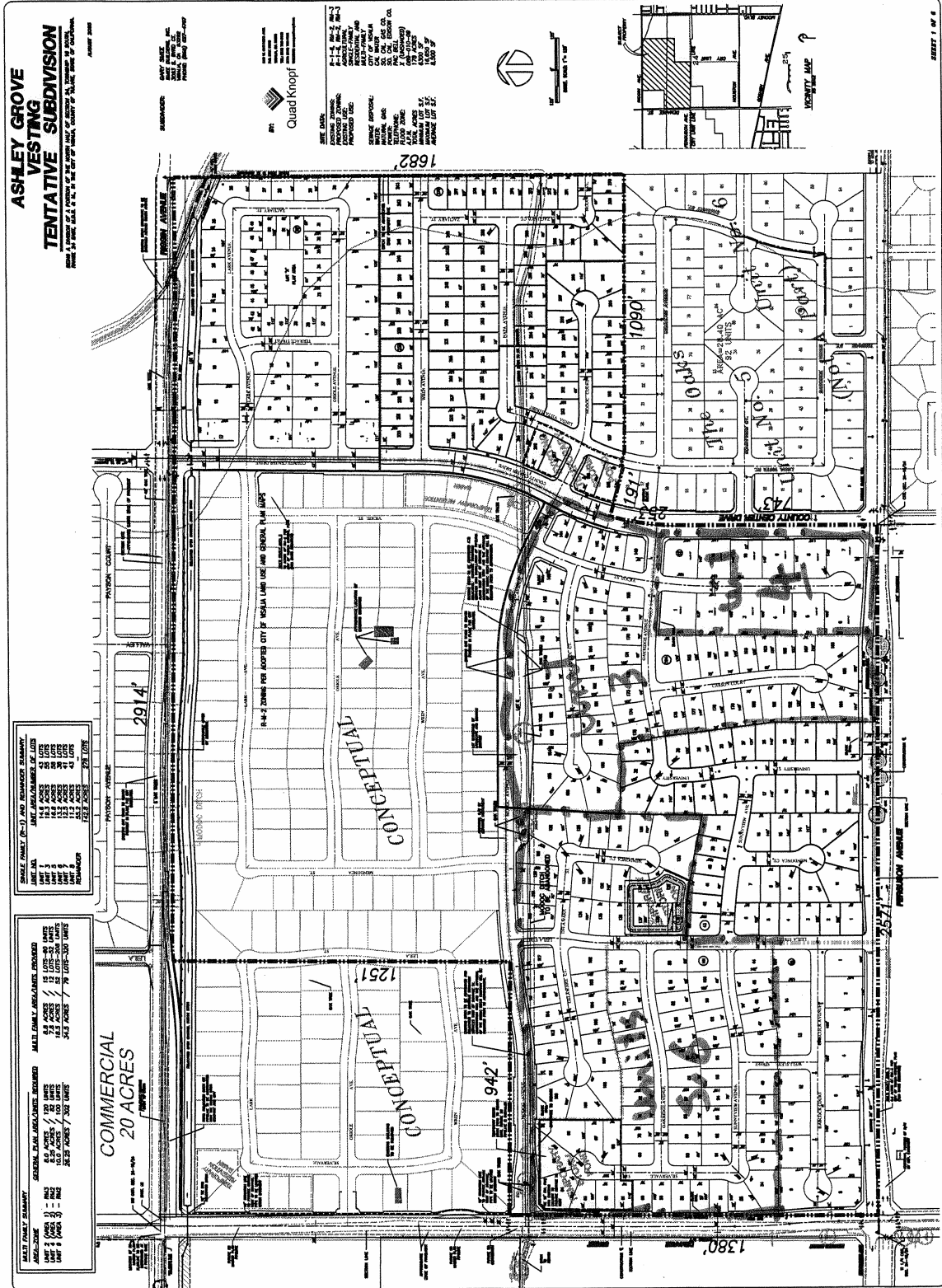
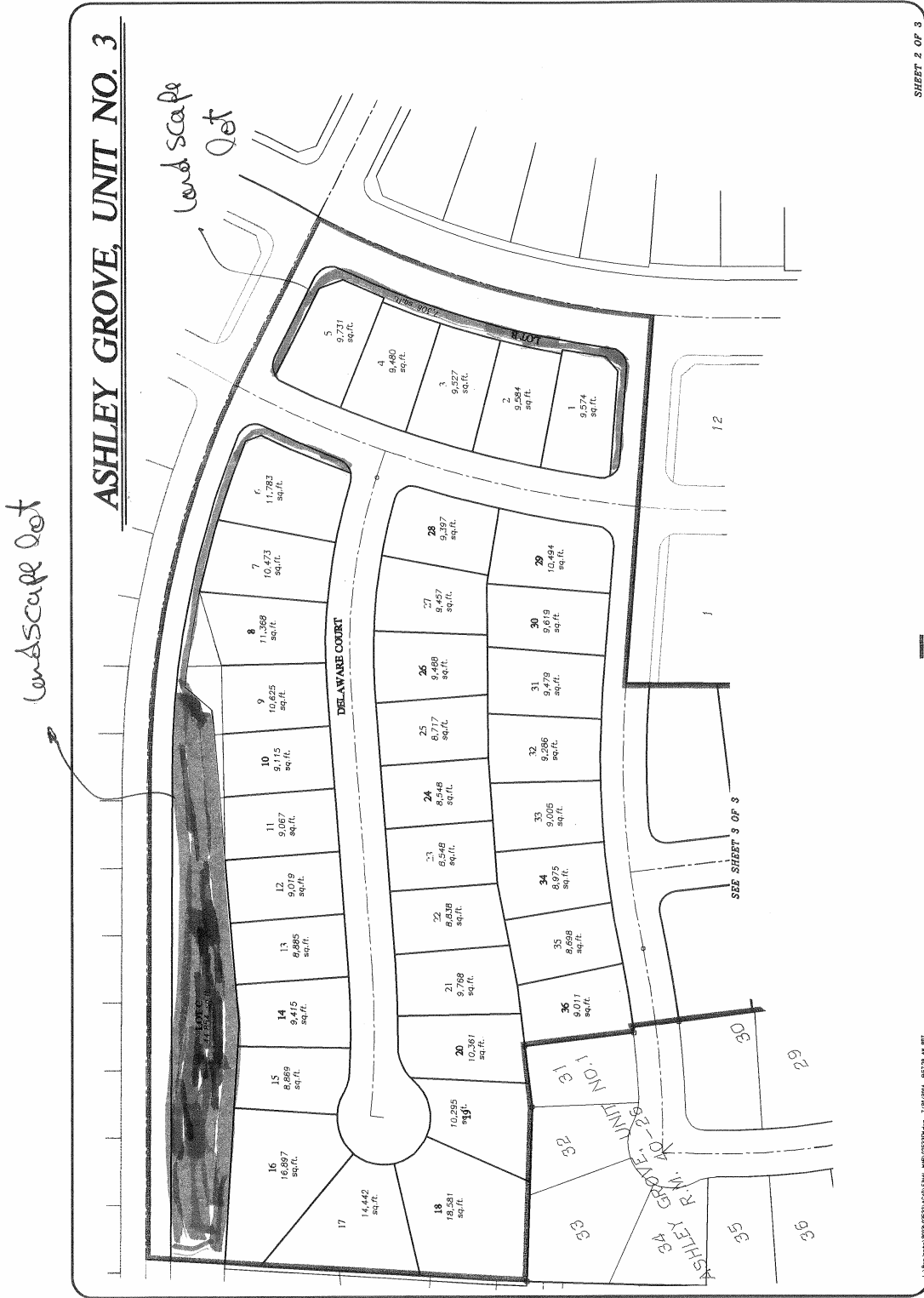


Exhibit "B"

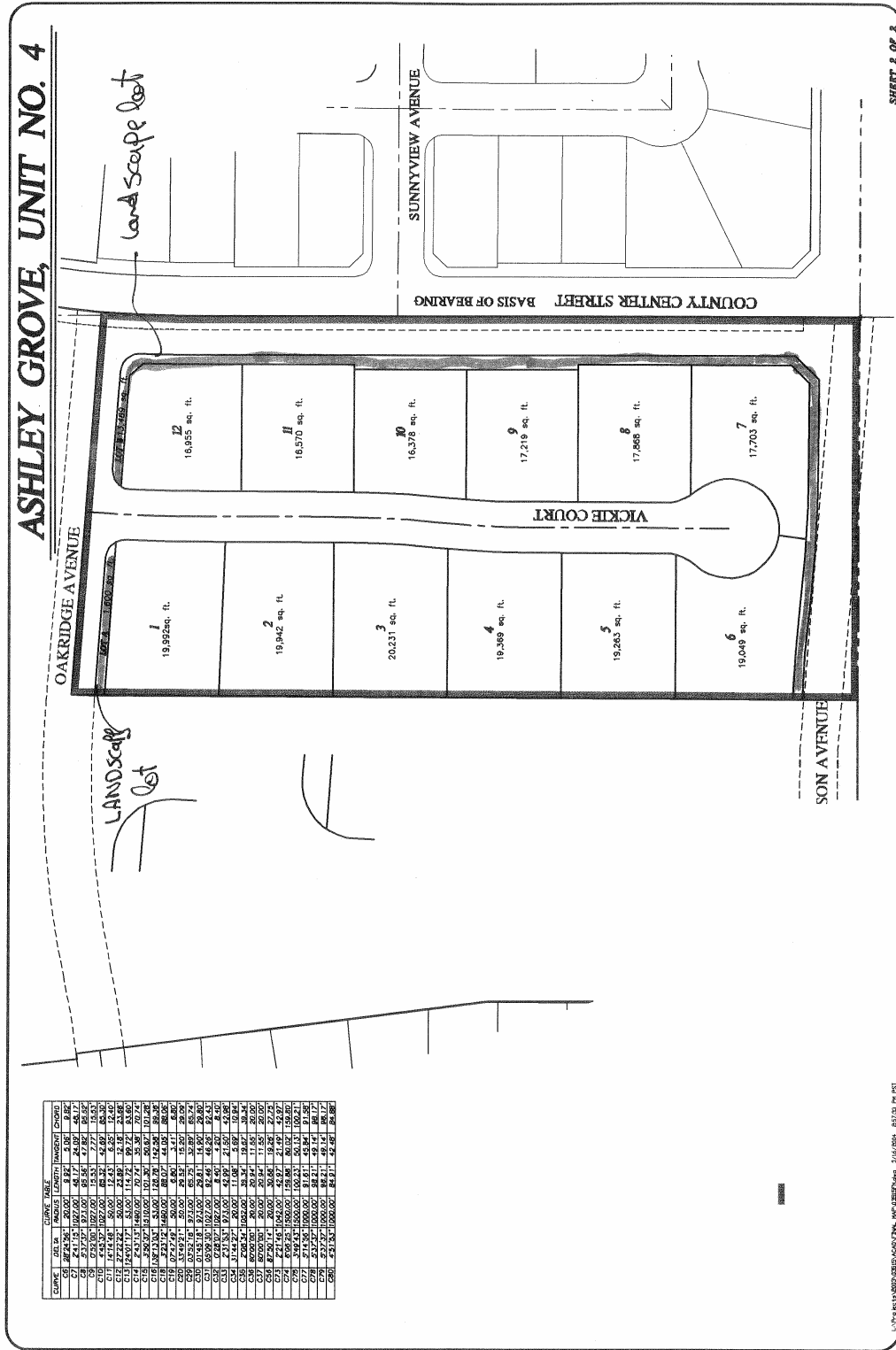
Landscape Location Diagram
Ashley Grove Units 3 through 6



SHEET 2 OF 3

Exhibit "B"

Landscape Location Diagram
Ashley Grove Units 3 through 6



DATE: 6/17/05 11:39:00 AM

Exhibit "C"Tax Roll Assessment
Ashley Grove Units 3 through 6
Fiscal Year 2004-05

APN_NO	Assessment	Owner	Lot #	District
89380007	\$613.98	PIONEER PR INC	05-1401	Ashley Grove 4
89380008	\$613.98	PIONEER PR INC	05-1402	Ashley Grove 4
89360024	\$613.98	PIONEER PR INC	05-1403	Ashley Grove 4
89360033	\$613.98	PIONEER PR INC	05-1404	Ashley Grove 4
89360025	\$613.98	PIONEER PR INC	05-1405	Ashley Grove 4
89360032	\$613.98	PIONEER PR INC	05-1406	Ashley Grove 4
89360026	\$613.98	PIONEER PR INC	05-1407	Ashley Grove 4
89360031	\$613.98	PIONEER PR INC	05-1408	Ashley Grove 4
89360027	\$613.98	PIONEER PR INC	05-1409	Ashley Grove 4
89360030	\$613.98	PIONEER PR INC	05-1410	Ashley Grove 4
89360028	\$613.98	PIONEER PR INC	05-1411	Ashley Grove 4
89360029	\$613.98	PIONEER PR INC	05-1412	Ashley Grove 4
89380017	\$367.65	To Be Assigned	05-1413	Ashley Grove 3
89380018	\$367.65	To Be Assigned	05-1414	Ashley Grove 3
89380019	\$367.65	To Be Assigned	05-1415	Ashley Grove 3
89380020	\$367.65	To Be Assigned	05-1416	Ashley Grove 3
89380021	\$367.65	To Be Assigned	05-1417	Ashley Grove 3
89380022	\$367.65	To Be Assigned	05-1418	Ashley Grove 3
89380023	\$367.65	To Be Assigned	05-1419	Ashley Grove 3
89380024	\$367.65	To Be Assigned	05-1420	Ashley Grove 3
89380025	\$367.65	To Be Assigned	05-1421	Ashley Grove 3
89380026	\$367.65	To Be Assigned	05-1422	Ashley Grove 3
89380027	\$367.65	To Be Assigned	05-1423	Ashley Grove 3
89380028	\$367.65	To Be Assigned	05-1424	Ashley Grove 3
89380029	\$367.65	To Be Assigned	05-1425	Ashley Grove 3
89380030	\$367.65	To Be Assigned	05-1426	Ashley Grove 3
89380031	\$367.65	To Be Assigned	05-1427	Ashley Grove 3
89380032	\$367.65	To Be Assigned	05-1428	Ashley Grove 3
89380033	\$367.65	To Be Assigned	05-1429	Ashley Grove 3
89380034	\$367.65	To Be Assigned	05-1430	Ashley Grove 3
89380035	\$367.65	To Be Assigned	05-1431	Ashley Grove 3
89380036	\$367.65	To Be Assigned	05-1432	Ashley Grove 3
89380037	\$367.65	To Be Assigned	05-1433	Ashley Grove 3
89380038	\$367.65	To Be Assigned	05-1434	Ashley Grove 3
89380029	\$367.65	To Be Assigned	05-1435	Ashley Grove 3
89380011	\$367.65	To Be Assigned	05-1436	Ashley Grove 3
89380028	\$367.65	To Be Assigned	05-1437	Ashley Grove 3
89380027	\$367.65	To Be Assigned	05-1438	Ashley Grove 3
89380010	\$367.65	To Be Assigned	05-1439	Ashley Grove 3
89380038	\$367.65	To Be Assigned	05-1440	Ashley Grove 3
89380037	\$367.65	To Be Assigned	05-1441	Ashley Grove 3
89380039	\$367.65	To Be Assigned	05-1442	Ashley Grove 3
89380040	\$367.65	To Be Assigned	05-1443	Ashley Grove 3
89380041	\$367.65	To Be Assigned	05-1444	Ashley Grove 3

Exhibit "C"

Tax Roll Assessment
Ashley Grove Units 3 through 6
Fiscal Year 2004-05

APN_NO	Assessment	Owner	Lot #	District
89380042	\$367.65	To Be Assigned	05-1445	Ashley Grove 3
89380043	\$367.65	To Be Assigned	05-1446	Ashley Grove 3
89380044	\$367.65	To Be Assigned	05-1447	Ashley Grove 3
89380009	\$367.65	To Be Assigned	05-1448	Ashley Grove 3
89380048	\$367.65	To Be Assigned	05-1449	Ashley Grove 3
89380045	\$367.65	To Be Assigned	05-1450	Ashley Grove 3
89380047	\$367.65	To Be Assigned	05-1451	Ashley Grove 3
89380046	\$367.65	To Be Assigned	05-1452	Ashley Grove 3
89360048	\$367.65	To Be Assigned	05-1453	Ashley Grove 3
89360034	\$367.65	To Be Assigned	05-1454	Ashley Grove 3
89360047	\$367.65	To Be Assigned	05-1455	Ashley Grove 3
89360035	\$367.65	To Be Assigned	05-1456	Ashley Grove 3
89360046	\$367.65	To Be Assigned	05-1457	Ashley Grove 3
89360036	\$367.65	To Be Assigned	05-1458	Ashley Grove 3
89360045	\$367.65	To Be Assigned	05-1459	Ashley Grove 3
89360037	\$367.65	To Be Assigned	05-1460	Ashley Grove 3
89360044	\$367.65	To Be Assigned	05-1461	Ashley Grove 3
89360038	\$367.65	To Be Assigned	05-1462	Ashley Grove 3
89360043	\$367.65	To Be Assigned	05-1463	Ashley Grove 3
89360039	\$367.65	To Be Assigned	05-1464	Ashley Grove 3
89360042	\$367.65	To Be Assigned	05-1465	Ashley Grove 3
89360040	\$367.65	To Be Assigned	05-1466	Ashley Grove 3
89360041	\$367.65	To Be Assigned	05-1467	Ashley Grove 3
To Be Assigned	\$367.65	To Be Assigned	05-1468	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1469	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1470	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1471	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1472	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1473	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1474	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1475	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1476	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1477	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1478	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1479	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1480	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1481	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1482	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1483	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1484	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1485	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1486	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1487	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1488	Ashley Grove 5&6

Exhibit "C"

Tax Roll Assessment
Ashley Grove Units 3 through 6
Fiscal Year 2004-05

To Be Assigned	\$367.65	To Be Assigned	05-1489	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1490	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1491	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1492	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1493	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1494	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1495	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1496	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1497	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1498	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-1499	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14100	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14101	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14102	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14103	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14104	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14105	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14106	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14107	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14108	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14109	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14110	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14111	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14112	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14113	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14114	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14115	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14116	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14117	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14118	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14119	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14120	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14121	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14122	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14123	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14124	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14125	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14126	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14127	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14128	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14129	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14130	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14131	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14132	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14133	Ashley Grove 5&6
To Be Assigned	\$367.65	To Be Assigned	05-14134	Ashley Grove 5&6

Exhibit "C"

Tax Roll Assessment
Ashley Grove Units 3 through 6
Fiscal Year 2004-05

Exhibit "D"

Engineer's Report Landscape & Lighting Assessment District 05-14 Ashley Grove Units 3 through 6 Fiscal Year 2004-05

General Description

This Assessment District (District) is located on the east side of Demaree Street, between Ferguson Ave and Riggin Ave. Exhibit "A" is a map of Assessment District 05-14. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district are 163 Lots.

Determination of Benefit

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

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. This district will contain both single-family lots and multi family lots. Since the multi family lots are larger in general, and usually have higher population density, then the number of units per each Lot will be used to determine the proper assessment. The single-family lots will be considered as a unit each, the multi- family lots (with an average of four units per each Lot) in this subdivision are in Unit 4 as shown in exhibit "B". These lots will have an assessment that is 67% more than the single family lots, Thus all the residents in this District benefit equally, including the owners for the units that are not adjacent to landscape areas, block walls and street lights. The lots not adjacent to landscape areas, block walls and street lights benefit by the uniform maintenance and overall appearance of the District.

Estimated Costs

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-14
Ashley Grove Units 3 through 6
Fiscal Year 2004-05

The quantities and estimated costs are as follows:

Description	Unit	Amount	Cost per unit	Total Cost
Turf Area	Sq. Ft.	96305	\$0.180	\$17,334.90
Shrub Area	Sq. Ft.	48820	\$0.180	\$8,787.60
Water	Sq. Ft.	145125	\$0.050	\$7,256.25
Electricity	Sq. Ft.	145125	\$0.008	\$1,161.00
Trees In Landscape Lots	Each	267	\$25.00	\$6,675.00
Trees In Local Street Parkways	Each	338	\$25.00	\$8,450.00
Street Lights	Each	42	\$105.00	\$4,410.00
Project Management Costs	Units	171	\$18.00	\$3,078.00
TOTAL				\$57,152.75
10% Reserve Fund				\$5,715.28
GRAND TOTAL				\$62,868.03
COST PER LOT				\$367.65

Annual Cost Increase

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

$$A_{max} \text{ for any given year "n"} = (\$62,986.83) (1.05)^{(n-1)}$$

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

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-14
Ashley Grove Units 3 through 6
Fiscal Year 2004-05

Example 1. The estimated year four cost of maintaining the improvements in the district is \$68,526.153 [a 9% increase over the base year estimated cost of \$62,986.83]. The maximum annual assessment for year four is \$72,777.60 [$A_{\max} = (\$62,986.83)^{(4-1)}$] (1.05)]. The assessment will be set at \$68,526.153 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 \$71,175.12 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$62,986.83]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$1,423.5 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 \$72,777.60 [$A_{\max} = (\$62,986.83)^{(4-1)}$] (1.05)]. The year four assessment will be set at \$71,175.12 plus the deficit amount of \$1,423.5 which equals \$72,598.62 [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 \$68,655.43 [a 9% increase over the base year assessment of \$62,986.83] and damage occurred to the masonry wall raising the year five expenses to \$83,759.62 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$75,520.97 (a 10% increase over the previous year) and below the maximum annual assessment of \$76,560.89 [$A_{\max} = (\$62,986.83)^{(5-1)}$] (1.05)]. The difference of \$7,198.73 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: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 14i(3)

Agenda Item Wording: Authorize the Recordation of the Final Map for Shannon Ranch Units 8&9, located North side of Riggin Ave between County Center Road and Demaree (96 lots) and the Annexation of Shannon Ranch Units 8&9 into Landscape and Lighting District No. 02-10, Shannon Ranch (Resolution Nos. 05-83 and 05-84 required). APN: 078-010-011

Deadline for Action: June 20, 2005

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Peter Spiro 713-4256

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

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for Shannon Ranch Units 8&9 containing 96 Lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$ 1,382,815.20 and Labor and Material Bond in the amount of \$691,407.60; 3) cash payment of \$138,281.52 distributed to various accounts; and 4) Final Map.

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

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-83 Initiating Proceedings for Annexation to Assessment District No. 02-10, Shannon Ranch; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-84 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

On November 11 , 2002, City Council approved the formation of a Landscape and Lighting District for Units 1&2 of Shannon Ranch. This district included the assessor's parcel numbers for all phases of the Shannon Ranch tentative map. This established at the onset of this development that the landscape and lighting district would be built in phases and the cost for maintenance would be shared equally among all the property owners for all phases of Shannon Ranch. The purpose behind this was to bring future annexations to the Council without having to get permission from the owners in each developed phase to add additional lots to the district. The City would only need permission from the owners in each developed phase if the annexation of the new phase would cause the per lot assessment to increase. This annexation will reduce the per lot assessment for each lot within the district.

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

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

Committee/Commission Review and Actions: The tentative subdivision map for Shannon Ranch subdivision was approved by the Planning Commission on 09/17/2001 . The tentative map will expire on 09/17/2005 .

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Shannon Ranch Units 8&9 and I move to adopt Resolution No. 05-83 Initiating Proceedings for Annexation to Assessment District No. 02-10 "Shannon Ranch" and adopt Resolution No. 05-84 Ordering the Improvements for Assessment District No. 02-10 "Shannon Ranch."

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 05-83

RESOLUTION INITIATING PROCEEDINGS
FOR ANNEXATION TO
ASSESSMENT DISTRICT 02-10
Shannon Ranch
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The district, including the annexation, shall continue with the designation established with the initial formation, which is "Assessment District No. 02-10, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 02-10, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Shannon Ranch".
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. 02-10

Shannon Ranch

(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. 02-10, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 20th day of June, 2005 by its Resolution No. 05-83 & 84

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

RESOLUTION NO. 2005-84

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 02-10
Shannon Ranch
(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. 02-10, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the annexation to the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2004-05.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

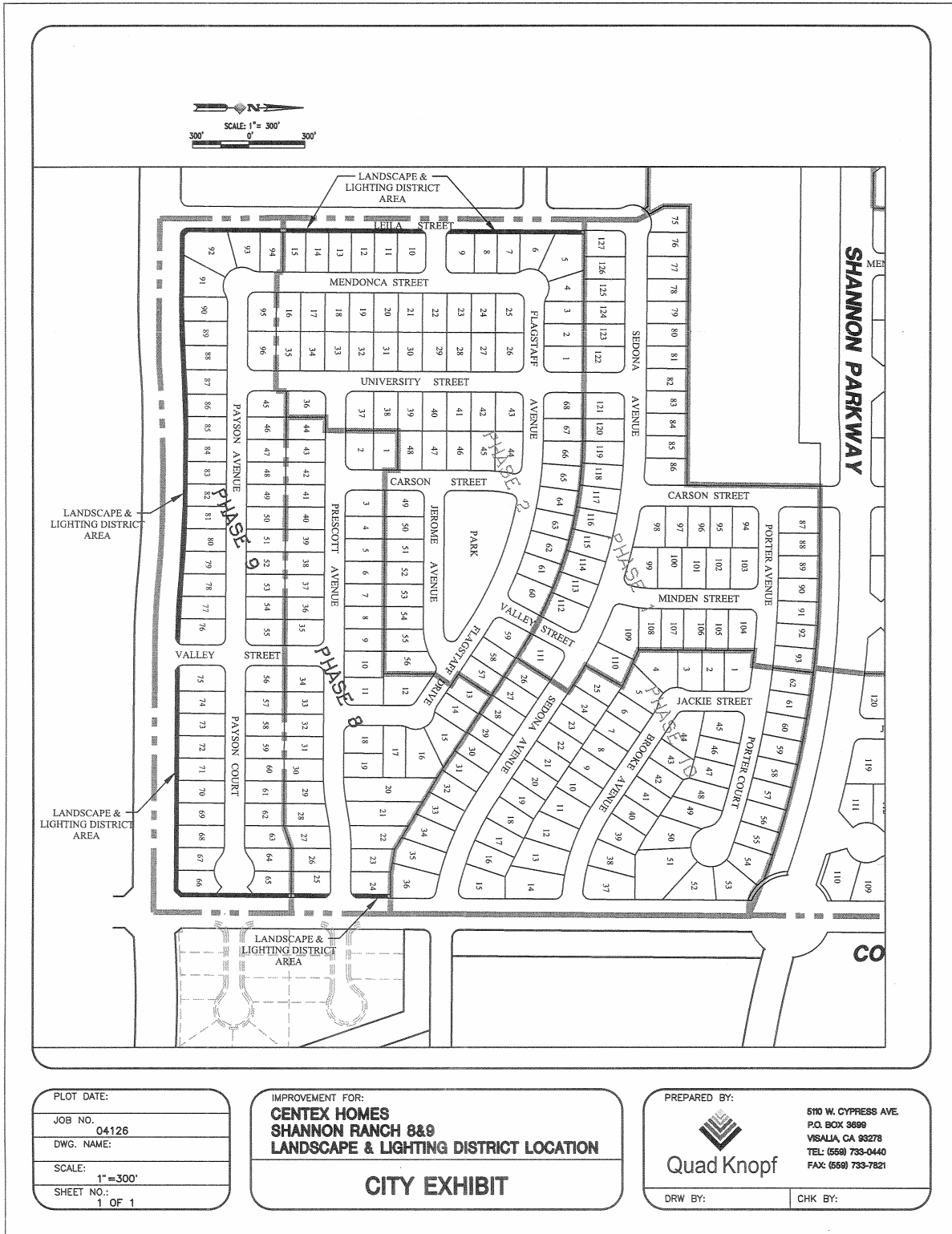
PASSED AND ADOPTED

Exhibit "B"

Landscape Location Diagram
Shannon Ranch Units 8&9

Exhibit "B"


Landscape Location Diagram Shannon Ranch Units 8&9



PLOT DATE:
JOB NO. 04126
DWG. NAME:
SCALE: 1"=300'
SHEET NO.: 1 OF 1

IMPROVEMENT FOR:
**CENTEX HOMES
SHANNON RANCH 8&9
LANDSCAPE & LIGHTING DISTRICT LOCATION**

CITY EXHIBIT

PREPARED BY:

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

DRW BY: CHK BY:

Exhibit "C"

Tax Roll Assessment
Shannon Ranch
Fiscal Year 2004-05

APN #	Assessment	Owner	Lot #	District
To Be Assigned	\$338.53	To Be Assigned	02-10475	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10476	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10477	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10478	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10479	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10480	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10481	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10482	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10483	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10484	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10485	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10486	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10487	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10488	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10489	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10490	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10491	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10492	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10493	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10494	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10495	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10496	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10497	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10498	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10499	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10500	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10501	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10502	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10503	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10504	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10505	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10506	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10507	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10508	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10509	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10510	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10511	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10512	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10513	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10514	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10515	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10516	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10517	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10518	Shannon Ranch 8&9

Exhibit "C"

Tax Roll Assessment
Shannon Ranch
Fiscal Year 2004-05

To Be Assigned	\$338.53	To Be Assigned	02-10552	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10553	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10554	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10555	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10556	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10557	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10558	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10559	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10560	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10561	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10562	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10563	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10564	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10565	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10566	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10567	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10568	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10569	Shannon Ranch 8&9
To Be Assigned	\$338.53	To Be Assigned	02-10570	Shannon Ranch 8&9

Exhibit "C"

Tax Roll Assessment
Shannon Ranch
Fiscal Year 2004-05

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$0.00	To Be Assigned	02-10475	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10476	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10477	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10478	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10479	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10480	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10481	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10482	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10483	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10484	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10485	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10486	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10487	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10488	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10489	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10490	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10491	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10492	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10493	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10494	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10495	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10496	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10497	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10498	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10499	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10500	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10501	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10502	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10503	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10504	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10505	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10506	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10507	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10508	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10509	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10510	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10511	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10512	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10513	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10514	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10515	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10516	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10517	Shannon Ranch 8&9
To Be Assigned	\$0.00	To Be Assigned	02-10518	Shannon Ranch 8&9

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 02-10
Shannon Ranch
Fiscal Year 2004-05

General Description

This Assessment District (District) is located North side of Riggin Ave between County Center Road and Demaree. Exhibit "A" is a map of Assessment District 02-10. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district are 570.

Determination of Benefit

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

Method of Apportionment

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

Estimated Costs

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 02-10
Shannon Ranch
Fiscal Year 2004-05

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.	303,559	\$0.135	\$40,980.47
Shrub Area	Sq. Ft.	132,547	\$0.135	\$17,893.85
Water	Sq. Ft.	436,106	\$0.050	\$21,805.30
Electricity	Sq. Ft.	436,106	\$0.008	\$3,488.85
Landscape/interior Trees	Each	2334	\$25.00	\$58,350.00
Street Lights	Each	139	\$105.00	\$14,595.00
Neighborhood Parks Phase 1	Acres	1.19	\$3,339.00	\$3,973.41
Neighborhood Parks Phase 2	Acres	1.22	\$3,339.00	\$4,073.58
Project Management Costs	Lots	570	\$18.00	\$10,260.00
TOTAL				\$175,420.45
10% Reserve Fund				\$17,542.04
GRAND TOTAL				\$192,962.49
COST PER LOT				\$338.53

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:

$$A_{\max} \text{ for any given year "n"} = (\$109,809.96) (1.05)^{(n-1)}$$

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

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 02-10
Shannon Ranch
Fiscal Year 2004-05

Example 1. The estimated year four cost of maintaining the improvements in the district is \$210,329.11 [a 9% increase over the base year estimated cost of \$109,809.96]. The maximum annual assessment for year four is \$223,378.2 [$A_{\max} =$
(4-1)
 $(\$109,809.96) (1.05)$]. The assessment will be set at \$210,329.11 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 \$218,047.61 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$109,809.96]. 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 \$4,360.95 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum
(4-
1)
annual assessment for year four is \$223,378.2 [$A_{\max} = (\$109,809.96) (1.05)$]. The year four assessment will be set at \$222,408.56 plus the deficit amount of \$4,360.95 which equals \$222,408.56 [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 \$210,329.11 [a 9% increase over the base year assessment of \$109,809.96] and damage occurred to the masonry wall raising the year five expenses to \$256,601.52 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$231,362.02 (a 10% increase over the previous year) and below the maximum annual assessment of \$234,547.11 [$A_{\max} =$
(5-1)
 $(\$109,809.96) (1.05)$]. The difference of \$3185.09 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: June 20, 2005

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

Agenda Item Wording: Approval of the Civic Center Masterplan Task Force members

Deadline for Action: N/A

Submitting Department:

Contact Name and Phone Number: Michael Olmos, 713-4332, Leslie Caviglia, 713-4317, Bob Nance, 713-4511

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.): _____

Department Recommendation and Summary:

It is recommended that the Visalia City Council approved the representatives from the following Commissions to serve as representatives of their organizations on the Civic Center Masterplan Task Force:

Planning Commission:	Victor Perez	Commission Member
Planning Commission Alternate:	Sam Logan	Commission Member
Park and Recreation Commission:	Tom Link	Commission Member

These organizations were slated to have members on the Task Force when it was proposed in February, but the Commissions had not finalized their recommendations by the deadline for the first appointment process; therefore, they are being brought to the Council for consideration at this time.

They would join the following people who the Council appointed to the Task Force at the April 18 meeting:

City Council :	Walter Deissler	Council Member
	Don Landers	Council Member
Water Ways Committee:	Bob Brown	Committee Member
Citizen's Advisory Committee:	Donna Orosco	Committee Member
Downtown Visalians:	David Miller	Board Member
PBID:	Susan Mangini	Board Member
County of Tulare:	Phil Cox	County Supervisor
Visalia Unified School District:	Mike Lane	Board Chairman
VUSD Alternate:	Stan Carrizosa	Superintendent
City Staff Representatives:	Steve Salomon	Staff
	Michael Olmos	Staff

On February 22, the City Council authorized such a committee to be formed to provide direction for the master planning of the Civic Center area generally located at Goshen Avenue and Burke Street. The Committee will make recommendations for the development standards for the planned improvements and propose architectural guidelines for the planned facilities that will allow the City to take full advantage of the land, creeks and other resources in the area.

The Task Force will be supported by staff from the Community Development & Public Works Department as needed.

Prior Council/Board Actions: Approved the formation of the Committee on Feb. 22, 2005

Committee/Commission Review and Actions: The Park and Recreation Commission met and appointed their representative; the Planning Commission representative was appointed by the Chair.

Alternatives: To appoint different representatives

Attachments: None

<i>Financial Impact</i>	
Funding Source: Account Number: _____ (Call Finance for assistance)	
Budget Recap:	
Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes____ No____	

City Manager Recommendation:

<p>Recommended Motion (and Alternative Motions if expected): I move to approve the people recommended to serve on the Civic Center Masterplan Task Force.</p>
--

Copies of this report have been provided to:

This document last revised: 6/17/05 11:45:00 AM

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City of Visalia Agenda Item Transmittal

Meeting Date: June 20, 2005

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

Agenda Item Wording: Authorization to enter into an agreement with McMillin Homes for \$450,000 to construct a 5.8 acre neighborhood park and storm basin.

Deadline for Action: N/A

Submitting Department: Park and Recreation

Contact Name and Phone Number: Don Stone, 713-4397;
Andrew Benelli,

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.): _____

Department Recommendation and Summary: Recommend that the City Manager be authorized to finalize and sign an agreement with McMillian Homes for approximately \$450,000 to construct a 5.8 acre neighborhood park and storm basin located on the southwest corner of Burke Street and Monte Vista Ave. In May 2004 Council authorized staff to purchase a 5.78 acre parcel at a cost of \$270,000 from McMillian Homes for a neighborhood park / storm pond. The City agreed that the park would be developed during the first phase of the Rancho Santa Fe subdivision.

Staff has worked with McMillin's staff and a landscape architect to develop the park plan. As directed the park area was expanded to approximately 4 acres and the basin is now under 2 acres in area. Included in the park is 3.2 acres of turf area, 160 trees, 450 shrubs, picnic tables, drinking fountain, benches, a .4 mile concrete walking path, half-court basketball, a children's playground that includes swings, two play structures, and climbers. Storm basin improvements in this phase include a excavation, 48" outlet pipe, two inlets, fencing, and landscaping. The park design meets City landscape and irrigation standards and has been reviewed by the maintenance supervisor. The Park and Recreation Commission reviewed and approved the plan at the November 2004 meeting. The park is located to serve homes in a ½ mile radius south of Walnut Avenue to Caldwell and Santa Fe Street to Lovers Lane.

The agreement will permit McMillin Homes to construct the park at a per acre cost of \$78,000 for this phase of the project. A future phase will complete the storm basin improvement. The 4-acre park / storm basin now under construction on Pinkham Avenue, which includes the storm basin improvements, is costing \$148,000 per acre. Available funding for the project is approximately \$468,345 that has been appropriated in the capital improvement program. McMillin Homes will complete the park / pond construction in 100 days.

Prior Council/Board Actions: May 3, 2004 Council approved acquisition of site;

Committee/Commission Review and Actions: November 16, 2004 Park and Recreation Commission approved park plan.

Alternatives:

Attachments: Site location map, cost spreadsheet, park / pond plan

City Manager Recommendation

Recommended Motion (and Alternative Motions if expected): Move that the City Manager be authorized to finalize and sign an agreement with McMillian Homes for approximately \$450,000 to construct a 5.8 acre neighborhood park and storm basin located on the southwest corner of Burke Street and Monte Vista.

Financial Impact

Funding Source:

Account Number: 3011-720000-0-0-9321-2005 (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

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

Agenda Item Wording: Approval of the lease agreement for the new food concession at the Transit Center between the City of Visalia and Taqueria Vallarta, subject to final approval of the City Attorney.

Deadline for Action: N/A

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number:
Monty Cox, Transit Manager 713-4591

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.

Department Recommendation: Staff is recommending that City Council approve the lease agreement for the new food concession at the Transit Center between the City of Visalia and Taqueria Vallarta, subject to final approval of the City Attorney.

Summary: Taqueria Vallarta, who currently operates a truck catering business, is requesting to lease 165.3 square feet to operate a food and beverage concession located in the plaza area of the Transit Center. In addition, they will have access to a small area in the drivers break room for storage. The proposed lease agreement has been reviewed and approved by the City Attorney. It has a term of three (3) years beginning on the first day of the first full month following the tenant improvement Notice of Completion; and, three (3) one-year extensions for a total of six (6) years subject to negotiation of mutually agreeable terms. The total rent amount proposed is \$500 per month for a total of \$6,000 per year. This is consistent with vendor spaces of this type and size. With no history at this location a set rent amount was the best option. However, rent will be adjusted annually by the increase in the Consumer Price index not less than 2.5% over the initial term. All utility expenses, including electricity and telephone, will be paid by the concessionaire.

Initially staff advertised a request for interested food concession vendors in the newspaper but did not get any responses back. We then sent out the advertisement off of a mass mailing list for all food vendors in the Visalia area. We received calls from five interested food vendors that included Ca Java Express, Tazzaria Coffee & Tea, Rod's Dog, and Visalia Coffee Company. Proposal packets were given to each for submittal. Taqueria Vallarta was the only food vendor that submitted a proposal packet. Finance completed a financial evaluation on the last three years of the company's tax returns and recommended to proceed with the agreement based on their review.

The City will be providing tenant improvements in the amount of \$7,450 for the construction of the food concession once the agreement has been approved. The amount was calculated by

taking the square feet of the area and multiplying it by \$45, which is the estimated cost per square foot for construction; and, the same cost per square foot amount allocated for the 2nd and third floor. We will be finalizing plans to go out to bid for the construction phase. Providing funds toward tenant improvements is typical for new buildings, is included in the federal transit grants, and goes a long way toward attracting quality tenants.

Taqueria Vallarta service hours will be Monday through Friday 6:00am to 7:00pm and Saturday and Sunday 8:00am to 4:00pm.

Prior Council/Board Actions

Committee/Commission Review and Actions: None

Alternatives: Do not lease food concession space to Taqueria Vallarta.
Reissue the RFP.

Attachments: Copy of the agreement

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected) I move that the City Council approve the lease agreement for the new food concession at the Transit Center between the City of Visalia and Taqueria Vallarta, subject to final approval of the City Attorney.

Financial Impact

Funding Source:
Account Number: 4511-____-45451 (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$6,000
Amount Budgeted: \$	Lost Revenue:\$	
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes____	No____	

Copies of this report have been provided to:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

DRAFT – PENDING CITY ATTORNEY APPROVAL
CONCESSION AGREEMENT
TRANSIT CENTER CONCESSION

THIS CONCESSION AGREEMENT, hereinafter referred to as “AGREEMENT”, made and entered into this ____ day of _____, 200__, by and between the CITY OF VISAILIA, a Municipal Corporation of the State of California, hereinafter referred to as “CITY,” an Individual hereinafter referred to as “CONCESSIONAIRE.”

W I T N E S S E T H

WHEREAS, CITY owns a public Transit Center commonly known as Visalia Transit Center and

WHEREAS, CITY has built and owns a certain concession stand as part of said Transit Center facility; and

WHEREAS, CITY desires to enter into a contract with an independent contractor for the operation and use of said concession stand for the provision of refreshments and other services hereinafter defined; and

WHEREAS, CONCESSIONSAIRE are willing and able to operate and use said concession stand for said purposes and is willing to enter into a contract with CITY for said purposes; and

WHEREAS, CITY has determined that it is economical and in the public interest and benefit to contract with an independent party for the operation and use of said concession stand for said purposes;

NOW, THERFORE, in consideration of mutual agreements hereto, as hereinafter set forth, it is agreed as follows:

1. LICENSE:

A. CITY, does hereby license and give CONCESSIONAIRE, and CONCESSIONAIRE hereby accepts the exclusive privilege and right, except as specified in Exhibit “A” attached hereto and incorporated herein by this reference, to operate a food and beverage concession at the Transit Center in the area of the facility described as approximately 165.3 s.f. located in the plaza area and depicted generally in the site map attached here to and incorporated herein as Exhibit “A”, hereinafter referred to as the “Premises”.

2. TERM:

A. The term of this AGREEMENT shall be for a period of three (3) years from _____, 2005 through _____, 2008. CITY and CONCESSIONAIRE may extend this AGREEMENT for a period of three (3) consecutive terms of one (1) year each upon terms mutually agreeable to each..

B. Should CONCESSIONAIRE hold over after the expiration or the term of this AGREEMENT with the express or implied consent of CITY, such holding over shall be deemed to be a tenancy from month to month, subject otherwise to all the terms and conditions of this AGREEMENT. At the expiration or termination of this AGREEMENT, as herein provided, the CONCESSIONAIRE shall, within thirty (30) days thereafter, remove from said premises or otherwise dispose of, in a manner satisfactory to CITY, all personal property belonging to CONCESSIONAIRE located on said premises. Should CONCESSIONAIRE fail to remove or dispose of said property as herein provided, CITY may, at its election, consider such property abandoned and may dispose of the same at CONCESSIONAIRE’S expense. Also, at the expiration or termination of this AGREEMENT, the CONCESSIONAIRE shall quit and surrender the said premises in a

good state of repair. Damage to matters over which CONCESSIONAIRE have no control is expected provided that such exculpatory provisions shall not extend to any risk which CONCESSIONAIRE are required to insure against as herein provided.

3. CONDITION OF PREMISES:

- A. By entering into this AGREEMENT, CONCESSIONAIRE agree to accept said premises in its present existing condition which is new, as is, and at CONCESSIONAIRE'S own cost and expense, make such improvements suitable for occupancy to conduct its concession business. It is agreed and understood that CITY not be obligated to make any alteration, modifications, additions or betterments to the premises.
- B. CITY is providing seven thousand four hundred and fifty dollars (\$7,450) for tenant improvements. CITY will be responsible for the Design and Construction contracts. City will work with CONCESSIONAIRE on the Design in order to meet CONCESSIONAIRE needs. CONCESSIONAIRE will be responsible for the cost of the Design and Construction over the \$7,450.

4. RENT:

- A. CONCESSIONAIRE agrees to pay CITY as rent payment for the use of the premises, Five Hundred Dollars (\$500) per month. Rent shall be due and payable on the 1st day of each month beginning on the second month of this AGREEMENT and continuing throughout the entire term thereafter. Each rent payment due to CITY by CONCESSIONAIRE shall be made payable to the CITY OF VISALIA and delivered to the following:

- 1. City of Visalia – Finance
707 W. Acequia Ave.
Visalia, CA 93291
- 2. or at such other location as may be designated from time to time

Beginning with the 13th month of the lease term, the rent shall be increased by incorporating a provision that requires the payment of the minimum \$500.00 monthly rent plus a mutually negotiated percentage of the net sales proceeds received by Lessor. In no event shall the increase be less than if increased utilizing the change to the Consumer Price Index – all cities average since the date of entry into this Agreement and, in no event, shall the rent be decreased.

- B. CONCESSIONAIRE shall keep true and accurate books and records showing all of its business transactions and separate records of account for the concession operation which is the subject of this AGREEMENT. Said books and records, including State of California tax returns, shall be available for inspection by the CITY at all reasonable times.
- C. CONCESSIONAIRE shall install, operate and maintain cash registers, equipped with proper registering devices, and process or cause to be processed all sales transactions through said registers in order to record all said sales transactions. CONCESSIONAIRE further agrees that CITY shall approve of said cash registers prior to the commencement of operations and shall have the right from time to time, and at all reasonable hours, to examine said devices.
- D. The term “gross receipts”, whenever and wherever used within this AGREEMENT is intended to and shall mean all moneys, property or any other thing of value, without any deductions or offsets, received by CONCESSIONAIRE through the operation of said concession and the use or uses of the premises. The term “gross receipts” shall not include sales tax or excise taxes imposed by any government entity and collected by CONCESSIONAIRES on their behalf.

- E. In the event CONCESSIONAIRE are prevented from operating the concession referred to herein, by acts of God, and/or other reasons beyond his control, and when such is so determined by CITY, in its sole discretion, rent payments described herein shall be abated for such period or periods of non- operations

5. USE OF PREMISES:

- A. In the event of adverse weather or other operating conditions, the CITY, through its authorized representative, may permit the concession to close at any time, during the term of this AGREEMENT.
- B. CONCESSIONAIRE shall not use or permit the subject premises to be used in whole or in part during the term of this AGREEMENT for any purpose other than as herein set forth, without the prior written consent of the CITY.
- C. CONCESSIONAIRE expressly agree at all times during the term of this AGREEMENT, at their own cost and expense, to maintain and operate such premises in a clean, safe, wholesome and sanitary condition free of trash, garbage, or obstructions of any kind.
- D. CONCESSIONAIRE shall be in compliance with any and all present and future laws, general rules related to, but not limited to public health, safety, or welfare issued by any governmental authority nor or at any time during the term of this AGREEMENT. This AGREEMENT is expressly subject to regulations and policies of the Tulare County Health Services Department, and the Director of Health Services. CONCESSIONAIRE shall remedy without delay any defective, dangerous, or unsanitary conditions brought to the attention of CONCESSIONAIRE either through formal or informal notices.
- E. CONCESSIONAIRE shall at all times faithfully obey and comply with all laws and regulations applicable thereto, adopted by federal, state, county, CITY or other governmental bodies, departments or officers thereof.

6. MAINTENANCE AND REPAIR:

- A. CONCESSIONAIRE, at their own cost and expense, shall keep and maintain the entire premises, except as provided below, including all appliances and fixtures, in good working order and repair, normal wear and tear expected. CONCESSIONAIRE shall also be responsible for janitorial services including window washing, removal of dirt and grime of the interior area of the concession, and the removal of litter in the immediate area of the Concession area, keeping same in a clean, safe, wholesome, and sanitary condition, free of trash, garbage, and obstructions of any kind.
- B. CITY shall be responsible for the maintenance and repair of any major structural portions of the premises. Major structural portions shall include only the roof, cooling systems, electrical (systems) attached to the premises, utility services up to the building, and paving.
- C. CONCESSIONAIRE shall be responsible for maintaining the plumbing and painting of the interior.
- D. Should CONCESSIONAIRE fail to perform any maintenance necessary for operation, then said maintenance shall be performed by CITY staff. CONCESSIONAIRE agree to pay the CITY for such maintenance at CITY'S personnel cost ten (10) days after request for payment is made.

7. ASSIGNMENTS:

- A. No transfer or assignments by the CONCESSIONAIRE of this AGREEMENT or any part thereof or interest therein, directly or indirectly, voluntarily or involuntarily, shall be made unless such transfer or assignment is first approved in writing by CITY. The CONCESSIONAIRE'S possessory interest in CONCESSIONAIRE'S improvements, for the purpose of affording security only, may be assigned, transferred or encumbered when first approved in writing by CITY. No mortgage shall be executed and no bonds or other evidence of interest in, or indebtedness upon the assets or proposed assets of the CONCESSIONAIRE, in the CITY concession stand shall be issued except for the purpose of installing, enlarging or improving equipment and extending facilities for the accommodation of the public in the CITY concession stand and then only upon prior authorization in writing, in each case, obtained from CITY. In the event of default on such a mortgage or other such indebtedness or of other assignment, transfer, or encumbrance, operating rights and privileges shall be as outlined in the AGREEMENT; however, the right of any person or persons to actually operate the said concession is subject to the approval of CITY.
8. **TITLE TO IMPROVEMENTS:**
CONCESSIONAIRE hereby acknowledge the title of CITY in and to the premises in this AGREEMENT, including legal property improvements erected thereon, and hereby covenants and agrees never to assail, contest, or resist said title.
9. **PERSONAL PROPERTY IMPROVEMENTS:**
Title to all personal property provided by CONCESSIONAIRE shall remain vested in CONCESSIONAIRE; personal property being all property owned by CONCESSIONAIRE placed on CITY-owned or licensed property for the purpose of implementation and of this AGREEMENT, and identified as set forth in Exhibit "B."
10. **UTILITIES AND SERVICES:**
- A. CONCESSIONAIRE shall be responsible for the payment of all utility charges including electricity and telephone.
- B. CITY shall provide water and sewer service to the concession stand at CITY's expense.
11. **EQUIPMENT:**
- A. CONCESSIONAIRE, at their own expense, shall completely equip the concession facilities as described herein and shall keep the same well-maintained and operating throughout the term of this AGREEMENT. Equipment shall meet all Health and Safety Code standards. The CONCESSIONAIRE are responsible to insure that electrical equipment and appliances do not overload circuits.
- B. Maintenance of equipment shall be provided by the CONCESSIONAIRE. CITY reserves the right and privilege to inspect and approve any and all equipment and facilities being places on CITY owned or licensed property for the enjoyment, safety, and protection of the public as it relates to said equipment.
12. **SIGNS, ADVERTISING, AND APPROVAL OF NAME:**
No signs, names, placards, or advertising matter shall be inscribed, painted, or affixed upon said premises, or circulated without written consent of the CITY.
13. **SOUND DEVICES:**
No sound producing device or loud speakers may be used by CONCESSIONAIRE within the concession area without prior written approval of the CITY.

14. QUALITY OF SERVICE AND CONTROL OF RATES AND CHARGES:

- A. CONCESSIONAIRE agrees that he will operate and manage the services and facilities offered in a reasonable business manner, comparable to other concessions providing similar facilities and services, during the entire term of this AGREEMENT. Where such facilities are provided, CONCESSIONAIRE agree that they shall and will furnish and dispense food and beverages of the best quality and shall and will maintain a high standard of service at least equal to that of other establishments in adjacent communities and to those prevailing in such areas for similar products and services.
- B. Prices for merchandise shall be set by the CONCESSIONAIRE with written approval of the CITY providing they are within the range of prices in this community for the same or similar articles at a similar establishment. CITY shall have access to and the right to inspect the schedule of prices and rates of goods sold or services rendered or performed upon the subject premises and menus, lists, portion schedules, and schedules of prices. Prices set by CONCESSIONAIRE with approval of the CITY to be used as of this date shall be the prices set forth in Exhibit "C," attached hereto and incorporated by this reference. Price changes shall be submitted to CITY in writing not less than forty-eight (48) hours prior to said change. CITY may require CONCESSIONAIRE to adjust said prices. CONCESSIONAIRE shall post rates and prices for all goods and services in such places as may be designated by city.
- C. CITY reserves the right to prohibit the sale or rental of an item which it deems objectionable or beyond the scope of merchandise deemed necessary for proper service to the public.
- D. All foods and beverages sold directly shall be sold in disposable paper or plastic containers except that CONCESSIONAIRE may sell beverages in aluminum containers.
- E. CONCESSIONAIRE are encouraged to take whatever additional means necessary to decreased non-recyclable solid waste, and increase recycling efforts through their initiation.
- F. A person qualified to make operational decisions shall be on the premises at all times while the concession is in operation.

15. HOLD HARMLESS AGREEMENT:

- A. CONCESSIONAIRES hereby agree to indemnify and hold CITY and its officers, agents, employees and assigns, harmless from any liability imposed for injury (as defined by Government Code Section 810.0), whether arising before, after or during the term of this AGREEMENT, or in any manner directly or indirectly caused, occasioned or contributed to, in whole or in part, by reason of any act or omission, of CONCESSIONAIRES, or of anyone acting under CONCESSIONAIRES' direction or control or on its behalf, in connection with or incident to or arising out of the performance of this AGREEMENT.
- B. It is the intent of the parties that CONCESSIONAIRE will indemnify, defend and hold harmless CITY and its officers, agents, employees and assigns, from any and all claims, demands, costs, suits or actions as set forth above.
- C. The CONCESSIONAIRE shall continuously protect CITY property from damage, loss, or liability of any kind to persons or property arising in connection with the AGREEMENT directly or indirectly, including that arising from rainfall, flood waters, and other action of the elements and all acts of third parties.
- D. This indemnity and hold harmless provision, insofar as it may be adjudged to be against public policy, shall be void and unenforceable only to the minimum extent necessary so that

the remaining terms of this indemnity and hold harmless provision may be within public policy and enforceable.

- E. In an emergency affecting the safety of life or limb, work, site, or any property, the CONCESSIONAIRE are hereby permitted and directed to act at their discretion to prevent such threatened loss or injury, and in the event any instructions are given by the CITY of VISALIA in an emergency, the CONCESSIONAIRE shall unconditionally comply therewith.

16. INSURANCE:

- A. With respect to the premises leased herein, CONCESSIONAIRE shall acquire, as a condition precedent to performance of any right or duty stated herein, insurance as described below.
 - 1. Workers' compensation insurance with statutory limits and employer's liability insurance with limits of not less than \$1,000,000 per accident.
 - 2. Commercial general liability insurance with a combined single limit of not less than \$1,000,000 per occurrence. Such insurance shall include blanket contractual liability, and personal injury liability coverage. Such insurance shall (a) name CITY, its appointed and elected officials, officers, employees and agents as insureds; and (b) be primary with respect to its insurance or self-insurance programs maintained by the CITY, and (c) contain standard cross liability provisions.
- B. CONCESSIONAIRE shall furnish properly executed endorsement certificates of insurance to CITY prior to commencement of this AGREEMENT, such certificates shall: (a) clearly evidence all coverages required above, (b) indicate whether coverage provided is on a claims made or occurrence basis, and (c) provide that such insurance shall not be materially changed, terminated or allowed to expire on 30 days' prior written notice to CITY'S Risk Management and Purchasing Division, 707 W. Acequia, Visalia, CA 93291. Such insurance shall be maintained from the commencement of the AGREEMENT expiration date. CONCESSIONAIRE shall replace such certificates for policies expiring prior to expiration of the AGREEMENT as extended under this AGREEMENT and shall annually furnish certificates five (5) years beyond the AGREEMENT term, when CONCESSIONAIRE have a claims made form(s).
- C. Should CONCESSIONAIRE at any time during the term hereof fail to maintain such insurance coverage, which is required pursuant to this AGREEMENT, CITY may at its option, without waiving any other of its remedies pursuant to applicable law or this AGREEMENT, obtain such insurance at the expense of CONCESSIONAIRE. Any such sums so advanced by CITY shall be deemed to be additional rent hereunder and shall be due and payable upon presentation of an invoice to CONCESSIONAIRE by CITY.
- D. The insurance requirements under this AGREEMENT shall not be waived, altered, amended, or otherwise changed, except upon prior written authorization of the CITY, Acceptance by the CITY of an insurance certificate which does not comply with this AGREEMENT, absent said written authorization, shall not constitute a waiver of the insurance requirements under this agreement.

17. TAXES:

- A. CONCESSIONAIRE agree to pay all lawful taxes, assessments, or charges which at any time may be levied by the State, County, City or any tax or assessment levying body upon any interest of this AGREEMENT or an possessory interest taxes which CONCESSIONAIRE may have in or to the premises covered hereby or the improvements thereon by reason of its

use or occupancy thereof or otherwise, as well as all taxes, assessments, and charges on goods, merchandise, fixtures, appliances, equipment and property owned by it on or about said premises.

- B. Under this AGREEMENT a possessory interest subject to property taxation may be created. Notice is hereby given pursuant to the Revenue and Taxation Code that such possessory interest if vested may be subject to the payment of property taxes levied on such interest to the County of Tulare.
- C. CONCESSIONAIRES shall comply with all laws, regulations, and ordinances regarding the collecting of taxes due a local government agency.

18. INSPECTION AND MAINTENANCE:

CITY reserves the right of ingress and egress to inspect, investigate, and survey said premises as deemed necessary by CITY, and the right to do any and all work of any nature necessary for preservation, maintenance, and operation of the concession stand. Said investigation shall be made during regular business hours or in the event of an emergency at any time required to preserve or protect the leased premises. CONCESSIONAIRE shall be given reasonable notice, with the exception of emergency situations, when such work may become necessary and will adjust concession operations in such a manner that CITY proceed expeditiously.

19. NOTIFICATION:

Other than payment to CITY as provided in paragraph four (4) above, any notices herein to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, postage prepaid and addressed as follows:

To the CONCESSIONAIRE:	Micaela Marcial 2102 W. Pleasant Tulare, CA 93274		
To the CITY at:	City of Visalia Attn. Purchasing 707 W. Acequia Ave. Visalia, CA 93291	and	City of Visalia Attn: Transit Manager 425 E. Oak St. Ste. 101 Visalia, CA 93291

The address to which notices shall or may be mailed as aforesaid by either party, shall or may be changed by written notice given by such party to the other as herein before provided, but nothing herein contained shall not preclude the giving of any such notice by personal services. Notices as referred to in this paragraphs shall include, but not be limited to notices pertaining to the operation, maintenance, and quality of service.

20. INTERPRETATION OF AGREEMENT:

This AGREEMENT is made under and is subject to the laws of the State of California and ordinances of the CITY of Visalia in all respects as to interpretation, construction, operation, effect, and performance.

21. WAIVER OF AGREEMENT OF TERMS:

No waiver of either party at any time of any of the terms, conditions, or covenants of the AGREEMENT shall be deemed as a waiver at any time thereafter of the same or of any other terms, conditions, or covenants herein contained, nor of the strict and prompt performance thereof. No delay, failure, or omission of the CITY to reenter the premises or to exercise any right, power, or privilege or option arising from any default, nor any subsequent acceptance of rent then or thereafter accrued shall impair any such right, power, privilege, or be construed as a waiver of such default or a

relinquishment of any right or acquiescence therein. No notice to the CONCESSIONAIRE shall be required to restore or revive time is of the essence after the waiver by CITY of any default. No option, right, power, remedy, or privilege of CITY shall be construed as being exhausted by the exercise thereof in one or more instances. The rights, powers, options, and remedies given to CITY by this AGREEMENT shall be deemed cumulative.

22. MODIFICATION OF AGREEMENT:

Notwithstanding any of the provisions of this AGREEMENT, the parties may hereafter, by mutual consent agree to modifications herein or additions hereto in writing which are not forbidden by law. The Transit Manager shall have the right to grant reasonable extensions of time to CONCESSIONAIRE for any purpose or for the performance of any obligation of CONCESSIONAIRE hereunder.

23. BREACH OF AGREEMENT:

A. This AGREEMENT is made upon the condition that, if rents or other sums which CONCESSIONAIRE herein agrees to pay or any part thereof shall be unpaid at the date on which the same shall become due, or if default be made in any of the terms, agreements, conditions, or covenants herein contained on the part of the CONCESSIONAIRE, or should CONCESSIONAIRE become insolvent or bankrupt, either voluntarily or involuntarily, then, and in such event at the option of the CITY, this AGREEMENT shall cease and terminate; and CITY may enter upon and retake the premises.

B. Notwithstanding any of the above breach of AGREEMENT provisions, should CONCESSIONAIRE create or allow to be created a nuisance on the premises described herein, and fail to immediately remedy said nuisance after receiving notice to do so, CITY, in its sole discretion, may immediately declare this AGREEMENT and all rights herein terminated. The AGREEMENT may be terminated by mutual consent of the parties hereto.

24. ASSIGNMENTS AND SUBLEASES:

CONCESSIONAIRE shall neither assign, sublease, or otherwise convey any interest of any sort granted by this AGREEMENT, to any person or persons, entity or entities whatsoever without prior written consent and approval of the conveying document and proposed assignee, sublease or other interest holder by CITY. The CONCESSIONAIRE'S interest shall not be assignable by operation of law. Any document, by which an interest is granted, subject to the approval of CITY, shall indicate that the person or entity acquiring that interest has been advised of the terms of this AGREEMENT and takes his interest subject to the terms and conditions in this contract and recognizes that upon termination thereof, the interest shall also be terminated. However, in the event of termination of this AGREEMENT, CITY in its sole option, may elect to treat any assignee, subtenant, or holder of an interest conveyed by CONCESSIONAIRE as CITY'S tenant, subject to the terms and conditions of an interest conveyed by CONCESSIONAIRE.

25. WAIVER OF CLAIMS:

The CONCESSIONAIRE hereby waives any claim against CITY, its officers, agents or employees for damage or loss caused by any suit or proceeding directly or indirectly attacking the validity of this AGREEMENT, or any part thereof or by any judgment or award in any suit or proceeding declaring this AGREEMENT null, void or voidable, or delaying the same or any part thereof from being carried out.

26. SECURITY:

CONCESSIONAIRE will be responsible for security of the CITY'S and CONCESSIONAIRE'S personal property at all times during the term of this contract. CONCESSIONAIRE shall not hold CITY responsible for loss or damage of equipment due to mischievous action on the part of the public.

CITY will provide security during the hours of Monday through Friday, 6:00am to 9:00pm; Saturday and Sunday 6:00am to 4:00pm.

27. RIGHT OR ENTRY AS AGENT:

In any case in which provisions are made herein for the termination of this contract by CITY, or in the case of abandonment or vacating of the premises by CONCESSIONAIRE, CITY, in lieu of declaring forfeiture, may enter upon, and retake the premises. To such end, CONCESSIONAIRE hereby irrevocably appoints CITY or its agents to remove any and all persons or property on said premises and place any such property in storage for the account of and at the expense of CONCESSIONAIRE. In such case, CITY may relet the premises upon such terms as it may deem proper, and if a sufficient sum shall not be realized thereby, after paying expenses of such reletting, to satisfy the rent and other sums herein agreed to by CONCESSIONAIRE. CONCESSIONAIRE agrees to save CITY harmless from any loss or damage or claim arising out of the action of CITY in pursuance of this paragraph.

28. TERMS BINDING ON SUCCESSORS:

All the terms, covenants, and conditions of this contract shall inure to the benefit of and be binding upon the successor and assigns of the parties hereto. The provisions of this paragraph shall not be deemed as a waiver of any of the conditions against assignment hereinbefore set forth.

29. DURATION OF PUBLIC FACILITIES:

- A. By entering into this AGREEMENT, CITY makes no stipulation as to the type, size, location, or duration of public facilities to be maintained at Transit, or the continuation of CITY ownership thereof.
- B. CONCESSIONAIRE agrees that at any time CITY determines usage of the leased premises or any portion thereof is required for other public purposes, CITY shall have the right to terminate or withdraw all or any portion thereof without payment for damage or loss of revenues, provided CONCESSIONAIRE is notified in writing 90 calendar days prior to said termination or withdrawal.
- C. In the event said premises are required for said public purpose(s) and/or relocated, as a result of said public purpose, or said AGREEMENT is terminated for any reason, CITY and CONCESSIONAIRE agree that CONCESSIONAIRE shall have no right to exercise the option set forth in Paragraph 2.A. above nor any further right to any continued operation.

30. TIME OF ESSENCE:

Time shall be of the essence in the performance of this contract.

31. HAZARDOUS SUBSTANCES:

No goods, merchandise, or material shall be kept, stored, or sold in or on said premises which is in any way explosive or hazardous; and no offensive or dangerous trade, business, or occupation shall be carried on therein or thereon, and nothing shall be done on said premises, other than as provided for by this AGREEMENT, and no machinery or apparatus shall be used or operated on said premises which will in any way injure said premises or adjacent buildings, provided, however, that nothing in this paragraph shall preclude CONCESSIONAIRE from bringing, keeping, or using on or about said premises such materials, supplies, equipment, and machinery as are appropriate or customary in carrying on its said business, or from carrying on its business in all respects as general or usual. Material Safety Data Sheets shall be kept on the premises for any products that are necessary in conducting business that is required by law.

33. ATTORNEY'S FEES:

If either party brings any action or proceeding to enforce, protect, or establish any right or remedy under this AGREEMENT, the prevailing party shall be entitled to recover reasonable attorney's fees. Arbitration is not an action or proceeding for the purpose of this provision.

34. NONDISCRIMINATION, SPECIAL CONDITIONS, AND REGULATIONS:

- A. The CONCESSIONAIRE for him/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this AGREEMENT for the purpose for which a Department of Transportation program or activity is extended for another purpose involving the provision of similar services or benefits, the CONCESSIONAIRE shall maintain such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- B. CONCESSIONAIRE agrees that it shall insert the above provision in any AGREEMENT, contract, or other similar document, by which said CONCESSIONAIRE grants a right or privilege to any person, firm, or corporation to render accommodations and/or services to the public on the premises herein leased.
- C. The CITY reserves the right to further develop or improve the area surrounding the Transit Center as it sees fit, regardless of the desires or view of the CONCESSIONAIRE and without interference or hindrance.
- D. The CITY reserves the right, but shall not be obligated to the CONCESSIONAIRE to maintain and keep in repair the area surrounding the Transit Center and all publicly-owned facilities of the Transit Center with the right to direct and control all activities of the CONCESSIONAIRE in this regard.
- E. The CONCESSIONAIRE for themselves, their personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that:
 - i. No person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of such facilities,
 - ii. That in the construction of any improvements, on, over, or under such land and furnishings of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination,
 - iii. That the CONCESSIONAIRE shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the department of transportation-Effectuation of Title VI of the Civil Rights Act of 1964 and as said Regulations may be amended.
- F. That in the event of breach of the above non-discrimination covenant, CITY shall have the right to terminate the AGREEMENT and to reenter and repossess said land and the facilities thereon, and hold the same as if said AGREEMENT had never been made or issued. This provision

does not become effective until the procedures of 49 CFR Part 21 are followed and completed including expiration of appeal rights.

- G. CONCESSIONAIRE shall furnish its accommodations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge fair, reasonable, and not unjustly discriminatory prices for each unit or service; PROVIDED, that the CONCESSIONAIRE may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar type of price reductions to volume purchasers.
- H. Non-compliance with Provision G above shall constitute a material breach thereof and in the event of such non-compliance the CITY shall have the right to terminate this AGREEMENT and the estate hereby created without liability therefore or at the election of the CITY or the United States either or both said Governments shall have the right to judicially enforce provisions.

35. **AFFECTS OF ILLEGALITY:**

The invalidity of any provision shall not affect the remainder of the AGREEMENT.

36. **ENTIRE AGREEMENT:**

The AGREEMENT contains the entire AGREEMENT between the parties. No promise, representation, warranty, or covenant not included in this AGREEMENT has been or is relied upon by either party. Each party has relied on his own examination of this AGREEMENT, counsel of his own advisors and the warranties, representations, and covenants in the AGREEMENT itself. The failure or refusal of either party to inspect the premises or improvements, to read the AGREEMENT or other party to inspect the premises or improvements, to read the AGREEMENT or other documents, or to obtain legal or other advice relevant to this transaction constitutes a waiver of any objection, contention, or claim that might have been based on such reading, inspection, or advice.

37. COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS

This contract is financed in part with funding received under Section 5307 of the Federal Transit Act. All services performed by CONTRACTOR pursuant to this AGREEMENT shall be performed in accordance and full compliance with all applicable federal laws and requirements including, but not limited to:

A. ENERGY CONSERVATION REQUIREMENTS

(42 U.S.C. §6321 et seq., 49 CFR Part 18)

CONCESSIONAIRE agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

B. CLEAN WATER REQUIREMENTS

(33 U.S.C. §1251)

1. CONCESSIONAIRE agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251 et seq. CONCESSIONAIRE agrees to report each violation to CITY and understands and agrees that CITY will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

2. CONCESSIONAIRE also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

C. LOBBYING

(31 U.S.C. §1352, 49 CFR Part 19, 49 CFR Part 20)

Byrd Anti-Lobbying Amendment, 31 U.S.C. §1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. §1601, et seq.]. CONCESSIONAIRE agrees to comply with 31 U.S.C. §1352 and 49 CFR Part 29, which provides that contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." The Certification Regarding Lobbying required by this provision shall contain the information and be in the format provided in Exhibit "E", which is attached hereto and is incorporated herein by this reference. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, member of Congress, officer or employee of Congress, or any employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. §1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. §1352. Such disclosures are forwarded from tier to tier up to the recipient.

D. FEDERAL CHANGES

(49 CFR Part 18)

CONCESSIONAIRE shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Agreement (Form FTA MA (2) dated October, 1995) between CITY and FTA, as they may be amended or promulgated from time to time during the term of this AGREEMENT. CONCESSIONAIRE's failure to so comply shall constitute a material breach of this AGREEMENT.

E. CLEAN AIR

(42 U.S.C. §7401 et seq, 40 CFR Part 15.61, 49 CFR Part 18)

1. CONCESSIONAIRE agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§7401 et seq. CONCESSIONAIRE agrees to report each violation to CITY and understands and agrees that CITY will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.
2. CONCESSIONAIRE also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

F. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

No Obligation by the Federal Government.

1. CITY and CONCESSIONAIRE acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying AGREEMENT, absent the express written consent by the Federal Government, the Federal Government is not a party to this AGREEMENT and shall not be subject to any obligations or liabilities to the CITY, CONCESSIONAIRE, or any other party (whether or not a party to that AGREEMENT) pertaining to any matter resulting from this AGREEMENT.
2. CONCESSIONAIRE agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

G. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS

31 U.S.C. §§3801 et seq., 49 CFR Part 31, 18 U.S.C. §1001, 49 U.S.C. §5307)

1. CONCESSIONAIRE acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§3801 et seq. and United States Department of Transportation ("U.S. DOT") regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this AGREEMENT. Upon execution of this AGREEMENT, CONCESSIONAIRE certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to this AGREEMENT or the FTA assisted project for which this work is being performed. In addition to other penalties that may be applicable, CONCESSIONAIRE further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on CONCESSIONAIRE to the extent the Federal Government deems appropriate.
2. CONCESSIONAIRE also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with this AGREEMENT that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. §5307, the Government reserves the right to impose the penalties of 18 U.S.C §1001 and 49 U.S.C. §5307(n)(1) on CONCESSIONAIRE, to the extent the Federal Government deems appropriate.
3. CONCESSIONAIRE agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

H. CIVIL RIGHTS REQUIREMENTS

(29 U.S.C. §623, 42 U.S.C. §2000, 42 U.S.C. §6102, 42 U.S.C. §§12112 and 12132, 49 U.S.C. §5332, 29 CFR Part 1630, 41 CFR Parts 60 et seq.)

The following requirements apply to this AGREEMENT:

1. Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. §2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. §6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. §12132, and Federal transit law at 49 U.S.C. §5332, CONCESSIONAIRE agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, CONCESSIONAIRE agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
2. Equal Employment Opportunity - The following equal employment opportunity requirements apply to this AGREEMENT:
 - (a) Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. §2000e, and Federal transit laws at 49 U.S.C. §5332, CONCESSIONAIRE agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. §2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the performance of this AGREEMENT. CONCESSIONAIRE agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
 - (b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §623 and Federal transit law at 49 U.S.C. §5332, CONCESSIONAIRE agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, CONCESSIONAIRE agrees to comply with any implementing requirements FTA may issue.
 - (c) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. §12112, CONCESSIONAIRE agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, CONCESSIONAIRE agrees to comply with any implementing requirements FTA may issue.

3. CONCESSIONAIRE also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

**I. DISADVANTAGED BUSINESS ENTERPRISES (DBE)
(49 CFR Part 23)**

1. The Federal Fiscal Year goal has been set by CITY in an attempt to match projected procurements with available qualified disadvantaged businesses. CITY goals for budgeted service contracts, bus parts, and other material and supplies for Disadvantaged Business Enterprises (“DBE”) have been established by CITY as set forth by the Department of Transportation Regulations 49 C.F.R. Part 23, March 31, 1980, and amended by Section 106(c) of the Surface Transportation Assistance Act of 1987, and is considered pertinent to any contract resulting from that request for proposal.

If a specific DBE goal is assigned to this AGREEMENT, it will be clearly stated in the Special Specifications, and if CONCESSIONAIRE is found to have failed to exert sufficient, reasonable, and good faith efforts to involve DBE in the work provided, CITY may declare CONCESSIONAIRE noncompliant and in breach of contract. If a goal is not stated in the Special Specifications, it will be understood that no specific goal is assigned to this AGREEMENT.

- (a) Policy - It is the policy of the Department of Transportation and CITY that Disadvantaged Business Enterprises, as defined in 49 CFR Part 23, and as amended in Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (“STURAA”), shall have the maximum opportunity to participate in the performance of any contract financed in whole or in part with federal funds under this AGREEMENT. Consequently, the DBE requirements of 49 CFR Part 23 and Section 106(c) of the STURAA of 1987, apply to this AGREEMENT.

CONCESSIONAIRE agrees to ensure that DBE as defined in 49 CFR Part 23 and Section 106(c) of the STURAA of 1987, have the maximum opportunity to participate in the whole or in part with federal funds provided under this AGREEMENT. In this regard, CONCESSIONAIRE shall take all necessary and reasonable steps in accordance with the regulations to ensure that DBE have the maximum opportunity to compete for and perform subcontracts. CONCESSIONAIRE shall not discriminate on the basis of race, color, national origin, religion, sex, age or physical handicap in the award and performance of subcontracts.

It is further the policy of CITY to promote the development and increase the participation of businesses owned and controlled by disadvantaged. DBE involvement in all phases of CITY procurement activities are encouraged.

- (b) DBE obligation – CONCESSIONAIRE and its subcontractors agree to ensure that disadvantaged businesses have the maximum opportunity to participate in the performance of contracts and subcontracts financed in

whole or in part with federal funds provided under this AGREEMENT. In that regard, CONCESSIONAIRE and all subcontractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 as amended, to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts.

- (c) Where CONCESSIONAIRE is found to have failed to exert sufficient reasonable and good faith efforts to involve DBE in the work provided, CITY may declare CONCESSIONAIRE noncompliant and in breach of contract.
- (d) CONCESSIONAIRE will keep records and documents for a reasonable time following performance of this AGREEMENT to indicate compliance with CITY's DBE program. These records and documents will be made available at reasonable times and places for inspection by any authorized representative of CITY and will be submitted to CITY upon request.
- (e) CITY will provide affirmative assistance as may be reasonable and necessary to assist CONCESSIONAIRE in implementing their programs for DBE participation. The assistance may include the following upon request by CONTRACTOR:
 - Identification of qualified DBE
 - Available listing of Minority Assistance Agencies
 - Holding bid conferences to emphasize requirements

2. DBE Program Definitions, as used in this AGREEMENT:

- (a) Disadvantaged business "means a small business concern":
 - (1) Which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; OR
 - (b) Which is at least 51 percent owned by one or more women individuals, or in the case of any publicly owned business, at least 51% of the stock of which is owned by one or more women individuals; and whose management and daily business operations are controlled by one or more women individuals who own it.
 - (c) "Small business concern" means a small business as defined by Section 3 of the Small Business Act and Appendix B - (Section 106(c)) Determinations of Business Size.

- (d) "Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and States (or lawfully admitted permanent residents) and who are black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, or women, and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act.
- (1) "Black Americans", which includes persons having origins in any of the Black racial groups of Africa;
 - (2) "Hispanic Americans", which includes persons of Mexican, Puerto Rican, Cuba, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - (3) "Native Americans", which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - (4) "Asian-Pacific Americans", which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of Pacific, and the Northern Marianas; and
 - (5) "Asian-Indian Americans", which includes persons whose origins are from India, Pakistan, and Bangladesh.

J. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS
(FTA Circular 4220.1D)

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding AGREEMENT provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1D, dated April 15, 1996, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any CITY requests which would cause CITY to be in violation of the FTA terms and conditions.

38. MISCELLANEOUS PROVISIONS

- A. CONCESSIONAIRE covenants that he presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder.
- B. CONCESSIONAIRE will not discriminate against any employee, or applicant for employment, because of race, color, religion, sex, marital status, or national origin. CONCESSIONAIRE will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, marital status, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading,

demotion or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the day and year first herein above written.

By: _____
City Manager

By: _____
Micaela Marcial, Concessionaire

APPROVED AS TO FORM

By: _____
Risk Manager

By: _____
_____, Concessionaire

APPROVED AS TO FORM

By: _____
Transit Manager

APPROVED AS TO FORM

By: _____
City Attorney

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EXHIBIT "B"

PERSONAL PROPERTY

To be determined at time of implementation.

EHXIBIT "C"

MENU AND PRICING

Bidder's response to the proposal is to include a menu of items to be served. Proposals will be evaluated on a variety of items and serving size compared to item price. A menu sample has been provided.

Portion sizes and price will be adopted as Exhibit B of the Concession Agreement and items may not be added or deleted after contract execution without written consent of the City of Visalia.

<u>ITEM</u>	<u>PRICE</u>
BURRITO	\$2.99
TORTA	\$2.99
SOPE	\$2.99
TOSTADA	\$2.00
TACO	\$1.25
ENCHILADA (ONE ORDER)	\$2.99
COMBINATION PLATES	\$4.99
QUESADILLA	\$2.99
COFFEE	\$0.75
HOT CHOCOLATE	\$1.25
SODAS	\$0.75

BREAKFAST ITEMS

EGGS, BACON, WITH TOAST	\$2.99
RICE, BEANS, AND EGG	\$2.99

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

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

Agenda Item Wording: Authorization for the City Manager to execute a professional services agreement with Advocation, Inc. (State Lobbyist) in the amount of \$60,000 annually for continuing legislative advocacy services for fiscal year 2005-06.

Deadline for Action: June 20, 2005

Submitting Department: Administration

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

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.): _____

Department Recommendation:

That the Visalia City Council authorize the City Manager to execute a professional services agreement with Advocation, Inc. (State Lobbyist) in the amount of \$60,000 annually for continuing legislative advocacy services for the fiscal year 2005-2006. The current annual contract is in the amount of \$48,000, plus expenses. The contract amount has not been increased since the original contract in 2002. It should be noted that the current contract with the Jefferson Group (Federal Lobbyist) is currently \$60,000 annually.

Summary:

The City has been working closely with this legislative advocacy firm on a wide range of issues affecting the City. The firm has proven to be extremely valuable in providing an effective communication link between the City of Visalia and legislators and officials in Sacramento, and had greatly enhanced the City's effectiveness in the state legislative process.

The staff of Advocation, have continued to demonstrate their ability to effectively monitor legislative activity in Sacramento and to proactively communicate these issues to the City of Visalia. They have also demonstrated their ability to establish effective working relationships with individual legislators, staff members, and officials from various state agencies, and to facilitate the City's interaction with these individuals. Wesley Lujan, Legislative Advocate who manages most of the City's requests, has been extremely effective in representing the City's legislative needs.

The staff of Advocation has been extremely responsive and available to City Council and staff during official trips to Sacramento and to facilitate meetings with legislators, legislative staff and state officials and to enhance the results of those meetings.

History:

2002-The City entered into a contract with Advocation, Inc. to represent the City's legislative interest in Sacramento. Prior to that the City has contracted with JOE A. GONZALVES AND SON from April 1, 2000 to April 1, 2002, to represent the City.

Advocation, Inc. has provided key legislative support in the following areas:

2002:

- AB 2758 (Briggs): Sales Tax Increase for Public Safety: Advocation coordinated all of the efforts associated with the passage of AB 2758 through the legislative process. The bill authorized the City of Visalia, with the approval of 2/3 of the voters voting on the issue at an election, to levy a transactions and use tax at a rate 0.25% for the purpose of improving public safety, fire, and law enforcement services in the city.
- AB 2370 (Thomson): Local Agency Formation – Annexation: Advocation coordinated efforts to amend this legislation for the benefit of the City. This bill prohibited the commission from approving or conditionally approving a change of organization or reorganization or a change in a sphere of influence of a local government agency that would result in the annexation to a city.

2003:

- SB 898 (Burton): Farmland Conservation: In its original form, this bill would have prohibited any county or city, including a charter city, from zoning, rezoning, or pre-zoning any important cropland, as defined, for nonagricultural use and from granting approval of a tentative map or parcel map if the land is important farmland that would be converted to a nonagricultural use unless the county or city makes specified findings.

In its initial version, this measure would have eliminated the ability to develop prime and sub-prime farmland through 2015. Due to significant opposition, in which the City was involved, the measure was completely amended to declare the intent of the Legislature to enact legislation to provide long-term protection for the state's productive agricultural lands and the viability of this important sector to the economy. Advocation indicates it will continue to monitor such bills and will oppose any efforts to prohibit development on agricultural lands.

2004:

- AB 2398 (Maze): Expansion of Targeted Tax Areas. Advocation actively supported and coordinated the legislative effort for the City and the Tulare County EDC on the legislation from its introduction through its final approval by the Governor. This bill authorized the department to approve a proposal to expand a targeted tax area, by no more than 15%, if the department finds that the additional territory proposed to be included in the targeted tax area meets certain criteria and certain other conditions are met.
- AB 192 (Harman): Non-contiguous annexations. Advocation worked on the bill on behalf of the city during its initial introduction. This bill pertained to the number of acres of non-contiguous land a city would be permitted to annex.

2005:

- Advocation helped secure \$325k in matching funds in both versions of the Assembly and Senate Budget for a High Speed Rail Authority Study for a potential station in the southern part of the San Joaquin Valley between Bakersfield and Fresno. (Final approval by the Governor is still pending.)
- Advocation assisted in contacting the Business, Transportation and Housing Agency regarding the Vanity Fair Project.
- Assembly Bill 737 (Horton): Requires property tax revenue generated by the development of utility-owned property be allocated on a situs basis. Supported Southern California Edison's efforts and have testified before the Assembly Local Government Committee on behalf of the City.

Looking forward:

Potential future issues likely to confront the City are continued risks to redevelopment funding, high speed rail alignment and implementation issues, LAFCO and annexation related legislation, general attacks on local control, infill development issues and the establishment of a public four year university within the Tulare/Kings County area.

Advocation has truly represented the City's interests within Sacramento's political and policy environment. The abovementioned bills are mainly areas Advocation has focused on over the past years of the existing contractual relationship. They monitor hundreds of bills and work very closely with staff in maintaining constant communication regarding these bills.

Staff believes that Advocation has provided tangible results for the City of Visalia in the State Legislature and within the political environment in Sacramento. The annual contract increase is justified based on performance by this firm in representing the City of Visalia's legislative interests.

Prior Council/Board Actions:

Contract renewal March 2002

Committee/Commission Review and Actions:

Alternatives:

Not renew the contract

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move the City Council authorize the City Manager to execute a contract with Advocation, Inc. in the amount of \$60,000 for fiscal year 2005-06.

Financial Impact

Funding Source:

Account Number: 0011-551000-10101 (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$60,000	New Revenue: \$
Amount Budgeted: \$60,000	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes___	No__X__

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Copies of this report have been provided to:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 17

Agenda Item Wording: Protest hearing regarding formation of "Open Space District No. 88, Parcel Map No. 2004-18, located at the southwest corner of Ferguson Avenue and Cain Street. If less than 50% of property owners protest, adopt a resolution forming the Open Space District. Resolution No. 2005-6 required.

Deadline for Action: June 20, 2005

Submitting Department: Community Development / Public Works

Contact Name and Phone Number:

Greg Dais 713-4164
Andrew Benelli 713-4340

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 2

Department Recommendation and Summary: Hold a protest hearing regarding the formation of Open Space District No. 88, Parcel Map No. 2004-18. If less than 50% of property owners protest in writing, adopt a resolution forming the Open Space District. Resolution No. 2005- 86 required. The affected area is currently owned by Jose & Romana Estrada who has consented to the formation of the district. Although consent has been provided, state law requires that the protest hearing be held prior to the formation of the district.

Discussion: In 1988 City Council adopted an update to the original 1979 Northeast Area Specific Plan. The Specific Plan lays the groundwork for required public improvements specific to the Northeast area and the maintenance thereof. The improvements consist of sidewalks/bike paths, center medians, frontage landscaping and decorative block walls. Policies 5 and 6 of Goal 5 of the Specific Plan speak to the issue of formation of maintenance districts and collection of fees for all development in the Northeast Plan area.

The Planning Commission has approved the Tentative Map for Parcel Map No. 2004-18, located at the southwest corner of Ferguson Avenue and Cain Street. This map will create 3 single family lots. One of the conditions of the Tentative Map requires the formation of an open space maintenance district for the maintenance of amenities within the Northeast Specific Plan area. As noted above, the Specific Plan requires open space maintenance districts to be established for the purpose of maintaining amenities such as landscaping along public streets, walkways, crosswalks, parking areas, drainage facilities, parkways, lighting, and sprinkler systems.

At the Council meeting on June 6, 2005, a resolution of intention to form Open Space District No. 88, Parcel Map No. 2004-18 was passed; this resolution set the date for a protest hearing to allow property owners and the owners of residential units within the proposed district to oppose its formation. Opposition must be in the form of a written protest.

Once a protest hearing has been held, and if no more than 50% of property owners protests in writing, Council may pass a resolution to form the open space district. Formation of this district was a requirement of the Tentative Map in order to provide for maintenance of the improvements and landscaping within the Northeast Master Plan Area. The property owner(s) will be assessed \$44.28 per year which will be collected either by billing by the City of Visalia or collected with property taxes by the County of Tulare.

Prior Council/Board Actions: On June 6, 2005 Council approved a resolution of intention to form Open Space District No. 88, Parcel Map No. 2004-18.

Committee/Commission Review and Actions: Planning Commission approved Parcel Map No. 2004-18, on October 25, 2004.

Attachments: Resolution, Location Sketch

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected) That the City Council adopt Resolution No. 2005-86, ordering the formation Open Space District No. 88, Parcel Map No. 2004-18.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review: Categorically Exempt

Required?

Review and Action: Prior:
 Required:

NEPA Review:

Required?

Review and Action: Prior:
 Required:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.

RECORDING REQUESTED BY:

This document last revised 6/17/05 11:50 AM
By author: Greg Dais

CITY OF VISALIA

WHEN RECORDED RETURN TO:
CITY OF VISALIA
ENGINEERING DEPT.
315 E. ACEQUIA AVE.
VISALIA, CA. 93291

RESOLUTION NO. 2005-86

RESOLUTION ORDERING THE FORMATION
OPEN SPACE DISTRICT NO. 88
PARCEL MAP No. 2004-18

WHEREAS, pursuant to Title 12, Chapter 12.40 of the Ordinance Code of the City of Visalia, California, the City Council of said City did on June 6, 2005 adopt resolution of intention to form Open Space District No. 88 in said CITY; and

WHEREAS, said Council did declare by adopting said resolution its intention to order, at the expense of maintaining and operating parks, parkways and appurtenance thereto, including, but not limited to; walkways, crosswalks, steps, safety zones, parking areas, platforms, seats, statuary, fountains, certain fencing, drainage facilities; poles, posts, wire, lights, conduits, tunnels, ramps and other suitable or necessary appliances for the purposed of lighting said places or public ways; water mains or sprinkler systems; and ornamental planting including lawns, shrubs and trees, all as now exist or may hereafter be constructed in or for said Maintenance District, and a benefit to said Maintenance District but not to benefit the City of Visalia as a whole, including the cost of necessary repairs, replacements, fuel, power, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, shall be charged to the owners of residential units within said Maintenance District above described, which district said Council hereby determined will be a district benefited by the maintenance and operation of said improvements and that the amounts so charged are to be collected through billing by the City or with property taxes collected by the County of Tulare.

WHEREAS, said resolution was duly published and notices of its passage were duly mailed, for the time and in the form and manner provided by law, all as more particularly appears from proofs thereof on file at City Hall, City of Visalia; and

WHEREAS, a full hearing was had thereon at the time appointed and all persons desiring to be heard by this Council, and that no persons appeared and objected orally or in writing to the inclusion of said territory, or a portion or portions of said territory to the maintenance districts;

NOW, THEREFORE HEREBY BE IT RESOLVED and ordered as follows:

1. That all written protests and other written communications were publicly read at said hearing, that protests against the formation of said district were not made by the owners of more than ½ of the residential units for a land that property included therein, that all persons desiring to be heard were fully heard, and that all protests be, and each of the, are hereby overruled.

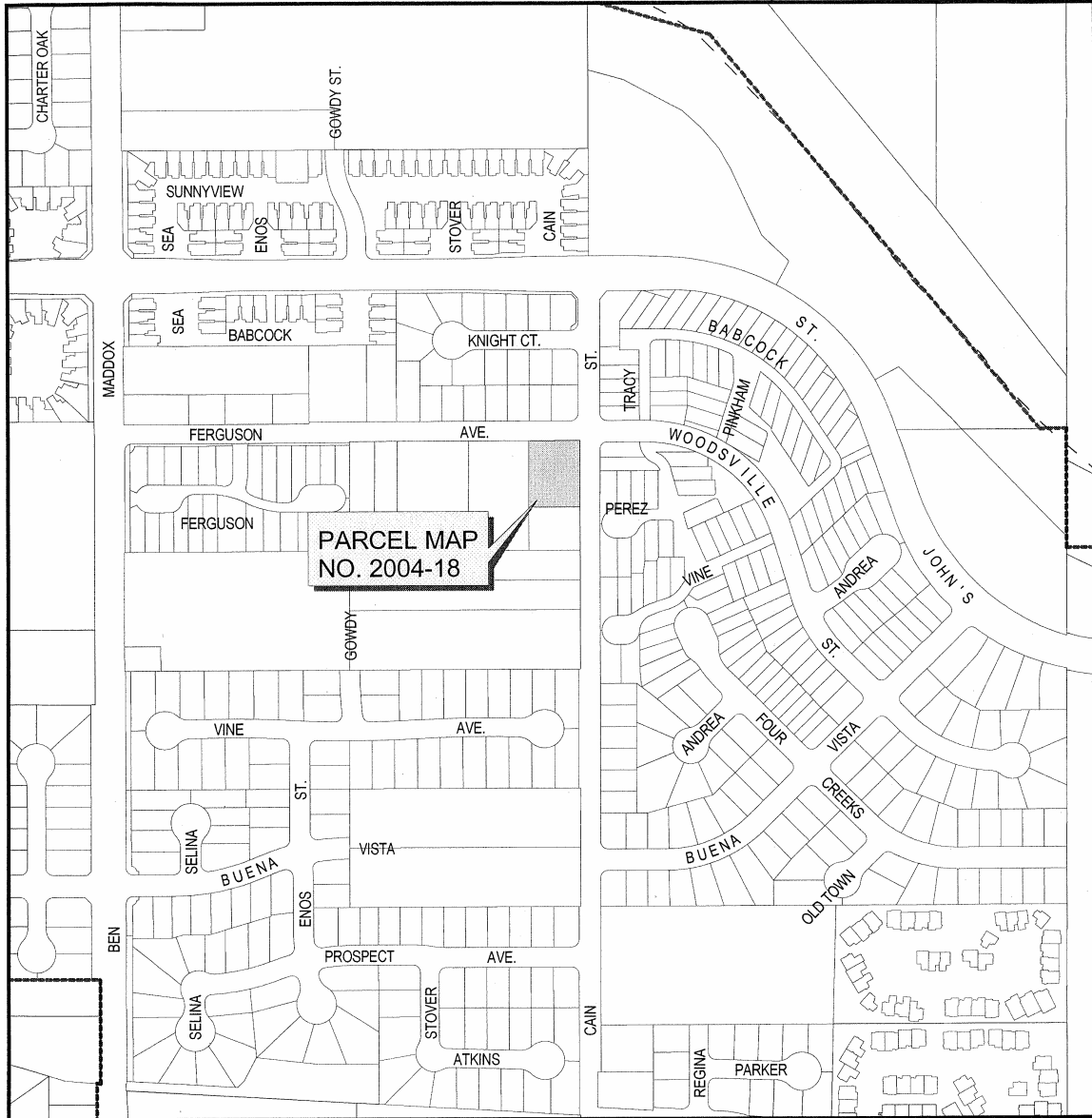
2. That the public interest and convenience require and a maintenance district is hereby formed for the maintenance and operation of parks and parkways and appurtenances thereto, including, but not limited to walkways, crosswalks, steps, safety zones, parking areas, platforms, seats, statuary, fountains, certain fencing, drainage facilities; poles, posts, wire, lights, conduits, tunnels, ramps and other suitable or necessary appliances for the purposed of lighting said places or public ways; water mains or sprinkler systems; and ornamental planting including lawns, shrubs and trees, all as now exist or may hereafter be constructed in or for said Maintenance District, and a benefit to said Maintenance District but not to benefit the City of Visalia as a whole, which district said Council hereby determines will be the district benefited by the maintenance operation of said improvements.

3. That said district be, and is hereby designated as “Open Space District No. 88”, by which name it shall hereafter referred to in all subsequent proceedings, including proceedings for the collection of charges in the amount of \$44.28 per year; that such charges be collected either by billing by the City of Visalia or collected with property taxes by the County of Tulare.

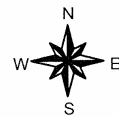
4. That the district and the boundaries thereof benefited and to be assessed for the maintenance and operation of the improvements described are situated in Tulare County, State of California, City of Visalia and being more particularly described as follows: (see attached map)

Open Space District No. 88, Parcel Map No. 2004-18, being a division of a portion of Lot 5 of the Cain Tract, as per map recorded in Book 2, page 99 of Maps in the office of the County Recorder of said County, situated in a portion of the north half of the southwest quarter of Section 21, Township 18 South, Range 25 East, M.D.B. & M.

City of Visalia
North District No. 88



LOCATION MAP



Scale: 1"= 400'

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

Agenda Item Number: 18

Agenda Item Wording: A request by Bill Morgan (QuadKnopf, agent) for a 9% density bonus in conjunction with Conditional Use Permit No. 2005-14, to allow a 136 unit multi-family residential development on 8.6 acres in the R-M-2 zone. Resolution 2005-87 required.

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number:

Michael Olmos – 713-4332
Jason Pausma – 713-4348

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

Summary:

On May 23, 2005, the Planning Commission approved Conditional Use Permit No. 2005-14, which was a request by Bill Morgan to allow a 136 unit multi-family development on the southwest corner of Lovers Lane and K Road. The Commission also forwarded to Council a recommendation of approval for a Density Bonus which allots the development a 9% density bonus (11 bonus units), in exchange for designating 12% of the site for common usable open space per Zoning Ordinance Section 17.26.040.B. With an 8.6 net acre site, the Zoning Ordinance would allow up to 125 units. With the 9% density bonus, the applicant would construct 136 units. Staff recommends approval of the Open Space Density Bonus.

Open Space Density Bonus:

The project site provides enough land for 125 units, per the R-M-2 development standards. The applicant is proposing to develop 136 units, which is 9% more than the allowed 125 units. The applicant is proposing a density bonus, in accordance with the City's Zoning Ordinance 17.32.040.B. To become effective, the Density Bonus must be approved through a resolution adopted by the City Council.

In exchange for the 9% density bonus, the developer will designate 12% of the net site area for common usable open space (including the Club House), as shown in Exhibit "A". The open space is centrally located in the site. There is an 18,723 square foot open space area, and a 9,952 square foot open space area in the middle of the complex, with the 6,175 square foot club

house / office located in the 16,120 square foot open area on the east end of the site adjacent to the eastern entrance off of Lovers Lane. The sum total amount of open space, including the club house / office is just over an acre of open space at 44,795 square feet, which calculates to be 12% of the net site area.

Commission Review and Actions:

The Planning Commission held a public hearing on May 23, 2005, and approved Conditional Use Permit No. 2005-14 on a 4-0 vote. During the public hearing, one person spoke to the item. Lisa Dock with QuadKnopf spoke in support of the project on the applicants' behalf. As part of the approval, the Commission included the standard Good Neighbor Policies as a condition of approval. These policies require common maintenance of buildings and landscaping along with prohibitions related to the storage of boats, trailers, and recreational vehicles over one ton outside of the garages. Graffiti must be removed within 24 hours, and buildings, mechanical equipment, and grounds will need to be maintained in good working order and in a neat and orderly fashion.

Variance No. 2005-04, a request by Bill Morgan to allow a variance from the standard rear yard setback in the R-M-2 zone was also reviewed and approved by the Planning Commission as part of this project. The approval of this variance request allows the applicant to place car port structures in the 25 foot rear yard setback. The structures will be located 7 feet from the rear (western) property line.

Alternatives:

The Council may affirm, reverse or modify the Planning Commission's recommendation regarding the open space density bonus. A modified approval would mean the Council could add or amend to the conditions of approval granted by the Planning Commission. The Planning Commission Conditions of approval are attached as Resolution No. 2005-054, approving Conditional Use Permit No. 2005-14. If the Council denies the 9% density bonus, the applicant would be required to amend the use permit through the Planning Commission and redesign the site, which would allow the developer to only develop up to the maximum amount of units allowed by the Zoning Ordinance in the R-M-2 zone (125 residential units).

Prior Council/Board Actions:

None.

Attachments:

- Resolution
- Exhibit "A" -- Site Plan
- Exhibit "B" – Operational Statement
- Location Map
- Planning Commission Resolution Approving Conditional Use Permit No. 2005-14 (unsigned)
- Planning Commission Staff Report

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to approve the 9% Density Bonus based upon the applicant providing 12% of the net site as usable open space, as approved by the Planning Commission through Conditional Use Permit No. 2005-14, by adoption of Resolution No. 2005-87.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? No
 Review and Action: Prior: Yes
 Require: Negative Declaration No. 2005-02 was certified by the Planning Commission at their May 23, 2005 meeting.

NEPA Review:

Required? No
 Review and Action: Prior:
 Require:

Tracking Information:

Anticipated schedule of review:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,

APPROVING A 9% DENSITY BONUS IN CONJUNCTION WITH CONDITIONAL USE PERMIT NO. 2005-14, WHICH IS A REQUEST TO ALLOW A 136 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON 8.6 ACRES IN THE R-M-2 ZONE. THE SITE IS LOCATED ON THE SOUTHWEST CORNER OF LOVERS LANE AND K ROAD.

WHEREAS, Conditional Use Permit No. 2005-14 is a request by Bill Morgan to allow 136 multi-family units in the R-M-2 zone, located on the southwest corner of Lovers Lane and K Road. APN: 126-120-028, 029); and

WHEREAS, the Planning Commission of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Commission on May 23, 2005; and

WHEREAS, the Planning Commission of the City of Visalia considered the density bonus in accordance with Section 17.26.040.B of the City of Visalia Zoning Ordinance, and the conditional use permit in accordance with Section 17.38.110 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 recommended approval of the general plan amendment; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on June 20, 2005; and

WHEREAS, the City Council of the City of Visalia finds the 9% density bonus to be in accordance with Section 17.26.040.B 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, and no mitigation measures would be required.

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

BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves the 9% density bonus in conjunction with Conditional Use Permit No. 2005-14 based on the following specific findings and based on the evidence presented:

1. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant.
2. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the usable open space requirement of Zoning Ordinance Section 17.26.040.B has been met to allow the 9% density bonus on this site.
4. That the density bonus is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
5. That there is no evidence before the Planning Commission that the proposed projects 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 density bonus described herein, in accordance with the terms of this resolution under the provisions of Section 17.26.040.B of the Ordinance Code of the City of Visalia and based on the above findings.

City of Visalia Agenda Item Transmittal

Meeting Date: June 20, 2005

Agenda Item Number: 19

Agenda Item Wording:

Public hearing for:

1. General Plan Amendment No. 2005-05. A request by Mangano Homes to change the General Plan land use designation from Public Institutional to Low Density Residential on 19 acres. The site is located on the southeast corner of Demaree Street and Ferguson Avenue (APN: 089-020-006) Resolution No. 2005-88 required.
2. First Reading of Change of Zone No. 2005-06. A request by Mangano Homes to change the zoning from QP (Quasi-Public) to R-1-6 (Single-Family Residential) on 19 acres. The site is located on the southeast corner of Demaree Street and Ferguson Avenue (APN: 089-020-006) Ordinance No. 2005-08 required.
3. Certify Negative Declaration No. 2005-32.

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

Deadline for Action: None

Submitting Department: Community Development - Planning

Contact Name and Phone Number: Jason Pausma, Associate Planner (559) 713-4348

Recommendation and Summary: On May 23, 2005 the Planning Commission recommended that the Council approve General Plan Amendment No. 2005-05 and Change of Zone 2005-06. The amendment and change of zone are being proposed in order to accommodate a new 73 acre single-family residential subdivision. The proposed action would change the land use designation on approximately 19 acres from Public Institutional to Low Density Residential.

The proposed change in land use and zoning will change approximately 19 acres of Public Institutional (QP Zone) designated land to Low Density Residential (R-1-6 Zone). Approximately 13 acres of QP zoned land will remain along Ferguson Avenue for a future elementary school as shown on the Zoning and General Plan Land Use Maps, attached. The Visalia Unified School District (VUSD) stated in a letter dated May 18, 2005 that they support the 13 acre site for the school at this location (see Exhibit "A").

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on May 23, 2005 and recommended approval of General Plan Amendment No. 2005-05 and Change of Zone No. 2005-06 on a 4-0 vote. During the public hearing, one person spoke to the item. Bob Dowds, the applicant spoke in support of the proposed general plan amendment and change of zone.

Prior Council/Board Actions:

None.

Alternatives:

None recommended

Attachments:

- Resolution and Ordinance
- Land Use Map
- Zoning Map
- Exhibit "A" -- Letter from Visalia Unified School District
- Exhibit "B" – Reduced Copy of Proposed Luisi Ranch Tentative Subdivision Map
- Environmental Document
- Location Map
- Planning Commission Staff Report

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to certify Negative Declaration No. 2005-32 and approve General Plan Amendment No. 2005-05 and Change of Zone 2005-06 by adoption of Resolution No. 2005-88 and Ordinance No. 2005-08.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action: Prior:

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

NEPA Review:

Required? No

Review and Action: Prior:

Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,

APPROVING GENERAL PLAN AMENDMENT NO. 2005-05, A REQUEST TO CHANGE THE LAND USE DESIGNATION FROM PUBLIC INSTITUTIONAL TO LOW DENSITY RESIDENTIAL ON 19 ACRES, LOCATED ON THE SOUTHEAST CORNER OF FERGUSON AVENUE AND DEMAREE STREET.

WHEREAS, an application for General Plan Amendment No. 2005-05, requested by Mangano Homes to change the General Plan Land Use Designation from Public Institutional to Low Density Residential, located on the southeast corner of Ferguson Avenue and Demaree Street. APN: 089-020-006; and

WHEREAS, the Planning Commission of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Commission on May 23, 2005; 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 recommended approval of the general plan amendment; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on June 20, 2005; and

WHEREAS, the City Council of the City of Visalia finds the general plan amendment to be 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, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required.

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

BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves the proposed General Plan Amendment based on the following specific findings and based on the evidence presented:

1. That the land use changes proposed and recommended in General Plan Amendment No. 2005-05 would result in an efficient land use pattern, consistent with the area's surrounding residential land uses.
2. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and that Negative Declaration No. 2005-32 is hereby adopted.
3. That the General Plan Amendment and Annexation are consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

4. That there is no evidence before the Planning Commission that the proposed projects 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.

ORDINANCE NO. 2005-08

AMENDING THE ZONING MAP OF THE CITY OF VISALIA CHANGING THE ZONING FROM QP (QUASI-PUBLIC) TO R-1-6 (SINGLE-FAMILY RESIDENTIAL) ON 19 ACRES ON THE SOUTHEAST CORNER OF FERGUSON AVENUE AND DEMAREE STREET; MANGANO HOMES, APPLICANT

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 changes to the Zoning Map of the City of Visalia that would change the zoning from QP (Quasi-Public) to R-1-6 (Single-Family Residential) on 19 acres on the southeast corner of Ferguson Avenue and Demaree Street; APN: 089-020-006; City of Visalia; and

Section 2: This property and Zoning Map of the City of Visalia is hereby amended to show said property changes.

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

City of Visalia
City Council Agenda Item Transmittal

City Council Meeting Date: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 20

Agenda Item Wording: Adoption of Resolution 2005-89 which allows the City of Visalia to place Miscellaneous Special Assessments on the Tulare County secured property tax roll for Curb and Gutter, Sewer Connection, Business Incentive Zone, Landscape and Lighting, Northeast Improvement District, Los Rios/Casa Blanca and Property & Business Improvement District.

Deadline for Council Action: June 20, 2005

Submitting Department: Finance

Contact Name and Phone Number:

Nathan Hernandez 713-4425

For action by:

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

For placement on agenda as:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.):_10_

Department Recommendation: After holding the Public Hearing, it is recommended that the Visalia City Council adopt Resolution 2005-89 which allows the City of Visalia to place Miscellaneous Special Assessments on the Tulare County secured property tax roll for collection. These assessments include Curb and Gutter, Sewer Connection, Business Incentive Zone, Landscape and Lighting, Northeast Improvement District, Los Rios/Casa Blanca and Property & Business Improvement District. Weed & Lot Clearing charges will be brought to Council at a Public Hearing on August 1, 2005.

This is an annual process that allows the City to collect fees for three general categories:

1. Agreements entered into at the property owners request (Curb and Gutter, Sewer Connection, Business Incentive Zone)
2. Special assessments (Landscape and Lighting, Northeast Improvement District, Los Rios/Casa Blanca and Property & Business Improvement District - PBID)
3. Delinquent service charges (Weed and Lot Clearing – Public Hearing will be held on August 1, 2005)

Summary: Each year, the special assessments are brought before Council for adoption of the Resolution, which is a requirement by the County to place these assessments on the property tax rolls for collection. A complete listing of parcels will be made available at the public hearing. The preliminary amount for fiscal year 2005-06 is \$1,466,966. Last year's tax roll amount was \$1,219,591, an increase of \$247,375. The increase is due to Landscape and Lighting assessments which increased by \$291,676 with the addition of 1,672 parcels to this year's assessments. *(Note: The preliminary amount includes the proposed increase to the balloted L&L districts also on the agenda this evening).* This was partially offset by decreases in PBID assessments for a proposed decrease in marketing costs discussed below.

Discussion: Table I. Tax Roll Summary, compares the current year assessment with the prior year. The table is followed by descriptions of the categories, the types of assessments within each category, and the preliminary amounts expected to roll to taxes in FY2005/06 for each assessment.

Table I.
Tax Roll Summary

	FY 2004/05		FY 2005/06		Inc/(Dec)	
	No. of Parcels	Amount	No. of Parcels	Amount	No. of Parcels	Amount
Owner Requested Services						
Curb & Gutter	4	599.64	3	467.92	(1)	(131.72)
Sewer Connection	19	8,532.86	38	16,140.08	19	7,607.22
Business Incentive Zone	2	3,805.18	2	3,805.18	-	-
Subtotal	25	12,937.68	43	20,413.18	18	7,475.50
Special Assessments						
Landscape & Lighting Dist.	8,264	740,588.06	9,936	1,032,263.70	1,672	291,675.64
Northeast Improvement Dist.	2,341	111,796.86	2,376	113,346.66	35	1,549.80
Los Rios Assessment Dist.	249	62,256.16	249	61,186.26	-	(1,069.90)
Property Based Improvement Dist.	286	292,012.64	283	239,756.44	(3)	(52,256.20)
Subtotal	11,140	1,206,653.72	12,844	1,446,553.06	1,704	239,899.34
					-	-
					-	-
Total	11,165	1,219,591.40	12,887	1,466,966.24	1,722	247,374.84

1. Agreements entered into at the property owner's request. The assessments below are supported by an agreement between the City of Visalia and the property owner.

- Curb and Gutter:** 3 Parcels totaling \$468

These special assessments are for the construction of curb and gutter or sidewalk for the specific parcel (Public Works Department). An example would be if a property owner requested that a sidewalk be constructed in front of the existing home. The City would provide an estimate, and if agreed, the sidewalk would be installed. The property owner has the option of paying for the sidewalk immediately or financing it through the City for up to a five year period. The annual roll of this type of Special Assessment would be for the property owners that opted to pay construction costs through their property tax bill over a five year period. A 7% interest rate is charged on the outstanding principal balance each year. Assessments for this type of service have decreased as the costs are minimal and interest rates for outside financing have been favorable.
- Sewer Connection:** 38 Parcels totaling \$16,140

These special assessments are for the construction of the main line and lateral for connection to the Visalia Waste Water Treatment Plant for the specific parcel (Public Works Department). The annual roll of this type of Special Assessment would be for property owners that opted to pay connection costs through their property tax bill over a five or ten year period. A 7% interest rate is charged on the outstanding principal balance each year. These assessments increased this year with the annexation of several County Islands and the subsequent connections to the City sewer system for those residents.

- Business Incentive Zone: 2 Parcels totaling \$3,805
These special assessments are for certain eligible companies whose operations meet specific guidelines established by City Ordinance. The ordinance allows these companies to elect to pay their development impact fees over five years on the property tax roll. The agreements are brought to Council for approval before being placed on the property tax rolls.
2. Special assessments. The next four categories represent annual Special Assessments districts that are placed on the Tulare County secured property tax roll. Proposition 218 requires that any increase be approved by a vote of the property owners.

- Landscape & Lighting Districts (L&L): 9,936 Parcels totaling \$1,032,264 (***including proposed ballot increases to 19 districts, being voted on tonight***). These special assessments are for the maintenance of improvements in L&L Maintenance Districts (Public Works Department). This assessment is for the annual cost of maintaining common area real property improvements in and around specific subdivisions. Each subdivision parcel shares equally in the annual cost of the landscape maintenance.

19 Districts (1,294 parcels) were issued ballots requesting an increase and the inclusion of an annual inflator to their assessment in an effort to fully fund maintenance costs in the specific district. These ballots will be counted this evening and those Districts that vote to approve will have their assessment increased by up to 10% (included in the amounts listed above). In addition, 10 districts (1,159 parcels) are being automatically increased by up to 10% through their automatic adjustments, to match revenues to expenses. Also, 26 new Districts (1,672 parcels) are being added to the tax rolls through new developments (these districts include 11 districts that were submitted on the tax roll last year but excluded by the County because APN numbers weren't recorded at the time).

- Northeast Improvement District: 2,376 Parcels totaling \$113,347
This special assessment is for the Northeast Open Space and the assessments are used to develop and maintain the Northeast Area Specific Plan (Public Works Department). This includes the maintenance of the landscape and lighting along the medians in St. Johns Parkway, Mill Creek Parkway, Lovers Lane and improvements along Houston Ave.
- Los Rios Assessment District: 249 Parcels totaling \$61,186.26
These special assessments are for the costs and expenses to construct certain improvements benefiting the specific Special Assessment District (Engineering Division). Bonds were issued to pay for streets, lights, water, sanitary sewer, block walls and landscaping. The annual debt service payments are collected from the property owners within the district through the annual tax roll process. The bonds were refinanced in December 2001 at a reduced interest rate saving the property owners over \$120,000 over the life of the debt.

- Property & Business Improvement District: 283 Parcels totaling \$239,756
The 2005 assessment for this District is conditioned upon the approval of the extension of the PBID also on the agenda this evening. The Downtown property and business owners have developed this benefit assessment district to improve and convey special benefits to properties located within the central business district. The district will provide new improvements and activities, including parking improvements, streetscape improvements, maintenance, security, economic development and marketing above and beyond those currently provided by the City.

This portion includes only those properties that pay property taxes, the remainder (governmental agencies) pay through the City's Accounts Receivable system. Each year the number of parcels fluctuates slightly as governmental agencies purchase and sells properties. This year, Kaweah Delta purchased several parcels related to their expansion which will be billed through AR rather than the tax roll. The decrease in the assessment amount is due to the proposed elimination of marketing activities that were deemed as a duplication of the Downtown Visalians advertising activities. The plan was first adopted in 1998 and renewed in 2001.

3. Delinquent service charges. The following category is a collection assessment which provides a means for the City of Visalia to annually collect money owed for services rendered that the City has not been able to collect through the normal billing process. Weed and Lot assessments will be brought before Council at a Public Hearing on August 1, 2005.

This Public Hearing is intended to include all fees, charges, and assessments administered by the City of Visalia. The City departments are responsible for calculating and setting the charges and fees. They will complete all notifications and public hearings in accordance with the Visalia Ordinance Code and Proposition 218, and will bring them before Council in conjunction with this Public Hearing.

Prior Council Actions: Council has authorized the roll to taxes for many years to ensure collection of special assessment fees and delinquent service charges.

Committee/Commission Review and Actions: n/a

Alternatives: Do not authorize Finance to roll to taxes. This will negatively affect several funds and could potentially require increased fees and charges to subvent non-collectable accounts through alternative billing methods.

Attachments: Resolution No. 2005 -

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Adoption of Resolution 2005-89 which allows the City of Visalia to place Miscellaneous Special Assessments on the Tulare County secured property tax roll for Curb and Gutter, Sewer Connection, Business Incentive Zone, Landscape and Lighting, Northeast Improvement District, Los Rios/Casa Blanca, Property & Business Improvement District, and Weed and Lot Clearing.

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Finance Review (Signature):

Others:

Financial Impact

Funding Source:

Budget Recap:

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

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

RESOLUTION NO. 2005- 89

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
CERTIFYING TO THE COUNTY THE VALIDITY OF THE LEGAL PROCESS
USED TO PLACE MISCELLANEOUS SPECIAL ASSESSMENTS ON THE SECURED TAX
ROLL**

WHEREAS, the Section 25831 of Chapter 12 of the Government Code establishes the procedure for collection of fees remaining unpaid to the local agency for 60 days or more, and

WHEREAS, the written notices have been mailed to all delinquent accounts, and the required public hearings have been held as specified by the Visalia Ordinance Code; and

WHEREAS, the City is placing miscellaneous special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the special assessments have been levied in accordance with a particular benefit to each parcel to be assessed without regard to its assessed valuation; and

WHEREAS, the Curb and Gutter special assessments are for the construction of curb and gutter or sidewalk for the specific parcel; and

WHEREAS, the Sewer Connection special assessments are for the construction of the service lateral and wye for connection to the Visalia Waste Water Treatment Plant for the specific parcel; and

WHEREAS, the Business Incentive Zone special assessments are for the development impact fees of eligible companies whose operations have met the specific guidelines established by City Ordinance; and

WHEREAS, the Landscape and Lighting special assessments are used for maintenance and operation of the improvements situated in the specific Maintenance District; and

WHEREAS, the Northeast Improvement District special assessments are used to develop and maintain the Northeast Area Specific Plan; and

WHEREAS, the Los Rios Assessment District special assessments are for the repayment of debt associated with the costs and expenses to construct certain improvements benefiting the specific special assessment district; and

WHEREAS, the Property & Business Improvement District special assessments are for the improvement and conveyance of special benefits to properties located within the central business district.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Visalia that the list submitted with names, parcel numbers, and amount are certified as being correct, the Administrative Services Director is hereby directed to give the list to the Tulare County Auditor for placement on the secured tax roll for collection:

1. The Curb and Gutter special assessment,
2. The Sewer Connection special assessment,
3. The Business Incentive Zone special assessment,
4. The Landscape and Lighting special assessment,
5. The Northeast Improvement District special assessment,
6. The Los Rios Assessment District special assessment,
7. The Property & Business Improvement District special assessment.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: June 20, 2005

Agenda Item Number (Assigned by City Clerk): 21

Agenda Item Wording: Authorization to amend the City's Rates & Fees document for Impact Fees effective for the fiscal year 2005/06.

Proposed cost of living adjustments to specific Impact Fees for community development, public safety, engineering and transportation.

Resolution 2005-90 required

Deadline for Action:

Submitting Department: Administration - Finance

Contact Name and Phone Number:

Eric Frost, Director of Administrative Services	713-4474
Tim Fosberg, Financial Analyst	713-4565
Nathan Hernandez, Financial Analyst	713-4425

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 min.

Department Recommendation and Summary:

Recommendation:

That City Council hold a Public Hearing to take public input on the proposed increases to specific Impact Fees for FY05-06, adopt the attached resolution increasing these fees and direct staff to implement the increases.

Summary:

Council is requested to hold a Public Hearing for the purposes of increasing specific Impact Fees for the upcoming fiscal year. Although most of the City's rates and fee were adjusted for the 05-06 fiscal year back in June 2004 with adoption of the new Biennial Policy, however some fees (i.e. Impact Fees) require an amendment to their respective ordinances before the biennial process can apply.

The following *Table I – Impact Fees Being Increased* list those fees that are being increased by the Engineering News Record Construction Cost Index, (similar to CPI except for construction prices) as published by the *Engineering News-Record* in their annual April issue. Authorized by City Ordinances this index is applied to Impact Fees. If approved and adopted on June 20, the new impact fee amounts will become effective 60 days later on Aug. 22, 2005.

Table I
Impact Fees Being Increased

- Northeast Specific Plan Area Development
- Storm Drainage
- Parking In-Lieu
- Sewer Main Connection
- Wastewater Treatment - Plant Connection Capacity
- Wastewater Treatment - Trunkline Connection Capacity
- Wastewater Treatment - Industrial
- Public Safety - Fire Protection
- Public Safety - Police Facilities
- Park Acquisition & Development
- Transportation
- Government Facilities - Civic Center
- Government Facilities - Corporation Yard
- Government Facilities - Library

General Discussion:

In past years (prior to the Biennial Policy Process), the City Adjusted its rates and fees by the prior year's indexes (e.g. CPI and ENRRCI). The Biennial Policy adjusts rates and fees every two years by using the prior two years annual index increases, the same concept as currently being applied, but for two years at a time. This applied to most all of the City's rates and fees, except for specific fees (i.e. Impact Fees) that require an amendment to their ordinance change to facilitate the biennial process. Staff intended to amend these specific Ordinances after last year's adoption of the Biennial Policy. These needed amendments to specific ordinances facilitating the Biennial Process have been delayed until this summer.

Since last year's adoption of the Biennial Policy, several of the Impact Fees that would have required an amendment have been adjusted during the current fiscal year (04-05). Those Impact Fees are not being amended due their recent adjustments except for those that have a land cost component. Because land prices have significantly increased, these fees are also being proposed to be increased. Staff will bring to Council a further report about the effect of land prices to these various fees.

For this coming fiscal year 05-06, the Impact Fees reported in Table I will be adjusted in accordance with the existing "unamended" ordinances. The ordinance states that the Engineering News Record Construction Cost Index, ENRCC, (similar to the CPI.) as published by the *Engineering News Record* in their annual April issue is to be used in determining the annual increase. This index increased by 4.3%.

If the recommended increases are approved and adopted tonight, the new Impact Fees will become effective 60 days later on Aug. 22, 2005. The attached Rate & Fee document lists the recommended adjustments being proposed for the upcoming fiscal year.

Prior Council Actions: The City's Rates and Fees recent amendments were:

Jun. 21, 04	Biennial Rate Policy establishment and adjustments	Resolution 2004-63
Feb. 22, 05	Transportation Impact Fee decrease	Resolution 2005-30
Feb. 22, 05	Park & Recreation, Police & Fire Impact Fees increase	Resolution 2005-29
Mar. 21, 05	General Government Facilities Impact Fee establishment	Ordinance 2005-04
May 16, 05	Solid Waste rate increase	Resolution 2005-67

Committee/Commission Review and Actions:

Last year when the Biennial Policy was being recommend for approval, all fees including the above Impact Fees (including the second year in the 2 year process, this upcoming fiscal year 05-06, were reviewed by either a Committee or Commission were recommended for adoption.

Alternatives: To not increase recently adjusted Impact Fees included in Table I, or do not make any adjustments to the Rate and Fee amounts.

Copies Provided To: Building Industry Association of Tulare / Kings Counties, Inc. (BIA).

Attachments: Rates & Fees – Proposed Recommendations (Impact Fees Only)
Resolution #2005-90

City Manager Recommendation:

Recommendation: Motion to approve Resolution #2005-90 authorizing annual specific Impact Fees adjustments to the City's Rates and Fees.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others: