

Visalia City Council Agenda



For the regular meeting of: Monday, August 1, 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.

INTRODUCTIONS

5:00 p.m.

Miki City, Sister City Exchange Students and Chaperone.

ITEMS OF INTEREST

CLOSED SESSION

5:30 p.m. (Or, immediately following Introductions)

1. Conference with Legal Counsel – Existing Litigation (1)
Name of Case: City of Visalia v. Harrah, TCSC Case No. 04-210016
2. Conference with Legal Counsel – Anticipated Litigation (2) (Subdivision (b) of Gov. Code Section 54956.9)
3. Conference with Real Property Negotiators
Property: located north of Goshen Avenue and west of Roeben Street, portion of APNs 077-100-034 and 077-100-019
Under Negotiation: price, terms, conditions of purchase for storm drain acquisition
Negotiators: Steve Salomon, Michael Olmos, David Jacobs, Fred Machado
Pursuant to subdivision (b) of Section 54956.9 G.C.
4. Public Employee Performance Evaluations
Title: City Manager

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION -

SPECIAL PRESENTATIONS/RECOGNITION

Resolution of Commendation presentation to the family of Dick Shannon in recognition of his recent award of Agri-Business of the Year.

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

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

5. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Authorization for the City Manager to enter into an agreement with Tulare County Association of Governments to fund a light rail feasibility study for the Tulare-Visalia area and approve a 12% match not to exceed \$5,000.
 - c) Recommendation by the Visalia City Council authorizing City Manager to enter into a contract between the City of Visalia and the County of Tulare to provide Advanced Life Support-First Responder Services to the citizens of Visalia.
 - d) Approval for the City of Visalia to donate Officer James Rapozo's duty weapon to his surviving family.
 - e) **Introduction of the following Ordinance(s):**
 1. **Ordinance 2005-15** granting an easement to California Water Company for a water main line within the Riverway Sports Park.

f) **Second Reading of the following Ordinance(s):**

1. **Ordinance 2005-10** granting an access easement over property located along the south fork of Mill Creek east of Shirk Street. APN 085-600-043.
2. **Ordinance 2005-11** Change of Zone No. 2005-03 is a request by the Visalia Cemetery District to change the zoning on approximately 2 acres from R-1-6 (single Family Residential), R-M-2 (Medium Density Residential), R-M-3 High Density Residential) and C-SO (Commercial Shopping Office) to QP (Quasi Public). The Visalia Public Cemetery is located at 1300 West Goshen Avenue, with the proposed actions on these adjacent properties (APN 093-062-009, 093-073-006, 093-073-008, 093-073-009, 093-073-011, 093-073-012, 093-083-001, 093-083-002, 093-083-003, 093-083-003, 093-083-027, 093-083-031, 093-091-023, 093-091-024, 093-091-023, 093-091-002, 093-091-004, 093-091-006, 093-091-007, 093-102-020), Visalia Public Cemetery, applicant.
3. **Ordinance 2005-12** Change of Zone No. 2005-02 is a request by Mangano Homes to change the zoning on approximately 18.2 acres from QP to R-1-6. The site is located on the south half of the parcel located at the southeast corner of Akers Street and Caldwell Avenue. APN 119-070-041.
4. **Ordinance 2005-13** Change of Zone No. 2005-07 is a request by Bill Morgan to change the zoning on 14 acres from R-1-6 (Low Density Residential) to R-1-4.5 (Low Density Residential). The site is located on the east side of McAuliff Street approximately 200 feet south of Noble Avenue APN No. 101-060-008.

g) Award Construction Contract for the Visalia Sports Park Off-Site Improvements project to Seal Rite Paving in the amount of \$1,101,306.18 and authorize additional appropriation for the project in the amount of \$368,000 from the Transportation Impact Fee Fund (1241), Project # 1241-720000-0-0-9739-2005.

h) Authorization to record the amended final map of Ashley Grove, Unit No. 9 Subdivision, located at the Southeast corner of Riggins Avenue and County Center Street.

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 Pheasant Ridge Unit No. 1, located at the northwest corner of Ferguson Avenue and Roeben Street (61 lots) and the Formation of Landscape and Lighting District No. 05-19, Pheasant Ridge; **Resolution 2005-107 and 2005-108 required**. APN: 077-100-050 & 000-003-757

j) Authorization for the City Manager to execute a 2-year service agreement (with an additional 2-year agreement option) with Valley Oak SPCA for animal control services in the amount of \$244,000 annually and \$50,000 for two (2) animal control pickup trucks with cages.

6. PUBLIC HEARING – Appeal of the Planning Commission’s approval of Conditional Use Permit No. 2005-16, a request by Vernon Summers to allow a 15-unit multi-family residential development on 1.03 acres in the R-M-2 zone, located at 932 N. Leslie Street. (APN 093-022-002). **Resolution 2005-109 required**.

7. PROTEST HEARING - regarding formation of "Open Space District No. 89, Riverwood Subdivision (257 lots), located at the northeast corner of Mineral King Ave and McAuliff Street, APN: 103-130-039. If less than 50% of property owners protest, adopt a resolution forming the Open Space District. **Resolution No. 2005-110** required.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, August 15, 2005

Tuesday, September 6, 2005

Monday, September 19, 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: August 1, 2005

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

Agenda Item Wording: Authorize the City manager to enter into an agreement with Tulare County Association of Governments to fund a light rail feasibility study for the Tulare-Visalia area and approve a 12% match not to exceed \$5,000.

Deadline for Action: none

Submitting Department: Community Development
and Public Works

Contact Name and Phone Number: David Jacobs – 713-4492
Michael Olmos – 713-4332

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 City manager to enter into an agreement with Tulare County Association of Governments (TCAG) to start a light rail feasibility study and approve a 12% match not to exceed \$5,000.

TCAG recently applied for a \$45,000 Caltrans State-wide grant to conduct a feasibility study for a future light rail system serving the communities of Visalia and Tulare. This effort was undertaken due to the projected need to provide an alternative regional transit system to serve the growing Tulare-Visalia area in future decades. To make a future light rail system possible, the two cities and the County need to identify possible routes and begin including a light rail component in future street designs and right-of-way acquisitions.

The grant application was not successful; however TCAG has planning money available that can be used for the feasibility study. TCAG staff is willing to ask the TCAG board to allocate up to \$45,000 for the study of which the Cities of Visalia and Tulare will need to pay up to 12%. The actual cost to the City of Visalia will need to be worked out between TCAG, City of Tulare and the City of Visalia so that each pays its fair share of the match. The City of Visalia has a bigger geographical area and we would expect to pay slightly more of the match. Once the study is under way TCAG will reapply for the Caltrans state wide grant to save as much of the TCAG planning funds as possible for future projects.

Prior Council/Board Actions: none

Committee/Commission Review and Actions: none

Alternatives: none

This document last revised: 07/28/2005 3:38 PM

By author: David Jacobs

File location and name: H:\(1) AGENDAS for Council\080105\Item 5b Light Rail agenda.doc

Attachments: none

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the City manager to enter into an agreement with Tulare County Association of Governments to start a light rail feasibility study and approve a 12% match not to exceed \$5,000.

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:

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)*

Financial Impact

Funding Source:

Account Number:

Budget Recap:

Total Estimated cost: \$5,000	New Revenue:	\$
Amount Budgeted: \$5,000	Lost Revenue:	\$
New funding required:\$5,000	New Personnel:	\$
Council Policy Change: Yes_____	No_____	

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 1, 2005

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

Agenda Item Wording: That City Council authorizes City Manager Steve Salomon to enter into a contract between the City of Visalia and the County of Tulare to provide Advanced Life Support – First Responder Services to the citizens of Visalia.

Deadline for Action: August 1, 2005

Submitting Department: Fire Department

Contact Name and Phone Number:
Fire Battalion Chief Kevin Gildea, Extension 4225
Fire Chief George Sandoval, Extension 4218

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:

The Fire Department is recommending that City Council authorizes City Manager Steve Salomon to execute the agreement with the County of Tulare to provide paramedic level emergency medical services to the citizens of Visalia. This agreement authorizes the City of Visalia Fire Department to provide Advanced Life Support – First Responder Services as part of the local Emergency Medical Services (EMS) system, and is the next step in the process begun when Council approved the training and upgrade under a grant from FEMA. The contract has been submitted to both County Counsel and the City Attorney's office for review and is pending final approval.

Background: After notification of the grant funding, and completion of negotiations with the Fire Fighter Bargaining Unit (Group G), the year-long process of training the first paramedics under the program was begun April 5, 2004. The first group of paramedics is nearing completion of its training (including internship) and is in the process of applying for and receiving certification. This first group of four, added to the five paramedic-certified firefighters already on staff, will give the City its first paramedics. They will begin responding as City paramedics after activation of the contract. The contract is scheduled to be signed at the County Commission meeting on August 2, 2005.

The Fire Department has purchased all of the necessary equipment, and Dr. Tim Spade has agreed to be the local Medical Director for the Department.

The importance of this program cannot be under-estimated. In 2004, the Department responded to 5,937 medical aid calls. With the current growth of the City, this number is expected to continually increase, demanding that Fire Department and local ambulance services provide emergency medical care in the most effective and timely manner.

Cost: EMS supplies, ongoing training, and incentive pay at 10% for all certified/licensed City Firefighter-Paramedics as negotiated with Group G and agreed to by Council.

Prior Council/Board Actions:

March 2002: Council approved Fire's application for a FEMA grant to upgrade Visalia's Emergency Medical Service (EMS) from Emergency Medical Technician-I (EMT-I) to EMT-II.

August 2002: Fire Department was successful with their application under the 2002 Assistance to Firefighters Grant Program and was notified of a FEMA Grant Award of \$142,500. The Federal share is 70 percent or \$99,750 of the approved amount and the City's share (matching funds) is \$42,750.

May 5, 2003: Council voted to return the EMS grant funding to FEMA.

September 15, 2003: Council voted to authorize Fire Department Management staff to resume discussions with the Firefighters Bargaining Unit (Group G) regarding the Paramedic Program Implementation Proposal.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Agreement fore Advanced Life Support – First Responder Services

City Manager/Executive Director Recommendation:

Recommended Motion (and Alternative Motions if expected): I move that Visalia City Council authorize City Manager Steve Salomon to execute the agreement, upon final approval of City Attorney's Office, between the City of Visalia and the County of Tulare to provide Advanced Life Support – First Responder Services as part of the local Emergency Medical Services (EMS) system

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:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 1, 2005

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Approval for the City of Visalia to donate Officer James Rapozo's duty weapon to his surviving family.

Deadline for Action: N/A

Submitting Department: Police

Contact Name and Phone Number: Officer Tim Connors, ext. 4237

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 Council approve the donation of Officer James Rapozo's duty weapon to his family pursuant to California Government Code Section 50081(c).

Officer James Rapozo was killed in the line of duty on January 9, 1998. Since that time, the Department has retained his duty weapon in evidence.

California Government Code Section 50081(c) allows local law enforcement agencies to donate personal effects, including department issued firearms, of officers killed in the line of duty to the family of the officer upon the request of the family.

Pursuant to this Code Section, the firearm will be rendered inoperable prior to being presented to the family.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Not donate Officer Rapozo's duty weapon to his family and retain it in evidence.

Attachments: California Government Code Section 50081(c)

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move that Council approves the donation of Officer James Rapozo's duty weapon to his surviving family.

Financial Impact

Funding Source: NONE
Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 1, 2005

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

Agenda Item Wording: First Reading of Ordinance 2005- 15 granting easement to California Water Co. for water line on Riverway Sports Park

Deadline for Action: N/A

Submitting Department: Parks and Recreation Department

Contact Name and Phone Number: Don Stone, Parks & Urban Forestry Manager 713-4397

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: Staff recommends the Council approve first reading of Ordinance 2005-15 granting an easement to California Water Company for a domestic water line on the Riverway Sports Park. It is necessary to locate an eight-inch water main through the Riverway Sports Park for the propose of providing domestic water and fire protection. The construction of the main is part of the off-site improvement project that includes the building of half of Shannon Parkway and Giddings Street. The line on the sports park will enter from Dinuba Blvd through the east parking lot and continue under the interior road through the park and exiting south under the entry road at Shannon Parkway. A legal description is now being written and will be included in the second reading of the ordinance.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions:

Attachments: Site map, Ordinance

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to approve first reading of Ordinance 2005-15 granting an easement to California Water Company for a domestic water line on the Riverway Sports Park.

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. 2005-15
GRANTING AN EASEMENT TO
CALIFORNIA WATER COMPANY

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 078-120-003, 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 granting of an easement for the purpose of the installation of a domestic water line and for maintenance of said line across said real property will not adversely effect the said real property, and

Section 4: The City of Visalia wishes to grant an access easement to California Water Company on said real property, and

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

PASSED AND ADOPTED:

Bob Link, Mayor

ATTEST:

APPROVED BY CITY: ATTORNEY:

Daniel M. Dooley

Steven M. Salomon, City Clerk

Exhibit A

EASEMENT FOR WATER LINE GRANTED TO CALIFORNIA WATER COMPANY ON
RIVERWAY SPORTS PARK

LEGAL DESCRIPTION

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 1, 2005

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

Agenda Item Wording: Second Reading of Ordinance 2005-10 granting an access easement over property located along the south fork of Mill Creek east of Shirk Street. APN 085-600-043

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 approve the second reading of Ordinance 2005-10 granting an access easement to Kaweah Delta Water Conservation District over property located along the south fork of Mill Creek east of Shirk Street.

Kaweah Delta Water Conservation District (KDWCD) has requested an access easement across property offered to the City in an irrevocable offer of Dedication dated August 11, 1987. The offer was later accepted by the City through the Oakwest Subdivision located at the southeast corner of Shirk Street and Hurley Avenue. The requested easement is 25 feet wide and approximately 1880 feet long. The proposed KDWCD access easement is needed to construct and maintain a flow measurement flume in South Mill Creek immediately downstream of the future Preston Street Crossing. The Flume is being constructed as part of a cooperative program between KDWCD and the City for flood control and storm water purposes. KDWCD owns the creek channel where the measurement flume will be located, but needs an easement from the City to provide vehicular access to the flume site.

Prior Council/Board Actions: N/A

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 approve the second reading of the Ordinance 2005-10 granting an access easement to Kaweah Delta Water Conservation District.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$0	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 x
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. 2005-10
GRANTING AN EASEMENT TO
KAWEAH DELTA WATER CONSERVATION DISTRICT
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 085-600-043, 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 granting of an access easement across said real property will not adversely effect the said real property, and

Section 4: The City of Visalia wishes to grant an access easement to Kaweah Delta Water Conservation District on said real property, and

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

The South 25 feet of an irrevocable offer of dedication in favor of the City of Visalia, Recorded August 11, 1987 as Document No. 45147 in Book 4601, Page 878, Official Records Tulare County Recorder, accepted by the Map Oakwest Subdivision – Unit No. 5 in the County of Tulare, State of California as per Map recorded in Book 40, Page 28 of Maps, in the office of the County Recorder of said County.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 1, 2005

Agenda Item Number: 5f(2)

Agenda Item Wording:

- 1. Second Reading; Ordinance 2005-11** , Change of Zone No. 2005-03 is a request by the Visalia Cemetery District to change the zoning on approximately 2 acres from R-1-6 (Single Family Residential), R-M-2 (Medium Density Residential), R-M-3 High Density Residential) and C-SO (Commercial Shopping Office) to QP (Quasi Public). The Visalia Public Cemetery is located at 1300 West Goshen Avenue, with the proposed actions on these adjacent properties (APN 093-062-009, 093-073-006, 093-073-008, 093-073-009, 093-073-011, 093-073-012, 093-083-001, 093-083-002, 093-083-003, 093-083-003, 093-083-027, 093-083-031, 093-091-023, 093-091-024, 093-091-023, 093-091-002, 093-091-004, 093-091-006, 093-091-007, 093-102-020), Visalia Public Cemetery, applicant.

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

Deadline for Action: None

Submitting Department: Community Development / Public Works - Planning

Contact Name and Phone Number: Andrew J. Chamberlain, Senior Planner (559) 713-4003

Recommendation and Summary: Staff recommends that the Council approve the second reading of Change of Zone 2005-03. The City Council held a public hearing on this item on July 18, 2005 and approved the first reading of the zone change along with the accompanying amendment to the General Plan. (5-0)

If the second reading for this change of zone is approved, approximately 2 acres of R-1-6 (Single Family Residential), R-M-2 (Medium Density Residential), R-M-3 High Density Residential) and C-SO (Commercial Shopping Office) zoned land will be re-designated to QP (Quasi-Public) zoned land.

If the change of zone is approved at the second reading, it will become effective 30 days from August 1, 2005.

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on May 9, 2005 and recommended approval of General Plan Amendment No. 2005-04 and Change of Zone No. 2005-03 (4-0, Commissioner Salinas Absent). Conditional Use Permit No. 2005-08 was also approved at this meeting for a Cemetery Master Plan.

Prior Council/Board Actions:

First Reading by City Council on July 18, 2005.

Alternatives:

None recommended

Attachments:

- Ordinance No. 2005-11
- Zoning Map
- Location Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to approve the second reading of Ordinance No. 2005-11, approving Change of Zone No. 2005-03.

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: A Negative Declaration was certified at the first hearing for this change of zone.

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:

ORDINANCE NO. 2005-11

AN ORDINANCE OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE NO. 2005-03, TO CHANGE THE ZONING FROM R-1-6 (SINGLE-FAMILY RESIDENTIAL), R-M-2 (MEDIUM DENSITY RESIDENTIAL), R-M-3 (HIGH DENSITY RESIDENTIAL), AND CSO (COMMERCIAL SHOPPING OFFICE) TO QP (QUASI PUBLIC) FOR THE EXPANSION F THE VISALIA PUBLIC CEMETERY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Planning Commission of the City of Visalia has recommended to the City Council Change of Zone No. 2005-03, to change the zoning from R-1-6 (Single Family Residential), R-M-2 (Medium Density Residential), R-M-3 High Density Residential) and C-SO (Commercial Shopping Office) to QP (Quasi Public) to allow the expansion of the Visalia Public Cemetery (APN 093-062-009, 093-073-006, 093-073-008, 093-073-009, 093-073-011, 093-073-012, 093-083-001, 093-083-002, 093-083-003, 093-083-027, 093-083-031, 093-091-023, 093-091-024, 093-091-023, 093-091-002, 093-091-004, 093-091-006, 093-091-007, 093-102-020), City of Visalia.

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
Agenda Item Transmittal**

Meeting Date: August 1, 2005

Agenda Item Number: 5f(3)

Agenda Item Wording:

Second Reading; Ordinance 2005-12, Change of Zone No. 2005-02 is a request by Mangano Homes to change the zoning on approximately 18.2 acres from QP (Quasi Public) to R-1-6 (Low Density Residential). The site is located on the south half of the parcel located at the southeast corner of Akers Street and Caldwell Avenue. APN 119-070-041

Deadline for Action: None

Submitting Department: Community Development / Public Works - Planning

Contact Name and Phone Number: Andrew J. Chamberlain, Senior Planner (559) 713-4003

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

Recommendation and Summary: Staff recommends that the Council approve the second reading of Change of Zone 2005-02. The City Council held a public hearing on this item on July 18, 2005 and approved the first reading of the zone change along with the accompanying amendment to the General Plan. (5-0)

If the second reading for this change of zone is approved, approximately 18.2 acres of QP (Quasi-Public) zoned land will be re-designated to R-1-6 (Single Family Residential) zoned land.

If the change of zone is approved at the second reading, it will become effective 30 days from August 1, 2005.

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on May 9, 2005 and recommended approval of General Plan Amendment No. 2005-01 and Change of Zone No. 2005-02 (4-0, Commissioner Salinas absent).

Prior Council/Board Actions:

First Reading by City Council on July 18, 2005.

Alternatives:

None recommended

Attachments:

- Ordinance No. 2005-12
- Zoning Map
- Location Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to approve the second reading of Ordinance No. 2005-12, approving Change of Zone No. 2005-02.

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: A Negative Declaration was certified at the first hearing for this change of zone.

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:

ORDINANCE NO. 2005 - 12

AN ORDINANCE OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE NO. 2005-02, TO CHANGE THE ZONING FROM QP (QUASI PUBLIC) TO R-1-6 (SINGLE-FAMILY RESIDENTIAL) ON APPROXIMATELY 18.2 ACRES FOR THE DEVELOPMENT OF A SINGLE FAMILY RESIDENTIAL SUBDIVISION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Planning Commission of the City of Visalia has recommended to the City Council Change of Zone No. 2005-02, to change the zoning from QP (Quasi Public) to R-1-6 (Single Family Residential), for the development of a single family residential subdivision for Mangano Homes, on the south half of APN 119-070-041, City of Visalia.

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
Agenda Item Transmittal**

Meeting Date: August 1, 2005

Agenda Item Number: 5f(4)

Agenda Item Wording:

Second Reading; Ordinance 2005-13, Change of Zone No. 2005-07 is a request by Bill Morgan to change the zoning on 14 acres from R-1-6 (Low Density Residential) to R-1-4.5 (Low Density Residential). The site is located on the east side of McAuliff Street approximately 200 feet south of Noble Avenue APN No. 101-060-008.

Deadline for Action: None

Submitting Department: Community Development / Public Works - Planning

Contact Name and Phone Number: Andrew J. Chamberlain, Senior Planner (559) 713-4003

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

Recommendation and Summary: Staff recommends that the Council approve the second reading of Change of Zone 2005-07. The City Council held a public hearing on this item on July 18, 2005 and approved the first reading of the zone. (5-0)

If the second reading for this change of zone is approved, approximately 14 acres of R-1-6 (Single Family Residential) zoned land will be re-designated to R-1-4.5 (Single Family Residential) zoned land.

If the change of zone is approved at the second reading, it will become effective 30 days from August 1, 2005.

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on June 13, 2005 and recommended approval of Change of Zone No. 2005-07 on a 3-0 vote (Commissioners Perez and Salinas absent). The Planning Commission found that the proposed change to R-1-4.5 was consistent with the General Plan land use designation of Low Density Residential.

Prior Council/Board Actions:

First Reading by City Council on July 18, 2005.

Alternatives:

None recommended

Attachments:

- Ordinance No. 2005-13
- Zoning Map
- Location Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to approve the second reading of Ordinance No. 2005-13, approving Change of Zone No. 2005-07.

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: A Negative Declaration was certified at the first hearing for this change of zone.

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:

ORDINANCE NO. 2005 - 13

AN ORDINANCE OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE NO. 2005-07, TO CHANGE THE ZONING FROM R-1-6 (SINGLE-FAMILY RESIDENTIAL) TO R-1-4.5 (SINGLE FAMILY RESIDENTIAL) ON APPROXIMATELY 14 ACRES FOR THE DEVELOPMENT OF A SINGLE FAMILY RESIDENTIAL SUBDIVISION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Planning Commission of the City of Visalia has recommended to the City Council Change of Zone No. 2005-07, to change the zoning from R-1-6 (Single Family Residential) to R-1-4.5 (Single Family Residential), for the development of a single family residential subdivision for Bill Morgan, on the east side of McAuliff Street approximately 200 feet south of Noble Avenue, APN 101-060-008, City of Visalia.

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 Agenda Item Transmittal

Meeting Date: August 1, 2005

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

Agenda Item Wording: Award Construction Contract for the Visalia Sports Park Off-Site Improvements project to Seal Rite Paving in the amount of \$1,101,306.18 and authorize additional appropriation for the project in the amount of \$368,000 from the Transportation Impact Fee Fund (1241), Project No. 1241-720000-0-0-9739-2005

Deadline for Action: August 1, 2005

Submitting Department: Community Development & Public Works

Contact Name and Phone Number: David Jacobs, 713-4492, Michael Carr 713-4595, Jim Funk 713-4540

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 the City Council award Seal Rite Paving the contract for the Visalia Riverway Sports Park Off-Site Improvements project for the amount of \$1,101,306.18 and authorize the additional appropriation for the project in the amount of \$355,000 from the Transportation Impact Fee Fund (1241). Project No. 1241-720000-0-0-9739-2005. These improvements will facilitate construction of the sports park.

The recently-named Visalia Riverway Sports Park is located in the Shannon Ranch development just west of Dinuba Blvd. and north of Riggins Avenue. The off-site improvements consist of building the sanitary sewer, storm drain lines with a temporary water detention basin, water lines, and a portion of the roadway for Giddings St. from Riggins to Shannon Parkway and for Shannon Parkway between Giddings and Dinuba Blvd.

The roadway improvements consist of 32 feet of pavement width on Giddings as well as the north half of Shannon Parkway. Giddings has a 60-foot ultimate right-of-way width with an ultimate pavement width of 40 feet, so the curb, gutter, sidewalk, and pave-out of the final roadway width will occur as the adjacent property develops. Shannon Parkway will ultimately be a divided collector street on a 100-foot right-of-way. This project will build the north side of the street from the median curb to the curb along the sports park property. Street lights are also included with the street construction and will be erected on the west side of Giddings and in the median alignment on Shannon Parkway. The lights along Shannon Parkway will be the same design as those installed further west in the developed neighborhood.

The storm drains will ultimately tie into the city's storm water system when development occurs, but to handle storm water in the interim, this project will construct a temporary detention basin

capable of accommodating approximately 7.6 acre-feet of run-off water. The basin will be constructed on the west end of the Sports Park property and be filled in when it is no longer necessary.

On July 12, 2005, the City opened four bids submitted for the Visalia Sports Park Off-Site Improvements project. This project was advertised and bid as a non-prevailing wage project. The results of that bid-opening are as follows:

- | | | |
|---------------------------------|-------------|-----------------|
| 1. Seal Rite Paving | Clovis, CA | \$ 1,101,306.18 |
| 2. Don Berry Construction, Inc. | Selma, CA | \$ 1,169,661.69 |
| 3. R.J. Berry, Jr., Inc. | Selma, CA | \$ 1,184,490.00 |
| 4. Lee's Paving, Inc. | Visalia, CA | \$ 1,218,240.10 |

The total cost of the project including project management, inspecting and testing is estimated to be \$1,211,306.18. The dollar amount also includes rotating and reconnecting an irrigation pump at Giddings and Riggan (Alternate Bid Item 1) which will be done by Eric Shannon at a price of \$7,625. The work will not be included in the contract Council is being requested to approve. The project funding is shown on the following table:

Project	Amount	Account	Proj. No.
Visalia Sports Park Off-site Improv.	\$ 670,000.00	Transportation Impact (1241)	4739
Visalia Sports Park 1 st Phase	173,298.00	Capital Improvement (3011)	9141
Additional Appropriation	368,000.00	Transportation Impact (1241)	

Based on current cash flow analysis by the City's Finance Department there is sufficient undesignated revenues in the Transportation Impact Fee Fund (1241) to fund the project without affecting any approved project for the Fiscal Year '05/'06 C.I.P. In addition, the Riverway Sports Park project will pay Transportation Impact Fees amounting to \$154,572.56 based on development of the entire 83 acre site. Therefore, Staff is recommending that Council authorize the additional funding for the project come from the Transportation Impact Fee Fund in the amount of \$368,000.

The President of Seal Rite Paving is Gina Ashjian. Seal Rite provided staff the names of contacts at the City of Clovis, Clovis Unified School District, and Fresno Unified School District as references. Staff contacted each agency and got positive feedback regarding Seal Rite's performance and timeliness. Additionally, the City of Visalia has contracted with Seal Rite Paving once before on the Ferguson Avenue build-out project between Dinuba Boulevard and the existing Ferguson stub street to the west. Seal Rite Paving performed satisfactorily on that project, and staff recommends awarding them this contract.

The off-site street improvements are planned to be completed by March, 2006.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: N/A

Alternatives: Do not award contract or re-bid project.

Attachments: Exhibit #1 (Location Map), Exhibit #2 (Site Detail), and Exhibit #3 (Bid Results)

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to award a contract to Seal Rite Paving for construction of the Visalia Sports Park Off-Site Improvements project in the amount of \$1,101,306.18 and authorize additional appropriation for the project in the amount of \$368,000 from the Transportation Impact Fee Fund (1241), Project No. 1241-720000-0-0-9739-2005.

Financial Impact

Funding Source:

Account Number: (See above table)

Budget Recap:

Total Estimated cost:	\$ 1,211,306.18	New Revenue:	\$
Amount Budgeted:	\$ 843,298.00	Lost Revenue:	\$
New funding required:	\$ 368,000.00	New Personnel:	\$
Council Policy Change:	Yes ___ No <u>X</u>		

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior: Mitigated Negative Dec. #2002-45 (March, 2002)
Required:

NEPA Review:

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

Tracking Information: *Once contracts are signed by contractor City must execute*

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: August 1, 2005

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

Agenda Item Wording: Authorization to record the amended final map of Ashley Grove, Unit No. 9 Subdivision, located at the Southeast corner of Riggins Avenue and County Center Street.

APN: a portion of 089-010-091

Deadline for Action: August 15, 2005

Submitting Department: Community Development and Public Works Department

Contact Name and Phone Number:

Andrew Benelli 713-4340

Greg Dais 713-4164

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: The recommendation is that City Council approve the recordation of the amended final map of Ashley Grove, Unit No. 9 Subdivision containing 52 multi-family lots (208 units) and one common area lot for a total of 53 lots. All bonds, cash payments, and subdivision map agreement were submitted with the original map submittal. The purpose of the amended map is to correct the location of the reciprocal access easements common to lots 1 thru 52.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: The tentative subdivision map for Ashley Grove, Unit No. 9 Subdivision was first approved by Planning Commission on September 22, 2003 with the expiration date of September 22, 2005.

The original final subdivision map was approved by City Council on April 5, 2004.

Alternatives: N/A

Attachments: Location sketch and subdivision map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to authorize recordation of the amended final map of Ashley Grove, Unit No. 9 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: August 1, 2005

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

Agenda Item Wording: Authorize the Recordation of the Final Map for Pheasant Ridge Unit No. 1, located at the northwest corner of Ferguson Avenue and Roeben Street (61 lots) and the Formation of Landscape and Lighting District No. 05-19, Pheasant Ridge (Resolution Nos. 05-107 and 05-108 required). APN: 077-100-050 & 000-003-757

Deadline for Action: N/A

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Doug Damko 713-4268

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 Pheasant Ridge Unit No. 1 containing 61 single family residential lots and 1 City park lot. 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 \$965,782.57 and Labor and Material Bond in the amount of \$482,891.29; 3) cash payment of \$153,207.20 distributed to various accounts; and 4) Final Map. The applicant on this project is McMillin Homes.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Payment 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 Payment 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. 05-107 Initiating Proceedings for Formation of Assessment District No. 05-19, Pheasant Ridge; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-108 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 five phases.

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

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

Committee/Commission Review and Actions: The tentative subdivision map for Pheasant Ridge subdivision was approved by the Planning Commission on October 25, 2004. The tentative map will expire on October 25, 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 Pheasant Ridge Unit No. 1 and I move to adopt Resolution No. 05-107 Initiating Proceedings for Formation of Assessment District No. 05-19 "Pheasant Ridge" and adopt Resolution No. 05-108 Ordering the Improvements for Assessment District No. 05-19 "Pheasant Ridge."

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. 05-107

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 05-19
PHEASANT RIDGE
(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 maintaining the following improvements:

Turf areas, shrub areas, irrigation systems, trees, block walls, street lights, pavement on local streets and any other applicable equipment or improvements.
2. The proposed district shall be designated Assessment District No. 05-19, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-19, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Pheasant Ridge".
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. 05-19
PHEASANT RIDGE
(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. 05-19, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 1st day of August, 2005 by its Resolution No. 05-107 & 108

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

RESOLUTION NO. 05-108

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-19
PHEASANT RIDGE
(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. 05-19, 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 2005-06.
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. 05-19
 City of Visalia, Tulare County, California

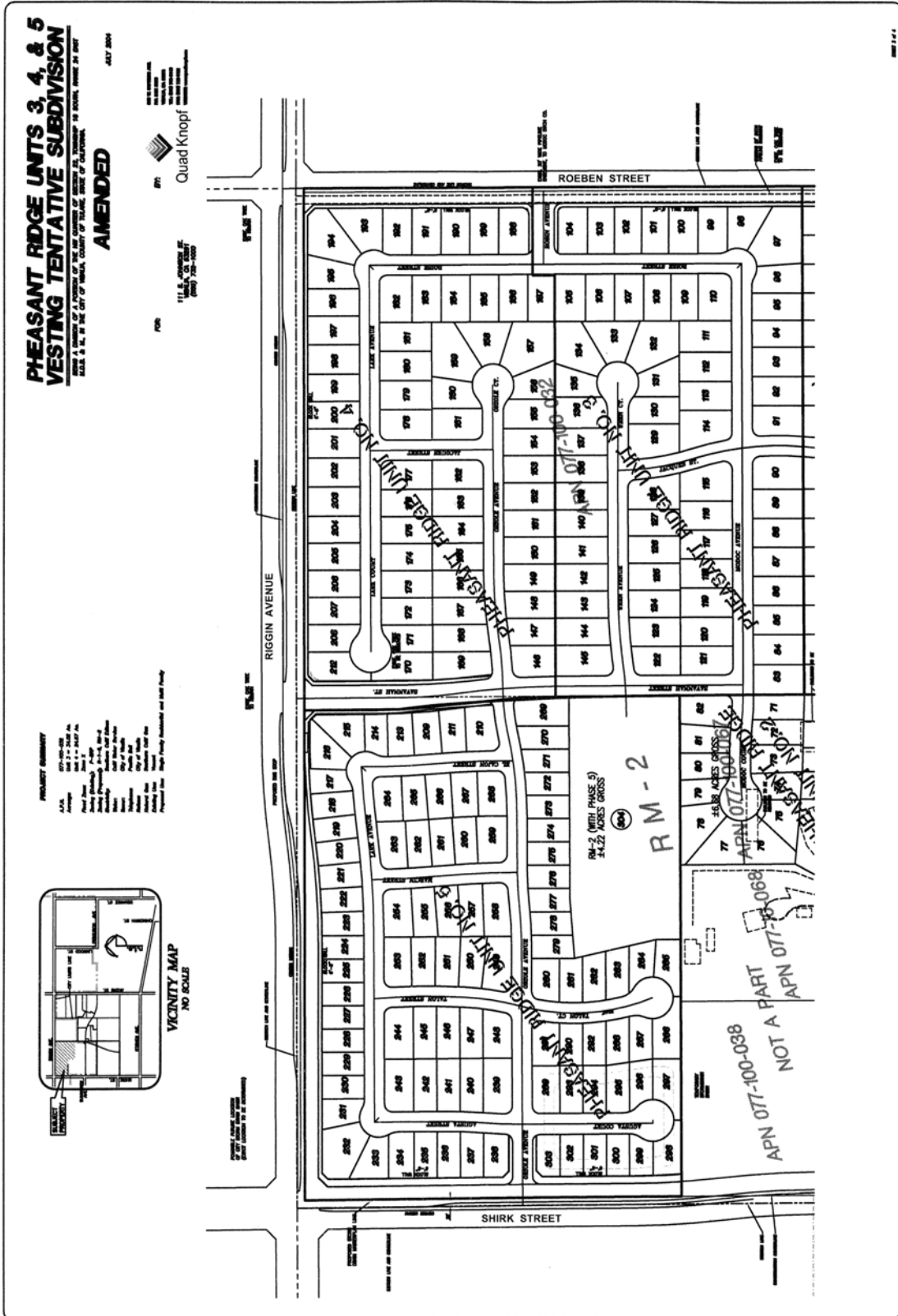


Exhibit "C"

Tax Roll Assessment
Pheasant Ridge
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$387.85	McMillin Homes	05-19001	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19002	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19003	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19004	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19005	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19006	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19007	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19008	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19009	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19010	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19011	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19012	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19013	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19014	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19015	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19016	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19017	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19018	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19019	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19020	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19021	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19022	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19023	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19024	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19025	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19026	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19027	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19028	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19029	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19030	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19031	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19032	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19033	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19034	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19035	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19036	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19037	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19038	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19039	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19040	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19041	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19042	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19043	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19044	Pheasant Ridge

Exhibit "C"

Tax Roll Assessment
Pheasant Ridge
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$387.85	McMillin Homes	05-19045	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19046	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19047	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19048	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19049	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19050	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19051	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19052	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19053	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19054	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19055	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19056	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19057	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19058	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19059	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19060	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19061	Pheasant Ridge

Exhibit "D"

Engineer's Report Landscape & Lighting Assessment District 05-19 Pheasant Ridge Fiscal Year 2005-06

General Description

This Assessment District (District) is located at the northwest corner of Ferguson Avenue and Roeben Street. Exhibit "A" is the Assessment Diagram for Assessment District 05-19, which shows all 5 phases of the District. The total number of single-family lots within the District is 303. There is one 4.22 acre lot zoned for multi-family located in Phase 5. The total number of lots within the District is 304. This report evaluates the estimated cost per lot for all 304 lots in the District with the intent of establishing an assessment on each of the 61 lots in Phase 1 as shown in Exhibit "C" Tax Roll Assessment.

This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, street lights, 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 reclamite (oiling).

Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The lighting is to provide safety and visual impressions for the area. The 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. The 4.22 acre lot zoned for multi-family will be assessed at the same rate as the single-family lots. The City anticipates that this multi-family lot will be subdivided in the future and will have a specific development plan identifying the number of dwelling units. The District will be amended at that time to incorporate the additional lots and dwelling units into the calculation of the assessment cost on each lot. It is anticipated that the additional lots and dwelling units will reduce the assessment cost on each lot in the District.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-19
Pheasant Ridge
Fiscal Year 2005-06

Estimated Costs

The estimated costs to maintain the District includes the costs to maintain turf areas, shrub areas, irrigation systems, trees, block walls, street lights, pavement on local streets and any other applicable equipment or improvements. The estimated costs and cycles of preventive maintenance for local streets are based on the Street Maintenance Assessment Policy approved by the City Council on September 7, 2004. The maintenance cycles are as follows: Chip Seal on a 15 year cycle; Overlays on a 10 year cycle; Crack Seal on an 8 year cycle and Reclamite on a 6 year cycle.

Estimated Quantities

The estimated quantities of turf area, shrub area, trees, street lights and local street area are based on information provided on the approved tentative map as well as information obtained from detailed landscape plans provided by the developer. As each phase of the subdivision is annexed into the District, these estimated quantities will be adjusted with the Engineer's Report prepared at that time.

The estimated quantities and estimated costs for all 5 phases of the Pheasant Ridge tentative 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.	59648	\$0.180	\$10,736.64
Shrub Area	Sq. Ft.	59648	\$0.180	\$10,736.64
Water	Sq. Ft.	119296	\$0.050	\$5,964.80
Electricity	Sq. Ft.	119296	\$0.008	\$954.37
Trees In Landscape Lots	Each	332	\$25.00	\$8,300.00
Trees In Local Street Parkways	Each	422	\$25.00	\$10,550.00
Street Lights	Each	71	\$105.00	\$7,455.00
Chip Seal (15 year cycle)	Sq. Ft.	554122	\$0.190	\$7,018.88
Crack Seal (8 year cycle)	Sq. Ft.	554122	\$0.02933	\$2,031.76
Reclamite (6 year cycle)	Sq. Ft.	554122	\$0.0211110	\$1,949.68
Overlays (10 year cycle)	Sq. Ft.	554122	\$0.65	\$36,017.93
Project Management Costs	Lots	304	\$18.00	\$5,472.00
TOTAL				\$107,187.69
10% Reserve Fund				\$10,718.77
GRAND TOTAL				\$117,906.46
COST PER LOT				\$387.85

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-19
Pheasant Ridge
Fiscal Year 2005-06

Annual Cost Increase

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

$$A_{\max} \text{ for any given year "n"} = (\$117,906.46) (1.05)^{(n-1)}$$

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.

Example 1. The estimated year four cost of maintaining the improvements in the district is \$128,518.04 [a 9% increase over the base year estimated cost of \$117,906.46]. The maximum annual assessment for year four is \$136,491.47 [$A_{\max} = (\$117,906.46) (1.05)^{(4-1)}$]. The assessment will be set at \$128,518.04 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 \$133,234.30 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$117,906.46]. 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 \$2,664.69 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 \$136,491.47 [$A_{\max} = (\$117,906.46) (1.05)^{(4-1)}$]. The year four assessment will be set at \$133,234.30 plus the deficit amount of \$2,664.69 which equals \$135,898.99 [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 \$128,518.04 [a 9% increase over the base year assessment of \$117,906.46] and damage occurred to the masonry wall raising the year five expenses to

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-19
Pheasant Ridge
Fiscal Year 2005-06

\$143,845.88 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$141,369.85 (a 10% increase over the previous year) and below the maximum annual assessment of \$143,316.04 [$A_{\max} =$
(5-1)
(\$117,906.46) (1.05)]. The difference of \$2,476.03 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

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

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 1, 2005

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

Agenda Item Wording: Authorization for the City Manager to execute a 2-year service agreement (with an additional 2-year agreement option) with Valley Oak SPCA for animal control services in the amount of \$244,000 annually and \$50,000 for two (2) animal control pickup trucks with cages.

Deadline for Action:
August 1, 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:

Staff recommends that the City Council authorize the City Manager to enter into a 2 year service agreement (with an additional 2-year agreement option) with Valley Oak SPCA for animal control services in the amount of \$244,000 annually, following review of the agreement by the City Attorney.

- This includes the addition of one (1) animal control officer.
- Additionally the first year would include the purchase of two animal control vehicles (2 half ton pickups with cages at \$25,000 per unit).
- The City will provide service, maintenance and fuel for the animal control vehicles provided by the City.
-

Valley Oak SPCA will:

- Increase licensing fees 100% in FY 2005-06 (page 3)
- Increase fund raising annually by 7% (current annual amount \$163,000)
- Start a reserve fund for miscellaneous capital items and or maintenance and start a reserve fund for construction of a new facility. Any available balance in the operating budget at the end of the budget year would first go to maintain a 15% Emergency Reserve and then any additional savings be divided equally between the capital needs reserve and the new facility reserve.
- Begin planning for a new facility. Valley Oak SPCA has been discussing with the City plans for a new SPCA facility located on the existing site. SPCA staff will present the concept and funding options for the facility at the August 15,2005, Work Session.

Summary and History:

The City of Visalia began contracting for animal control services with Valley Oak SPCA in 1993. Prior to that time the City of Visalia provided animal control services to the community through the Police Department. In FY 2000-01 the City commenced a *five (5) year* contract with Valley Oak SPCA in the amount of \$740,708 (\$186,000 current annual funding) . The contract included \$16,000 for the purchase of 10 new kennels, and \$12,000 annually for fuel. In 2000, Valley Oak SPCA only had 1.5 animal control officers. In order to address the continuing increase in calls for service the City added one (1) additional animal control officer in FY 2000-01 and one (1) additional animal control officer in 2001-02. They have had no increase in animal control officers since that date. The City provided vehicles for the officers through the City fleet. The City also loaned Valley Oak SPCA \$60,000 for the purchase of a crematorium which is now installed and being utilized for cremations. A narcotics destruction contract is also forth coming. The note is for 10 years and payments are being made timely.

The relationship between the City of Visalia and Valley Oak SPCA is a very unique situation in that Valley Oak SPCA provides a variety of services that the City of Visalia is legally obligated to provide or find other resources to provide the services. This is different from other non-profit organizations in that the health and safety issues related to animal control must be provided, as required in the California Penal Code, the City of Visalia Municipal Code, the California Health and Safety Code and the California Food and Agriculture Code.

Contracting with Valley Oak SPCA has alleviated the need for the City to provide these specialized services in house. The day to day operations of the kennel in addition to the animal control operations are a high maintenance service. Valley Oak SPCA is able to provide this specialized service at a lower cost than the City. As with other city services, operational costs have continued to increase as have calls for service. If the City were to resume providing animal control services internally the cost would exceed \$500,000. The current annual contract for services with Valley Oak SPCA is **\$186,000**. Even with the recommended increase of \$58,000, Valley Oak SPCA can still provide the service at a lesser cost than the City.

Current Needs:

The current contract with Valley Oak SPCA provides legal mandates such as licensing, euthanasia, rabies control and prevention, impoundment, pick up and processing of dangerous and vicious animals. In addition Valley Oak SPCA also provides for adoption, spay/neuter clinics, vaccinations, and public education as part of their prevention program.

Over the past 5 year contract period the calls for service have increased from 3430 calls in 1999 to 4473 calls in 2004. This is an approximate 30% increase in calls for service. In the first six months of 2005, 2767 calls for service have been handled. Calls for service are projected to continue to increase as more residential units are occupied and the general area of the city increases.

Areas of significant operational cost increase are the sick and injured fees that SPCA pays to a veterinarian when animals are picked up that are sick or injured and require immediate care. These fees have increased over \$4,000 this year from \$16,000 to \$20,000. The second area is the crematorium operation. Fuel cost has increased significantly due to the overall increase in the cost of fuel. The first years fuel cost was \$19,000.

The three vehicles utilized by the animal control officers have had a high maintenance record over the past two years and need to be replaced. The trucks have been out of service on a routine basis and over \$30,000 in repairs have occurred over the past year and half.

- 1989 Chevy S 10 pickup 125,000 miles
- 1992 Chevy Astro Van 137,000 miles
- 2002 Chevy Truck 112,000 miles

The overall cost of animal control operations has increased approximately 32% or \$58,000 annually since FY 2000-01.

LICENSING

The annual revenue from licensing is approximately \$135,000. Valley Oaks has requested to increase licensing fees as follows: Approval for an increase in fees must be by City Resolution. The increase would help offset expenses as costs continue to increase.

Current Fees:

Dogs: Male or Female	\$25.00
Neutered Male/Spayed Female	10.00
Cats: Male or Female	10.00
Neutered Male/Spayed Female	5.00

PROPOSED FEES:

Dogs: Male or Female	\$50.00
Neutered Male/Spayed Female	20.00
Cats: Male or Female	20.00
Neutered Male/Spayed Female	10.00

Staff will be presenting the Resolution and staff report for an increase in licensing fees as a separate item at the August 15, 2005, meeting.

Prior Council/Board Actions:

Approval of a 5 year contract for services in FY2000-01

Committee/Commission Review and Actions:

n/a

Alternatives:

contract with another SPCA Agency
provide animal control services internally

Attachments:

none

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to authorize the City Manager to execute a 2-year service agreement with Valley Oak SPCA for animal control services.

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: August 1, 2005

Agenda Item Number (Assigned by City Clerk): 6

Agenda Item Wording:

Appeal of the Planning Commission's approval of Conditional Use Permit No. 2005-16, a request by Vernon Summers to allow a 15-unit multi-family residential development on 1.03 acres in the R-M-2 zone, located at 932 N. Leslie Street. (APN 093-022-002). Resolution No. 2005-109 required.

Deadline for Action: August 15, 2005 – A public hearing is required to be held no later than 45 days after receipt of an appeal, which was submitted on July 1, 2005.

Submitting Department: Community Development – 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.):30min

Contact Name and Phone Number:

Paul Scheibel, Principal Planner (559) 713-4369.

Michael Olmos, Director of Community Development and Public Works (559) 713-4332.

Planning Commission Recommendation and Summary:

The Planning Commission approval of Conditional Use Permit No. 2005-16 has been appealed by Mr. Boun Louane Vongphakdy (Attachment 6). A resolution denying the appeal and upholding the Planning Commission's approval of this item is provided as Attachment 2.

The Conditional Use Permit was approved by Planning Commission on June 27, 2005 (Attachment 8). It is a request to allow a 15-unit multi-family residential development, consisting of five triplex buildings, a combination of covered and uncovered parking totaling two spaces per unit, and common area landscaping. The site has several small buildings, a house, and an outdoor shrine that were formerly used as a facility for the Buddhist faith. The buildings are presently vacant and in a generally uninhabitable condition.

The appellant spoke in opposition to the project at the Planning Commission public hearing on June 27, 2005. The appellant contends that he and a portion of the former congregation's membership have a title interest in the property, and that the property was inappropriately sold to the current owner, so the entitlement for the apartment project should not be granted by the Planning Commission.

Background

The proposed project is adjacent to residential uses to the north and west. The Knudsen Dairy plant is adjacent to the east and south. Staff recommended approval of the project based on the merits of its design and amenities, and its consistency with the General Plan and Zoning designation. The Planning Commission received three letters opposing the project (Attachment 9). Two of the letters received alluded to the property ownership question. The third letter expressed opposition to the project based the author's opinion that it will result in overcrowding and an increase in crime in the area.

The applicant, Vernon Summers spoke on behalf of his project. Mr. Summers stated that he purchased the property and ultimately received clear title to the property before filing his Conditional Use Permit (CUP) application.

The Planning Commission voted 4:0:0 (Commissioner Salinas absent) to approve the project, after confirming with staff that the ownership information contained in the CUP application is current and correct (Attachment 8). The Commission expressed its sympathy to the opposing party's contention, but concluded its authority in the matter is limited to the project's zoning issues. The opponents were advised of the City's appeal process before the public hearing was concluded.

Appeal

Mr. Boun Louane Vongphakdy filed the letter of appeal (Attachment 6) on July 1, 2005. The appeal form, in which he incorrectly identifies the action as a Change of Zone, includes a statement referencing the previous sale of the property. The statement also states the appeal is filed '...under the rights "freedom of religion" and have are temple still resuming.'

The following is a summary of staff's analysis that concludes the project applicant demonstrated adequate proof of ownership of the property at the time the CUP application was filed:

Item 12 of the CUP application form (Attachment 10) includes a declaration, signed by the applicant (Vernon Summers, 190 N. Newmark, Sanger CA 93657) that the applicant is: "...the legal owner, lessee, or authorized agent of the property involved in this application." Staff confirmed that the County Assessor's Parcel Roles as of June 1, 2005, show that APN 093-022-002 (932 N. Leslie Street) is owned by the applicant (Attachment 11).

The Appeal was accepted by the City Clerk on July 1, 2005, and has been processed in accordance with Visalia Zoning Ordinance Section 17.38.120.

The City's Zoning Ordinance requires approval of a Conditional Use Permit (CUP) for multi-family residences proposing more than 11 units. The Planning Commission made the finding required by the zoning ordinance, and approved the project subject to the conditions in Resolution No. 2005-65.

The City Attorney has been consulted on this matter, and it is his opinion that the evidence of ownership is sufficient to support a finding by the Planning Commission, and subsequently by the City Council, that the applicant is the owner of record, and that therefore the issuance of the CUP would be appropriate. The project opponents have not provided any evidence, other than their own claims, to dispute this. All parties should be reminded, however, that the City's approval of a conditional use permit does not address, decide or confirm property ownership disputes. The project opponents would need to resort to the courts should they continue to have claims regarding the ownership of the property; the issuance of the CUP will not prevent them from doing so, if they choose.

ALTERNATIVES:

The Council may affirm, reverse or modify the Planning Commission's decision regarding the Conditional Use Permit and the conditions of approval. Council may also decide to forward the matter back to the Planning Commission for reconsideration if substantial new information is received during the appeal hearing. If the Council upholds the appeal and reverses the Planning Commission's approval, a resolution denying Conditional Use Permit No. 2005-16 will be prepared.

ATTACHMENTS:

1. Site Plan
2. Location Map
3. Aerial Map
4. General Plan Map
5. Zoning Map
6. Copy of Appeal
7. Resolution denying the appellant's request (approving the project)
8. Planning Commission Action Minutes, June 27, 2005
9. Letters of opposition to the project
10. CUP 2005-16 Application Form showing Applicant's signature
11. Assessors Parcel Roles
12. Planning Commission Staff Report, including Resolution No 2005-65, June 27, 2005

City Manager Recommendation:

Recommended Motion:
Motion to Approve Project: I move to adopt Resolution No. 2005- 109 upholding the Planning Commission's approval of Conditional Use Permit No. 2005-16.

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:

- Planning Commission
- Appellant

- Applicant
- Paul Chao, Community Liaison Officer

Environmental Assessment Status

CEQA Review:

Required? No.

Review and Action: Prior:

The appeal does not include a challenge to the Negative Declaration (2005-43) adopted by the Planning Commission for the project.

Required:

NEPA Review:

Required? No

Review and Action: Prior:

Required:

Tracking Information:

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: August 01, 2005

Agenda Item Number (Assigned by City Clerk): 7

Agenda Item Wording: Protest hearing regarding formation of "Open Space District No. 89, Riverwood Subdivision (257 lots), located at the northeast corner of Mineral King Ave and McAuliff Street, APN:103-130-039. If less than 50% of property owners protest, adopt a resolution forming the Open Space District. Resolution No. 2005-110 required.

Deadline for Action: August 01, 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.): 2

Department Recommendation and Summary: Hold a protest hearing regarding the formation of Open Space District No. 89, Riverwood Subdivision. If less than 50% of property owners protest in writing, adopt a resolution forming the Open Space District. Resolution No.2005-required. The affected area is currently owned by Centex Homes 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 Riverwood Subdivision (257 lots), located at the northeast corner of Mineral King Ave and McAuliff Street. This map will create 257 single and multi-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 July 18, 2005, a resolution of intention to form Open Space District No. 89, APN:103-130-039 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 July 18, 2005 Council approved a resolution of intention to form Open Space District No. 89, APN:103-130-039.

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- 110 , ordering the formation Open Space District No. 89, APN:103-130-039

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 7/28/05 3:35 PM
By author: Peter Spiro

CITY OF VISALIA

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

RESOLUTION NO. 2005-110

RESOLUTION ORDERING THE FORMATION
OPEN SPACE DISTRICT NO. 89
Riverwood Subdivision

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 July 18, 2005 adopt resolution of intention to form Open Space District No. 89 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.

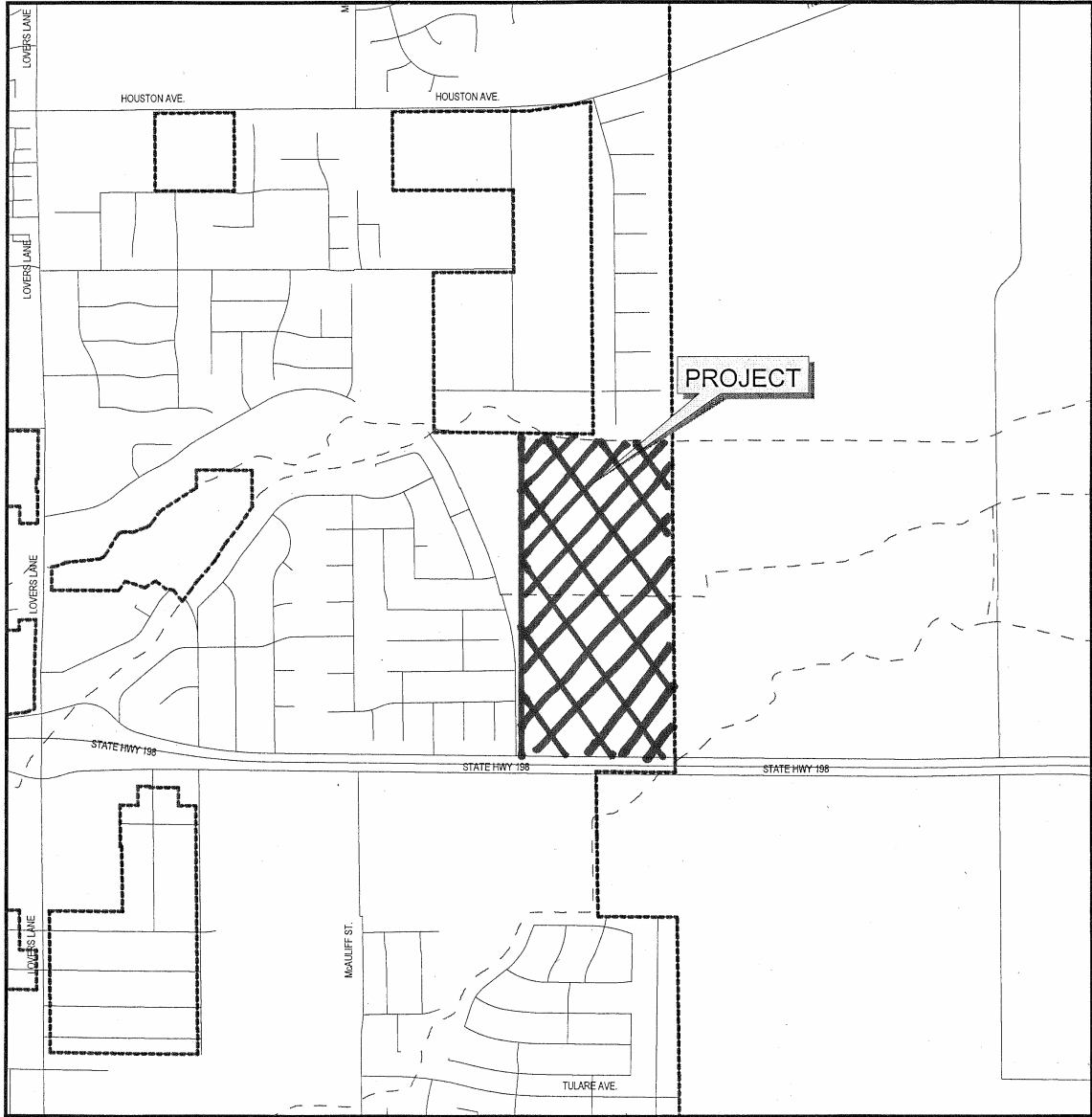
2. That the public interest and convenience require and a maintenance district is hereby formed for the maintenance and operation of parks and parkways and appurtenances thereto, including, but not limited to walkways, crosswalks, steps, safety zones, parking areas, platforms, seats, statuary, fountains, 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. 89”, 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.

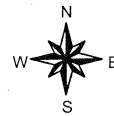
4. That the district and the boundaries thereof benefited and to be assessed for the maintenance and operation of the improvements described are situated in Tulare County, State of California, City of Visalia and being more particularly described as follows: (see attached map)

Open Space District No. 89, being a division of parcel 1 of lot line adjustment No. 2004-34, with the city planner’s approval decision recorded January 31, 2005, as Doc.No. 2005-0009997, T.C.R., situated in the southeast quarter of Section 27, Township 18 South, Range 25 East, M.D.B. & M.

OPEN SPACE DISTRICT # 89
RIVERWOOD SUBDIVISION



LOCATION MAP



Scale: 1"= 1200'

This map has been carefully prepared from official records, however the information herein is not warranted and the City of Visalia shall not in any event be liable for any errors or inaccuracies. This map shall not be copied or reproduced in any form without the express written consent of the City of Visalia G.I.S. Department.