

# Visalia City Council Agenda

For the regular meeting of: Tuesday, September 6, 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

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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.

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## **Employee Introductions:**

Jim Ross, Public Works Manager introduces Stephen Looney, WWTP Maintenance Mechanic and Michael Thullen, Laboratory Technician.

## **WORK SESSION AND ACTION ITEMS (as described)**

**4:00 p.m.**

1. Update on the proposed transit shuttle from Visalia to the Sequoia National Park and the internal shuttle within the park and authorization for staff to take the initial steps to implement a joint shuttle operation.
2. Review and authorization to implement proposed amendments to the First Time Homebuyers Program (HAP) regulations, utilizing HOME Investment Partnership Funds.

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

## **ITEMS OF INTEREST**

### **CLOSED SESSION**

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

3. Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC.
4. Conference with Labor Negotiator  
Employee Groups: Group M  
Agency Negotiator: Jim Harbottle, Eric Frost, Janice Avila

5. Conference with Real Property Negotiators

Property: various Mooney Boulevard parcels to California Department of Transportation (CalTrans) for the Mooney Boulevard (Noble Avenue to Caldwell Avenue) widening project

Under Negotiation: Price, terms and conditions of sale

Negotiators: Steve Salomon, Michael Olmos, Manuel Molina, CalTrans

**REGULAR SESSION**

**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION -**

**SPECIAL PRESENTATIONS/RECOGNITION**

Presentation of check to our Putignano Sister City Committee for the City of Putignano's War Memorial Statue Fund recognizing the soldiers of World War I.

Special recognition of Jennifer Whiteley, Visalia Oaks Baseball Team Manager.

Visalia Parks & Recreation Foundation special recognition of Tony & Mary Salierno for their continued support of the 4<sup>th</sup> of July Celebration.

**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**

6. 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) Approval of an amendment to the City Attorney's contract naming Alex Peltzer as an Assistant City Attorney.

- c) Review and set settlement authority guidelines for risk management claims.
- d) Authorization for the Mayor to sign an amended and restated contract with City Manager Steve Salomon.
- e) Accept the City of Visalia Cash and Investment Report for the fiscal year ending June 30, 2005.
- f) 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 Riverwood Unit #1 , located at the northeast corner of Mineral King Ave and McAuliff Street (167 lots) and the Formation of Landscape and Lighting District No. 05-22, Riverwood Unit 1 (167 Lots), and the formation of Landscape and Lighting District No,05-22-Park, **Resolutions 2005-116, 2005-117, 2005-118, and 2005-119 required.**
- g) **Second Reading of the following Ordinance(s):**
  - 1. **Ordinance 2005-15** Authorization for the granting an easement to California Water Company for a water main line within the Riverway Sports Park.
- h) Authorize the Chief Building Official to seek bids and negotiate a contract not to exceed \$22,500 for the demolition of the City owned building located at 720 W. Mineral King Avenue.
- i) Approval of the members to the West Highway 198 Comprehensive Plan Task Force.

7. PUBLIC HEARING

- a) Certify Negative Declaration No. 2005-59. **Resolution 2005-120 required.** (*A separate Motion by the Council is required.*)
- b) General Plan Amendment No. 2005-11. A request by West Coast Construction (Quad Knopf, agent) to change the General Plan land use designation from Medium Density Residential to High Density Residential on 5 acres. The site is located on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion). **Resolution 2005-121 required.**
- c) **Introduction of Ordinance 2005-16** for Change of Zone No. 2005-12. A request by West Coast Construction (Quad Knopf, agent) to change the zoning from R-M-2 multi-family residential zone: three thousand (3,000) square feet minimum site area per dwelling unit to R-M-3 multi-family residential zone: one thousand five hundred (1,500) square feet minimum site area per dwelling unit on 5 acres. The site is located on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion).

## 8. PUBLIC HEARING

- a) Certification of Negative Declaration No. 2005-60. **Resolution 2005-122 required.** (*A separate Motion by the Council is required.*)  
- *Item b continued from Monday, August 15, 2005*
- b) Initiation of Proceedings for Annexation No. 2005-04 (Lowery Ranch): A request by Mangano Homes, applicant (Quad Knopf, agent) to annex six parcels and right-of-way totaling 176 acres into the City of Visalia. The site is located on the west side of Demaree Street, between Riggin Avenue and Avenue 316. (APN: 077-060-005, 009, 017, 022, 023, and 024) **Resolution 2005-123 required.**
- c) General Plan Amendment No. 2005-10: A request by Mangano Homes, applicant (Quad Knopf, agent) to change the General Plan Land Use Designation from Conservation to Residential Low Density on 108 acres. The site is located on the north side of Riggin Avenue, approximately ¼ mile west of Demaree Street. (APN: 077-060- 006, 009, 023, and 024). **Resolution 2005-124 required.**

The site is located on the west side of Demaree Street, between Riggin Avenue and Avenue 316. (APN: 077-060-005, 006, 009, 017, 022, 023, and 024.)

## 9. PUBLIC HEARING

- a) Certify Mitigated Negative Declaration No. 2005-071. **Resolution 2005-125 required.** (*A separate Motion by the Council is required.*)
- b) General Plan Amendment No. 2004-31: a request by Fred Machado (Branum Group, agent) to change the General Plan land use designation on 48 acres from Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential. The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34) **Resolution No. 2005-126 required.**
- c) **Introduction of Ordinance 2005-17** for Change of Zone No. 2004-32: a request by Fred Machado (Branum Group, agent) to change the Zoning designation on 48 acres from BRP (Business Research Park) to 6.0 acres of PA (Professional / Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size).

The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34.) Applicant: Fred Machado; Agent: Branum Group.

## 10. PUBLIC HEARING

- a) Certify Negative Declaration No. 2005-064. **Resolution 2005-127 required.** (*A separate Motion by the Council is required.*)
- b) Initiation of proceedings of Annexation No. 2005-05 (Silva): a request by Tulare County Properties, Inc. and Michael Silva (Lane Engineers, agent) to annex one parcel totaling 9.77 acres into the City limits of Visalia. The project is located on the west side of Shirk Street, approximately 300 feet south of Pershing Avenue, City of Visalia, County of Tulare. (APN: 081-030-046) **Resolution No. 2005-128 required.**

11. PUBLIC HEARING -

- a) To consider increasing Transportation Impact Fees. After hearing testimony, consider approval of the proposed Transportation Impact Fees, **Resolution 2005-129 required.**
- b) To consider increasing the Parks and Recreation Impact Fees, General Facility Impact Fees for the Corporation Yard, Fire Impact Fee, Waterways Impact Fees and the Storm Drain Impact Fees. Due to the escalating land values, these increased fees will be used to purchase land primarily from developers for the public projects within each impact fund. After hearing testimony, consider approval of the proposed Parks and Recreation Impact Fees, General Facility Impact Fees for the Corporation Yard, Fire Impact Fee, Waterways Impact Fees and the Storm Drain Impact Fees, **Resolution 2005-130 required.**

**REPORT ON ACTIONS TAKEN IN CLOSED SESSION**

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

**Upcoming Council Meetings**

Monday, September 19, 2005

Monday, October 3, 2005

Monday, October 17, 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:** September 6, 2005

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

**Agenda Item Wording:** Update on the proposed transit shuttle from Visalia to the Sequoia National Park and the internal shuttle within the park and authorization for staff to take the initial steps to implement a joint shuttle operation.

**Deadline for Action:** N/A

**Submitting Department:** Administration

**Contact Name and Phone Number:** Leslie Caviglia, 713-4317;  
Monty Cox, 713-4591

For action by:

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

For placement on which agenda:

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

Est. Time (Min.):20 min.

### Department

#### Recommendation and Summary:

It is recommended that the Council authorize staff to begin searching for appropriate vehicles to operate the proposed Gateway Shuttle from Visalia to Sequoia Kings Canyon National Park (SEKI), and the National Park Service's internal shuttle, and to further develop the operational and marketing plans for both services.

In 2003, the Council approved a memorandum of understanding with the Sequoia Kings Canyon National Park to jointly work on a community-based public transportation system and marketing. Since that time, the major project that City staff has worked on with local SEKI officials and National Park Service (NPS) officials has been a Gateway shuttle that would augment an internal shuttle within the Park that is proposed to begin service next season.

With last month's opening of the new General Sherman Tree parking lot and closure of the lower lot, the need for an internal shuttle is even more prevalent. Visitors who are not able to make the challenging hike from the upper lot to the tree will find it difficult to experience one of the park's most popular attractions.

Key to the internal shuttle is approval of and implementation of a proposed \$10 entrance fee increase, currently the fee is \$10.00. If approved, a portion of the fee increase will be used to fund the internal shuttle. City staff expressed support for the fee increase to both local and headquarters NPS officials. Earlier this year when the Mayor and City Manager met with the NPS Deputy Superintendent when they were in Washington, D.C. to discuss the City's support for the increase and the shuttle.

We learned recently that the fee increase has been initially approved, pending sufficient public notice, which is being done and documented by the local SEKI officials. Both the federal and local officials have indicated that they expect the fee increase to be implemented around the

beginning of the year. A January, 2006 implementation would mean funds would accumulate for about 5 months that could be used to fund the internal shuttle for operations beginning in Spring 2006.

The NPS is also undergoing a study to determine the scope of the internal shuttle, cost estimates and operational options. The NPS expects to have the first phase of the report by the beginning of October. It will be reviewed by the NPS officials and once approved, the second phase of the report will be completed. The entire study is expected to be completed by the end of this year.

City Staff has met with the consultants working on the NPS study. During our discussions, they expressed keen interest in joint operation of the internal and external shuttle, possibly through a contract with the City to operate the internal shuttle. City staff had previously discussed this option with Council and received direction to explore a joint operation. While no final decisions have been made, City Staff feels we need to take steps that would pave the way for a joint operation. If we wait until the final report is issued later this year, it will be difficult, if not impossible, to begin operations in the beginning of the 2006 season.

With Council approval, staff will:

- \*Initiate a cooperative agreement with the NPS for the operation of a shuttle system. Such an agreement would be more specific than the current MOU and provide for a financial arrangement between our entities
  
- \*Develop a comprehensive operating plan for a joint internal and external shuttle operation
  
- \*Begin seeking appropriate vehicles for both the internal and external system
  
- \*Run a test shuttle between Visalia and SEKI in conjunction with the Sequoia Fund Event on Sept. 17 which would provide data for both the external and internal shuttle.

The agreement and plan will be brought back to Council for approval, and, once the initial NPS report is issued in October, staff will bring the Consultant's recommendations to the Council for further consideration and direction,

**Prior Council/Board Actions:**

May 16, 2005 - Council was updated on the progress regarding both the proposed shuttle within SEKI and the Gateway Shuttle, as well as the proposed fee increase that is needed to fund the internal shuttle.

February, 2004 - Council approved a contract with Moore and Associates to develop an operating and marketing plan for a Gateway Shuttle.

December, 2004 – The Council was updated on discussions with the NPS and discussed the possibility of a jointly operated internal/Gateway Shuttle

**Committee/Commission Review and Actions:**

**Alternatives:** None recommended

**Attachments:** None

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move that we authorize staff to take the actions recommended to implement a joint shuttle operation with the National Park Service.

***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

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

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

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

**NEPA Review:**

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



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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

## City of Visalia Agenda Item Transmittal

**Meeting Date:** September 06, 2005

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

**Agenda Item Wording:** Review and authorization to implement proposed amendments to the First Time Homebuyers Program (HAP) regulations, utilizing HOME Investment Partnership Funds.

**Deadline for Action:** None

**Submitting Department:** Community Development & Public Works Department

**Contact Name and Phone Number:**

Bob Nance, Economic & Redevelopment Manager, 713-4511  
Rhonda Haynes, Administrative Technician, 713-4460

For action by:

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

For placement on which agenda:

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

Est. Time  
(Min.): 20

**Department Recommendation and Summary:**

Staff recommends the City Council, upon review of the current policies and activity level of the First Time Homebuyers Assistance Program (HAP), authorize an amendment to the First Time Homebuyers Program regulations as offered herein.

Staff recommends the following changes to the HAP program:

1. Set the maximum purchase price \$194,037.50 (up from \$130,000), based upon 95% of the FHA single family mortgage limit as allowed by HOME regulations.
  - a. Authorize an automatic adjustment to the maximum purchase price in accordance with the FHA single family mortgage limit as approved by HUD. With this action the maximum purchase price will automatically adjust without City Council action.
2. Increase the second mortgage loan maximum from \$20,000 to \$50,000.
  - a. Authorize an adjustment to the maximum second mortgage loan in accordance with the FHA mortgage maximum limits and borrowers' capability to repay.
3. Authorize only FHA, CHAFA and CALHFA, with CHADAP financing type first mortgages.
4. Establish a new repayment schedule under one of the following options:
  - a. Recommended Option: Deferred 5 years at 2%, at the end of the deferral period staff would recertify the family income and set up a payment plan that would range from another 5 year deferral to a full payment of interest and principal. This process would occur each 5 years; or payment in full upon transfer of ownership, sale or if the property is no longer the principal residence.
  - b. Alternate Option: Deferred 30 year at 2%, payments required to begin after the initial 30 years mortgage or payment in full upon transfer of ownership, sale or if the property is no longer the principal residence.

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By author: Redev

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5. Increase the Affordability Assessment Fee, triggered by early payoff, from 8% to 15% of the principal balance of the City loan at the time of the pay off. (Affordability Assessment Fee remains for the life of the loan).

The current guidelines indicate that a participant can borrow up to \$15,000 for newly constructed homes and up to \$20,000 for an existing home. Staff recommends the elimination of the newly constructed versus existing housing guideline as newly constructed home prices typically start above the median value.

These proposed changes will allow the potential first time home buyer the opportunity to borrow the maximum \$50,000 for either a new or existing home as long as the maximum purchase price of the home is below 95% of the median home value as recommended (maximum purchase price of \$194,037.50) and within the borrowers purchasing capabilities.

Currently the City funds the First Time Homebuyers Program at approximately \$400,000 per year from its Federal HOME Program Grant. Approximately \$300,000 in funds from the previous program year 2004-2005, are proposed to be carried over into the new program year, 2005-2006 allowing an estimated additional 6 families to participate in the program. With these changes, the program is anticipated to fund a minimum of 12 new loans this year. Any program income received from existing loans paid in full will be reinvested into the program for new participants/ loans.

#### **Background:**

Recent increases in housing prices have severely limited the City's ability to assist qualified low income buyers into affordable housing. By amending the regulations as proposed the City will be better able to continue assisting qualified families in achieving affordable home ownership.

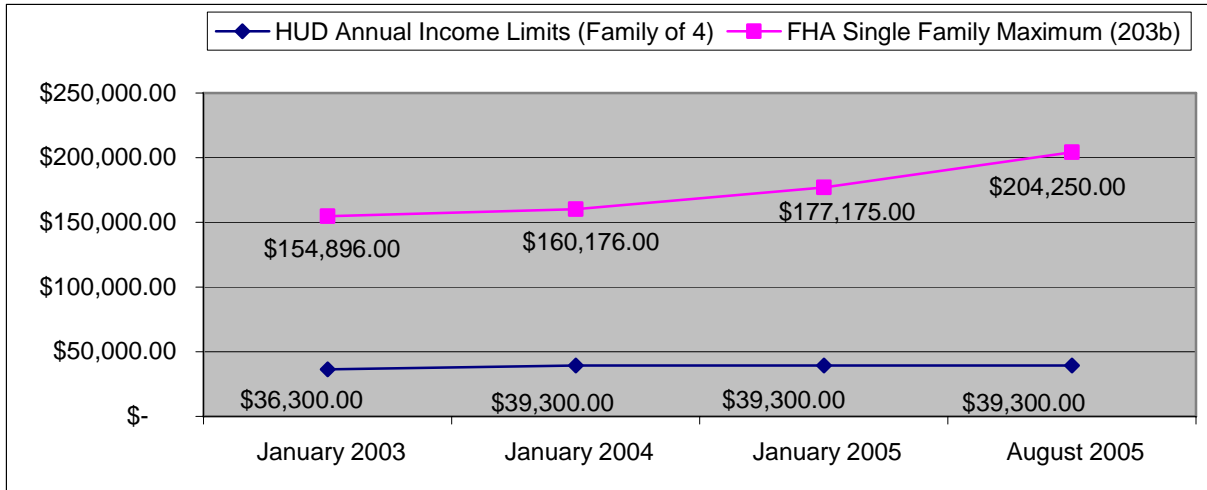
The program utilizes HOME funds whose regulations allow the City to use one of two methods in determining the maximum purchase price of the home. If utilizing method one "Fixed Value", 95% of the FHA Single Family Mortgage Limit Maximum sets the maximum purchase price at \$194,037.50, until FHA adjusts the maximum for our area. If utilizing method two "Local Survey" based on the analysis of a survey completed for the period of May 1, 2005 through July 1, 2005, 95% of the median purchase price would set the maximum purchase price at \$256,405 for one year (until a new analysis would be conducted). Staff's recommendation is to utilize Method One: "Fixed Value" the FHA Single Family Mortgage Limit Maximum which is more in line with income qualifying families. There were approximately 53 homes sold at or under the FHA mortgage maximum of \$194,037.50.

Currently the City's HAP sets the maximum purchase price of \$130,000 for a house. As housing prices continue to increase, the dream of owning a home and participating in Visalia's First Time Homebuyers Program (HAP) has moved out of reach for most eligible low-income families. HUD Representatives have indicated that this is a common problem throughout California. For the Program Year ending June 30, 2005, the program will have assisted only six families. In order to continue assisting low-income homebuyers, the maximum purchase price guidelines need to have the ability to adjust accordingly with the housing market.

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**Increase the maximum purchase price from \$130,000 to \$194,037.50, as based upon 95% of the FHA Single Family Mortgage Limit as allowed by HOME regulations:**

To continue assisting low-income homebuyers, staff recommends an increase to the maximum purchase price of the home. HUD regulations allow local jurisdictions to establish maximum loan amounts based upon the FHA Single Family Mortgage Maximum Limits which are identified by County and tied to increases in the loan limits established by Freddie Mac. HUD's guidelines indicated that the maximum purchase price is to be based upon 95% of the 203b maximum (\$204,250).

**Automatic adjustment to the maximum purchase price of the home as tied the FHA Single Family Mortgage Limit approved by HUD and allowed by HOME regulations:**

Staff recommends that the maximum purchase price have the ability to automatically adjust without City Council action, as the FHA maximum mortgage limits adjust. As each loan is under review through the first mortgage lender, the FHA will be verified, documented and submitted with the City's second mortgage application for confirmation and auditing of the maximum purchase price.

**Increase the second mortgage loan maximum from \$20,000 to \$50,000:**

Staff recommends that the City's second mortgage be increased to assist with the difference between the first mortgage and the purchase price of the home ("the affordability gap"). Currently, a family of four (4) with an annual income of \$39,300 and a debt to income ratio of 30% can afford a first mortgage up to \$140,000, based upon interest rates between 5% and 6%, and depending on funding sources. With the gap financing of \$50,000, the family could purchase a home up to \$190,000 utilizing these funds as down payment, closing costs and prepaid expenses. As the HUD income limits rise, so will the applicants' eligibility for increasing the first mortgage. Through the market analysis there were approximately 53 homes sold under \$190,000.

**Authorize only FHA, VA, CHAFA, CALHFA, with CHADAP financing type first mortgages:**

Staff recommends that the first mortgage loan be financed through FHA, CHAFA CALHFA, or CALHFA with CHADAP only, as their loan programs specifically target low-income home

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buyers. These loan programs allow the borrower to maximize their first mortgage dollars/buying ability by utilizing debt to income ratios between 29% to 45% is HUD insured and provides lower interest rates, providing qualified low-income families more purchase power. The FHA maximum mortgage limit, as of August 20, 2005, has been set at \$204,250.00.

#### **Establish new repayment schedule**

The current HAP program defers payments on the City's second position loan for 5 years at a 3% interest rate. Recent payment records show that approximately 23% of loans exiting the 5 year deferral period have problems making the payment on the City's second mortgage. The two proposals herein attempt to address this issue by either recertifying the income every 5 years and adjust payments accordingly or deferring all payments for 30 years then requiring repayment for an additional 30 years. If the loan is deferred every 5 years, the recertification of their income would be conducted by the City's contracted administrator.

If the family refinances or sells the home prior to the loan term, the requirement of payment in full on the City's mortgage remains in effect.

#### **Increase the affordability assessment fee which is triggered by early payoff, from 8% to 15% of principal balance of City loan at the time of the pay off. (Affordability Assessment Fee remains for the life of the loan)**

Staff recommends that the affordability assessment fee be increased from the existing 8% to 15% of the principal balance of City loan at the time of payoff. HUD regulates that a loan over \$40,000 requires a fifteen year affordability covenant. To promote affordable housing, the City has established an assessment fee. When homes are sold to a non-qualifying family or refinanced the affordability assessment fee is triggered. The proposed increase in the assessment fee to 15% will further assist in keeping the affordable housing stock available to qualified low-income families or provide additional funds that the City can use to develop replacement affordable housing, provide funds for additional loans or improve the existing affordable housing stock. As part of the work session, Staff will review the process with Council, for a homeowner with a HAP loan to sell the house to qualified or non-qualified homebuyer.

The City, through VIAH, regularly holds affordable housing information meetings to assist realtors, brokers, lenders, title companies and homebuyer's seeking to buy/sell on the affordability requirements of this program.

#### **Prior Council/Board Actions:**

August 2003, City Council approved an amendment to the First Time Homebuyers Program that raised the maximum purchase price to \$130,000.

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

#### **Alternatives:**

#### **Attachments**

Exhibit "A"- Background Analysis

Exhibit "B" – Sample Loan Calculation

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**City Manager Recommendation:**

<p><b>Recommended Motion (and Alternative Motions if expected):</b> Staff recommends that City Council amend the First Time Homebuyers Program (HAP) regulations to the following: Staff recommends the following changes to the HAP program:</p> <p>1.) Set the maximum purchase price \$194,037.50 (up from \$130,000), based upon 95% of the FHA single family mortgage limit (203b) as allowed by HOME regulations.</p>
<p>a.) Authorize an automatic adjustment to the maximum purchase price in accordance with the FHA single family mortgage limit as approved by HUD. With this action the maximum purchase price will automatically adjust without City Council action.</p>
<p>2.) Increase the second mortgage loan maximum from \$20,000 to \$50,000.</p>
<p>a.) Authorize an adjustment to the maximum second mortgage loan in accordance with the FHA mortgage maximum limits and borrowers' capability to repay.</p>
<p>3.) Authorize only FHA, CHAFA and CALHFA, with CHADAP financing type first mortgages.</p>
<p>4.) Establish a new repayment schedule under one of the following options:</p>
<p>a.) <u>Recommended Option:</u> Deferred 5 years at 2%, at the end of the deferral period staff would recertify the family income and set up a payment plan that would range from another 5 year deferral to a full payment of interest and principal. This process would occur each 5 years; or payment in full upon transfer of ownership, sale or if the property is no longer the principal residence.</p> <p>b.) <u>Alternate Option:</u> Deferred 30 year at 2%, payments required to begin after the initial 30 years mortgage or payment in full upon transfer of ownership, sale or if the property is no longer the principal residence.</p>
<p>5.) Increase the affordability assessment fee triggered by early payoff, from 8% to 15% of the principal balance of the City loan at the time of the pay off. (Affordability Assessment Fee remains for the life of the loan).</p>

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***Financial Impact***

**Funding Source:** HUD- HOME Investment Partnership Grant Funds

**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 X

Review and Action: Prior:  
Required:

**NEPA Review:**

Required? Yes No X NEPA assessment was completed on a program basis – Proposed changes do not trigger re-evaluation

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:**

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## City of Visalia Agenda Item Transmittal

**Meeting Date:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 6b

**Agenda Item Wording:** Approval of an amendment to the City Attorney's contract naming Alex Peltzer as an Assistant City Attorney.

**Deadline for Action:** N/A

**Submitting Department:** Administration

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

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 3 min.

### **Department Recommendation and Summary:**

Staff recommends the Council approve an amendment to the City Attorney's contract naming Alex Peltzer as an Assistant City Attorney.

When the contract for City Attorney services with the then Dooley Herr firm was renewed and approved by the Council in 2004, it named Dan Dooley as the City Attorney and Leonard Herr as an Assistant City Attorney. In the ensuing years, Alex Peltzer, now a partner with the newly named firm of Dooley, Herr & Peltzer, LLP, has become more involved with the City's legal matters. It is fitting and appropriate, in light of the significant role he has in representing the City, that he be named an Assistant City Attorney.

A native of Visalia, Alex holds a Juris Doctorate degree from San Joaquin College of Law, graduating with High Honors. He also holds a Master of Arts in journalism from the University of Missouri and a Bachelor of Arts from the University of Notre Dame. Alex specializes in Municipal Law, Civil Litigation, Real Estate and Water Environment. He has been with the firm since 1999.

**Prior Council/Board Actions:** Approval of the Contract with Dooley Herr September 9, 2004.

**Committee/Commission Review and Actions:**

**Alternatives:** Not to name an additional Assistant City Attorney

**Attachments:** Copy of the proposed amended contract

**City Manager Recommendation:**



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

I move that we approve the amended contract with Dooley, Herr & Peltzer naming Alex Peltzer as an Assistant City Attorney.

***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

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

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

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

**NEPA Review:**

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

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

## City of Visalia Agenda Item Transmittal

**Meeting Date:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 6c

**Agenda Item Wording:** Review and set settlement authority guidelines for risk management claims

**Deadline for Action:** September 6, 2005

**Submitting Department:** Administrative Services

**Contact Name and Phone Number:** Charlotte Dunn, x4335  
Eric Frost, x4474

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

### Department Recommendation

Staff recommends that authority given to the City Manager to settle liability claims be indexed to inflation. Each year on July 1, staff settlement authority will be increased or decreased by the change in the All Consumer, US Consumer Price index for the March to March time period. Settlement authority will be rounded to the nearest \$500 increment.

	<u>Current</u>	<u>Proposed</u>
City Manager	\$20,000	Annual CPI Increase
Risk Manager	\$ 5,000	Set by City Manager

This current settlement limits were established prior to 1988 and have remained unchanged.

### Discussion

Sometimes in the course of the City's business, other parties are damaged by City activities. For example, a garbage truck may strike a parked car or a sewer line might be plugged up due to construction activities. As a result, the City has a responsibility to settle such claims, whether the claims are settled by negotiations or litigation. Table I, Fiscal Year 04/05 Claim Settlements, outlines the settled claims from last fiscal year, the nature of the claim, and total amounts paid.

To assist in the liability analysis of each claim, staff provides a copy of the file to the responsible department for their review and recommendation. To further manage these claims, a staff liability committee meets monthly to review all claims, analyzing whether or not the City should accept the claim and develop plans to avoid future claims. Each department is represented on this committee. Settlements for sensitive or large dollar claims are approved by Council; however, most claims tend to be of small dollar volume which rests with authority given to staff.

To efficiently settle small dollar claims, the City Council has delegated authority to Staff to settle claims of less than \$20,000. These authority limits have remained unchanged since 1988, however, the value of damages 20 years ago have increased. Over the last 25 years, the City has paid an average of 2 claims per year in excess of \$25,000.

Staff recommends that Council modify the settlement authority to be indexed to inflation. Each year July 1, staff settlement authority will be increased or decreased by the change in the All Consumer, US Consumer Price index for the March to March time period. Settlement authority will be rounded to the nearest \$500 increment. Further, Risk Management's work plan also requires that an annual report be submitted to Council on risk management activities.

**Table I  
Fiscal Year 04/05 Claim Settlements**

<i>Type</i>	<i>Number</i>	<i>Average</i>	<i>Total Cost</i>
Collision	7	1,778	12,443
Property	10	1,015	10,150
Sewer Back-up	20	205	4,091
Slip and Fall	1	8,500	8,500
Total	38		35,184

In summary, a total of 62 claims were filed during 2004/2005, of which, 38 were settled. In addition to those listed above, 7 claims remain active and 17 claims have been denied. As of June 30, 2005 a total of 29 claims remain open from claims filed in all years.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:** Council may leave current settlement authority at current limits or establish alternate increase.

**Attachments:** None

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

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** Recommend the Risk Management claim settlement authority be indexed to inflation on an annual basis. The City Manager will set the authority given to Risk Management.

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

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

**NEPA Review:**

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

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 6d

**Agenda Item Wording:** Authorization for the Mayor to sign an amended and restated contract with City Manager Steve Salomon.

**Deadline for Action:**

**Submitting Department:** Administration

**Contact Name and Phone Number:** Bob Link; Janice Avila, Human Resources Manager, x4417.

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 Visalia City Council has met with the City Manager and conducted his annual performance evaluation. Council has also agreed to amend and restate the employment agreement with Steve Salomon.

The new agreement remains virtually same as the prior agreement with the exception of a salary adjustment. The new agreement calls for a 4% salary adjustment effective with the pay period that includes July 1, 2005. This increase is the same as provided for the Department Head Group and other unrepresented confidential employees, in addition to the miscellaneous Managers, Supervisors and Professionals Group.

**Prior Council/Board Actions:** The City Council met with the City Manager in closed session on August 15, 2005, conducted his annual evaluation and discussed agreement terms.

**Committee/Commission Review and Actions:**

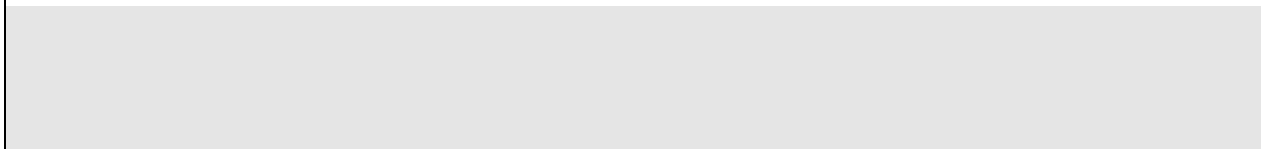
**Alternatives:**

**Attachments:**

**City Manager/Executive Director Recommendation:**

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

Move to authorize the Mayor to sign an amended and restated contract with City Manager Steve Salomon.



***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 ___	

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

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:

## City of Visalia Agenda Item Transmittal

**Meeting Date:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 6e

**Agenda Item Wording:** Accept the City of Visalia Cash and Investment Report for the fiscal year ending June 30, 2005.

**Deadline for Action:** None

**Submitting Department:** Administration - Finance

**Contact Name and Phone Number:**

Eric Frost 713-4474  
Cass Cook 713-4425

For action by:

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

For placement on which agenda:

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

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

**Department Recommendation and Summary:** It is recommended that Council accepts the City of Visalia Cash and Investment Report for the fiscal year ending June 30, 2005.

The June 30, 2005 investment report is the fiscal year ending report for 2004-05. The portfolio had a managed balance of \$113.7 million on June 30, 2005. The investments have earned an annualized rate of 2.76% for fiscal year 2004-05. The table below lists the key benchmarks and performance statistics for the City's portfolio.

**Table I: Managed Portfolio Performance Statistics (dollars in millions)**

Quarter Ending	Portfolio Balance	City Monthly Portfolio Rate	LAIF Balance	LAIF Rate	2 YR Treasury	Weighted Average Maturity
June 30, 2005	\$113.6	3.38%	\$12.7	2.85%	3.63%	1.22 years
March 31, 2005	\$102.8	1.01%	\$7.9	2.38%	3.77%	1.25 years
December 31, 2004	\$95.9	2.94%	\$10.8	2.00%	3.07%	1.27 years
September 30, 2004	\$107.2	2.81%	\$26.7	1.67%	2.61%	1.18 years
June 30, 2004	\$108.1	2.55%	\$52.6	1.44%	2.70%	1.12 years

FY 2004 Rate of Return	3.28%
<b>FY 2005 Rate of Return</b>	<b>2.76%</b>

The City's cash and investments consist of the following:

**Table II: Cash Summary (in millions)**

Table II: Cash Summary

Investment Type	Amount (in millions)
<b>Managed Portfolio</b>	
LAIF	\$12.70
CD's	\$0.30
Agencies	\$90.70
Medium Term Notes	\$10.00
Treasury Notes	\$0.00
<b>Total Managed Portfolio</b>	<b>\$113.70</b>
Trustee Cash	\$2.23
Banks & Depositories	\$0.94
<b>Total Cash &amp; Investments</b>	<b>\$116.87</b>

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

**Fair Market Value Adjustment:** The portfolio is also affected by the change in fair market value (FMV) of investments from their June 30, 2004 market value. The FMV is the amount the investment could be sold for on that particular day; FMV changes daily with market fluctuations. The Governmental Accounting Standards Board (GASB) Statement 31 requires governmental entities to report investments at FMV for annual financial reporting purposes, i.e. June 30, 2005.

The change in FMV occurs as bonds with *above market* rates are recorded at higher FMV when interest rates are low. The reverse happens as rates rise, for example, the rate on the 2 year Treasury note was 2.68% on June 30, 2004 compared to 3.63% on June 30, 2005. As interest rates have risen, the FMV of the portfolio has decreased by \$342,000. Adjustments to the fair market values will offset each other over time. FMV losses will decrease interest earnings in each of the City's funds.

**Economic Outlook:** Since June 30, 2004, the Federal Open Market Committee (FOMC) has raised the Federal Funds rate (Fed Funds), the rate for overnight loans between banks, ten times from 1.00% to the current rate of 3.50% or 250 basis points (100 basis points equals 1.00%). The Fed Funds rate plays an important role in the market. Changes to the rate and / or the Fed's stance on monetary policy can lead to a chain of events which normally has implications for both short-term and long-term interest rates. The FOMC still believes the Fed Funds rate is "accommodative" or at a level below what is necessary to maintain price stability, the Fed's primary goal. They also still believe the rate should be increased at a "measured pace" or at a slow and deliberate pace.

Economists have accurately predicted that the FOMC would raise rates by 25 basis points at each of the last ten meetings; and consensus is they will continue on this pace through the next quarter with a possible break in the first quarter of the calendar year. The market expects a Fed Funds rate of 3.75% after the September FOMC meeting and 4.00% by the November meeting; however, inflation (or lack thereof), an economic slowdown or other global factors may play a role in future increases this year.

Staff anticipates that the Fed Funds rate for the end of the calendar year to be between 3.75% and 4.25%; resulting in a gradual rise in investment yields over the next 4 months.

Over the past 20 years, the City's portfolio rate has closely mirrored the Fed Funds rate plus or minus a margin or difference. During times of rising Fed Funds rates, the difference narrows to about 50 basis points or ½ % as it was on December 31, 2004 with the portfolio rate at 2.75% and Fed Funds at 2.25%. When the fed funds rate has reached its peak for the cycle, the rate has been above the City's portfolio rate by about 50 basis points or ½ %. At June 30, the Fed Funds rate was above the City's portfolio rate by about 50 basis points with a June 30, 2005 of 2.76% and Fed Funds at 3.25

**Future Management:** Staff expects investment interest rates to be steady to rising over the next quarter. The market expectation is that the FOMC will raise the Fed Funds rate over the next quarter to a less accommodating or "neutral level" which economist predict to be between 3.50 – 4.50% (0 to 150 basis points from the current rate). What this means is that the FOMC is likely at the end of the tightening cycle. Staff will continue to invest in short-term investments and will position the portfolio to hold the higher rates by moving the weighted average maturity (WAM) from 1.25 years to 1.50 years. As rates stabilize, the WAM will be moved closer to 2.00 years.

The City's Investment policy states the portfolio will be limited to an average life of three years or less. During periods of rising interest rates, the average will be closer to one year to keep funds available for investment when interest rates are higher. During periods of higher rates, the average will be closer to three years to take advantage of higher rates for a longer period. In addition, staff will monitor the bond market to take advantage of purchase or sale opportunities that provide safety and liquidity while maximizing yield in the City's portfolio.

**Prior Council/Board Actions:**

Investment Policy approved May 2005

Authority for Administrative Services Director/Treasurer or his delegate to invest funds of the City approved in May 2005.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** City of Visalia's cash and investment report for June 30, 2005.

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):**  
Move to accept the City of Visalia Cash and Investment Report for the fiscal year ending June 30, 2005

**Financial Impact**

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

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

Copies of this report have been provided to:

**Environmental Assessment Status**

**CEQA Review:**

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

**NEPA Review:**

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

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 6f(1)

**Agenda Item Wording:** Authorize the Recordation of the Final Map for Riverwood Unit #1 , located at the northeast corner of Mineral King Ave and McAuliff Street (167 lots) and the Formation of Landscape and Lighting District No. 05-22, Riverwood Unit 1 (167 Lots), and the formation of Landscape and Lighting District No,05-22-Park, **Resolutions 2005-116, 2005-117 ,2005-118, and 2005-119 required.**

**Deadline for Action:** September 6, 2005

**Submitting Department:** Community Development & Public Works

**Contact Name and Phone Number:**

Andrew Benelli     713-4340  
Peter Spiro         713-4256

For action by:

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

For placement on which agenda:

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

Est. Time (Min.):   1  

**Department Recommendation and Summary:**

***Final Map***

Staff recommends that City Council authorize the recordation of the final map for Riverwood Unit #1 containing 167 Lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$2,240,821 and Labor and Material Bond in the amount of \$1,120,410; 3) cash payment of \$398,754 distributed to various accounts; and 4) Final Map. The subdivision is being developed by Centex Homes.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along McAuliff Street (Collector), the street frontages alongside Creek side Basin as well as a 1300' long, 8' wide sidewalk located in the riparian set back area of Mill creek. The City will be reimbursing approximately \$196,209 to the developer (Centex Homes) by giving a combination of fee credits for Transportation Impact Fees and cash payment. In addition to that, the City will purchase the riparian setback area of Mill Creek at the northern project boundaries.

### ***Landscape & Lighting***

Staff recommends that the City Council: adopt Resolution No. 05-116 Initiating Proceedings for Formation of Assessment District No. 05-22, Riverwood; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-117 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.

Staff recommends that the city council: adopt Resolution No. 05-118 Initiating Proceedings for Formation of Assessment District No. 05-22-Park,Riverwood; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-119 Confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

On February 7<sup>th</sup>, 2005. The City Council adopted a new pocket park policy that will offer a small open-space/recreational venue of a more passive or intimate nature, internal to a specific residential development. The pocket park will be maintained by the landscape and lighting district for the subdivision under the Landscape and Lighting Act of 1972. Its construction costs will be financed through a General Fund loan and a separate assessment district will be formed per this report that coordinates the loan payments among the district lots over a 20-year period as described in the Engineer Report.

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 two phases, the first unit contains 167 Lots(mixed use) while the second unit has 90 Lots(mixed use).

**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 Riverwood subdivision was approved by the Planning Commission on November 22, 2004. The tentative map will expire on November 22, 2006.

**Alternatives:** N/A

**Attachments:** Resolutions Initiating Proceedings; Clerk's Certification; Resolutions 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 Riverwood Unit #1 and I move to adopt Resolution No. 05-116 Initiating Proceedings for Formation of Assessment District No. 05-22 "Riverwood" and adopt Resolution No. 05-117 Ordering the Improvements for Assessment District No. 05-22 "Riverwood", and adopt Resolution No. 05-118 " Initiating Proceedings for Formation of Assessment District No.05-22-PARK"Riverwood" and adopt Resolution No. 05-119 Ordering the Improvements for Assessment District No.05-22-Park "Riverwood".

***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. 05-116

RESOLUTION INITIATING PROCEEDINGS FOR  
ASSESSMENT DISTRICT 05-22

Riverwood

(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

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

2. The proposed district shall be designated Assessment District No. 05-22, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-22, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Riverwood".
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. 05-22

Riverwood

(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. 05-22, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 9th day of September, 2005 by its Resolution No. 05-116 & 117

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

RESOLUTION NO. 05-117

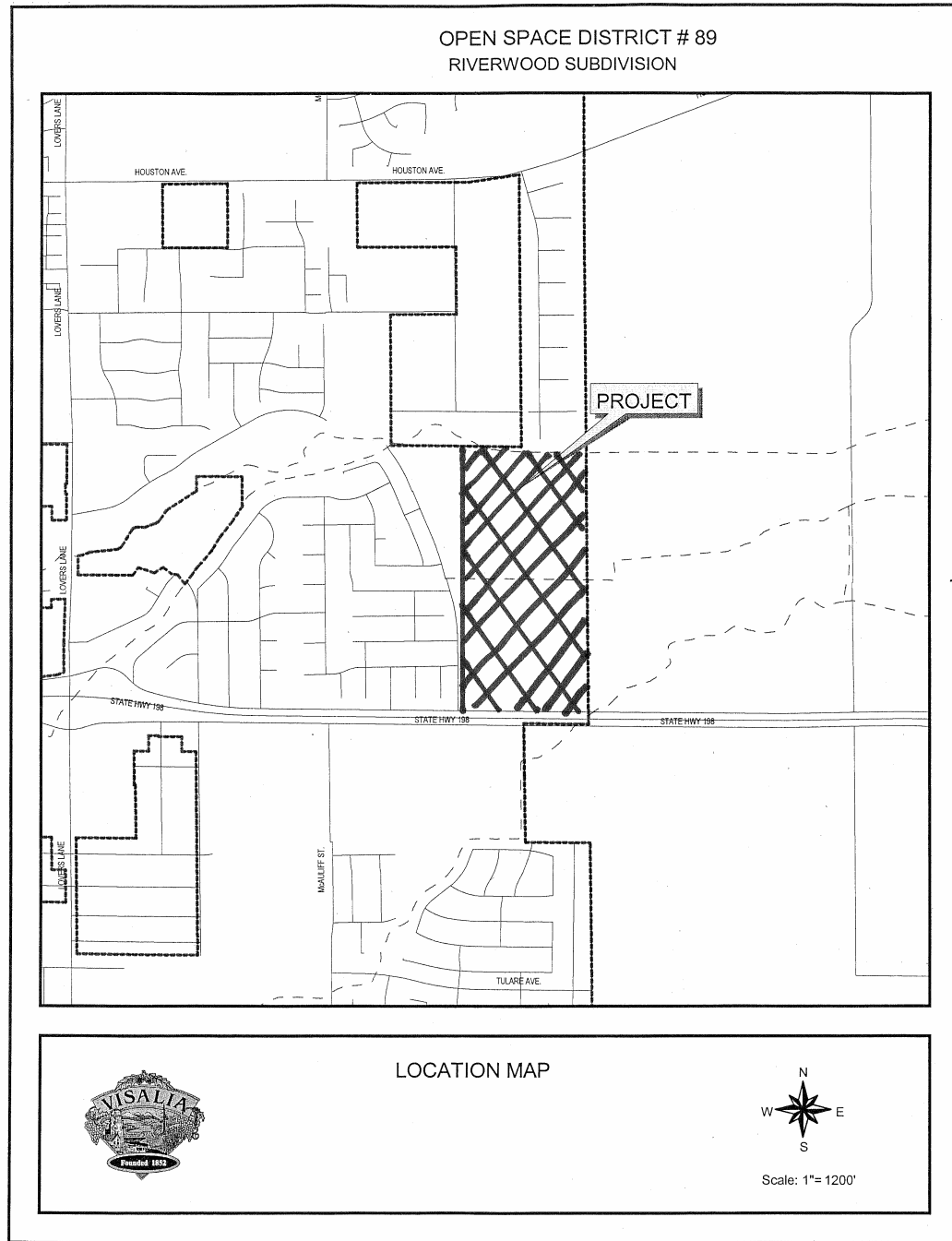
RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 05-22  
Riverwood  
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-22, 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

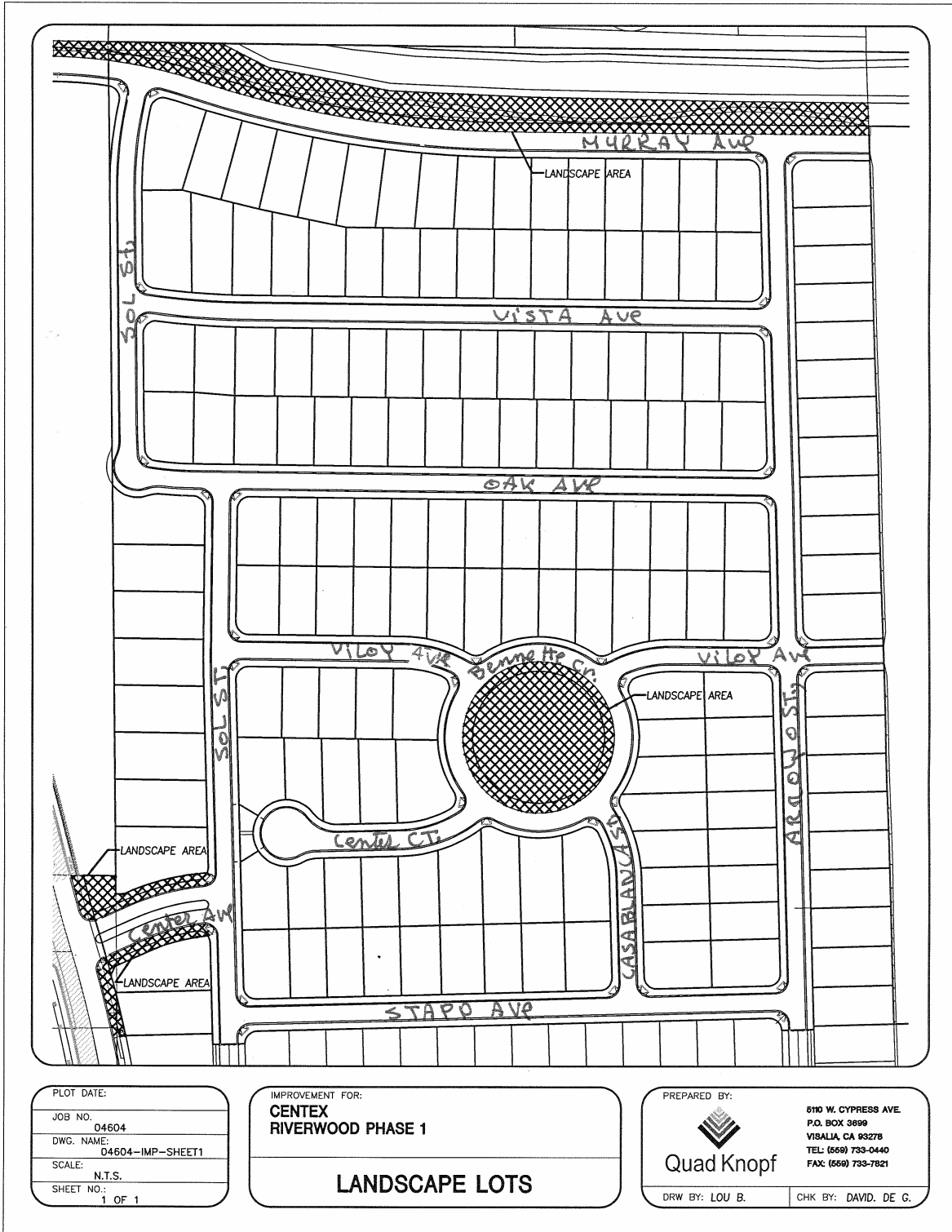
Exhibit "A"  
Assessment Diagram  
Landscape & Lighting Assessment District 05-22  
Riverwood



Prepared by: engineering Project name: Name and location Plot name: name of plot Date: 07/20/05

Exhibit "B"

LANDSCAPING LOCATION DIAGRAM  
Riverwood Unit#1




PLOT DATE:  
JOB NO. 04604  
DWG. NAME: 04604-IMP-SHEET1  
SCALE: N.T.S.  
SHEET NO.: 1 OF 1

IMPROVEMENT FOR:  
**CENTEX  
RIVERWOOD PHASE 1**

---

**LANDSCAPE LOTS**

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

---

DRW BY: LOU B.      CHK BY: DAVID. DE G.

**Exhibit "C"**

Tax Roll Assessment  
Riverwood  
Fiscal Year 2005-06

<b>APN #</b>	<b>Assessment</b>	<b>Owner</b>	<b>Lot #</b>	<b>District</b>
To Be Assigned	\$635.88	To Be Assigned	05-2201/M	Riverwood
To Be Assigned	\$635.88	To Be Assigned	05-2202/M	Riverwood
To Be Assigned	\$635.88	To Be Assigned	05-2203/M	Riverwood
To Be Assigned	\$635.88	To Be Assigned	05-2204/M	Riverwood
To Be Assigned	\$635.88	To Be Assigned	05-2205/M	Riverwood
To Be Assigned	\$635.88	To Be Assigned	05-2206/M	Riverwood
To Be Assigned	\$635.88	To Be Assigned	05-2207/M	Riverwood
To Be Assigned	\$635.88	To Be Assigned	05-2208/M	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2209	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2210	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2211	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2212	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2213	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2214	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2215	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2216	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2217	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2218	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2219	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2220	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2221	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2222	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2223	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2224	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2225	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2226	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2227	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2228	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2229	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2230	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2231	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2232	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2233	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2234	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2235	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2236	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2237	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2238	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2239	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2240	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2241	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2242	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2243	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2244	Riverwood

**Exhibit "C"**

Tax Roll Assessment  
Riverwood  
Fiscal Year 2005-06

To Be Assigned	\$317.94	To Be Assigned	05-2245	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2246	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2247	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2248	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2249	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2250	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2251	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2252	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2253	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2254	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2255	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2256	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2257	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2258	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2259	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2260	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2261	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2262	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2263	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2264	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2265	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2266	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2267	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2268	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2269	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2270	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2271	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2272	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2273	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2274	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2275	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2276	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2277	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2278	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2279	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2280	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2281	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2282	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2283	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2284	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2285	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2286	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2287	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2288	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2289	Riverwood



**Exhibit "C"**

Tax Roll Assessment  
Riverwood  
Fiscal Year 2005-06

To Be Assigned	\$317.94	To Be Assigned	05-2290	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2291	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2292	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2293	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2294	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2295	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2296	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2297	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2298	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-2299	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22100	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22101	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22102	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22103	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22104	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22105	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22106	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22107	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22108	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22109	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22110	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22111	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22112	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22113	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22114	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22115	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22116	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22117	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22118	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22119	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22120	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22121	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22122	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22123	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22124	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22125	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22126	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22127	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22128	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22129	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22130	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22131	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22132	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22133	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22134	Riverwood

**Exhibit "C"**

Tax Roll Assessment  
Riverwood  
Fiscal Year 2005-06

To Be Assigned	\$317.94	To Be Assigned	05-22139	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22140	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22141	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22142	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22143	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22144	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22145	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22146	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22147	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22148	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22149	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22150	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22151	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22152	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22153	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22154	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22155	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22156	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22157	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22158	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22159	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22160	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22161	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22162	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22163	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22164	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22165	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22166	Riverwood
To Be Assigned	\$317.94	To Be Assigned	05-22167	Riverwood

Exhibit "D"  
Engineer's Report  
Landscape & Lighting Assessment District 05-22  
Riverwood  
Fiscal Year 05-06

General Description

This Assessment District (District) is located at the North east corner of McAuliff and Mineral King. Exhibit "A" is a map of Assessment District 05-22. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The maintenance of pavement on local streets includes preventative maintenance by means including, but not limited to overlays, chip seals/crack seals and reclamite (oiling). The total number lots within the district are 257.

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

All residents in this District benefit equally from the improvements and maintenance that is funded by the assessments collected. The lots not adjacent to the landscaped areas, block walls, or other improvements, still receive the benefit of the uniform maintenance and overall appearance of the District.

This district will contain both single-family lots and multiple-family lots. The multiple-family lots are larger in general, and typically have higher population densities than the single-family lots. In order to provide an equitable assessment to all property owners within the District, all parcels are assessed based on the number of dwelling units located on the parcel. However, multiple-family units are assessed at a rate that is 67% of the per-dwelling unit rate used for single-family parcels. For example; a parcel with a duplex will pay 1.33 times (2 units X .67) the assessed amount paid by a single family parcel.

Exhibit "D"

Engineer's Report  
Landscape & Lighting Assessment District 05-22  
Riverwood  
Fiscal Year 05-06

Estimated Costs

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

Exhibit "D"  
 Engineer's Report  
 Landscape & Lighting Assessment District 05-22  
 Riverwood  
 Fiscal Year 05-06

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Cost per unit</u>	<u>Total Cost/Yr</u>
Turf Area	Sq. Ft.	39910	\$0.180	\$7,183.80
Shrub Area	Sq. Ft.	18395	\$0.180	\$3,311.10
Water	Sq. Ft.	58305	\$0.050	\$2,915.25
Electricity	Sq. Ft.	53305	\$0.008	\$426.44
Trees In Landscape Lots/pocket park	Each	69	\$25.00	\$1,725.00
Trees In Local Street Parkways	Each	233	\$25.00	\$5,825.00
Street Lights	Each	44	\$105.00	\$4,620.00
Chip Seal (15-year cycle)	Sq. Ft.	250800	\$0.190	\$3,176.80
Crack Seal ( 8-year cycle)	Sq. Ft.	250800	\$0.02933	\$919.59
Reclamite (6-year cycle)	Sq. Ft.	250800	\$0.0211110	\$882.44
Overlays (10-year cycle)	Sq. Ft.	250800	\$0.65	\$16,302.00
Project Management Costs	Calcu/Units	183	\$18.00	\$3,294.00
<b>TOTAL</b>				<b>\$50,581.42</b>
10% Reserve Fund				\$5,058.14
<b>GRAND TOTAL</b>				<b>\$55,639.56</b>
COST PER Multi-family Lot				\$635.88
COST PER Sing. Family Lot.				\$317.94
COST PER UNIT in a Multi-family lot				\$213.02

Exhibit "D"  
 Engineer's Report  
 Landscape & Lighting Assessment District 05-22  
 Riverwood  
 Fiscal Year 05-06

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

$$A_{max} \text{ for any given year "n"} = (\$55,639.56) (1.05)^{(n-1)}$$

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 \$60,647.12 [a 9% increase over the base year estimated cost of \$55,639.56]. The maximum annual assessment for year four is \$64,409.75 [ $A_{max} = (\$55,639.56) (1.05)^{(4-1)}$ ]. The assessment will be set at \$60,647.12 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 \$62,872.70 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$55,639.56]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$1,908.53 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 \$64,409.75 [ $A_{max} = (\$55,639.56) (1.05)^{(4-1)}$ ]. The year four assessment will be set at \$62,872.70 plus the deficit amount of \$1,112.8 which equals \$65,537.85 [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 \$60,647.12 [a 9% increase over the base year assessment of \$55,639.56] and damage occurred to the masonry wall raising the year five expenses to \$73,989.48 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$66,711.83 (a 10% increase over the previous year) and below the maximum annual assessment of \$67,630.23 [ $A_{\max} = (\$55,639.56)^{(5-1)}$  (1.05)]. The difference of \$7,277.65 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

Exhibit "D"  
Engineer's Report  
Landscape & Lighting Assessment District 05-22  
Riverwood  
Fiscal Year 05-06

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

RCE 50022  
Assistant Director Engineering

Date



RESOLUTION NO. 05-118  
RESOLUTION INITIATING PROCEEDINGS FOR  
ASSESSMENT DISTRICT 05-22-PARK  
Riverwood PARK CONSTRUCTION  
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

All park improvements including turf,irrigation,benches,sidewalks, design costs, construction management, City inspections (calculated at 3% of the estimated cost of park improvements) and overhead (including bonding fee associated with park improvements).

5. The proposed district shall be designated Assessment District No. 05-22-Park, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-22-Park, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Riverwood Park Construction".
6. 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. 05-22-PARK  
Riverwood PARK CONSTRUCTION  
(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. 05-22-Park, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 6<sup>th</sup> day of September, 2005 by its Resolution No. 05-118 & 119

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

RESOLUTION NO. 05-119

RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 05-22-PARK  
Riverwood PARK CONSTRUCTION  
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

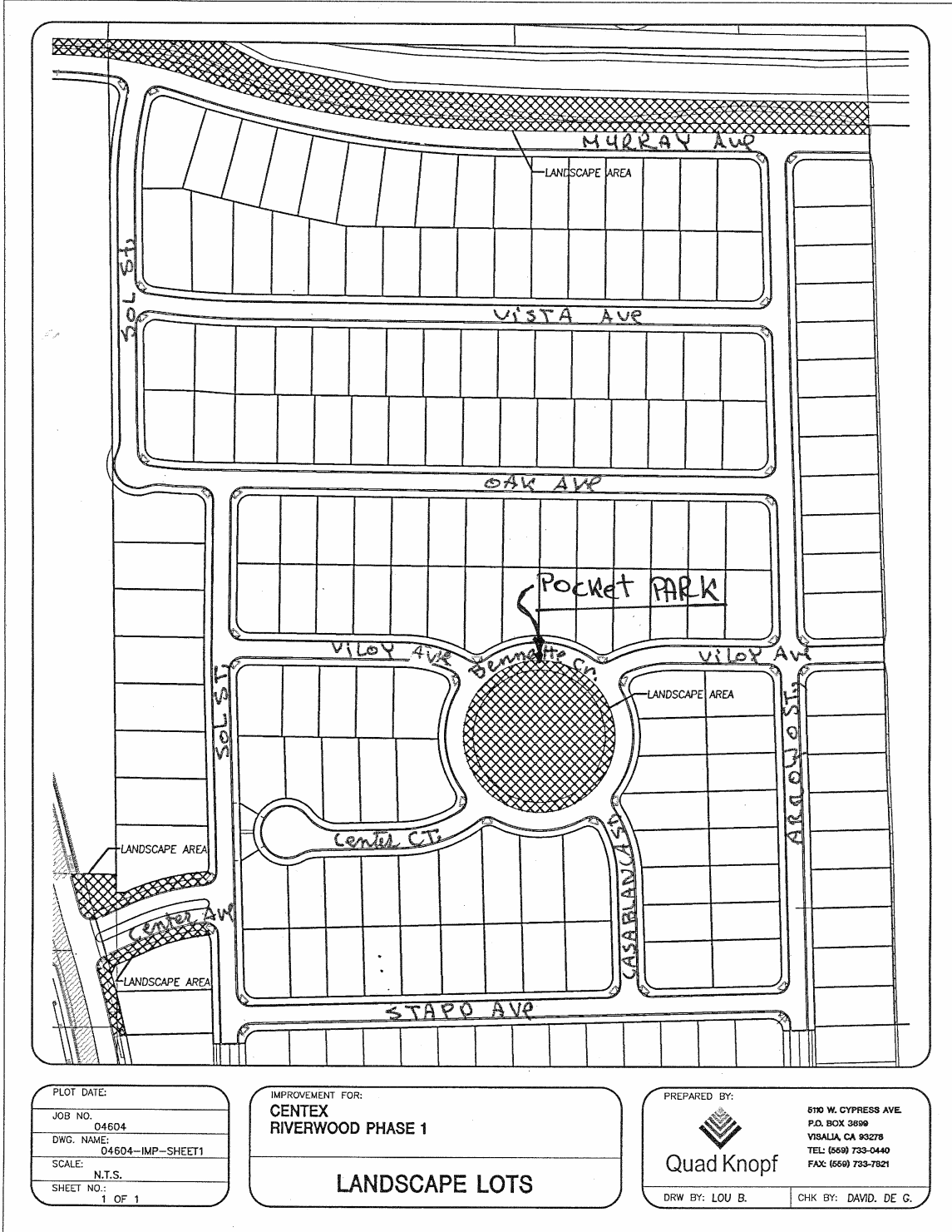
7. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-22-Park, of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
8. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
9. 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.
10. 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.
11. 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.
12. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
  - a. Clerk's Certification to County Auditor
  - b. Resolution Initiating Proceedings
  - c. Resolution Ordering Improvements
  - d. Engineer's Report:
    - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
    - Exhibit B - Landscape Location Diagram
    - Exhibit C - Tax Roll Assessment
    - Exhibit D - Engineer's Report

PASSED AND ADOPTED



Exhibit "B"


Landscape Location Diagram  
Riverwood Park Construction



PLOT DATE:  
JOB NO. 04604  
DWG. NAME: D4604-IMP-SHEET1  
SCALE: N.T.S.  
SHEET NO.: 1 OF 1

IMPROVEMENT FOR:  
**CENTEX  
RIVERWOOD PHASE 1**

**LANDSCAPE LOTS**

PREPARED BY:  
  
**Quad Knopf**  
6170 W. CYPRESS AVE  
P.O. BOX 3899  
VISALIA, CA 93278  
TEL: (559) 733-0440  
FAX: (559) 733-7821

DRW BY: LOU B.      CHK BY: DAVID, DE G.









**Exhibit "C"**

Tax Roll Assessment  
Riverwood Park Construction  
Fiscal Year 2005-06

To Be Assigned	\$110.72	To Be Assigned	05-22-P-135	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-136	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-137	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-138	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-139	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-140	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-141	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-142	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-143	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-144	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-145	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-146	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-147	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-148	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-149	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-150	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-151	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-152	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-153	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-154	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-155	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-156	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-157	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-158	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-159	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-160	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-161	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-162	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-163	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-164	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-165	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-166	(Riverwood) Park Construction
To Be Assigned	\$110.72	To Be Assigned	05-22-P-167	(Riverwood) Park Construction

## **Exhibit "D"**

### **Engineer's Report Landscape & Lighting Assessment District 05-22-Park Riverwood Pocket Park Fiscal Year 2005-06**

#### General Description

This Assessment District (Riverwood) is located North east corner of McAuliff and Mineral King. Exhibit "A" is a map of Assessment District 05-22. Exhibit "B" is a map of Assessment District 05-22-Park. The assessment collected reimburses the developer for the construction of the Riverwood Subdivision Pocket Park. Improvements include installation of an irrigation system, planting of turf, sidewalk construction and expenses associated with design and construction management. The total number lots within the district are 257.

#### Determination of Benefit

The purpose of pocket parks is to offer small open space/recreational venues of a more passive or intimate nature that serves residents within or adjacent to a planned residential development.

In order to preserve the values incorporated within developments and to concurrently have an adequate funding source for the construction of the pocket parks within the subdivision, the City Council has determined that the construction of the pocket parks should be included in a district.

#### 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 derive a benefit by either being adjacent to the park or the nearby access to the pocket park.

This district will contain both single-family lots and multiple-family lots. The multiple-family lots are larger in general, and typically have higher population densities than the single-family lots. In order to provide an equitable assessment to all property owners within the District, all parcels are assessed based on the number of dwelling units located on the parcel. However, multiple-family units are assessed at a rate that is 67% of the per-dwelling unit rate used for single-family parcels. For example; a parcel with a duplex will pay 1.33 times (2 units X .67) the assessed amount paid by a single family parcel.

#### Estimated Costs

The estimated costs to construct the pocket park includes the costs of the turf areas, shrub areas, irrigation systems, trees, amenities, sidewalks, design costs, construction management, City inspection and any other applicable equipment or improvements. The construction cost will be repaid over a 20-year period with an interest rate determined by the prime rate at the time of establishing the loan.

**Exhibit "D"**

Engineer's Report  
Landscape & Lighting Assessment District 05-22-Park  
Riverwood Pocket Park  
Fiscal Year 2005-06

The quantities and estimated costs are as follows:

<b>Description</b>	<b>Unit</b>	<b>Quantity</b>	<b>Cost per unit</b>	<b>Total Cost</b>
<b>POCKET PARK</b>				
Construction Cost(Irrigation&Turf)	Sq. Ft.	45,216	\$4.00	\$180,864.00
Construction Cost (Trees)	Each	28	\$200.00	\$5,600.00
Construction Cost (Amenities)	L.S.	0	\$0.00	\$0.00
Sidewalk	Sq. Ft.	2,600	\$2.50	\$6,500.00
Construction Cost				<u>\$192,964.00</u>
Design cost	%	1	5%	\$9,648.20
Construction Management	%	1	1%	\$1,929.64
Inspection fee 3% of estimate	%	1	3%	\$5,788.92
Overhead (including % of bonding amout per subdivision agreement)	%	1	1%	\$1,929.64
Project Management fee	per lot	167	\$8.000	<u>\$1,336.000</u>
<b>TOTAL OF CONSTRUCTION COST</b>				<b>\$213,596.40</b>
Yearly payment from Amortization table (including interest over 20 years)				<u>\$19,385.24</u>
COST Per Multi-family lot				\$222.54
COST Per Single-family lot				\$110.72
COST Per Unit in a Multi-family Lot				\$74.18

**Exhibit "D"**

Engineer's Report  
 Landscape & Lighting Assessment District 05-22-Park  
 Riverwood Pocket Park  
 Fiscal Year 2005-06

**Park Construction Cost Amortization Over 20 Years  
 (Subdivision Name) L&L District for Construction**

Enter Values				Loan Summary			
Loan Amount	\$ 213,596.40	Scheduled Payment	\$ 19,385.24				
Annual Interest Rate	6.50 %	Scheduled Number of Payments	20				
Loan Period in Years	20	Actual Number of Payments	20				
Number of Payments Per Year	1	Total Early Payments	\$ -				
Start Date of Loan	01/01/2006	Total Interest	\$ 174,108.39				
Optional Extra Payments							
<b>Lender Name:</b>	City of Visalia		(Interest Rate is determined by the prime rate at time District is created)				
Pmt No.	Estimated Due Date	Beginning Balance	Scheduled Payment	Total Payment	Principal	Interest	Ending Balance
1	01/01/2007	\$ 213,596.40	\$ 19,385.24	\$ 19,385.24	\$ 5,501.47	\$ 13,883.77	\$ 208,094.93
2	01/01/2008	208,094.93	19,385.24	19,385.24	5,859.07	13,526.17	202,235.86
3	01/01/2009	202,235.86	19,385.24	19,385.24	6,239.91	13,145.33	195,995.95
4	01/01/2010	195,995.95	19,385.24	19,385.24	6,645.50	12,739.74	189,350.45
5	01/01/2011	189,350.45	19,385.24	19,385.24	7,077.46	12,307.78	182,272.99
6	01/01/2012	182,272.99	19,385.24	19,385.24	7,537.50	11,847.74	174,735.49
7	01/01/2013	174,735.49	19,385.24	19,385.24	8,027.43	11,357.81	166,708.06
8	01/01/2014	166,708.06	19,385.24	19,385.24	8,549.22	10,836.02	158,158.84
9	01/01/2015	158,158.84	19,385.24	19,385.24	9,104.91	10,280.32	149,053.93
10	01/01/2016	149,053.93	19,385.24	19,385.24	9,696.73	9,688.51	139,357.19
11	01/01/2017	139,357.19	19,385.24	19,385.24	10,327.02	9,058.22	129,030.17
12	01/01/2018	129,030.17	19,385.24	19,385.24	10,998.28	8,386.96	118,031.89
13	01/01/2019	118,031.89	19,385.24	19,385.24	11,713.17	7,672.07	106,318.73
14	01/01/2020	106,318.73	19,385.24	19,385.24	12,474.52	6,910.72	93,844.21
15	01/01/2021	93,844.21	19,385.24	19,385.24	13,285.37	6,099.87	80,558.84
16	01/01/2022	80,558.84	19,385.24	19,385.24	14,148.91	5,236.32	66,409.93
17	01/01/2023	66,409.93	19,385.24	19,385.24	15,068.59	4,316.65	51,341.33
18	01/01/2024	51,341.33	19,385.24	19,385.24	16,048.05	3,337.19	35,293.28
19	01/01/2025	35,293.28	19,385.24	19,385.24	17,091.18	2,294.06	18,202.10
20	01/01/2026	18,202.10	19,385.24	18,202.10	17,018.97	1,183.14	0.00

**Exhibit "D"**

Engineer's Report  
Landscape & Lighting Assessment District 05-22-Park  
Riverwood Pocket Park  
Fiscal Year 2005-06

City Engineer Certification

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

---

Andrew Benelli  
Assistant Director Engineering

RCE 50022

Date

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 6g(1)

**Agenda Item Wording:** Second 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:** Second reading of Ordinance 2005-15 to grant 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.

**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 second 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:** September 06, 2005

**Agenda Item Number (Assigned by City Clerk):** 6h

**Agenda Item Wording:** Approval to raze the City-owned building located at 720 W. Mineral King and authorize the Chief Building Official to seek bids and negotiate a contract not to exceed \$22,500 for the proposed demolition work.

**Deadline for Action:** September 06, 2005

**Submitting Department:** Community Development & Public Works

**Contact Name and Phone Number:**

Michael Olmos, Community Development & Public Works  
Director, 713-4332  
Fred Brusuelas, Assistant Director, Community Development &  
Public Works, 713-4364  
Dennis Lehman, Chief Building Official, 713-4495  
Bob Nance, Economic & Redevelopment Manager, 713-4511

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 5

**Department Recommendation and Summary:**

Staff recommends the City Council:

1. Approve the razing of the City owned building located at 720 W. Mineral King;
2. Authorize the Chief Building Official to seek three bids and negotiate a contract for the demolition of the City owned building. The authorization to negotiate a contract for demolition, asbestos removal (if applicable) and site clearance is limited to a maximum of \$22,500 for the proposed work;
3. Direct staff to immediately proceed with the demolition work upon selecting a qualified demolition contractor.

**Background:**

Staff is recommending the City owned structure located at 720 W. Mineral King be demolished and removed as the building has exceeded its useful life. The building is currently vacant and the City's Building Division has noted signs of vandalism. To address this concern, the City's Police Department has begun to store marked police vehicles in the parking lot along the north side of the building as a deterrent to further vandalism.

This City owned parcel is estimated to be 20,670 gross square feet and is bounded by W. Mineral King on the south, Stevenson Street on the west and Mill Creek along the north and east. The site contains an estimated 3,600 square foot building that was previously leased by the Visalia Chamber of Commerce. The building is not designated as "Historical" and can be razed upon completion of the mandatory processing, reviews and bidding process.

At the direction of the City Council, representatives of the City's Building Division inspected the building and identified several problems including significant roof deterioration and damage to roof trusses, foundation cracking and separation. This condition is the result of the combination of the building's age, deferred maintenance and the heavy rains from earlier this year that have resulted in the noted damage to the building. A cursory evaluation of the repairs needed indicate an estimated cost of \$40,000 to replace the roof, repair/replace the trusses and other related damages. This estimate does not include costs for foundation repairs or other corrections that may be needed. Recently, a water line broke within the building causing further damage. The eastern portion of the building is settling and separating from the rest of the building and may have to be demolished or entirely rebuilt in order to reuse the building. The total cost to bring the building to an appropriate standard to re-rent would be approximately \$250,000. Due to the advanced age of the building and outdated office layout, it appears infeasible to undertake the significant costs associated with the extensive repairs needed to correct the deficiencies.

Staff proposes the City Building Official seek three bids from qualified demolition contractors and negotiate a contract with the firm based upon the following criteria: lowest price, soonest start date and earliest completion date. Based upon previous similar Building Department demolition activities, staff estimates the cost of work needed to evaluate and remove any asbestos that might be present, abandon utility lines, raze the building and clear the lot to be approximately \$20,000 plus staff time.

Upon completion of the building removal, the City would improve the appropriate setback area along the creek.

**Prior Council/Board Actions:**

Termination of the lease agreement with the Visalia Chamber of Commerce

**Committee/Commission Review and Actions:**

None

**Alternatives:**

The City Council could direct Administrative Services Department staff to undertake a formal bid process. It is uncertain if this process would yield a lower bid, however, it would extend the time before the building could be razed.

**Attachments:**

Map of the site.

**City Manager Recommendation:**

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

I move the City Council:

1. Approve the razing of the City-owned building located at 720 W. Mineral King;
2. Authorize the Chief Building Official to seek three bids and negotiate a contract for the demolition of the City owned building. The authorization to negotiate a contract for demolition, asbestos removal (if applicable) and site clearance is limited to a maximum of \$22,500 for the proposed work;
3. Direct staff to immediately proceed with the demolition work upon selecting a qualified demolition contractor.

Copies of this report have been provided to:

***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$22,500	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$22,500	New Personnel:	\$
Council Policy Change: Yes___	No__X__	

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes  No

Review and Action: Prior:

Required: CEQA review is complete and the proposed demolition activity is authorized under the attached Categorical Exemption.

**NEPA Review:**

Required? Yes No

Review and Action: Prior:

Required:

**Tracking Information:** Staff to proceed in accordance with City Council direction.

**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:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 6i

**Agenda Item Wording:** Appointment of the members to serve on the West Highway 198 Comprehensive Plan Task Force.

**Deadline for Action:** N/A

**Submitting Department:**

**Contact Name and Phone Number:** Michael Olmos, 713-4332, Leslie Caviglia, 713-4317

For action by:

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

For placement on which agenda:

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

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

### Department Recommendation and Summary:

It is recommended that the Visalia City Council approve the following people to serve on the West Highway 198 Comprehensive Task Force:

Bob Link	Council Member*
Jesus Gamboa	Council Member*
Phil Cox	County Supervisor*
Doug Thompson	Planning Commission*
Victor Perez	Planning Commission*
Margaret Huggins	Parks and Recreation Commission*
John Lindt	Waterways Task Force*
Alan George	Community Member*
Connie Fry	Community Member
Robert Graeber	Visalia Unified School District
Scott Spear	Sequoia Riverlands Trust*
Wimpie Van Grouw	Central Valley Christian School
Sam Sciacca	Property Owner
Rick Telligren	Property Owner
Darlene Mata	Development Community/McMillian Homes*

When the City Council reviewed the recommendations from the West Highway 198 Open Space Task Force earlier this month, they directed staff to bring back recommendations for a West Highway 198 Comprehensive Plan Task Force. Those with an (\*) were on the Task Force that made the recommendations on Aug. 15, 2005. Sciacca and Telligren represent property owners in the area. Fry is being recommended as an interested community member and Van Grouw, who has been a professional planner, is representing the private school that has property adjacent to the plan area.

Initially, the Task Force will request proposals and interview the urban design firms deemed qualified during the recent Southeast Master Plan selection process (Moule and Polyzoides,

This document last revised: 9/1/05 2:59:00 PM

Page 1

By author: Leslie Caviglia

File location and name: H:\(1) AGENDAS for Council\090605\Item 6i W Hwy 198 Comprehensive Plan Task Force 405.doc

Dyett and Bhatia, BMS Design Group, and Project Design Consultants) to assist the City in preparation of the comprehensive plan for the West Highway 198 area.

Selecting an urban design firm to prepare the plan typically takes several months. This process will be significantly shortened since Council has directed staff to negotiate with designated firms deemed qualified to do this type of work. Staff will contact the firms that were qualified during the Southeast Master Plan consultant selection process. During this selection process, four firms were deemed qualified. All of these firms assembled teams of consultants from various fields for the Southeast Master Plan, including local firms. The four lead firms are considered well qualified to prepare a comprehensive plan for the West Highway 198 area. Staff and the Comprehensive Plan Task Force will request proposals, interview the firms, and bring a recommendation to Council at a future date.

The approved consultant will work with the Task Force to prepare a draft comprehensive land use plan for properties generally located on both sides of State Hwy 198, from Walnut Avenue to Goshen Avenue, to incorporate the Open Space Concept Plan. Such a plan will include, but not be limited to, policies, standards and land use recommendations for the area described. It is anticipated that the Task Force's work will take 12-18 months.

**Prior Council/Board Actions:** Approved the formation of the Committee on Aug. 15, 2005

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

**Alternatives:** To not appoint a Task Force  
To appoint different representatives

**Attachments:** None

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

**City Manager Recommendation:**

<b>Recommended Motion (and Alternative Motions if expected):</b> I move to approve the people recommended to serve on the West Highway 198 Comprehensive Plan Task Force.
--



Copies of this report have been provided to:

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

<b>Tracking Information:</b> <i>(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)</i>
---

<b><u>Review and Approval - As needed:</u></b>
<b>Department Head Review (Signature):</b>
<b>Risk Management Review (Signature):</b>
<b>City Attorney Review (Signature):</b>
<b>Administrative Services Finance Review (Signature):</b>
<b>Others:</b>

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** September 6, 2005

**Agenda Item Number:** 7

**Agenda Item Wording:**

Public hearing for:

1. Certify Negative Declaration No. 2005-59. Resolution 2005-120 required.
2. General Plan Amendment No. 2005-11. A request by West Coast Construction (Quad Knopf, agent) to change the General Plan land use designation from Medium Density Residential to High Density Residential on 5 acres. The site is located on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion). Resolution No. 2005-121 required.
3. First Reading of Change of Zone No. 2005-12. A request by West Coast Construction (Quad Knopf, agent) to change the zoning from R-M-2 to R-M-3 on 5 acres. The site is located on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion). Ordinance No. 2005-16 required.

**Deadline for Action:** None

**Contact Name and Phone Number:** Travis Page, Planner (559) 713-4449  
Mike Olmos, Department of Public Works and City Development (559) 713-4332

**Recommendation and Summary:** On August 8, 2005 the Planning Commission recommended that the Council approve General Plan Amendment No. 2005-11 and Change of Zone 2005-12. The amendment and change of zone are being proposed in order to accommodate a new 96-unit multi-family residential site. The proposed action would change the land use designation on approximately 5 acres from Residential Medium Density to Residential High Density.

**Circulation:** The proposed change is not anticipated to significantly increase vehicle trips in the area. Under the R-M-2 zone, 70 units could be built in the proposed area where as the accompanying CUP No. 2005-25 is proposing 96 units. This represents a possible increase of up to 290 car trips per day which is not expected to degrade the level of service (LOS) of the extension of Cameron Avenue. The apartment complex will have access through this portion of Cameron Avenue. Cameron Avenue feeds in to Court Street, shown on the Circulation Element as an arterial status roadway that links Cameron Avenue to Caldwell Avenue, another arterial

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 20

status roadway. West of Court Street, Cameron Avenue connects Court Street with Mooney Boulevard.

**Committee/Commission Review and Actions:**

The Planning Commission held a public hearing on August 8, 2005 and recommended approval of General Plan Amendment No. 2005-11 and Change of Zone No. 2005-12 on a 4-0 vote. During the public hearing, one person spoke to the item. Kevin Fellows, the applicant spoke in support of the proposed general plan amendment and change of zone.

**Prior Council/Board Actions:**

None.

**Alternatives:**

None recommended

**Attachments:**

- Resolution and Ordinance
- Site Plan
- Existing and Proposed Land Use Map
- Existing and Proposed Zoning Map
- Location Map
- Environmental Document
- Planning Commission Staff Report
- Aerial Map

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move to certify Negative Declaration No. 2005-59 by adoption of Resolution No. 2005-120

I move to approve General Plan Amendment No. 2005-11 and Change of Zone 2005-12 by adoption of Resolution No. 2005-121 and Ordinance 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:

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes

Review and Action: Prior:

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

**NEPA Review:**

Required? No

Review and Action: Prior:

Required:

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

RESOLUTION NO. 2005-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,  
ADOPTING NEGATIVE DECLARATION NO. 2005-59, WHICH EVALUATES  
ENVIRONMENTAL IMPACTS FOR CONDITIONAL USE PERMIT NO. 2005-25, GENERAL  
PLAN AMENDMENT NO. 2005-11 AND CHANGE OF ZONE NO. 2005-12.

**WHEREAS**, Conditional Use Permit No. 2005-25, General Plan Amendment No. 2005-11 and Change of Zone No. 2005-12 (hereinafter "Project") is a request by West Coast Construction to change the General Plan land use designation from residential medium density to residential high density on five acres, and a request to change the zoning from R-M-2 (multi-family residential) to R-M-3, (multi-family residential), and a request to allow a 96-unit apartment complex on five acres located approximately 300 feet east of Court Street.. APN: 126-100-006; and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on August 8, 2005 for the Project; and

**WHEREAS**, the Planning Commission of the City of Visalia considered the project in accordance with Section 17.44.070, 17.54.070 and 17.38.110 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

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

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

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

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

**WHEREAS**, the Planning Commission of the City of Visalia found that the Negative Declaration contains and reflects the independent judgment of the City of Visalia; and

**WHEREAS**, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and concurs with the findings of the Planning Commission; and

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

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

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2005-59 which evaluates environmental impacts for Conditional Use Permit No. 2005-25, General Plan Amendment No. 2005-11 and Change of Zone 2005-12. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2005-121

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

APPROVING GENERAL PLAN AMENDMENT NO. 2005-11, A REQUEST TO CHANGE THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON APPROXIMATELY 5 ACRES, LOCATED ON THE NORTH SIDE OF THE CAMERON AVENUE ALIGNMENT, APPROXIMATELY 300 FEET EAST OF COURT STREET.

**WHEREAS**, an application for General Plan Amendment No. 2005-11, A request by West Coast Construction (Quad Knopf, agent) to change the General Plan land use designation from Medium Density Residential to High Density Residential on 5 acres. The site is located on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion); and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Commission on August 8, 2005; and

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

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on September 6, 2005; and

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

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

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

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

1. That the land use changes proposed and recommended in General Plan Amendment No. 2005-11 would result in an efficient land use pattern, consistent with the area's surrounding residential land uses.
2. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and that Negative Declaration No. 2005-59 is hereby adopted.

3. That the General Plan Amendment is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
4. That there is no evidence before the City Council that the proposed projects will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia approves the General Plan Amendment described herein, in accordance with the terms of this resolution under the provisions of Section 17.54.080 of the Ordinance Code of the City of Visalia and based on the above findings.

ORDINANCE NO. 2005-16

AN ORDINANCE OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF



ZONE NO. 2005-12, TO CHANGE THE ZONING FROM R-M-2 TO R-M-3 (MULTI-FAMILY RESIDENTIAL) ON APPROXIMATELY 5 ACRES FOR THE DEVELOPMENT OF A 96-UNIT APARTMENT COMPLEX.

**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. 2005-12, to change the zoning from R-M-2 to R-M-3 (Multi-Family Residential), for the development of a 96-unit apartment complex for West Coast Construction, on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion).

**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:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 8

**Agenda Item Wording:**

**a) Certification of Negative Declaration No. 2005-60.**  
Resolution 2005-122 required. (A separate Motion by the Council is required.)

**- Item b continued from Monday, August 15, 2005**

**b) Initiation of Proceedings for Annexation No. 2005-04 (Lowery Ranch):** A request by Mangano Homes, applicant (Quad Knopf, agent) to annex six parcels and right-of-way totaling 176 acres into the City of Visalia. The site is located on the west side of Demaree Street, between Riggin Avenue and Avenue 316. (APN: 077-060-005, 009, 017, 022, 023, and 024) Resolution 2005-123 required.

**c) General Plan Amendment No. 2005-10:** A request by Mangano Homes, applicant (Quad Knopf, agent) to change the General Plan Land Use Designation from Conservation to Residential Low Density on 108 acres. The site is located on the north side of Riggin Avenue, approximately ¼ mile west of Demaree Street. (APN: 077-060- 006, 009, 023, and 024). Resolution 2005-124 required.

The site is located on the west side of Demaree Street, between Riggin Avenue and Avenue 316. (APN: 077-060-005, 006, 009, 017, 022, 023, and 024)

Mangano Homes, applicant; Quad Knopf, agent.

**Deadline for Action:** None

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

**Contact Name and Phone Number:**

Brandon Smith, Associate Planner – 713-4636

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 20 min

**DEPARTMENT RECOMMENDATION AND SUMMARY:**

The Planning Commission recommends that the City Council adopt Negative Declaration No. 2005-60, approve General Plan Amendment No. 2005-10, and initiate proceedings for Annexation No. 2005-04 (Lowery Ranch). The GPA and Annexation are being proposed in order to accommodate a new mixed use residential subdivision that would feature up to 465 detached dwelling units in various lot sizes and configurations.

The General Plan Amendment will change the land use designation on approximately 108 acres from Conservation to Low Density Residential, and will allow the area considered for Annexation to come into the City limits under the R-1-6 zone (Single-family Residential, 6,000 sq. ft. minimum lot size). A land use plan submitted by the applicant, attached as Exhibit "A", reflects the land uses changes proposed by the GPA and shows the circulation pattern for the area.

Exhibit "B" shows the existing and proposed General Plan land use designations on the site. The project area has an existing 52-acre storm water basin (also known as Peltzer Basin) owned by the Modoc Ditch Company. Peltzer Basin is used to store runoff water from the Modoc Ditch. This application will not change the Conservation land use designation covering the Peltzer Basin. The remainder of the site is currently used for agricultural purposes (row crops) and three existing single-family residences (two located along Demaree Street, and one set back 600 feet from Avenue 316).

The Annexation will bring 176 acres into the City of Visalia. The Annexation will generally encompass the 52-acre storm water basin and 124 acres of land located north of the basin that are affected by GPA No. 2005-10. A 30-acre parcel located west of the storm water basin that is also affected by the GPA will not be annexed at this time because it is not a part of the Lowery Ranch development planned for this area. The Annexation will include the full right-of-way width for Avenue 316 that establishes the northern boundary of the annexation area. The proposed Annexation map is included as Exhibit "D".

If the General Plan Amendment and Annexation are approved, Mangano Homes has indicated it would proceed with filing conceptual plans and entitlements (Tentative Subdivision Map and Conditional Use Permit) for a mixed-use residential only development. A conceptual plan of the development (attached as Exhibit "C") would feature single-family residences and clustered houses, accommodating up to 465 dwelling units, along with pocket parks.

### **Land Use Consistency**

Staff finds that the proposed mixed-use development of low and medium density residential designation would be consistent with the land uses of the surrounding area, which include conservation, low, medium, and high density residential, and public institutional designations. The site will be less than ¼ mile from retail services, since there is an existing Community Commercial designation at the corner of Demaree Street and Riggan Avenue. Park designations, each 7 acres in size, are also located to the north and west of the site.

Though the subject area was not previously planned for urban development, the proposed land use change to low and medium density residential will continue the residential land use pattern for the neighborhood that reflects that of other low density neighborhoods in the vicinity. Staff finds that the applicant's intent to develop the site as a mixed use residential subdivision as shown will be keeping with General Plan policies which call for the support of the Housing Element's ratio of single family to multiple family units and continued encouragement of the distribution of low and moderate income housing throughout the community. As shown in the conceptual plan, at least 25% of the dwelling units would be multi-family style units clustered around a common driveway.

### **Loss of Conservation Designation**

The existing 160-acre Conservation land use designation at this location was established in the General Plan Land Use Element Update in 1991. It includes a 52-acre storm water basin and 108 acres of land north and west of the basin. The designation appears to have been placed in response to an implementing policy in the Conservation, Open Space, Recreation, and Parks (COSRP) Element that was adopted two years earlier. (Staff was unable to find substantial evidence on the origin of the 160-acre Conservation land use designation at this location.) A portion of the policy reads as follows:

- 3.1.3 Acquire and develop a regional park in the northwest and southeast parts of the City.

- a. Explore acquisition and development of the Modoc Ditch Company's basin on Riggin Avenue or another suitable site for a water recreation park or riparian habitat preserve.
- c. Investigate land acquisition at the junction of Demaree Road and St. John's River for a regional park site and investigate the potential for this site as a Heritage Farm Park. Establish a "Farm Park Task Force" with broad community representation including agriculture, developers, environmental

As indicated above, a water recreation park was a potential use for this site or at an alternate site. The Implementation chapter of the COSRP Element indicates that the development of this park would be implemented as a long-range planning objective. The Parks Division has stated that there are no immediate plans to develop this site for a park, and such park development has not been identified in the current 5-year Capital Improvement Project plan. The 83-acre City Sports Park on Dinuba Boulevard is currently being developed as the regional park referenced by the above policy for the northwest area. In addition, the City has purchased 103 acres at the intersection of State Hwy. 198 and Road 148 that will be the site of a second regional park referenced by the above policy for the southeast area.

Staff finds that the elimination of this designation would not be inconsistent with the goals and policies of the COSRP Element since the policy allows for alternate locations to be selected for a regional park or preserve.

### **Consistency with Storm Water Master Plan**

The elimination of the Conservation designation will have no effect on the 52-acre Peltzer storm water storage basin. The 1994 Storm Water Master Plan calls for this basin to maintain its existing area, and does not call for expansion of the basin into the Conservation designation. The basin, owned and maintained by Modoc Ditch Co., currently has a storage capacity of 200 acre-feet and may be further excavated to accommodate a storage capacity of 450 acre-feet. Currently, the basin contains dirt and vacant land with no vegetation or lining ground cover. The 10-acre alternate storm drain basin site shown on Exhibit "A" could be used in the future to serve a different drainage basin area, though Engineering Staff has not determined a final location for the basin site.

### **Circulation**

The circulation pattern already established by the City's Circulation Element for this vicinity has adequate capacity to accommodate traffic generated by these land uses. According to the project applicant, future development of the 108 acres being converted from Conservation land use designation would allow for the future construction of up to 465 single-family dwelling units. An average daily rate of 9.55 trips per unit could result in approximately 4,441 daily trips from the project. The Circulation Element projects that traffic volumes for the Year 2020 without the proposed project will measure at a Level of Services of LOS C for surrounding arterials and LOS B for collectors in the project area. With the additional trips generated by the proposed project, traffic volumes will still remain below maximum allowable LOS capacities.

Arterial-status streets in the vicinity (Akers Street, Demaree Street, and Riggin Avenue) are located to the west, east, and south of the project area. Linwood Street and Avenue 316, both identified as Collector-status streets, will be constructed to City standards with adjoining development. The land use plan provided by the applicant (Exhibit "A") also shows the extension of Shannon Parkway west towards Akers Street. This street, which was not specifically identified in the Circulation Element, would function as a local collector street.

## **Agricultural Preserves**

The project area includes two locations that contain Williamson Act Agricultural Preserves and Land Conservation Contracts. Agricultural Preserve No. 710 and Land Conservation Contract No. 3617 are located on the westerly 40 acres of the site, and Agricultural Preserve No. 1032 and Land Conservation Contract No. 4700 are located on the easterly 45 acres of the site. Both contracts were protested by the City of Visalia upon its establishment in 1969 and 1970; however the contracted areas were not within one mile of the City limits at the time of protest. Thus, upon annexation, the preserves and contracts will remain in effect until a time that the property owner files a notice of non-renewal and/or a cancellation with the contract. A filing of a notice of non-renewal requires approximately ten years before the contract expires. A cancellation subject to California Government Code Section 51280 can be proposed, but requires Council to make certain findings and the payment of a penalty fee. Annexation of the site does not guarantee or obligate the City to approve Cancellation rights. Though the area could come into the City limits under the low density residential (R-1) zoning designation if the General Plan Amendment is approved, the site cannot be fully developed while the agricultural preserve is in effect.

## **Addition of Residential Units in Non-Designated Areas towards UDB**

The General Plan Amendment and Change of Zone, if approved, will include the creation of residential units in an area not previously identified or designated for Residential land uses. Over the past few years, the City Council has approved other General Plan Amendments which have converted areas not cited for residential growth to residential designations in various locations around the City. Examples of this include the conversion of Business Research Park (BRP) designations at Highway 198/McAuliff and Shirk/Riggin, and the Quasi-Public designation at Akers/Caldwell being considered with tonight's agenda. When such General Plan Amendments are approved, they contribute towards reaching the 129,000 population criteria for the City's Urban Development Boundary, but do not promote the buildout of existing residential designations at an equal pace.

Staff recommends that this issue shall be addressed as a prelude to the General Plan Land Use Element Update which is proposed to begin in 2006. Specifically, Staff would conduct a review of the land use changes over the past several years which have created new residential land be compiled, and calculate the estimated population increase in these new areas. The figure would be added to the population milestones set for the expansion of the 129,000 and 165,000 Urban Development Boundaries (UDB). This would extend the period of time that the current UDB will be effective, and enable the City to delay moving to the next growth ring due to additional units being provided in the current UDB.

## **Annexation**

The site is entirely within the City's current 129,000 population Urban Development Boundary along with the previous 98,700 population boundary, and is within the LAFCO Sphere of Influence. The current City limit line is located on the east boundary and on portions of the south boundary of the site. Property being annexed under Annexation No. 2004-17 (Linwood-Ferguson), which was initiated by the Council on July 25, 2005, is located immediately south of the proposed annexation site.

Staff finds that annexation of the land into the City would be consistent with City policies, as the site is within the City's current Urban Development Boundary and adjacent to City limits on the east side and a portion of the south side of the site. If the Council takes the recommended action of initiating the annexation, Staff would be lodging an application for annexation to the

Tulare County LAFCO (Local Agency Formation Commission). Before Staff will file the application with LAFCO, property owners will be required to sign a Pre-Annexation Agreement which will memorialize the following conditions applicable to the annexation:

- Payment of all associated impact fees at the time that final subdivision maps are recorded and/or building permits are issued in association with the proposed project;
- Compliance with the policies and fees contained within the Groundwater Mitigation Ordinance;
- Payment of the General Plan Maintenance Fees upon approval of the annexation by Tulare County LAFCO. Staff has determined that a total of \$33,350 in fees would be associated with the Elliott East Annexation based on 115 acres of developable land in the annexation area (the remainder of the annexation area includes Peltzer Basin, existing houses, riparian setback areas, and road right-of-way);
- Indemnification of the property owners and its successors to the City, its officers, elected officials, employees, and agents with respect to the cancellation of the Williamson Act Contracts covering the site.

### **Correspondence**

Correspondence was received on this project from the Tulare County LAFCO (attached as Exhibit "E") and the Visalia Unified School District (attached as Exhibit "F"). With regard to both correspondences, Staff concluded through the preparation of an initial study and environmental checklist that environmental impacts related to the Annexation and General Plan Amendment would not be significant, and therefore no further mitigation measures would be required. The correspondence from the Visalia Unified School District reflects that the project would have a significant impact to traffic and transportation, however the correspondence does not give the specific criteria for reaching this conclusion. As described previously in this staff report and in the project's initial study, impacts related to traffic and circulation were determined to be less than significant. Moreover, the future addition of residential units in this area will generate transportation impact fees that will accelerate the need for improvements for segments of arterial and collector street located adjacent to the project area.

### **Environmental Findings**

When taking action on a project, the Council is required to make an environmental finding, in accordance with CEQA. Staff is recommending that the Council certify Negative Declaration No. 2005-60, which was prepared for the Annexation and General Plan Amendment. The Negative Declaration document is included with the Planning Commission staff report.

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

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

The Planning Commission held a public hearing for the above listed actions on July 11, 2005. Following the hearing the Planning Commission voted to recommend to the City Council that the General Plan Amendment be approved, and that the annexation be initiated on a 5-0 vote. During the public hearing, only the project applicant (Bob Dowds) spoke to the item. During the project's public hearing, Commissioner Perez questioned whether the Peltzer Basin could be used as a dual basin and park site. Engineering Staff replied that the basin is not a City-owned basin and that the Modoc Ditch Company does not have to provide and landscaping or amenities for their basin. After the close of the public hearing, Commissioner Perez made a

motion to recommend certification and approval of the items to the City Council. Commissioner Logan seconded the motion.

**Alternatives:**

A Tentative Subdivision Map has not been reviewed by the Planning Commission for this site. The Council can choose to revise the General Plan Amendment applications to include other land uses such as Medium and/or High Density Residential at an arterial-collector or collector-collector intersection. If this request is revised, the changes would be referred to the Planning Commission for consideration of changes.

**Exhibits:**

Resolutions

Exhibit "A" – Proposed Land Use Plan

Exhibit "B" – Existing & Proposed Land Use Designation

Exhibit "C" – Conceptual Subdivision Layout

Exhibit "D" – Annexation Map

Exhibit "E" – Correspondence from Tulare County Local Agency Formation Commission

Exhibit "F" – Correspondence from Visalia Unified School District

Environmental Document

Location Map

**City Manager Recommendation:**

**Recommended Motion:**

I move to certify Negative Declaration No. 2005-60 by adoption of Resolution No. 2005-122.

I move to initiate proceedings on Annexation No. 2005-04 (Lowery Ranch) and approve General Plan Amendment No. 2005-10 by adoption of Resolution No. 2005-123 and 2005-124.

***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

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

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes

Review and Action: Prior:

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

**NEPA Review:**

Required? No

Review and Action: Prior:

Required:

**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)*

Signed resolution for Annexation to Tulare Co. LAFCO:

Deliver to contact person by Monday, September 12, 2005



**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

RESOLUTION NO. 2005-122

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

ADOPTING NEGATIVE DECLARATION NO. 2005-60, WHICH EVALUATES ENVIRONMENTAL IMPACTS FOR ANNEXATION NO. 2005-04 (LOWERY RANCH) AND GENERAL PLAN AMENDMENT NO. 2005-10.

**WHEREAS**, Annexation No. 2005-04 is a request to annex 6 parcels and right-of-way totaling 176 acres into the City of Visalia, and General Plan Amendment No. 2005-10 is a request to change a General Plan Land Use Designation from Conservation to Residential Low Density on 108 acres (hereinafter "Project"). The site is located on the west side of Demaree Street between Riggin Avenue and Avenue 316. (APN: 077-060-005, 006, 009, 017, 022, 023, and 024); and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on July 11, 2005 for the Project; and

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

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

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

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

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

**WHEREAS**, the Planning Commission of the City of Visalia found that the Negative Declaration contains and reflects the independent judgment of the City of Visalia; and

**WHEREAS**, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and concurs with the findings of the Planning Commission; and

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

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

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will

have a significant effect on the environment and hereby adopts Negative Declaration No. 2005-60 which evaluates environmental impacts for Annexation No. 2005-04 (Lowery Ranch) and General Plan Amendment No. 2005-10. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2005-123

A RESOLUTION OF APPLICATION BY THE CITY OF  
VISALIA REQUESTING THE TULARE COUNTY LOCAL  
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS  
FOR ANNEXATION NO.2005-04 (LOWERY RANCH)

**WHEREAS**, the City Council of the City of Visalia, desires to initiate proceedings for annexation to said city of territory described on the attached legal description; and

**WHEREAS**, the Council of the City of Visalia desires to annex said territory to the City of Visalia for the following reasons: The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

**WHEREAS**, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

**WHEREAS**, the territory proposed to be annexed is uninhabited; and

**WHEREAS**, the Visalia Planning Commission reviewed this proposal on July 11, 2005, and found it to be consistent with the General Plan; and

**WHEREAS**, the City Council hereby makes the following findings with regard to the project:

1. The annexation is consistent with the policies and intent of the General Plan.
2. There is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.
3. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2005-060 is hereby certified.
4. The site is within the Sphere of Influence of Visalia and within Visalia's current Urban Development Boundary.
5. Portions of the site are currently in an agricultural preserve and under a Land Conservation Contract.
6. The Council finds that the General Plan Maintenance Fee for this annexation will be \$33,350.00 which shall be paid upon approval of the annexation by LAFCo.

**BE IT FURTHER RESOLVED** that the Council of the City of Visalia requests the following actions:

1. That application is hereby made to the Executive Officer of the Local Agency Formation Commission (LAFCO), County of Tulare, State of California, as proposed in the Proposal Questionnaire, as described in the legal description entitled

“Annexation No. 2005-04 (Lowery Ranch)”, and as illustrated in the map entitled “Annexation No. 2005-04 (Lowery Ranch)”.

2. That proceedings shall be taken for this annexation proposal pursuant to Title 5, Division 3, Part 3 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
3. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.
4. That upon annexation, the entire territory shall be zoned consistent with the General Plan Land Use Element.
5. The Council hereby succeeds to the agricultural preserve contract encumbering portions of the site.
6. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.
7. Prior to City lodging an application to LAFCO on behalf of applicant(s), applicant(s) shall enter into an annexation agreement with City which memorializes the required fees, policies, and conditions applicable to the annexation.

RESOLUTION NO. 2005-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, APPROVING GENERAL PLAN AMENDMENT NO. 2005-10, A REQUEST TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM CONSERVATION TO RESIDENTIAL LOW DENSITY ON 108 ACRES, LOCATED ON THE WEST SIDE OF DEMAREE STREET, BETWEEN RIGGIN AVENUE AND AVENUE 316.

**WHEREAS**, an application has been filed by Mangano Homes (Quad Knopf, agent) for General Plan Amendment No. 2005-10, a request to change the General Plan Land Use Designation from Conservation to Residential Low Density on 108 acres, located on the west side of Demaree Street, between Riggins Avenue and Avenue 316. (APN: 077-060-005, 006, 009, 017, 022, 023, and 024); and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Commission on July 11, 2005; and

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

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on September 6, 2005; and

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

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

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

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

1. That the proposed General Plan Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed land use designations would be compatible with the adjacent land uses.
3. That an Initial Study was prepared for the requested General Plan Amendment consistent with CEQA. The Initial Study disclosed that environmental impacts are determined to be not significant, and therefore a Negative Declaration will be used for this project.
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does contain any riparian habitat,

sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

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

**City of Visalia**  
**Agenda Item Transmittal**

**Meeting Date:** September 6, 2005

**Agenda Item Number:** 9

**Agenda Item Wording:**

**a) Certify Mitigated Negative Declaration No. 2005-071.**  
Resolution 2005-125 required. (A separate Motion by the Council is required.)

**b) General Plan Amendment No. 2004-31:** a request by Fred Machado (Branum Group, agent) to change the General Plan land use designation on 48 acres from Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential. The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34) Resolution No. 2005-126 required.

**c) Introduction of Ordinance 2005-17 for Change of Zone No. 2004-32:** a request by Fred Machado (Branum Group, agent) to change the Zoning designation on 48 acres from BRP (Business Research Park) to 6.0 acres of PA (Professional /Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size).

The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34.) Applicant: Fred Machado; Agent: Branum Group.

**Deadline for Action:** None

**Submitting Department:** Community Development - Planning

**Contact Name and Phone Number:** Brandon Smith, Associate Planner (559) 713-4636

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 20

**Recommendation and Summary:** The Planning Commission recommends that the City Council adopt Mitigated Negative Declaration No. 2005-071 and approve General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32. The Commission's recommendation is primarily based on the findings that the project is consistent with the intent of the General Plan, and consistent with the objectives and recommendations contained in the City's Industrial Park Implementation Plan.

The GPA and COZ are being proposed in order to accommodate a planned development on the north side of Goshen Avenue between Shirk Street and Roeben Street consisting of single-family residences with mixed lot sizes, a professional office complex, and permanent storm basin. The proposed change in land use and zoning will change approximately 48 acres from Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential. 11 acres of Light Industrial (IL Zone) designated land to Low Density Residential (R-1-6 Zone). The area designated as Park would



accommodate a City-owned storm water basin with an approximately 71 acre-foot capacity. Exhibit "A" shows the proposed land use plan with a conceptual residential layout superimposed on the site. As shown, the parcels would be accessed from Doe Street, which will extend east from Shirk Street, and will connect with a southerly extension of Roeben Street. According to the land use plan, the applicant proposes R-1-6 for the ponding basin; however City Staff is requesting that this permanent basin be zoned Quasi Public, consistent with other permanent basins in the City. Exhibit "B" shows the existing and proposed zoning designations on the site. If the land use designation and zoning changes are approved, a tentative subdivision map would be filed to divide the property along with a Conditional Use Permit for the Planned Residential Development.

Staff has determined that the proposed low density residential, professional / administrative office, and quasi-public designations would be consistent with the land uses of the surrounding area, which include low, density residential, rural residential, and service commercial. Though the subject area was not previously planned for urban development, the proposed land use change to low density residential will continue the residential land use pattern for the neighborhood reflecting that of other low density neighborhoods in the vicinity. Additionally, the profession / administrative office designation will complement future service commercial land uses north of the site.

### **Project Alternatives**

Staff has prepared a brief analysis which considers alternative land use concepts at the site proposed to be changed from Business Research Park. These analyses conclude that residential land uses buffered by non-sensitive land uses is the option which provides the best potential for development and best complements land uses surrounding the area.

*No-Project Alternative.* A no-project alternative would keep the 48 acres of BRP designation on the site. Based on current absorption rates, the site may develop for BRP uses in the next 1 to 20 years. In the 1991 General Plan Land Use Element Update, the City had designated several hundred acres for BRP land uses and designated several more for BRP Reserve. Since this date, there has been no BRP designation which developed for its intended purpose. Furthermore, in the past two years, many of the designations were eliminated with little opposition. Thus, leaving the BRP designation would likely keep the site as a holding pattern for future development.

*Commercial / Office Alternative.* This alternative considers changing the entire 48 acres to a combination of commercial and/or office uses, such as C-SO and PA. At present, the commercial designation nearest to the site is ½ mile to the east, and is adjacent to two arterial streets. While this site contains frontage along one arterial, access is prohibited across the railroad track, and is only immediately accessible from collector streets. The site serves only a limited market and population area, since most surrounding residential areas have primary access from Akers Street and/or Goshen Avenue. Furthermore, General Plan policies discourage locating large scale commercial development away from arterial-arterial or arterial-collector intersections.

*All Residential Alternative.* This alternative considers changing the entire 48 acres to residential land uses. This alternative was the original request of the GPA and COZ when submitted by the applicant in 2004, and reflects the recommendation of the Industrial Park Implementation Plan. However, an acoustical analysis prepared at the request of the applicant concluded that residential land uses (a sensitive land use) placed immediately next to existing industrial operations would not meet community noise standards. Furthermore, mitigation in the form of barriers, buildings, and/or setbacks would be needed to separate any new residential development from ongoing industrial operations.

*Industrial Alternative.* The subject site was included in the Industrial Park Implementation Plan that was a collaborative review and recommendation for future development in the City's Industrial Park.

This site was one of those areas specifically reviewed and evaluated by the committee who prepared the Industrial Park Implementation Plan to determine the potential for industrial development. Located near the major intersection of Goshen Avenue and Shirk Street and having immediate access to the Union Pacific Railroad main line and a private roadway crossing of the main line tracks, the area appears to be a viable location for a variety of industrial development opportunities.

However, with further review and noting the private housing development along the east side, it was determined that the Visalia Industrial Park would better benefit from allowing that area east of Shirk to convert to residential or some other similar uses that would act as a buffer between the industrial park and residential development. This allowed Shirk Road to become a hard line divider between industrial and residential uses. To offset the loss of industrial land, it was determined to concentrate on in-fill within the existing industrial park and promote well planned development along the Riggan Avenue and Plaza Drive corridors.

Sufficient suitable land is available to off-set the area east of Shirk Street converting to residential of some other higher density use. Staff does not anticipate any immediate changes in the demand for industrial properties, necessitating the continuance of BRP Zoning for this specific site, that could not be easily met by private development in other locations within the Visalia Industrial Park.

### **Environmental Finding**

An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that a significant, adverse environmental impact related to noise may occur because of the project. The Mitigated Negative Declaration circulated for this project requires that the earthen berm proposed by the applicant must be used in the form of a mitigation measure. An acoustical analysis accompanying the environmental document further concluded that it was possible to reduce exterior noise levels to a level that is acceptable for the proposed residential land uses, and uses the earthen berm as a suitable form of mitigation. Both the environmental document and acoustical analysis are attached to this Staff Report.

Since there may be other forms of "noise barriers" available for use as noise mitigation such as walls, buildings, or trees, Staff recommends that the proposed mitigation measure be modified from that which was circulated with the Environmental Document. The "Noise" mitigation recommended by Staff (see below) is more performance based to allow a greater range of potentially acceptable design solutions than the berm/wall combination proposed by the applicant in Exhibit "C". The final design will then be included in the future subdivision and/or conditional use permit applications. The "Land Use Compatibility" mitigation, which requires providing a written disclosure document to all future sellers and developers, was recommended by the Planning Commission during their review of the project on August 8. The mitigation contained in the Mitigation Monitoring Program below shall effectively reduce the environmental impact of noise impact to a level that is less than significant. Therefore, Staff recommends that Mitigated Negative Declaration No. 2005-071 and the Mitigation Measures below be adopted for this project.

<b>Mitigation Measure</b>	<b>Responsible</b>	<b>Timeline</b>
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	<b>Party</b>	
<p><b>1) Noise</b> – The project site shall be developed in compliance with the mitigation contained in the “Noise Mitigation” section (pages 9 through 11) of the above-referenced Acoustical Analysis. The project <b>may</b> contain the following features:</p> <p>1) A noise barrier located immediately west of the residential component of the project. The noise barrier may be in the form of an earthen berm, wall, buildings, trees, or other method and shall be effective in reducing the exterior noise levels to be within the Community Noise Standards for noise-sensitive land uses.</p> <p>2) A sound wall located south of the residential component of the project. The wall shall be a minimum height of 6 feet relative to the closest building pad elevations on the site.</p> <p>3) A combination of noise barrier structure, enhanced noise attenuation construction standards, and/or increased separation from noise generators that achieve the Community Noise Standards for noise-sensitive land uses.</p>	City of Visalia	The noise mitigation shall be constructed with the development of the residential component of the project, and shall be completed prior to the occupation of any residences on the site.
<p><b>2) Land Use Compatibility</b> – All future sellers and developers shall provide a written disclosure document to future buyers or lessees of the project property advising that nearby industrial uses may generate nuisance effects (including but not limited to noise, vibration, dust, hours of operation, and lighting) that are neither individually or cumulatively significant, yet may be individually unacceptable to the individual resident or lessee, even though such industrial uses operate within the provisions of their respective use permits.</p>	City of Visalia	1) To be included in the Conditions of Approval for all future discretionary permits; a copy of the disclosure document in a form acceptable to the City Attorney is to be provided to the City before issuance of construction permits, and, 2) to be provided to buyers and lessees by the seller or developer before occupancy.

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

On October 25, 2004, the Planning Commission considered the GPA and COZ, which originally proposed Low Density Residential on all 48 acres. A Mitigated Negative Declaration prepared for the project addressed potential noise impacts by requiring that a noise study accompany any future request for a tentative subdivision and/or parcel map proposed for the site, and that mitigation measures required by the study be carried out to mitigate interior and exterior noise levels to a level that meets or is below the community noise standards for residential land uses. Based on concerns expressed by an existing heavy industrial use to the west, the Planning Commission decided to continue the request indefinitely pending the completion of a noise study for the site.

On March 14, 2005, City Staff received an acoustical analysis prepared by Brown Buntin Associates Inc., which concluded that noise impacts to future residential development of the site could be mitigated through the use of noise barriers and block walls. The analysis took into consideration a land use plan that now included an office component. On June 7, 2005, the applicant submitted modification to the GPA and COZ applications, requesting 6.0 acres of Professional / Administrative Office and 7.7 acres of Quasi-Public in lieu of 13.7 acres of the residential land use. The Professional / Administrative Office designation was added to help buffer the existing industrial land use and the proposed residential land use.

On August 8, 2005, the Planning Commission considered the GPA and COZ as revised by the applicant and a new Mitigated Negative Declaration prepared in response to the acoustical analysis. The Planning Commission approved the project on a 5-0 vote, which the added mitigation measure to land use compatibility described above.

**Prior Council/Board Actions:**

None.

**Alternatives:**

A Tentative Subdivision map has not been reviewed by the Planning Commission for this site. The Council can choose to revise the General Plan Amendment and Change of Zone applications to include other land uses such as Medium Density Residential. If this request is revised, the changes would be referred to the Planning Commission for consideration of changes.

The Council could also choose to not approve the General Plan Amendment and Change of Zone, which would keep the site zoned Business Research Park.

**Attachments:**

- Resolution and Ordinance
- Exhibit "A" – Proposed Land Use Map
- Exhibit "B" – Existing and Proposed Zoning Map
- Exhibit "C" – Cross Section of Proposed Berm / Mitigating Feature referenced by Acoustical Analysis
- Exhibit "D" – Correspondence
- Planning Commission Staff Report
- Environmental Document
- Acoustical Analysis
- Location Map

**City Manager Recommendation:**

**Recommended Motion:**

I move to certify Mitigated Negative Declaration No. 2005-71 by adoption of Resolution No. 2005-125.

I move to approve General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32 by adoption of Resolution No. 2005-126 and Ordinance No. 2005-17.

***Financial Impact***

**Funding Source:**

Account Number: \_\_\_\_\_ (Call Finance for assistance)

**Budget Recap:**

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

Copies of this report have been provided to:

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes

Review and Action: Prior:

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

**NEPA Review:**

Required? No

Review and Action: Prior:

Required:

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

RESOLUTION NO. 2005-125

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

ADOPTING MITIGATED NEGATIVE DECLARATION NO. 2005-71, WHICH EVALUATES ENVIRONMENTAL IMPACTS FOR GENERAL PLAN AMENDMENT NO. 2004-31 AND CHANGE OF ZONE NO. 2004-32.

**WHEREAS**, General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32 (hereinafter "Project") are a request to change the General Plan land use designation on 48 acres from Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential, and a request to change the Zoning designation on 48 acres from BRP (Business Research Park) to 6.0 acres of PA (Professional / Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size). The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34); and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on August 8, 2005 for the Project; and

**WHEREAS**, the Planning Commission of the City of Visalia considered the project in accordance with Section 17.44.070 and 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from the Project if mitigation measures were incorporated into the Project; and

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

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

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

**WHEREAS**, the Planning Commission of the City of Visalia found that the Mitigated Negative Declaration contains and reflects the independent judgment of the City of Visalia; and

**WHEREAS**, the City Council of the City of Visalia considered the Initial Study and Mitigated Negative Declaration and concurs with the findings of the Planning Commission; and

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

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

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment if mitigation measures were incorporated into the Project, and hereby adopts Mitigated Negative Declaration No. 2005-71 which evaluates environmental impacts for General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32, and adopts the Mitigation Monitoring Program attached hereunto as Exhibit "A". The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.



**EXHIBIT “A”:  
MITIGATION MONITORING PROGRAM FOR  
MITIGATED NEGATIVE DECLARATION NO. 2005-71**

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
<p><b>1) Noise</b> – The project site shall be developed in compliance with the mitigation contained in the “Noise Mitigation” section (pages 9 through 11) of the above-referenced Acoustical Analysis. The project <b>may</b> contain the following features:</p> <p>1) A noise barrier located immediately west of the residential component of the project. The noise barrier may be in the form of an earthen berm, wall, buildings, trees, or other method and shall be effective in reducing the exterior noise levels to be within the Community Noise Standards for noise-sensitive land uses.</p> <p>2) A sound wall located south of the residential component of the project. The wall shall be a minimum height of 6 feet relative to the closest building pad elevations on the site.</p> <p>3) A combination of noise barrier structure, enhanced noise attenuation construction standards, and/or increased separation from noise generators that achieve the Community Noise Standards for noise-sensitive land uses.</p>	City of Visalia	The noise mitigation shall be constructed with the development of the residential component of the project, and shall be completed prior to the occupation of any residences on the site.
<p><b>2) Land Use Compatibility</b> – All future sellers and developers shall provide a written disclosure document to future buyers or lessees of the project property advising that nearby industrial uses may generate nuisance effects (including but not limited to noise, vibration, dust, hours of operation, and lighting) that are neither individually or cumulatively significant, yet may be individually unacceptable to the individual resident or lessee, even though such industrial uses operate within the provisions of their respective use permits.</p>	City of Visalia	1) To be included in the Conditions of Approval for all future discretionary permits; a copy of the disclosure document in a form acceptable to the City Attorney is to be provided to the City before issuance of construction permits, and, 2) to be provided to buyers and lessees by the seller or developer before occupancy.

RESOLUTION NO. 2005-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
RECOMMENDING APPROVAL OF GENERAL PLAN  
AMENDMENT NO. 2004-31, A REQUEST TO CHANGE THE GENERAL  
PLAN LAND USE DESIGNATIONS ON 48 ACRES FROM BUSINESS  
RESEARCH PARK TO 6.0 ACRES OF PROFESSIONAL / ADMINISTRATIVE  
OFFICE, 7.7 ACRES OF PARK, AND 34.3 ACRES OF LOW DENSITY  
RESIDENTIAL THE PROJECT SITE IS LOCATED ON THE NORTH  
SIDE OF GOSHEN AVENUE, APPROXIMATELY ¼ MILE EAST OF SHIRK  
STREET

**WHEREAS**, General Plan Amendment No. 2004-31: is a request to change the General Plan land use designation on 48 acres from Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34); and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Commission on August 8, 2005; and

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

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on September 6, 2005; and

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

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, if recommended mitigation measures were incorporated in the project.

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

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed General Plan Amendment based on the following specific findings and based on the evidence presented:

1. That the land use changes proposed and recommended in General Plan Amendment No. 2003-31 would result in a more efficient land use pattern, consistent with the area's surrounding residential and service commercial land uses.

2. That the General Plan Amendment is consistent with the objectives and recommendations contained in the Industrial Park Implementation Plan.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2005-071, incorporating the Mitigation Monitoring Program below is hereby adopted:

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
<p><b>1) Noise</b> – The project site shall be developed in compliance with the mitigation contained in the “Noise Mitigation” section (pages 9 through 11) of the above-referenced Acoustical Analysis. The project <b>may</b> contain the following features:</p> <p>1) A noise barrier located immediately west of the residential component of the project. The noise barrier may be in the form of an earthen berm, wall, buildings, trees, or other method and shall be effective in reducing the exterior noise levels to be within the Community Noise Standards for noise-sensitive land uses.</p> <p>2) A sound wall located south of the residential component of the project. The wall shall be a minimum height of 6 feet relative to the closest building pad elevations on the site.</p> <p>3) A combination of noise barrier structure, enhanced noise attenuation construction standards, and/or increased separation from noise generators that achieve the Community Noise Standards for noise-sensitive land uses.</p>	City of Visalia	The noise mitigation shall be constructed with the development of the residential component of the project, and shall be completed prior to the occupation of any residences on the site.
<p><b>2) Land Use Compatibility</b> – All future sellers and developers shall provide a written disclosure document to future buyers or lessees of the project property advising that nearby industrial uses may generate nuisance effects (including but not limited to noise, vibration, dust, hours of operation, and lighting) that are neither individually or cumulatively significant, yet may be individually unacceptable to the individual resident or lessee, even though such industrial uses operate within the provisions of their respective use permits.</p>	City of Visalia	1) To be included in the Conditions of Approval for all future discretionary permits; a copy of the disclosure document in a form acceptable to the City Attorney is to be provided to the City before issuance of construction permits, and, 2) to be provided to buyers and lessees by the seller or developer before occupancy.

4. That the General Plan Amendment is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
5. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

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

ORDINANCE NO. 2005-17

AMENDING THE ZONING MAP OF THE CITY OF VISALIA BY CHANGING THE ZONING DESIGNATION ON 48 ACRES FROM BRP (BUSINESS RESEARCH PARK) TO 6.0 ACRES OF PA (PROFESSIONAL / ADMINISTRATIVE OFFICE), 7.7 ACRES OF QP (QUASI-PUBLIC), AND 34.3 ACRES OF R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQ. FT. MIN. LOT SIZE), LOCATED ON THE NORTH SIDE OF GOSHEN AVENUE, APPROXIMATELY ¼ MILE EAST OF SHIRK STREET.

**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 48 acres of BRP (Business Research Park) Zone on the City of Visalia Zoning Map to 6.0 acres of PA (Professional / Administrative Office), 7.7 acres of QP (Quasi-Public), and 34.3 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. min. lot size). The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street. (APN: 077-100-19, 27, 28, 34); and

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

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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 10

**Agenda Item Wording:**

- a) Certify Negative Declaration No. 2005-064. **Resolution 2005-127 required.** (A separate Motion by the Council is required.)
- b) Initiation of proceedings of Annexation No. 2005-05 (Silva): a request by Tulare County Properties, Inc. and Michael Silva (Lane Engineers, agent) to annex one parcel totaling 9.77 acres into the City limits of Visalia. The project is located on the west side of Shirk Street, approximately 300 feet south of Pershing Avenue, City of Visalia, County of Tulare. (APN: 081-030-046) **Resolution No. 2005-128 required.**

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 10

**Deadline for Action:** None

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

**Contact Name and Phone Number:** Brandon Smith, Associate Planner 713-4636

**Department Recommendation and Summary:**

Staff is recommending that the City Council first adopt Negative Declaration No. 2005-064, then initiate a 9.77-acre annexation that will bring vacant land planned for the development of rural residences into the City limits. If approved by Council, Staff would then file an application for annexation with the Local Agency Formation Commission (LAFCO).

General Plan Designation

The territory proposed for annexation, along with the adjacent areas to the south and west, already have a General Plan Land Use Designation of Rural Residential, which has been in place since the 1991 General Plan Land Use Update. (See the attached General Plan Land Use Map for all land use designations in the vicinity.) Since the land already has an underlying urban land use designation, the site would not be included in the boundaries of the future West 198 Land Use Study, and would be able to develop consistent with the Rural Residential zoning upon annexation into the City limits and approval of entitlements such as a Tentative Subdivision Map. The County of Tulare zoning designation of AE-20 and General Plan land use designation of Rural Residential do not allow for a residential development to develop in the County at the same density as if it were annexed into the City.

This document last revised 9/1/05 3:06 PM

By author: Brandon Smith

File location and name: H:\(1) AGENDAS for Council\090605\Item 10 Silva Annex 2005-05.doc

Rural residential land uses at this site would essentially act as a land use buffer to the developing light industrial park to the north. Further east of Shirk Street, the Rural Residential designation already acts as a transition and buffer from the abutting light industrial uses. In addition, rural residential land uses at this site would complement with existing rural residences immediately to the south, which have developed under the County jurisdiction.

#### Description of Site

Annexation No. 2005-05 (Silva) is an approximately 9.77-acre annexation of privately-owned property located west of Shirk Street and 300 ft. south of Pershing Avenue. The site contains vacant agricultural land, with the exception of a two rural residences with accessory structures, located on approximately 1.50 acres on the northern portion of the site. To the east, there is an existing subdivision within the City limits containing custom homes. To the south, there are existing custom residences which were developed under county jurisdiction. To the north there is an existing light industrial subdivision accessed by Pershing Ave, and to the west there is vacant land. The site is within the City's current 129,000 Population Urban Development Boundary along with the previous 98,700 population boundary, and is within the LAFCO Sphere of Influence. The current City limit line is located on the east and north boundaries of the site.

If the annexation is approved by the City Council and the Tulare County LAFCO, the applicants of the annexation (Tulare County Properties Inc. and Michael Silva, represented by Lane Engineers) intend to file a Tentative Subdivision Map to allow residences at a density of 1 to 2 dwelling units per acre on the property. This density is within the range prescribed for the Rural Residential designation. To date, the City has not received Site Plan Review or Tentative Subdivision Map applications.

The site does not contain any land that is under a Williamson Act Land Conservation Contract., though the site is bordered on the west by land that is included under a preserve and contract. Agriculture Preserve No. 3727 and Land Conservation Contract No. 10837 were established in 1978, at which time the City of Visalia responded with a letter of no protest on the establishment of these designations.

If the Council takes the recommended action of initiating the annexation, Staff would be lodging an application for annexation to the Tulare County LAFCO. Before Staff will file the application with LAFCO, property owners will be required to sign a Pre-Annexation Agreement which will memorialize the following conditions applicable to the annexation:

- Payment of all associated impact fees at the time that final subdivision maps are recorded and/or building permits are issued in association with the proposed project;
- Compliance with the policies and fees contained within the Groundwater Mitigation Ordinance;
- Payment of the General Plan Maintenance Fees upon approval of the annexation by Tulare County LAFCO. Staff has determined that a total of \$2,970 in fees would be associated with the Silva Annexation based on 10 acres of developable land in the annexation area.

#### Environmental Findings

This document last revised 9/1/05 3:06 PM

By author: Brandon Smith

File location and name: H:\(1) AGENDAS for Council\090605\Item 10 Silva Annex 2005-05.doc

When initiating an annexation, the Council is required to make an environmental finding, in accordance with the California Environmental Quality Act (CEQA). Staff is recommending that the Council certify Negative Declaration No. 2005-064, which was prepared for the annexation. The Negative Declaration document is attached.

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

**Committee/Commission Review and Actions:** On August 22, 2005, the Planning Commission found that the annexation is consistent with the General Plan.

**Alternatives:** The Council can choose to make an alternative motion to include this site within the boundaries of the West Highway 198 Land Use Study, which would consider alternate land use designations for the property and comprehensively for the surrounding vicinity.

**Attachments:**

- Resolution for Annexation
- Annexation Map
- Negative Declaration No. 2005-064
- General Plan Land Use Map
- Location Sketch

**City Manager Recommendation:**

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

I move to adopt Resolution No. 2005- 127 certifying Negative Declaration No. 2005-064, and adopt Resolution No. 2005-128 initiating Annexation 2005-05 (Silva), and authorizing Staff to make application to the Tulare County Local Agency Formation Commission.

Copies of this report have been provided to:

***Financial Impact***

**Funding Source:**

Account Number: None. Annexation application fees are being paid by the property owner.

**Budget Recap:**

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



***Environmental Assessment Status***

**CEQA Review:**

Required? Yes

Review and Action:

Prior:

Required: Negative Declaration No. 2005-064 must be certified prior to initiation of the annexation.

**NEPA Review:**

Required? No

Review and Action:

Prior:

Required:

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

Signed resolution for Annexation to Tulare Co. LAFCO:

Deliver to contact person by Monday, September 12, 2005

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

RESOLUTION NO. 2005-127

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,  
ADOPTING NEGATIVE DECLARATION NO. 2005-64, WHICH EVALUATES  
ENVIRONMENTAL IMPACTS FOR ANNEXATION NO. 2005-05 (SILVA).

**WHEREAS**, Annexation No. 2005-05 (Silva) (hereinafter "Project") is a request to annex one parcel totaling 9.77 acres into the City limits of Visalia. The project is located on the west side of Shirk Street, approximately 300 feet south of Pershing Avenue, City of Visalia, County of Tulare. (APN: 081-030-046); and

**WHEREAS**, the City Council of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Council on September 6, 2005 for the Project; and

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

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

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

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

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

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

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

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2005-64 which evaluates environmental impacts for Annexation No. 2005-05 (Silva). The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2005-128

A RESOLUTION OF APPLICATION BY THE CITY OF  
VISALIA REQUESTING THE TULARE COUNTY LOCAL  
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS  
FOR ANNEXATION 2005-05 (SILVA)

**WHEREAS**, the City Council of the City of Visalia, desires to initiate proceedings for annexation to said city of territory described on the attached legal description; and

**WHEREAS**, the Council of the City of Visalia desires to annex said territory to the City of Visalia for the following reasons: The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

**WHEREAS**, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

**WHEREAS**, the territory proposed to be annexed is uninhabited; and

**WHEREAS**, the Visalia Planning Commission reviewed this proposal on August 22, 2005, and found it to be consistent with the General Plan; and

**WHEREAS**, the City Council hereby makes the following findings with regard to the project:

1. The annexation is consistent with the policies and intent of the General Plan.
2. There is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.
3. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2005-064 is hereby certified.
4. The site is within the Sphere of Influence of Visalia and within Visalia's current Urban Development Boundary.
5. The site is not located within an agricultural preserve or Land Conservation Contract.
6. The Council finds that the General Plan Maintenance Fee for this annexation will be \$2,970.00 which shall be paid upon approval of the annexation by LAFCo.

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

1. The potential environmental effects of the proposed annexation have been reviewed and the Environmental Coordinator of the City of Visalia has determined that the proposal falls within the scope of issues and impacts addressed in Negative Declaration No. 2005-064, and that no mitigation measures are required.
2. Application is hereby made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, as proposed in the Proposal Questionnaire, as described in the legal description entitled "Annexation No. 2005-05 (Silva)", and as illustrated in the map entitled "Annexation No. 2005-05 (Silva)".
3. Proceedings shall be taken for this annexation proposal pursuant to Title 5, Division 3, Part 3 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
4. Upon annexation, the territory shall be zoned R-A, consistent with the pre-zonings designated by the General Plan Land Use Map.
5. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.
6. Prior to City lodging an application to LAFCO on behalf of applicant(s), applicant(s) shall enter into an annexation agreement with City which memorializes the required fees, policies, and conditions applicable to the annexation.

## City of Visalia Agenda Item Transmittal

**Meeting Date:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 11a

**Agenda Item Wording:** PUBLIC HEARING to consider increasing the Transportation Impact Fees. After hearing testimony, consider approval of proposed Transportation Impact Fee Schedule per Resolution No. 2005-129.

**Deadline for Action:** None

**Submitting Department:** Community Development and Public Works

**Contact Name and Phone Number:**

Andrew Benelli, 713-4340  
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.):20

**Department Recommendation:**

Based on significant increases in land costs for street extensions and widening projects, staff recommends increasing the Transportation Impact Fees for new projects from \$425.03 to \$612.46 per average daily trip. Transportation Impact Fees for commercial and office projects would continue to be subject to a fee suspension that set the Transportation Impact Fees at twenty percent less than residential and industrial projects. The fees for office and industrial projects would increase from \$340.02 to \$489.97 per average daily trip. The increase is necessary to generate revenue to acquire right of way at current market rates. The increased rates will be effective sixty days from the date of adoption.

**Discussion**

On October 18, 2004 the City Council approved a change in policy for the City's Transportation Impact fee program that resulted in higher fees for all new construction. The policy now stipulates that funds collected from the impact fees will be used to construct full street improvements, from curb to curb on all designated arterial and collector streets. In the past developers were responsible for dedicating the right of way and constructing outside portions of the roadways adjacent to their developments. This change shifted a large share of the right-of-way and construction costs away from the developers and to the City. The advantage of this change is that the City is not dependent on adjacent development to initiate a new extension or street widening project. Construction of major streets can now be delivered ahead of development.

The Transportation Impact Fee rates are determined by dividing the cost of improving the deficient streets by the estimated trips that will be generated in the next twenty years. The cost of improving the streets includes the construction cost and also the cost of acquiring the right of

way. A City wide right of way appraisal was initially prepared by The Hopper Company in May, 2004. The estimate at that time was that the right of way that was needed would cost approximately \$67 million. The Hopper Company recently (June, 2005) updated the Citywide right of way appraisal. A copy of Hopper's *Unit Land Values by Type* is attached to this report. The land values for residential properties have increased significantly in the last year. Based on Hopper's report, property that is zoned medium density residential has increased in value from \$65,000 per acre to \$180,000 per acre (middle range of values) since the last land value survey was completed in May, 2004. Based on the new appraised land values, City staff estimates that the cost to acquire the right of way will be approximately \$151 million. Staff estimates that the actual street construction will cost about \$218 million. The combined cost of right of way and construction will be approximately \$369 million (this is an increase from \$285 million last year). Staff estimates the City will receive approximately \$108 million in federal and state transportation funds and the City has a balance of \$5.5 million in Transportation Impact fee funds. The shortfall that needs to be generated is \$254 million. The total estimated number of new trips between now and 2024/2025 is estimated to be 415,000. The fee amount was determined by dividing \$254 million by 415,000 trips which equals \$612.46 per average daily trip. If state and federal funds contribute less than \$108 million then the transportation impact fees may need to be increased to supplement the deficit.

Resolution No. 2005- increases the Transportation Impact Fee rates and also increases the reimbursement rate for right of way acquired from developers or other land owners. Staff recommends that the new reimbursement rate is effective on the same day as the new fees. If the fee increases are approved on September 6<sup>th</sup>, the new fees and reimbursement rates will be effective on November 5<sup>th</sup>. Staff recommends that right of way dedications made before November 5<sup>th</sup> are reimbursed at the May, 2004 appraisal value. Right of way dedications made on or after November 5<sup>th</sup> will be reimbursed at the June, 2005 appraisal value. The date of the right of way dedication for new developments will be the date that the Final Subdivision or Parcel map is approved by the City Council (Planning Commission for Parcel Maps).

**Prior Council/Board Actions:**

Certification of Final Environmental Impact Report (FEIR) for the General Plan Circulation Element Update, Resolution No. 2001-19 – April 2, 2001.  
Adoption of General Plan Amendment No. 2002-22 relating to the Circulation Element of the General Plan, Resolution No. 2001-20 – April 2, 2001  
Increase in the Traffic Impact Fee as recommended by the Circulation Element Update, Resolution No. 2001-23 – April 2, 2001  
Resolution No. 2004-76 – Increase in Transportation Impact Fees – August 2, 2004  
Resolution No. 2004-117 – Adoption of 2004/2004 Transportation Impact Fee  
Resolution No. 2005- -Suspending the 2004/2005 Transportation Impact Fees and Implementing Modified Fees

**Committee/Commission Review and Actions:** Planning Commission reviewed proposals on May 10, 2004. Citizen's Advisory Committee reviewed proposals on May 5, 2004. Both of these reviews were for fees adopted on October 18, 2004.

**Alternatives:** Continue with current fee schedule.

**Attachments:**

Resolution No. 2005-  
Exhibit "A" to Resolution 2005- , Transportation Impact Fees  
Unit Land Values by Type, Visalia, California, *Hopper June, 2005*

Unit Land Values by Type, Visalia, California, *Hopper May, 2004*  
Land Value Increases, Visalia, California, 2004 to 2005  
Transportation Impact Fees, Current Fees Verses Proposed Fees

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):**  
Adopt Resolution No. 2005-     to adopt the revised Transportation Impact Fee schedule.

***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	X
Review and Action:	Prior:	
	Required:	

**NEPA Review:**

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

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**



## Resolution No. 2005-129

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA ADOPTING REVISED TRANSPORTATION IMPACT FEES

**WHEREAS**, the City Council of the City of Visalia adopted Resolution 2004-117 to establish a revised Transportation Impact Fee; and

**WHEREAS**, the City Council of the City of Visalia adopted Resolution 2005-030 to suspend a portion of the fee schedule; and

**WHEREAS**, the appraised value of right of way that must be obtained to construct roads has significantly increased in the last year; and

**WHEREAS**, the Transportation Impact Fees must be increased to generate sufficient revenue to acquire the right of way necessary to improve and construct a safe and efficient traffic circulation system; and

**WHEREAS**, notice pursuant to California Code, Section 66018 has been given; and

**WHEREAS**, the City Council of the City of Visalia did conduct a public hearing on the proposed Transportation Impact Fee Schedule on September 6, 2005.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Visalia adopts the Transportation Impact Fees as given in Exhibit "A". The revised fee schedule shall be effective sixty calendar days after the approval of this resolution.

Resolution No. 2005-  
Exhibit "A"  
September 6, 2005

**City of Visalia**  
**TRANSPORTATION IMPACT FEES**

<b>RESIDENTIAL</b>		<b>UNIT</b>	<b>TRIPS/UNIT</b>	<b>FEE AMOUNT</b>
Single Family		D.U.	9.55	\$ 5,848.99
Apartment		D.U.	6.47	\$ 3,962.62
Condominium		D.U.	5.86	\$ 3,589.02
Mobile Home		D.U.	4.81	\$ 2,945.93
Retirement Community		D.U.	3.30	\$ 2,021.12
Residential P.U.D.		D.U.	7.44	\$ 4,556.70
<b>COMMERCIAL</b>				
<b>L</b>				
General Retail		1,000 sq. ft.	28.44	\$ 13,934.75
Discount Store		1,000 sq. ft.	36.46	\$ 17,864.31
Hardware		1,000 sq. ft.	32.77	\$ 16,056.32
Fast food under 1,500 sf		1,000 sq. ft.	51.89	\$ 25,424.54
<u>Shopping Center</u>				
	Under 100,000 square feet	1,000 sq. ft.	45.16	\$ 22,127.05
	100,001 to 300,000 square feet	1,000 sq. ft.	34.83	\$ 17,065.66
	Over 300,000 square feet	1,000 sq. ft.	26.85	\$ 13,155.69
<i>Downtown rate for all shopping</i>				
Car Sales		1,000 sq. ft.	30.61	\$ 14,997.98
Service Station		Position	78.62	\$ 38,521.44
Hotel		Room	5.56	\$ 2,724.23
Note: Infill commercial projects may be eligible for reduced fee, see Infill Credit Policy				
<b>OFFICE</b>				
<u>General</u>				
	Under 100,000 sq. ft.	1,000 sq. ft.	14.03	\$ 6,874.28
	100,001 to 300,000 sq. ft.	1,000 sq. ft.	11.85	\$ 5,806.14
	Over 300,000 sq. ft.	1,000 sq. ft.	9.96	\$ 4,880.10
<i>Downtown rate for all offices</i>				

Church	1,000 sq. ft.	9.32	\$	4,566.52
Medical	1,000 sq. ft.	34.17	\$	16,742.27
Government	1,000 sq. ft.	68.93	\$	33,773.63
Office Park	1,000 sq. ft.	11.42	\$	5,595.46
Note: Infill office projects may be eligible for reduced fee, see Infill Credit Policy				
<b>INDUSTRIAL</b>				
General Light	per employee	3.02	\$	1,849.63
General Heavy	per employee	0.82	\$	502.22
Industrial Park	per employee	3.34	\$	2,045.62
Manufacturing	per employee	2.09	\$	1,280.04
Warehouse	per employee	3.89	\$	2,382.47

8/31/2005

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**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** September 6, 2005

**Agenda Item Number (Assigned by City Clerk):** 11b

**Agenda Item Wording:** PUBLIC HEARING to consider increasing the Parks and Recreation Impact Fees, General Facility Impact Fees for the Corporation Yard, Fire Impact Fee, Waterways Impact Fees and the Storm Drain Impact Fees. Due to the escalating land values, these increased fees will be used to purchase land primarily from developers for the public projects within each impact fund. After hearing testimony, consider approval of the proposed Parks and Recreation Impact Fees, General Facility Impact Fees for the Corporation Yard, Fire Impact Fee, Waterways Impact Fees and the Storm Drain Impact Fees, per Resolution No. 2005-130.

**Deadline for Action:** None

**Submitting Department:** Administrative Services and Community Development

**Contact Name and Phone Number:**

Susan B. Merrill, Financial Consultant, 713-4392  
Eric Frost, Administrative Services Director, 713-4474  
David Jacobs, Engineering, 713-4492

**Department Recommendation:**

Based on significant increases in land costs documented by the Hopper Company report of June 2005, staff is recommending increasing the Parks and Recreation Impact Fees, General Facility Impact Fees for the Corporation Yard, Fire Impact Fees, Waterways Impact Fees and the Storm Drain Impact Fees. The escalating cost of land that is purchased by the City of Visalia, primarily from developers, for these capital projects is now beyond the capacity of each of the Impact Funds and increases are necessary to maintain the existing quality of life. The increased rates will be effective sixty days from the date of adoption.

**Discussion:**

A City wide appraisal was prepared by The Hopper Company in May, 2004. The Hopper Company recently (June, 2005) updated the Citywide *Unit Land Values by Land Type*. Copies of Hopper's reports for both years are attached to this report (Attachment A). Table 1 shows the results of the Hopper Report for Residential Land Values in the City of Visalia.

**For action by:**

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

**For placement on which agenda:**

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

**Est. Time (Min.):**20

**Table I**

## Hopper Report on the City of Visalia Residential Land Costs

	<u>2004</u>	<u>2005</u>	<u>Increase</u>	<u>Percent Increase</u>
Change in Land Costs	\$65,000	\$180,000	\$115,000	176 %

Also included in this report is a comparative schedule of changes for each type of land (Attachment B). The land values for residential properties have increased significantly in the last year, and the City usually acquires land for these activities from the residential sector. Based on Hopper's report, property that is zoned medium density residential has increased in value from \$65,000 per acre to \$180,000 per acre (middle range of values) since the last land value survey was completed in May, 2004.

As a result of the new appraised land values, a review of the City's impact fees was initiated.

**Parks and Recreation Impact Fees:** The City Council approved the revised Park and Recreation Impact Fee Study on February 22, 2005. In that report, the cost pertaining to the acquisition of land was \$59,528 per acre. In June of this year, the Council increased the Impact Fees by an additional 4.3% due to the increase in the ENRCCI, (CPI for use in impact fees), which would now place the comparable cost of land acquisition at \$62,088. Using the new costs for acquiring future park land as indicated by the Hopper report at \$180,000, the acquisition portion of the fee should now be increased by 189.9%. The development portion of the fee is not affected. Attachment C indicates the change necessary for this fund to be viable in the acquisition of future park land for the use of city residents. A single-family unit would have an increase of \$882 in impact fees due to the escalating cost of land prices in the City of Visalia and for the citizens to be able to have the parks and their inherent quality of life.

**General Government Facility Impact Fees:** A review of the three fees associated with the Government facilities shows that only the corporation yard would be affected by the increases in land values. The Library Impact fee was reduced from the consultant's recommendation to only include the remodeling of the Children's' Library with no land costs. The Civic Center portion included the land costs estimated by Quad Knopf which are in line with the new Hopper Study. The Corporation Yard fee was based on \$109,482 (\$114,190 in current dollars) per acre which is \$65,810 less than the Hopper report for residential at \$180,000. The land acquisition portion of this fee is 53.5% of the total fee. As this fee is a very small portion of the overall fee, a single family residence fee would only increase by \$13. Attachment D indicates the revised amounts necessary to fund this fee.

**Public Safety Impact Fees (Fire Impact):** The Police and Fire Impact Fees were updated by the City Council on February 22, 2005 to include revised costs due to construction of a new Public Safety Facility, the two Police substations and the two Fire substations. Total costs of all projects to be funded by Impact Fees were identified to be \$15 million with the Fire Projects totaling \$7.3 million. Included in the Fire projects were land costs for the Fire Southeast station. Using Hopper's new appraisal figures for the cost of city residential land, this indicates a need to increase the Fire projects by \$164,010 to cover the additional costs of acquiring the land for this facility.

**Table 2**

**Fire Facilities Land Values**

	<u>Original Cost</u>	<u>Impact Acres</u>	<u>Rev. Costs</u>
Southeast Fire Land Cost	<u>\$ 73,590</u>	1.32	<u>\$237,600</u>
Increase in costs			<u>\$164,010</u>

This increased land cost requires an increase in the Fire Impact fee by 2.23% and the combined Public Safety Impact Fee by 1.15% (Attachment E).

**Waterways Impact Fees:** The Waterway Impact Fee is paid by developers and used to acquire setbacks along the major waterways that run through the City for the purpose of maintaining riparian landscape and trails. The fee was enacted in 1997 and was revisited by City Council on November 3, 2003. It was determined at that time that there were 156 acres needed for the City’s waterways. The proposed Plan A would acquire an estimated 156 acres of land at \$54,000 per acre. The actual approved plan was for 156 acres at \$49,000 per acre or Plan B, which was only partial funding of the plan. Since 2003, there have been CPI increases so that the value of the land portion has increased to \$53,875 per acre. These assumptions are no longer valid due to the increase in the cost of city residential property of \$180,000. As indicated in Hopper’s report, it is now necessary to increase the fees by 234% as shown in Exhibit F.

The Waterways Fund has an obligation to acquire land as it is being developed at the current land costs. Consequently, the Waterways Impact fund currently has a deficit and the General Fund has loaned it \$380,000. Failure to increase this impact fee would lead to an even greater deficit.

**Storm Drain Impact Fees:** The Storm Drain fee is based on the type of development within the City and is assessed based on the total area of the development. Using the low density residential designation as an example, the total current fee per acre would be \$2,365.84. A portion of this fee is used to purchase property for storm drain ponds in and around the City of Visalia. When the fee was developed in the 1994 Storm Drain Master plan, a value of \$60,000 per acre was used for storm drain ponds for a total estimated cost of \$6,199,050 in property. The total estimated cost for the 1994 Master Plan was \$25,829,000 of which 24% was for property acquisition. Since the 1994 Master plan, a number of the proposed ponds have been purchased and there are a total of 8 that remain to be purchased. Using the mid value range of the June 2005 Hopper appraisal, the remaining properties would cost the City \$4,641,350. This is a 28% increase over what the 1994 Master plan estimated cost for the same storm ponds. The City has completed a yearly CPI increase on the storm drain impact fee which has increase the fee by 20% since the 1994 Master Plan. This leaves an 8% deficiency in the property acquisition portion of the Storm Drain Impact fund (Exhibit G). The increase will be applied to 24% of the storm drain Impact fee. As an example, the low density residential will now increase to \$2,411.26 if approved.

**Summary:** Table 3 summarizes the varied changes that have impacted the individual Impact Fees.

**Table 3  
Summary of Change in Land Values by Single Family Dwelling Unit**

<u>Impact Fee</u>	<u>Present Land Cost</u>	<u>Hopper Land Cost</u>	<u>Change</u>	<u>Percent</u>
Parks and Rec.	\$62,088	\$180,000	\$117,912	189.9%
General Facilities	\$114,190	\$180,000	\$65,810	57.6%
Public Safety	\$55,300	\$180,000	\$124,700	225.5%
Waterways	\$53,875	\$180,000	\$126,125	234.1%
Storm Drain	\$78,350	\$180,000	\$101,650	129.7%

Table 4 shows the actual increases proposed for each individual Impact Fee.

**Table 4  
Review of Fees and Proposed Increases in Impact Fees  
by Single Family Dwelling Unit**

<u>Impact Fee</u>	<u>Present Fee 2005- 06</u>	<u>Proposed 2005- 06</u>	<u>Increase</u>	<u>Increase Percent</u>
Parks and Rec.*	\$2,009.74	\$2,891.46	\$881.72	43.87%
General Facilities	\$410.51	\$423.44	\$12.93	3.15%
Public Safety**	\$659.49	\$667.09	\$7.60	1.15%
Waterways**	\$165.99	\$554.40	\$388.41	234.0%
Storm Drain**	<u>\$591.46</u>	<u>\$602.82</u>	<u>\$11.36</u>	<u>1.92%</u>
<b>Total</b>	<b><u>\$3,837.18</u></b>	<b><u>\$5,139.21</u></b>	<b><u>\$1,302.02</u></b>	<b><u>33.9%</u></b>

\* Applies only to residential property

\*\* Assumes 4 residential homes per acre

These fees represent an increase of \$1,302.02 in fees for single family dwelling and based on an average cost of \$290,000 of a 1,800 sq ft house, this represents less than a one percent increase in costs and will maintain the integrity of the plans to provide the necessary facilities in the future for the City of Visalia.

Resolution No. 2005-\_\_\_\_\_ increases the Parks and Recreation Impact Fees, General Facility Impact Fees for the Corporation Yard, Fire Impact Fee, Waterways Impact Fees and the Storm Drain Impact Fees.

**Prior Council/Board Actions:** June 20, 2005 Council action to increase City wide Impact Fees by the ENRCCI percentage.

**Committee/Commission Review and Actions:**

**Alternatives:** Continue with current fee schedule.

**Attachments:**

Resolution No. 2005-

Exhibit "A-1" Unit Land Values by Type, Visalia, California, *Hopper June, 2005*

Exhibit "A-2" Unit Land Values by Type, Visalia, California, *Hopper May, 2004*

Exhibit "B" Land Value Increases, Visalia, California, 2004 to 2005

Exhibit "C" to Resolution 2005- , Park Acquisition and Development Impact Fees

Exhibit "D" to Resolution 2005- , General Government Public Facilities Impact Fees

Exhibit "E" to Resolution 2005- , Public Safety (Fire) Impact Fees

Exhibit "F" to Resolution 2005- , Waterways Acquisition Impact Fees

Exhibit "G" to Resolution 2005- , Storm Drainage Impact Fees

**City Manager Recommendation:**

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

Adopt Resolution No. 2005- to adopt the revised Parks and Recreation Impact Fee Schedule, General Facility Impact Fee Schedule for the Corporation Yard, Fire Impact Fee Schedule, Waterways Impact Fee Schedule and the Storm Drain Impact Fee Schedule.

***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\_\_\_\_

***Environmental Assessment Status***

**CEQA Review:**

Required? Yes No X

Review and Action: Prior:



<b>NEPA Review:</b>	Required:
Required? Yes	No X
Review and Action:	Prior:
	Required:

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

**Review and Approval - As needed:**

**Department Head Review (Signature):**

**Risk Management Review (Signature):**

**City Attorney Review (Signature):**

**Administrative Services Finance Review (Signature):**

**Others:**

**Resolution No. 2005-130**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF VISALIA ADOPTING THE  
2005-06 ADJUSTMENTS IN THE PARK ACQUISITION AND  
DEVELOPMENT IMPACT FEE, THE GENERAL GOVERNMENT PUBLIC  
FACILITY IMPACT FEE, THE PUBLIC SAFETY IMPACT FEE, THE  
WATERWAYS ACQUISITION IMPACT FEE, AND THE STORM  
DRAINAGE IMPACT FEE**

**WHEREAS**, in 2005, the City Council of the City of Visalia adopted Resolution 2005-90 to approve rates and fees for the City of Visalia for the fiscal year 2005-06; and

**WHEREAS**, the City Council of the City of Visalia has determined said fees to be inadequate to meet the purposes for which they were intended and desires to adjust the fee schedules for the Park Acquisition and Development Impact fees, the General Government Public Facility Impact fee, the Public Safety Impact fees, the Waterways Acquisition Impact fee, and the Storm Drainage Impact fee; and

**WHEREAS**, Visalia Municipal Code ("VMC") authorizes the City Council to adopt and adjust, by resolution, a fee schedule for the capital costs of city facilities; and

**WHEREAS**, VMC authorizes Council, upon majority vote, to adopt and adjust, by resolution, a fee schedule for the costs of acquisition and development city facilities; and

**WHEREAS**, the City of Visalia has analyzed the need for such adjustments due to the new land value data that has been presented to the City Council; and

**WHEREAS**, notice has been given pursuant to California Government Code Section 66000, et seq.; and

**WHEREAS**, the City Council of the City of Visalia did conduct a public hearing on the proposed fee schedules on September 6, 2005; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Visalia adopts the revised Park Acquisition and Development Impact fees, the General Government Public Facility Impact fee, the Public Safety Impact fees, the Waterways Acquisition Impact fee, and the Storm Drainage Impact fee. These impact fees shall be effective sixty calendar days after the approval of this resolution.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss.

CITY OF VISALIA     )

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2005-30 passed and adopted by the Council of the City of Visalia at a regular meeting held on \_\_\_\_\_.

Dated: \_\_\_\_\_

STEVEN M. SALOMON, CITY CLERK

By Roxanne Yoder, Chief Deputy

City of Visalia  
**PROPOSED PARK ACQUISITION & DEVELOPMENT IMPACT FEES**  
**(Land Acquisition Cost**  
**Increases)**

**2005-06 Proposed**

Attachment C

	ACQUISITION (\$ Unit)		DEVELOPMENT (\$ Unit)	
	FY 05-06	FY 05-06 Adj.	FY 05-06	FY 05-06 Adj.
Single-Family	\$464.23	\$ 1,345.85	\$1,545.51	\$1,545.51
Multi-Family	\$408.82	\$ 1,185.21	\$1,361.04	\$1,361.04
Mobile Home	\$318.19	\$ 922.46	\$1,059.31	\$1,059.31

The Acquisition Fee shall be paid on each allowable dwelling unit prior to the approval of the final subdivision or parcel map. Where no final subdivision or parcel map is recorded prior to issuance of a building permit for a residential development, the Acquisition Fee shall be paid at the time of issuance of the building permit or permits according to the Acquisition Fee schedule in effect at the time of issuance of such building permits. [7062(a)]

The Development Fee shall be paid at the time of issuance of a building permit or permits according to the Development Fee schedule in effect at the time of issuance of such building permits. [7062(a)]

**City of Visalia**  
**PROPOSED GENERAL GOVERNMENT PUBLIC FACILITY IMPACT FEES**

**Attachment D-1**

**2005-06 Proposed**  
**(Corporation Yard Increase)**

**Impact Fees per Unit of Development**

Land Use / Size	Demand Unit <sup>1</sup>	Civic Center <sup>2</sup>	Corporation Yard	Library	Total
<i>Residential</i>					
Single Family Detached	D.U.	\$324.88	\$52.64	\$41.95	\$419.48
Single Family Attached	D.U.	\$327.96	\$53.14	\$42.35	\$423.44
Multi-Family	D.U.	\$288.81	\$46.79	\$37.29	\$372.90
Mobile Home	D.U.	\$224.79	\$36.42	\$29.03	\$290.24
<i>Commercial / Shopping Center</i>					
25K gross area	1,000 Sq Ft	\$351.64	\$56.98	NA	\$408.61
50K gross area	1,000 Sq Ft	\$301.40	\$48.84	NA	\$350.24
100K gross area	1,000 Sq Ft	\$263.73	\$42.73	NA	\$306.46
400K gross area	1,000 Sq Ft	\$210.98	\$34.19	NA	\$245.17
<i>Office</i>					
Medical-Dental Office	1,000 Sq Ft	\$427.76	\$69.31	NA	\$497.08
25K gross area	1,000 Sq Ft	\$437.79	\$70.94	NA	\$508.72
50K gross area	1,000 Sq Ft	\$412.47	\$66.84	NA	\$479.30
100K gross area	1,000 Sq Ft	\$389.26	\$63.08	NA	\$452.34
<i>Industrial</i>					
Business Park	1,000 Sq Ft	\$333.18	\$53.99	NA	\$387.17
Mini-Warehouse	1,000 Sq Ft	\$4.69	\$0.76	NA	\$5.45
Warehousing	1,000 Sq Ft	\$134.51	\$21.80	NA	\$156.30
Manufacturing	1,000 Sq Ft	\$189.19	\$30.66	NA	\$219.85
Light Industrial	1,000 Sq Ft	\$243.47	\$39.45	NA	\$282.92
<i>Other Nonresidential</i>					
Nursing Home	bed	\$38.17	\$6.18	NA	\$44.35
Hospital	1,000 Sq Ft	\$356.44	\$57.76	NA	\$414.19
Day Care	student	\$16.80	\$2.72	NA	\$19.52
High School	student	\$9.14	\$1.48	NA	\$10.62
Elementary School	student	\$8.66	\$1.40	NA	\$10.07
Lodging	room	\$75.02	\$12.16	NA	\$87.18

<sup>1</sup> D.U. = dwelling units

<sup>2</sup> Impact fees for the civic center include both the administrative building and parking structure.

**City of Visalia**  
**PROPOSED GENERAL GOVERNMENT PUBLIC FACILITY IMPACT FEES**

**Attachment D-2**

**2005-06 Present**

**Impact Fees per Unit of Development**

Land Use / Size	Demand Unit <sup>1</sup>	Civic Center <sup>2</sup>	Corporation Yard	Library	Total
<i>Residential</i>					
Single Family Detached	D.U.	\$324.88	\$39.83	\$41.95	\$406.66
Single Family Attached	D.U.	\$327.96	\$40.21	\$42.35	\$410.51
Multi-Family	D.U.	\$288.81	\$35.41	\$37.29	\$361.52
Mobile Home	D.U.	\$224.79	\$27.56	\$29.03	\$281.37
<i>Commercial / Shopping Center</i>					
25K gross area	1,000 Sq Ft	\$351.64	\$43.11	NA	\$394.75
50K gross area	1,000 Sq Ft	\$301.40	\$36.95	NA	\$338.35
100K gross area	1,000 Sq Ft	\$263.73	\$32.33	NA	\$296.06
400K gross area	1,000 Sq Ft	\$210.98	\$25.87	NA	\$236.85
<i>Office</i>					
Medical-Dental Office	1,000 Sq Ft	\$427.76	\$52.44	NA	\$480.21
25K gross area	1,000 Sq Ft	\$437.79	\$53.67	NA	\$491.46
50K gross area	1,000 Sq Ft	\$412.47	\$50.57	NA	\$463.04
100K gross area	1,000 Sq Ft	\$389.26	\$47.72	NA	\$436.98
<i>Industrial</i>					
Business Park	1,000 Sq Ft	\$333.18	\$40.85	NA	\$374.03
Mini-Warehouse	1,000 Sq Ft	\$4.69	\$0.57	NA	\$5.26
Warehousing	1,000 Sq Ft	\$134.51	\$16.49	NA	\$151.00
Manufacturing	1,000 Sq Ft	\$189.19	\$23.19	NA	\$212.38
Light Industrial	1,000 Sq Ft	\$243.47	\$29.85	NA	\$273.32
<i>Other Nonresidential</i>					
Nursing Home	bed	\$38.17	\$4.68	NA	\$42.85
Hospital	1,000 Sq Ft	\$356.44	\$43.70	NA	\$400.14
Day Care	student	\$16.80	\$2.06	NA	\$18.86
High School	student	\$9.14	\$1.12	NA	\$10.26
Elementary School	student	\$8.66	\$1.06	NA	\$9.72
Lodging	room	\$75.02	\$9.20	NA	\$84.22

<sup>1</sup> D.U. = dwelling units

<sup>2</sup> Impact fees for the civic center include both the administrative building and parking structure.

City of Visalia

**PROPOSED GENERAL GOVERNMENT PUBLIC FACILITY IMPACT FEES**

Attachment D-3

**2005-06 Comparison  
(Corporation Yard Increase)**

**Impact Fees per Unit of Development**

Land Use / Size	Demand Unit <sup>1</sup>		Present 2005-06	Proposed 2005-06	Increase
<i>Residential</i>					
Single Family Detached	D.U.		\$406.66	\$419.48	\$12.81
Single Family Attached	D.U.		\$410.51	\$423.44	\$12.93
Multi-Family	D.U.		\$361.52	\$372.90	\$11.38
Mobile Home	D.U.		\$281.37	\$290.24	\$8.87
<i>Commercial / Shopping Center</i>					
25K gross area	1,000 Sq Ft		\$394.75	\$408.61	\$13.87
50K gross area	1,000 Sq Ft		\$338.35	\$350.24	\$11.89
100K gross area	1,000 Sq Ft		\$296.06	\$306.46	\$10.40
400K gross area	1,000 Sq Ft		\$236.85	\$245.17	\$8.32
<i>Office</i>					
Medical-Dental Office	1,000 Sq Ft		\$480.21	\$497.08	\$16.87
25K gross area	1,000 Sq Ft		\$491.46	\$508.72	\$17.27
50K gross area	1,000 Sq Ft		\$463.04	\$479.30	\$16.27
100K gross area	1,000 Sq Ft		\$436.98	\$452.34	\$15.35
<i>Industrial</i>					
Business Park	1,000 Sq Ft		\$374.03	\$387.17	\$13.14
Mini-Warehouse	1,000 Sq Ft		\$5.26	\$5.45	\$0.18
Warehousing	1,000 Sq Ft		\$151.00	\$156.30	\$5.30
Manufacturing	1,000 Sq Ft		\$212.38	\$219.85	\$7.46
Light Industrial	1,000 Sq Ft		\$273.32	\$282.92	\$9.60
<i>Other Nonresidential</i>					
Nursing Home	bed		\$42.85	\$44.35	\$1.51
Hospital	1,000 Sq Ft		\$400.14	\$414.19	\$14.06
Day Care	student		\$18.86	\$19.52	\$0.66
High School	student		\$10.26	\$10.62	\$0.36
Elementary School	student		\$9.72	\$10.07	\$0.34
Lodging	room		84.22	87.18	2.96

<sup>1</sup> D.U. = dwelling units

<sup>2</sup> Impact fees for the civic center include both the administrative building and parking structure.

**City of Visalia**  
**PROPOSED PUBLIC SAFETY IMPACT FEES**

Attachment E

**Revised 2005-06**

<b>LAND USE DESIGNATION</b>		<b>FIRE PROTECTION FACILITIES</b>		<b>POLICE FACILITIES</b>	
<b>per gross acre</b>					
<b>RESIDENTIAL</b>		<b>2005-06</b>	<b>2005-06 Revised</b>	<b>2005-06</b>	<b>2005-06 Revised</b>
Rural	RA	\$ 1,363.09	\$ 1,393.49	\$ 200.64	\$ 200.64
Low Density	RLD	\$ 1,363.09	\$ 1,393.49	\$ 1,274.85	\$ 1,274.85
Medium Density	RMD	\$ 1,363.09	\$ 1,393.49	\$ 3,212.91	\$ 3,212.91
High Density	RHD	\$ 1,363.09	\$ 1,393.49	\$ 5,465.54	\$ 5,465.54
<b>COMMERCIAL</b>		<b>per gross acre</b>		<b>per gross acre</b>	
Convenience Center	CC	\$ 1,363.09	\$ 1,393.49	\$ 6,368.75	\$ 6,368.75
Neighborhood Center	CN	\$ 1,363.09	\$ 1,393.49	\$ 6,368.75	\$ 6,368.75
Shopping/Office Center	CSO	\$ 1,363.09	\$ 1,393.49	\$ 6,368.75	\$ 6,368.75
Community Center	CCM	\$ 1,363.09	\$ 1,393.49	\$ 6,368.75	\$ 6,368.75
Central Business District	CDT	\$ 1,363.09	\$ 1,393.49	\$ 6,368.75	\$ 6,368.75
Regional Center	CR	\$ 1,363.09	\$ 1,393.49	\$ 6,368.75	\$ 6,368.75
Highway	CH	\$ 1,363.09	\$ 1,393.49	\$ 1,952.28	\$ 1,952.28
Service	CS	\$ 1,363.09	\$ 1,393.49	\$ 1,545.61	\$ 1,545.61
<b>OFFICE</b>		<b>per gross acre</b>		<b>per gross acre</b>	
Professional/ Administration	PAO	\$ 1,363.09	\$ 1,393.49	\$ 2,591.37	\$ 2,591.37
Business Research Park	BRP	\$ 1,363.09	\$ 1,393.49	\$ 2,591.37	\$ 2,591.37
<b>INDUSTRIAL</b>		<b>per gross acre</b>		<b>per gross acre</b>	
Light Industrial	IL	\$ 1,363.09	\$ 1,393.49	\$ 186.38	\$ 186.38
Heavy Industrial	IH	\$ 1,363.09	\$ 1,393.49	\$ 186.38	\$ 186.38
<b>PUBLIC / INSTITUTIONAL</b>		<b>per gross acre</b>		<b>per gross acre</b>	
Public / Institutional	PI	\$ 1,363.09	\$ 1,393.49	\$ 734.43	\$ 734.43
<b>PARKS</b>		<b>per gross acre</b>		<b>per gross acre</b>	
Parks	PARK	\$ 1,363.09	\$ 1,393.49	\$ 219.27	\$ 219.27
<b>AGRICULTURE</b>		<b>per gross acre</b>		<b>per gross acre</b>	
Agriculture	A	\$ 1,363.09	\$ 1,393.49	\$ 300.36	\$ 300.36
<b>CONSERVATION</b>		<b>per gross acre</b>		<b>per gross acre</b>	
Conservation	C	\$ 1,363.09	\$ 1,393.49	\$ 192.95	\$ 192.95



**City of Visalia**  
**PROPOSED WATERWAYS ACQUISITION IMPACT FEES**

Attachment F

**2005-06 Proposed**

		(\$per gross acre)			
			<u>FY 04-05</u>	<u>FY 05-06</u>	<u>FY 05-06</u>
			Current	Current	Proposed
<b>LAND USE</b>	<b>% IMPERVIOUS</b>		<b>WATERWAY ACQUISITION FEE</b>		
<b>RESIDENTIAL</b>					
Rural	20	-	\$ 296.11	\$ 308.84	\$ 1,031.53
Low Density	43	-	\$ 636.58	\$ 663.95	\$ 2,217.60
Medium Density	70	-	\$ 1,036.30	\$ 1,080.86	\$ 3,610.08
High Density	80	-	\$ 1,184.35	\$ 1,235.28	\$ 4,125.83
<b>COMMERCIAL</b>					
Convenience Center	95	-	\$ 1,406.45	\$ 1,466.93	\$ 4,899.54
Neighborhood Center	85	-	\$ 1,258.36	\$ 1,312.47	\$ 4,383.65
Shopping/Office Center	80	-	\$ 1,184.35	\$ 1,235.28	\$ 4,125.83
Community Center	75	-	\$ 1,110.34	\$ 1,158.08	\$ 3,868.00
Central Business District	95	-	\$ 1,406.45	\$ 1,466.93	\$ 4,899.54
Regional Center	90	-	\$ 1,332.43	\$ 1,389.72	\$ 4,641.68
Highway	95	-	\$ 1,406.45	\$ 1,466.93	\$ 4,899.54
Service	95	-	\$ 1,406.45	\$ 1,466.93	\$ 4,899.54
Professional/ Administration	70	-	\$ 1,036.30	\$ 1,080.86	\$ 3,610.08
<b>PUBLIC /INSTITUTIONAL</b>					
	60	-	\$ 888.30	\$ 926.50	\$ 3,094.50
<b>INDUSTRIAL</b>					
<b>Outside Industrial Park</b>					
Light Industrial	80	-	\$ 1,578.95	\$ 1,646.84	\$ 5,500.46
Heavy Industrial	90	-	\$ 1,776.31	\$ 1,852.69	\$ 6,187.99
<b>Industrial Park</b>	N/A	-	\$ 276.58	\$ 288.47	\$ 963.50

The Acquisition Fee shall be paid on each parcel of land within the 2020 Urban Development Boundary prior to the approval of the final subdivision or parcel map.  
 When no final subdivision or parcel map is submitted for approval prior to the commencement of the work of any development on each parcel of land, the Acquisition Fee shall be paid prior to the commencement of the work of any development thereon.

The Development Fee shall be paid on each parcel of land prior to the commencement of the work of any development thereon.

**City of Visalia**  
**STORM DRAINAGE IMPACT FEE**

**Attachment G**

**2005-06 Proposed**

(\$per gross acre)

<b>LAND USE</b>	<b>PERCENT IMPERVIOUS</b>	<b>ACQUISITION FEE</b>	<b>DEVELOPER FEE</b>	<b>TOTAL FEE</b>	<b>EXISTING FEE</b>
Rural	20	\$1,009.37	\$112.15	\$1,121.52	\$1,100.39
Low Density	43	\$2,170.14	\$241.12	\$2,411.26	\$2,365.84
Medium	70	\$3,532.77	\$392.53	\$3,925.30	\$3,851.35
High	80	\$4,037.46	\$448.61	\$4,486.07	\$4,401.56
<b>COMMERCIAL</b>					
Convenience Center	95	\$4,794.48	\$532.72	\$5,327.20	\$5,226.84
Neighborhood Center	85	\$4,289.80	\$476.65	\$4,766.45	\$4,676.66
Shopping/Office Center	80	\$4,037.46	\$448.61	\$4,486.07	\$4,401.56
Community Center	75	\$3,785.13	\$420.57	\$4,205.70	\$4,126.47
Central Business District	95	\$4,794.48	\$532.72	\$5,327.20	\$5,226.84
Regional Center	90	\$4,542.16	\$504.68	\$5,046.84	\$4,951.77
Highway	95	\$4,794.48	\$532.72	\$5,327.20	\$5,226.84
Service	95	\$4,794.48	\$532.72	\$5,327.20	\$5,226.84
Professional/Administration	70	\$3,532.77	\$392.53	\$3,925.30	\$3,851.35
Public/Institutional	60	\$3,028.10	\$336.45	\$3,364.55	\$3,301.17
<b>INDUSTRIAL</b>					
Outside Industrial Park					
Light Industrial	80	\$5,382.56	\$598.06	\$5,980.62	\$5,867.96
Heavy Industrial	90	\$6,055.41	\$672.82	\$6,728.23	\$6,601.48
Industrial Park	N/A	\$942.89	\$104.76	\$1,047.65	\$1,027.91

The Acquisition Fee shall be paid on each parcel of land within the 2020 Urban Development Boundary prior to the approval of the final subdivision or parcel map. When no final subdivision or parcel map is submitted for approval prior to the commencement of the work of any development on each parcel of land, the Acquisition Fee shall be paid prior to the commencement of work of any development thereon

The Development Fee shall be paid on each parcel of land prior to the commencement of the work of any development thereon.