



Visalia City Council Agenda

For the regular meeting of: Monday, September 19, 2005

Location: City Hall Council Chambers

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

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

EMPLOYEE INTRODUCTIONS: 5:00 P.M.

Fire Battalion Chief Kevin Gildea introduces the new City of Visalia Fire Department Paramedic graduates John Greenwood, Anthony Colbert, Dameon Malek, Dustin Hall, Jeff Macumber, Allan Wilkinson, Chris Ortiz, Darrin Woodbridge, Jason Gizowski, and provides an inspection tour of the City's newest fire engine.

WORK SESSION AND ACTION ITEMS (as described) 5:20 p.m. (Or, immediately following introductions)

1. Update on the City's Underground Utility District Program. *(Time Est. 20 min.)*

**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)

2. Conference with Legal Counsel – Existing Litigation (1)
Name of Case: City of Visalia v. Harrah, TCSC Case No. 04-210016
3. Conference with Legal Counsel – Anticipated Litigation (1)
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 G.C.

4. Conference with Labor Negotiator
Employee Groups: Group M
Agency Negotiator: Jim Harbottle, Eric Frost, Janice Avila
 5. Conference with Real Property Negotiators
Property: 425 East Oak
Under Negotiation: Price, terms, conditions of potential lease
Negotiators: Steve Salomon, Leslie Caviglia, Carol Cairns, Harry Foster of Family Healthcare Network
- *Convene jointly as the Visalia City Council and Redevelopment Agency Board for the following item only:*
6. Conference with Real Property Negotiators
Property: for an estimated 6-acre portion of the Agency property located at the southwest corner of N. Ben Maddox Way and E. Goshen Avenue (portion of APN: 094-180-005)
Under Negotiation: price, terms and conditions that may be included in a potential purchase and sale agreement
Negotiators: Steve Salomon, Bob Nance, Doug Burr and Tim Razzari.
- *Adjourn as the Redevelopment Agency Board and remain seated as the Visalia City Council*

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION -

SPECIAL PRESENTATIONS/RECOGNITION

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

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

7. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Authorization for the City Council to adopt **Resolution 2005-131** supporting the Valley Water Alliance's position that the Friant Dam continue to be operated in a manner consistent with historic commitments to provide economical and reliable water supplies to agriculture, municipal and industrial water and power users and to achieve a reasonable balance among all competing interests for the use of all water supplies.
 - c) Approval of modification to Economic Development Policy for providing financial assistance to new or expanding business.
 - d) 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 West Park No. 2 Subdivision, located North of Visalia Parkway between Akers Street and Linwood Street (144 lots) and the Formation of Landscape and Lighting District No. 05-15-Park, West Park No. 1 & 2; **Resolution 2005-132 and 2005-133 required. APN: 119-070-064.**
 - e) Authorization to record the final map for the following:
 1. Parcel Map No. 2004-18, located at the southwest corner of Ferguson Avenue and Cain Street.
 - f) Award Contract for the Cameron Avenue and County Center Street Improvement Project, Project No. 3011-720000-0-0-9733-2005, to facilitate construction of the South Police Precinct, to Central Valley Asphalt in the amount of \$339,139.50.
 - g) Authorization to bid the public improvements for Miscellaneous Sanitary Sewer Improvement Project without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 4311-00000-720000-0-9451-2005.
 - h) Award a Construction Contract for the 2005 Major Street Overlays project (Court Street - Walnut Avenue to Caldwell Avenue, Linwood Street - Walnut Avenue to Caldwell Avenue and Akers Street - Tulare Avenue to Cypress Avenue) to Lee's Paving in the amount of \$769,448.00 and authorize an additional appropriation of \$120,000 from the Gas tax Fund (1111), Project No. 1111-00000-720000-0-9225-2005.

- i) Adopt **Resolution 2005-134** authorizing the application for a grant from the Recreation Trails Program in the amount of \$179,000 to construct a twelve foot wide asphalt path along Packwood Creek between Tulare Ave. and south of Noble Ave.
- j) Certification of Negative Declaration No. 2005-79 prepared for the acquisition and development of a 2.6 acre neighborhood park site in the Pheasant Ridge Subdivision and a 1.5 acre pocket park in Foxwood Unit 5 Subdivision, **Resolution 2005-135 required.**
- k) Request authorization to file a Notice of Completion on the following:
 - 1. Northgate Estates, containing 16 family lots and one common lot, located north of Ferguson Avenue between Linwood Street and Akers Street.
 - 2. Hidden Acres, containing 9 single family residential lots and a 10th lot for existing church facility, located 1,200 feet west of the intersection of Caldwell Avenue and Akers Street on the north side of Caldwell Avenue.
 - 3. La Valencia Subdivision, containing 38 lots, located on the west side of Linwood Street between Ferguson Avenue and Riggins Avenue.
 - 4. Cobblestone Estates II Unit No. 1, containing 27 lots, located West of Linwood Street, South of Ferguson Avenue.
 - 5. Cobblestone Estates II Unit No. 2, containing 23 lots, located Northwest corner of Linwood Street and Houston Avenue.
 - 6. Project No. 3011-720000-0-0-9141-2005 for the New Irrigation Well at the Riverway Sports Park.
- l) Award Contract for the Ferguson Avenue Traffic Signal Modification project (intersection of Ferguson Ave. and Dinuba Blvd) to Lockwood General Engineering Inc., for the bid price of \$79,571.60. Project No. 1611-72-0-0-9524-2002.
- m) Reject all bids for the Oak Avenue Street Improvement Project, Santa Fe to Tipton Streets, Project No. 1111-720000-0-9682-2005.
- n) Award a contract for the Akers Street Improvements from Caldwell Avenue to Whitendale Avenue to the low bidder R.J. Berry Jr., in the amount of \$1,218,692.25; Project # 1241-720000-0-0-9263-2000.
- o) Authorization for staff to submit project applications for Transportation Enhancement (TE) Program federal funding, **Resolution 2005-141 required.**
- 8. Item removed from Agenda.
- 9. Item removed from Agenda.
- 10. REGULAR ITEM - Approval and Adoption of 2004-2005 Program Year Consolidated Annual Performance and Evaluation Report (CDBG & HOME); **Resolution 2005-137 required.**

11. PUBLIC HEARING - **Resolution 2005-136**, authorizing the formation of Underground Utility District No. 16 - Dinuba Boulevard between Houston Avenue (approximately 100 feet north of) and Riverway Drive (Avenue 316.).

12. PUBLIC HEARING -

- a. Certify Negative Declaration No. 2005-090. **Resolution 2005-138 required.** (*A separate motion by the Council is required.*)
- b. Initiation of proceedings of Annexation No. 2005-09 (Walnut-McAuliff SE): a request by Alvern M. and Linda L. Sousa, applicants (Branum Group, agent) to annex one parcel totaling 53.16 acres into the City limits of Visalia. The project is located on the southeast corner of Walnut Avenue and McAuliff Street, City of Visalia, County of Tulare. (APN: 127-030-046) **Resolution No. 2005-139 required.**

- *Item 13 was continued from September 6, 2005*

13. 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.**

- **Convene jointly as the Visalia City Council and the Redevelopment Agency Board**

14. PUBLIC HEARING - regarding the proposed approval of a Disposition and Development Agreement for the sale and development of an approximately 48,787 square foot parcel for \$226,859.55 of Agency owned real properties located at 440 N. Ben Maddox Way to Scott A. McMillan and Tani M. McMillan of Wasco, CA, for the development of an office complex and related facilities; **Agency Resolution 2005-03 and City Resolution 2005-140 required.**

- **Adjourn as the Redevelopment Agency Board and remain seated as the Visalia City Council**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, October 3, 2005

Monday, October 17, 2005

Monday, October 24, 2005 (Special Meeting 6 p.m. Closed Session 7 p.m. Regular Session)

Monday, November 7, 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 19, 2005

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Update on the City's Underground Utility District program

Deadline for Action: N/A

Submitting Department: Community Development & Public Works

Contact Name and Phone Number: Jim Funk, 713-4540;
David Jacobs, 713-4492

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 20 min.

Department Recommendation and Summary:

It is recommended that the Council authorize staff to create a list of potential future Underground Utility District locations and obtain order of magnitude cost estimates from Southern California Edison to help determine a priority list. The order of magnitude cost estimates are intended to provide a basis for determining whether or not the City has sufficient funds in Southern California Edison's Rule 20A program to do a particular project or to create a priority list based on available funds. The order of magnitude cost estimate is not a detailed cost estimate of a particular project; it is a preliminary planning tool. Staff will bring a list of proposed underground district projects back to Council in approximately 90 days for review and request authorization to implement.

Additionally, Staff is recommending the next underground utility district (UUD 16) be North Dinuba Boulevard (approximately Houston Avenue to Riverway Avenue) based on the following justifications: 1) criteria for using Rule 20A (Southern California Edison) funds is met in multiple categories (heavily traveled, arterial status roadway (State Route 63) and passes through a recreational area, 2) the necessary right of way is available to construct the underground district, 3) timing; the underground district is scheduled for completion in March 2007 which is around the time the first phase of the Riverway Sports Park should be completed and 4) there are sufficient Rule 20A funds available to construct the project.

Staff has created a PowerPoint presentation that covers the following topics:

- Authority to create underground utility districts
- Types of facilities to be placed underground
- Funding for underground utility districts
- The City's history of underground utility districts
- Future of underground districts

Prior Council/Board Actions: Council, since 1969 has adopted resolutions creating 15 separate underground utility districts

Committee/Commission Review and Actions:

Alternatives: None recommended

Attachments: PowerPoint presentation

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move that we authorize staff to prepare a list of potential future underground utility district projects and obtain order of magnitude cost estimates from S.C.E. and to return to Council for future review and selection.

Copies of this report have been provided to: S.C.E., S.B.C. & Comcast Cable

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

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:

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

City of Visalia Agenda Item Transmittal

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording:

That the City Council adopt Resolution 2005-131 supporting the Valley Water Alliance's position that the Friant Dam continue to be operated in a manner consistent with historic commitments to provide economical and reliable water supplies to agriculture, municipal and industrial water and power users and to achieve a reasonable balance among all competing interests for the use of all water supplies.

Deadline for Action:

September 19, 2005

Submitting Department:

Administration

Contact Name and Phone Number:

Carol L. Cairns, Assistant City Manager 713-4324

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 5

Department Recommendation and Summary:

Staff recommends that the City Council adopt Resolution 2005-131.

"The Valley Water Alliance is a coalition of business leaders, local elected officials, labor interests and resource interests who have come together to insure a reliable water supply for the future of the San Joaquin Valley. United in their efforts to educate and advocate about the impacts of the potential restoration of significant water flows on the San Joaquin River, the organization is taking their message from our backyards to Sacramento and Washington.

The economic impacts to our region would be far-reaching and ultimately devastating. It is the Alliance's goal to bring a unified voice to the region through a coalition of supporters who recognize the value of protecting Our Water and Our Future.

In 1988, a coalition of environmental groups, led by the San Francisco based Natural Resource Defense Council, sued the federal government. They asserted, among other charges, the Friant Dam was being illegally operated to the detriment of historic salmon and steelhead fisheries. Their stated goal is to have San Joaquin River flows restored so the historic fisheries would be re-established and sustained in perpetuity.

After many years of debate and good faith attempts by the federal government and water interests to find a reasonable alternative in collaboration with the environmental plaintiffs, the litigation resumed before Judge Lawrence Karlton in federal court. In a recent decision the

judge ruled the federal government liable for operating Friant Dam in violation of the state Fish and Game code which he interpreted to mean an historic fishery. His ruling came in spite of evidence illustrating 117,000 acre feet of water is released annually to support 14 species of fish in good condition 38 miles below the dam. A dam operated by the Federal Government in conformance with a state issued permit, which already takes into consideration the impacts upon the salmon fishery.

It is the first step in what may be the ultimate decision to order restoration of an historic salmon fishery on the San Joaquin River in a manner, which would decimate the economics of the Valley communities.”

*excerpts from Valley Water Alliance—Our Water, Our Future

Prior Council/Board Actions:

none

Committee/Commission Review and Actions:

n/a

Alternatives:

Not approve the resolution of support for the Valley Water Alliance

Attachments:

Resolution

Valley Water Alliance Brochure

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move the City Council approve Resolution 2005-131 supporting the Valley Water Alliance’s position that the Friant Dam continue to be operated in a manner consistent with historic commitments to provide economical and reliable water supplies to agriculture, municipal and industrial water and power users and to achieve a reasonable balance among all competing interests for the use of all water supplies.

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
Review and Action: Prior:
Required:

NEPA Review:

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

Copies of this report have been provided to:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION 2005-131

**IN SUPPORT
ON RIVER FLOW AND RELEASE ISSUES
RAISED IN A RECENT U.S. DISTRICT COURT RULING**

WHEREAS, litigation against the United States Bureau of Reclamation was initiated in 1988 by an environmental coalition headed by the Natural Resources Defense Council (NRDC), challenging the renewal of water service contracts in the Central Valley Project's Friant Division within the southern San Joaquin Valley of California; and

WHEREAS, said litigation has evolved over time to include claims by the NRDC coalition that Friant operations, including releases of water into the San Joaquin River at Friant Dam, are in violation of Section 5937 of the State Fish and Game Code, related to maintenance of a fishery downstream from a dam; and

WHEREAS, as part of a ruling on August 27, 2004, the court assessed liability to the U.S. Bureau of Reclamation, U.S. District Judge Lawrence K. Karlton broadly interpreted Section 5937 to require restoration and maintenance of "historic fisheries" in existence prior to construction of any dam; and

WHEREAS, Judge Karlton's opinion appears to conclude Section 5937 of the State Fish and Game Code amounts to a statewide judicially-mandated balancing of beneficial uses giving fish a priority over all other uses of water throughout California; and

WHEREAS, the opinion not only creates a situation under which fish come first and businesses, communities and their residents come second to fulfill restoration of historic fisheries that existed before dams were constructed long ago; and

WHEREAS, any actions by the courts, state and/or federal government should take into consideration the social, cultural and economic impact of adjusting water supplies businesses, communities and industry have relied upon for a significant number of years;

WHEREAS, Judge Karlton's decision raises fundamental questions involving and threatening the long established and recognized water rights system of the State of California; and

WHEREAS, if permitted to stand and be implemented during a "remedy phase" before the court, Judge Karlton's ruling has the potential to create drastic reductions in water supply quantities and reliability that are crucial to the well being of the citizens, businesses, farms, agencies, and economic and social activity that occurs in and around communities throughout the Central Valley; and

WHEREAS, such a fundamental shift in beneficial utilization of the State of California's water to the detriment of human uses thereof would inevitably create widespread economic, social and environmental chaos, impacts or damage within and surrounding the Friant service area and the Central Valley.

THEREFORE, BE IT RESOLVED, that the City of Visalia in response to the grave circumstances and situations created by this decision; and

BE IT FURTHER RESOLVED, we acknowledge our participation in the Valley Water Alliance and encourage other communities to join the Alliance and work together to encourage local, state and federal government to address the water use and rights issues raised by Judge Karlton's ruling; and

BE IT FURTHER RESOLVED, that the City of Visalia publicly acknowledges their concerns regarding threats to our water supply made by the Natural Resources Defense Council and its environmental coalition, and our willingness to use all appropriate means to protect and preserve the economic, social and environmental interests of our residents; and

BE IT FURTHER RESOLVED, it be the position of the City of Visalia that the Friant Dam continue to be operated in a manner consistent with historic commitments to provide economical and reliable water supplies to agricultural, municipal and industrial water and power users and to achieve a reasonable balance among all competing interests for use of all water supplies.

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 _____ 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 Agenda Item Transmittal

Meeting Date: September 19, 2005

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

Agenda Item Wording: Approval of modification to Economic Development Policy for providing financial assistance to new or expanding business.

Deadline for Action: None

Submitting Department: Administration and Community Development & Public Works

Contact Name and Phone Number:

Steve Salomon, City Manager, 713-4312
Michael Olmos, Community Development & Public Works Director, 713-4332
Fred Brusuelas, Assistant Director, Community Development & Public Works, 713-4364
Bob Nance, Economic & Redevelopment Manager, 713-4511
Traci Myers, Senior Administrative Analyst, 713-4373

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 proposed amendments to the existing Economic Development Incentive Policy to provide the City Manager with the authority to offer to a new or expanding company assistance, not to exceed \$250,000 without City Council approval upon meeting two of the following three criteria:
 - a. \$30 Million in investment (building, taxable improvements, equipment and inventory), and/or
 - b. 100 employees (full-time equivalents); and/or
 - c. Generation of estimated discretionary tax revenues to the City exceeding \$200,000 annually
2. Authorize use of other City funding sources besides CDBG – Job Creation Funds including, but not limited to gas tax or enterprise funds for specific off-site work or General fund sources as appropriate.
3. Direct the creation of a General Fund account, not to exceed \$250,000 for use in job creation incentive for those activities not financed by CDBG, Gas Tax or Enterprise Funds. These funds to be restricted to the payment of City building, development or impact fees and/or off-site improvements where CDBG, Gas Tax or other applicable funding sources are not available.

Please note that under this Economic Development Incentive Policy, assistance is limited to respective non-retail entities (as was done for CIGNA) or industrial (as was done for Jo-Anne Stores and proposed for VF Corporation). **Retail businesses are not eligible for assistance consideration under the existing policy or upon adoption of the proposed changes.**

Existing Policy:

Many economic development specialists believe incentives help leverage private investment, enhance the local business environment, strengthen the economy, and increase local employment. The City of Visalia monitors incentives to ensure that provisions are enforced and are proportionate to the economic benefit to the City. The City utilizes incentive strategies as an integral part of its economic development program in an attempt to influence decision makers considering relocating or starting a major business.

Incentives are evaluated on a case-by-case basis and are based and are based on the merits of individual projects. This helps achieve specific employment and economic goals.

In March 2001, the City Council adopted the current Economic Development Incentive Policy providing the City Manager with authority to offer up to \$250,000 to offset local, building and development impact fees or for use in construction and installation of public improvements that would be required by the business. Typically the funds offered are from the City's Community Development Block Grant funds for Job Creation. The criteria for obtaining these funds are a minimum of 100 new full-time equivalent jobs **plus** a minimum \$30 million in new investment (structures and equipment). (A copy of the adopted policy is attached.)

This policy has been successful as noted by Jo-Ann Stores West Coast Distribution Center and the CIGNA project and most recently VF Corporation Distribution Center planned for location at Plaza Drive and Riggins Avenue.

Proposed Changes in Policy:

Economic development activity is competitive and while we are experiencing the current uptrend in activity, there is more competition for companies by cities, counties and private developers than ever before. Many smaller businesses that provide quality jobs, make capital investments and generate additional sales tax are more frequently approaching the City for assistance. In many cases these businesses have the potential for growth and expansion which is a major source for long-term job creation.

Example for New Policy Assistance:

One such company who provides finished building materials for residential house developers is seeking to come to Visalia and begin operations. This company is planning to occupy an existing vacant building, employ over 100 people at full operation and invest approximately \$2 million in improvements and equipment. At full capacity, the company estimates generating \$250,000 to \$300,000 in sales tax based on \$20 million in annual sales.

As part of the planned improvements necessary to operate at the proposed site, a new railroad track switch and rail spur from the existing Union Pacific line across public roadway into the site will need to be constructed and installed. It is estimated to cost over \$100,000 to extend a new spur through the City's right-of-way. This does not include a new switch, additional rail line into the site and possible signals. The company is seeking City assistance to offset some or all of the costs of the rail spur for that portion in the City's right-of-way.

Under the existing Economic Development Assistance Policy, this company does meet the employment element of the existing policy but does not meet the capital investment threshold portion of the policy and therefore does not qualify for assistance. It is apparent that this company would be a welcome and valuable addition to the Visalia Industrial Park but the cost of extending the railroad spur through the public right-of-way represents a large negative impact on the proposed project.

Recommended Modifications to Assistance Policy:

Discretionary Tax Revenues: It is staff's recommendation that the City's current policy be amended to include a third provision that should a qualified new business, or expansion of an existing business, generate an ongoing general fund revenue over \$200,000 annually, any consideration assistance offered would be at the discretion of the City Manager as to providing assistance/or not and if so, what amount up to the maximum \$250,000 allowed under the current policy. Assistance from the City needs to include other funding sources besides CDBG as in gas tax, enterprise funds for specific work or General fund sources as appropriate.

Assistance Criteria: Under the existing policy, the business seeking assistance would need to meet a two-part test. First having 100 or more full-time employees and second investing \$30 million or more in capital costs. The proposed changes if adopted would add the Discretionary Tax Revenues element and require the subject business to meet any two of the three elements. Any consideration assistance offered

would be at the discretion of the City Manager as to providing assistance/or not and if so, what amount up to the maximum allowed under the policy. Assistance from the City needs to include other funding sources besides CDBG such as increased General fund tax sources as appropriate.

Proposed General Fund Reserve Account:

Staff is proposing the City Council authorize a reserve account, not to exceed \$250,000, for use in job-creation activities under the proposed amended Economic Development Incentive Policy. Previously CDBG - Job Creation funds have been used to assist qualified companies under the Economic Development Incentive Policy. Recent demands on CDBG funds have resulted in the need to use other eligible sources. Whenever possible, other funding sources would be used for assistance such as Gas Tax or respective Enterprise funds. Only in those occasions where CDBG, Gas Tax or Enterprise funds are not available or applicable, the General Fund Reserve Account would be used. Any assistance in excess of the \$250,000 would require prior approval of the City Council.

Prior Council/Board Actions:

Prior approval of Existing Economic Development Incentive Policy

Committee/Commission Review and Actions:

None

Alternatives:

No change to existing policy criteria

Attachments:

Copy of existing policy

Copy of proposed policy with recommended changes

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move the City Council:

1. Approve the proposed amendments to the existing Economic Development Incentive Policy to provide the City Manager with the authority to offer to a new or expanding company assistance, not to exceed \$250,000 without City Council approval upon meeting two of the following three criteria:
 - a. \$30 Million in investment (building, taxable improvements, equipment and inventory), and/or
 - b. 100 employees (full-time equivalents); and/or
 - c. Generation of estimated discretionary tax revenues to the City exceeding \$200,000 annually
2. Authorize use of other City funding sources besides CDBG – Job Creation Funds including, but not limited to gas tax or enterprise funds for specific off-site work or General fund sources as appropriate.
3. Direct the creation of a General Fund account, not to exceed \$250,000 for use in job creation incentive for those activities not financed by CDBG, Gas Tax or Enterprise Funds. These funds to be restricted to the payment of City building, development or impact fees and/or off-site improvements where CDBG, Gas Tax or other applicable funding sources are not available.

Financial Impact

Funding Source: Varied as noted herein.

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost:	\$	New Revenue:	\$
Amount Budgeted:	\$	Lost Revenue:	\$
New funding required:	\$ 250,000	New Personnel:	\$
Council Policy Change:	Yes__X__	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 to proceed as directed by the City Council.

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Existing Economic Development Incentive Policy Adopted March 2001:

The existing Economic Incentive Policy provides guidelines that City Staff can apply in evaluating requests for assistance. It is designed to augment existing Economic Development Incentive Policies and to address those situations where the inquiring company does not meet the criteria to receive BIZ benefits. The following is a summary of the qualifying conditions contained within the adopted incentive policy:

Business Development Economic Incentive Policy Summary:

Eligibility Requirements:

1. Business seeking to locate in Visalia;
2. Existing Visalia business seeking to expand; or
3. Existing Visalia business contemplating relocating outside of Visalia.

Criteria To Be Considered For Additional Incentives:

A. New Business to Visalia:

1. \$30 million in new construction to operate the business;
2. Employment of a minimum of 100 full-time employees (or full-time equivalents) within agreed time periods; and
3. Provision of a manufacturing or distribution service not currently provided in Visalia.

B. Existing Business Seeking to Expand:

1. \$30 million in new construction to operate the business;
2. Employment of a minimum of 100 new full-time employees (or full-time equivalents) within agreed time periods; and
3. Provision of a new manufacturing or distribution service, line of business, product, or product line not currently provided by businesses within Visalia.

Terms and Conditions of Assistance:

- A. Businesses must enter into an agreement with the City commemorating the terms and conditions of any assistance.
- B. Eligible companies must enter into an agreement, approved by the City Council, detailing the amount and use of funds & assistance including any improvements in public facilities expansions or any other city assistance - jobs created/retained, company investment and commitments.
- C. New jobs created or existing jobs retained must fall within the manufacturing or distribution category or otherwise must provide substantial new economic activity for the community and qualify under HUD Job Retention & Creation Guidelines.
- D. Businesses must participate with the City in preparing applications for State and Federal Grant funds and reporting requirements.

**Proposed Economic Development Incentive Policy
For Adoption September 2005:**

The existing Economic Incentive Policy provides guidelines that City Staff can apply in evaluating requests for assistance. It is designed to augment existing Economic Development Incentive Policies and to address those situations where the inquiring company does not meet the criteria to receive BIZ benefits. The following is a summary of the qualifying conditions contained within the adopted incentive policy:

Business Development Economic Incentive Policy Summary:

Eligibility Requirements:

1. Business seeking to locate in Visalia;
2. Existing Visalia business seeking to expand; or
3. Existing Visalia business contemplating relocating outside of Visalia.
4. Qualifying businesses under this policy are limited to professional/commercial or industrial businesses. Retail businesses do not qualify for incentive assistance specified under this policy.

Criteria To Be Considered For Additional Incentives:

A. New Business to Visalia must meet two of the three criteria as follows:

1. \$30 million in new construction to operate the business;
2. Employment of a minimum of 100 full-time employees (or full-time equivalents) within agreed time periods; and
3. Generation of estimated discretionary tax revenues to the City exceeding \$200,000 annually

B. Existing Business Seeking to Expand must meet two of the three criteria as follows:

1. \$30 million in new construction to operate the business;
2. Employment of a minimum of 100 full-time employees (or full-time equivalents) within agreed time periods; and
3. Generation of estimated discretionary tax revenues to the City exceeding \$200,000 annually

Terms and Conditions of Assistance:

- A. Businesses must enter into an agreement with the City commemorating the terms and conditions of any assistance.
- B. Eligible companies must enter into an agreement, approved by the City Council, detailing the amount and use of funds & assistance including any improvements in public facilities expansions or any other City assistance - jobs created/retained, company investment, commitments or tax revenue generation.
- C. New jobs created or existing jobs retained must fall within the manufacturing or distribution category or otherwise must provide substantial new economic activity for the community and qualify under HUD Job Retention & Creation Guidelines.
- D. Businesses must participate with the City in preparing applications for State and Federal Grant funds and reporting requirements.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

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

Agenda Item Wording: Authorize the Recordation of the Final Map for West Park No. 2 Subdivision, located North of Visalia Parkway between Akers Street and Linwood Street (144 lots) and the Formation of Landscape and Lighting District No. 05-15-Park, West Park No. 1 & 2 (Resolution Nos. 05-132 and 05-133 required). APN: 119-070-064

Deadline for Action: October 3, 2005

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Greg Dais 713-4164

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for West Park No. 2 containing 144 single family lots and one open space lot. Centex Homes is the developer/owner of this development. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$1,538,022.12 and Labor and Material Bond in the amount of \$769,011.06; 3) cash payment of \$276,347.76 distributed to various accounts; and 4) Final Map.

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

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 Linwood Street (Collector). The City will be reimbursing approximately \$88,223 to the developer (Centex Homes) by giving a combination of fee credits for Transportation Impact Fees and cash payment.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-132 Initiating Proceedings for Formation of Assessment District No. 05-15-Park, West Park No. 1 & 2; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-133 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights, and trees on local streets 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.

On February 7, 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. This subdivision includes a 0.94 acre pocket park. The pocket park will be maintained by the landscape and lighting district for the subdivision under the Landscape and Lighting Act of 1972. The 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.

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.

West Park No. 2 Subdivision was annexed into the Landscape and lighting Maintenance District by City Council on July 18, 2005.

Committee/Commission Review and Actions: The tentative subdivision map for West Park No. 2 was approved by the Planning Commission on April 26, 2004. The tentative map will expire on April 26, 2006.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for West Park No. 2 and I move to adopt Resolution No. 05-132 Initiating Proceedings for Formation of Assessment District No. 05-15-Park "West Park No. 1 & 2" and adopt Resolution No. 05-133 Ordering the Improvements for Assessment District No. 05-15-Park "West Park No. 1 & 2."

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. 05-132

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 05-15-PARK
West Park No. 1 & 2 PARK CONSTRUCTION
(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:

All park improvements including 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).

2. The proposed district shall be designated Assessment District No. 05-15-Park, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-15-Park, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "West Park No. 1 & 2 Park Construction".
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. 05-15-PARK
WEST PARK No. 1 & 2 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. 05-15-Park, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 19th day of September, 2005 by its Resolution No. 05-132 & 133

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

RESOLUTION NO. 05-133

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-15-PARK
WEST PARK NO. 1 & 2 PARK CONSTRUCTION
(Pursuant to the Landscape & Lighting Act of 1972)

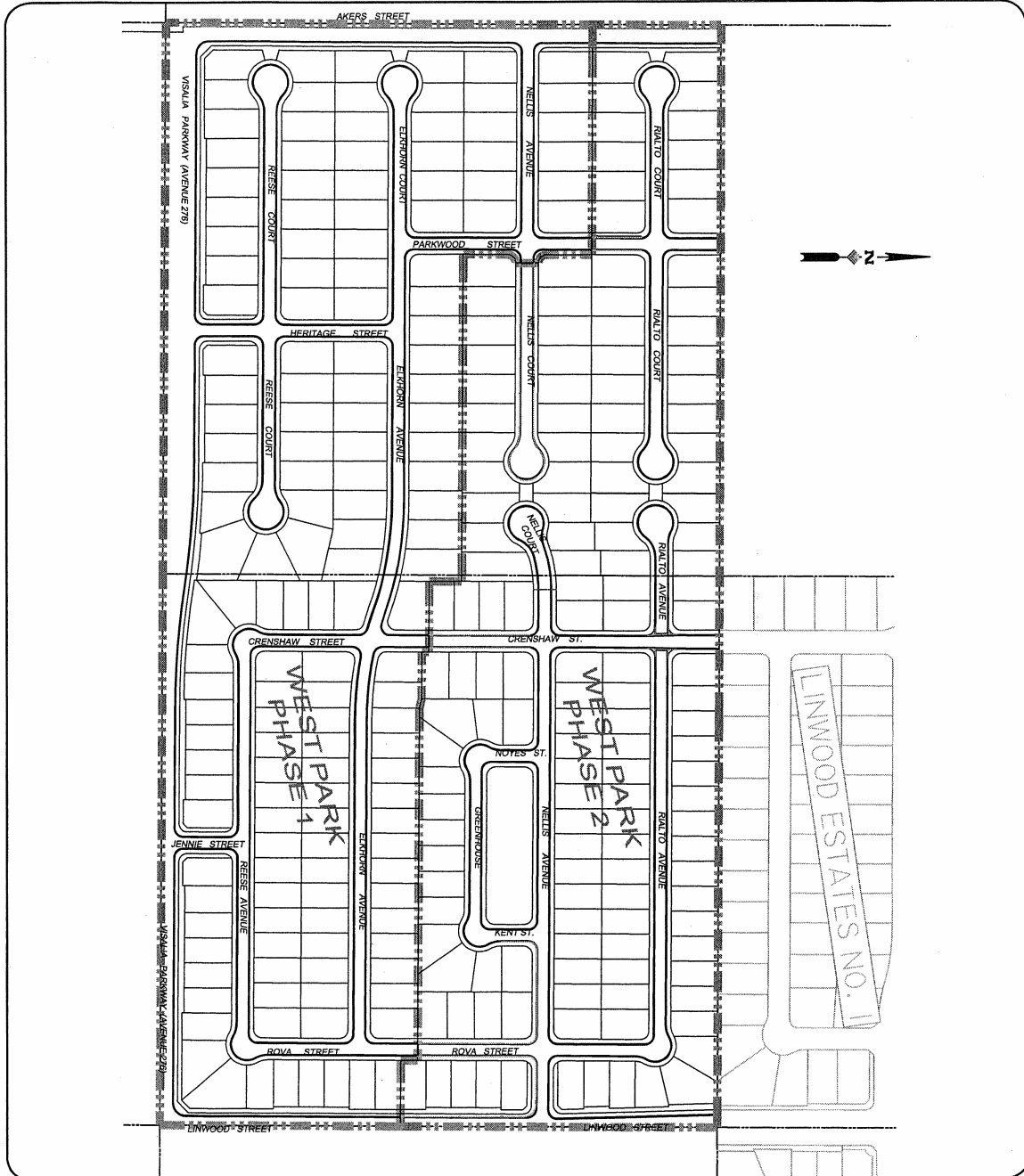
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-15-Park, of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2005-06.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram Assessment District No. 05-15-PARK City of Visalia, Tulare County, California




PLOT DATE:	
JOB NO.	04817
DWG. NAME:	04817-EXHIBIT
SCALE:	NONE
SHEET NO.:	1 OF 1

IMPROVEMENT FOR:
CENTEX HOMES

WEST PARK UNIT 1 & 2

PREPARED BY:



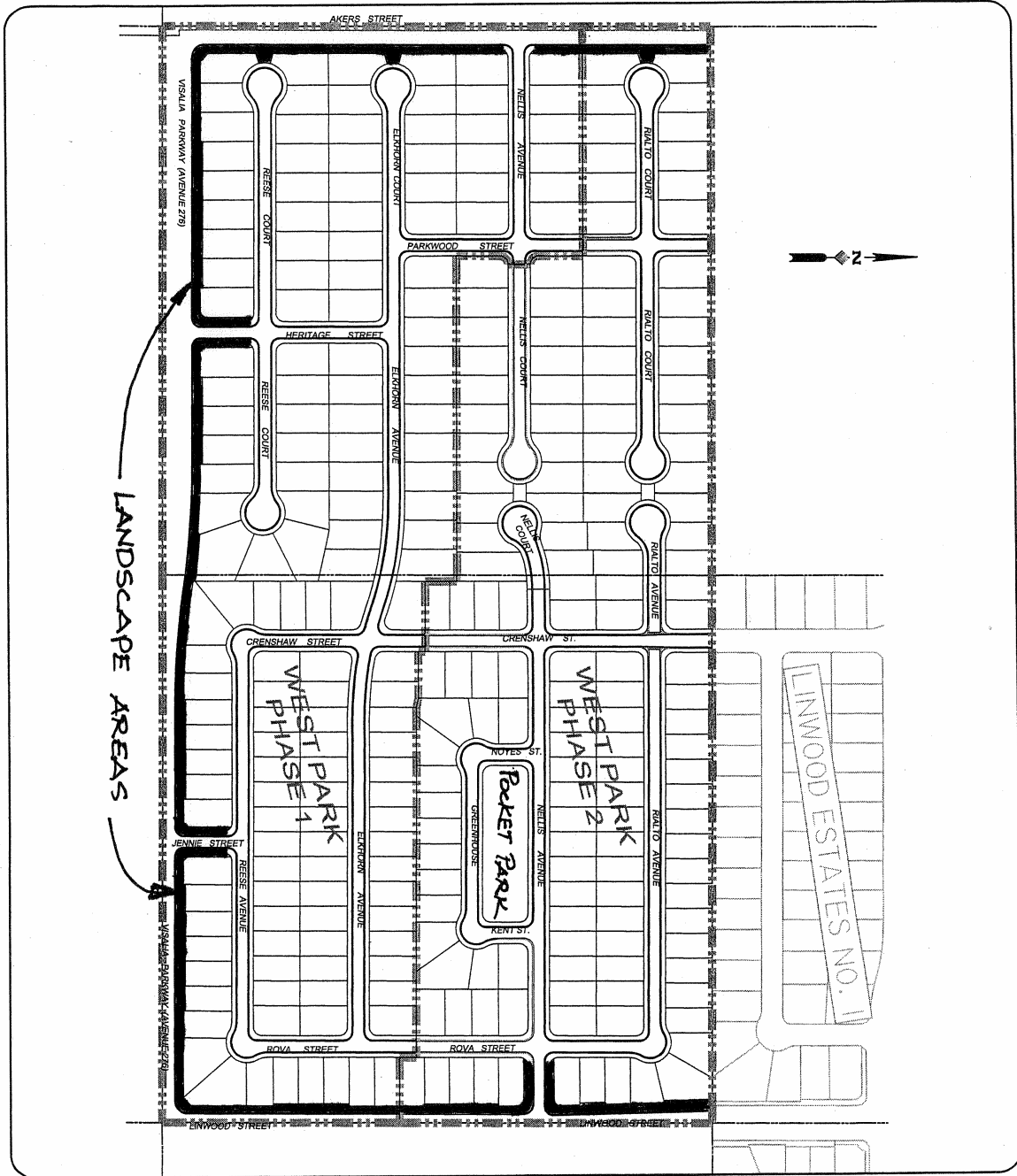
5110 W. CYPRESS AVE.
P.O. BOX 3699
VISALIA, CA 93278
TEL: (559) 733-0440
FAX: (559) 733-7821

DRW BY: L.B. CHK BY: D.D.

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Exhibit "B"

Landscape Location Diagram West Park No. 1 & 2 Park Construction



PLOT DATE:	
JOB NO.	04817
DWG. NAME:	04817-EXHIBIT
SCALE:	NONE
SHEET NO.:	1 OF 1

IMPROVEMENT FOR:	CENTEX HOMES
WEST PARK UNIT 1 & 2	

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

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Exhibit "C"

Tax Roll Assessment
West Park No. 1 & 2 Park Construction
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$119.45	To Be Assigned	05-1501	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1502	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1503	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1504	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1505	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1506	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1507	West Park No. 1
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To Be Assigned	\$119.45	To Be Assigned	05-1509	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1510	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1511	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1512	West Park No. 1
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To Be Assigned	\$119.45	To Be Assigned	05-1530	West Park No. 1
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To Be Assigned	\$119.45	To Be Assigned	05-1532	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1533	West Park No. 1
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To Be Assigned	\$119.45	To Be Assigned	05-1536	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1537	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1538	West Park No. 1
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To Be Assigned	\$119.45	To Be Assigned	05-1540	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1541	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1542	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1543	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1544	West Park No. 1

Exhibit "C"

Tax Roll Assessment
West Park No. 1 & 2 Park Construction
Fiscal Year 2005-06

To Be Assigned	\$119.45	To Be Assigned	05-1545	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1546	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1547	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1548	West Park No. 1
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To Be Assigned	\$119.45	To Be Assigned	05-1550	West Park No. 1
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To Be Assigned	\$119.45	To Be Assigned	05-1587	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1588	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1589	West Park No. 1

Exhibit "C"

Tax Roll Assessment West Park No. 1 & 2 Park Construction Fiscal Year 2005-06

To Be Assigned	\$119.45	To Be Assigned	05-1590	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1591	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1592	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1593	West Park No. 1
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To Be Assigned	\$119.45	To Be Assigned	05-15131	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15132	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15133	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15134	West Park No. 1

Exhibit "C"

Tax Roll Assessment
West Park No. 1 & 2 Park Construction
Fiscal Year 2005-06

To Be Assigned	\$119.45	To Be Assigned	05-15135	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15136	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15137	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15138	West Park No. 1
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To Be Assigned	\$119.45	To Be Assigned	05-15149	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15150	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15151	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15152	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-15153	West Park No. 1
To Be Assigned	\$119.45	To Be Assigned	05-1501	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1502	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1503	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1504	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1505	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1506	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1507	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1508	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1509	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1510	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1511	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1512	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1513	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1514	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1515	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1516	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1517	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1518	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1519	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1520	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1521	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1522	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1523	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1524	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1525	West Park No. 2

Exhibit "C"

Tax Roll Assessment
West Park No. 1 & 2 Park Construction
Fiscal Year 2005-06

To Be Assigned	\$119.45	To Be Assigned	05-1526	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1527	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1528	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1529	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1530	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1531	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1532	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1533	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1534	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1535	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1536	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1537	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1538	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1539	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1540	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1541	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1542	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1543	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1544	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1545	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1546	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1547	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1548	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1549	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1550	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1551	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1552	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1553	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1554	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1555	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1556	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1557	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1558	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1559	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1560	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1561	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1562	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1563	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1564	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1565	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1566	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1567	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1568	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1569	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1570	West Park No. 2

Exhibit "C"

Tax Roll Assessment
West Park No. 1 & 2 Park Construction
Fiscal Year 2005-06

To Be Assigned	\$119.45	To Be Assigned	05-1571	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1572	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1573	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1574	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1575	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1576	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1577	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1578	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1579	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1580	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1581	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1582	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1583	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1584	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1585	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1586	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1587	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1588	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1589	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1590	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1591	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1592	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1593	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1594	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1595	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1596	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1597	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1598	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-1599	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15100	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15101	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15102	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15103	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15104	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15105	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15106	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15107	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15108	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15109	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15110	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15111	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15112	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15113	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15114	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15115	West Park No. 2

Exhibit "C"

Tax Roll Assessment
West Park No. 1 & 2 Park Construction
Fiscal Year 2005-06

To Be Assigned	\$119.45	To Be Assigned	05-15116	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15117	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15118	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15119	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15120	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15121	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15122	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15123	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15124	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15125	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15126	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15127	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15128	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15129	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15130	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15131	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15132	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15133	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15134	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15135	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15136	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15137	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15138	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15139	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15140	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15141	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15142	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15143	West Park No. 2
To Be Assigned	\$119.45	To Be Assigned	05-15144	West Park No. 2

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-15-PARK
West Park No. 1 & 2 Park Construction
Fiscal Year 05-06

General Description

This Assessment District West Park No. 1 & 2 is located at the northeast corner of Visalia Parkway and Akers Street and east to Linwood Street. Exhibit "A" is a map of Assessment District 05-15-Park. This District includes the pocket park construction 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 total number lots within the district are 297.

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 benefit equally, including lots not adjacent to the pocket parks. All lots in the District derive a benefit from the nearby access to the various pocket parks.

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 Annual Portfolio rate plus 2%.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-15-PARK
West Park No. 1 & 2 Park Construction
Fiscal Year 05-06

The quantities and estimated costs are as follows:

Description	Unit	Amount	Cost per unit	Total Cost
POCKET PARK				
Construction Cost (landscaping)	Sq. Ft.	37,643	\$4.00	\$150,572.00
Construction Cost (Play ground equipment)	L.S.	1	\$100,000.00	\$100,000.00
Construction Cost (Amenities)	L.S.	1	\$30,000.00	\$30,000.00
Sidewalk	Sq. Ft.	4,520	\$3.00	\$13,560.00
Total Construction Cost				<u>\$294,132.00</u>
Design cost	%	1	3%	\$8,823.96
Construction Management	%	1	3%	\$8,823.96
Inspection fee 3% of estimate	%	1	3%	\$8,823.96
Overhead (including % of bonding amount per subdivision agreement)	%	1	15%	\$44,119.80
TOTAL OF CONSTRUCTION COST				<u>\$364,723.68</u>
Yearly payment from Amortization table (including interest over 20 years)				\$33,101.01
Project Management fee	per lot		\$8.00	
COST PER LOT	Lots	297		\$119.45

Exhibit "D"

Engineer's Report
 Landscape & Lighting Assessment District 05-15-PARK
 West Park No. 1 & 2 Park Construction
 Fiscal Year 05-06

Start Date of Loan	01/01/2006	Total Interest	\$ 297,296.45
Optional Extra Payments			

Lender Name: 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	\$ 364,723.68	\$ 33,101.01	\$ 33,101.01	\$ 9,393.97	\$ 23,707.04	\$ 355,329.71
2	01/01/2008	355,329.71	33,101.01	33,101.01	10,004.58	23,096.43	345,325.14
3	01/01/2009	345,325.14	33,101.01	33,101.01	10,654.87	22,446.13	334,670.26
4	01/01/2010	334,670.26	33,101.01	33,101.01	11,347.44	21,753.57	323,322.83
5	01/01/2011	323,322.83	33,101.01	33,101.01	12,085.02	21,015.98	311,237.80
6	01/01/2012	311,237.80	33,101.01	33,101.01	12,870.55	20,230.46	298,367.25
7	01/01/2013	298,367.25	33,101.01	33,101.01	13,707.14	19,393.87	284,660.12
8	01/01/2014	284,660.12	33,101.01	33,101.01	14,598.10	18,502.91	270,062.02
9	01/01/2015	270,062.02	33,101.01	33,101.01	15,546.98	17,554.03	254,515.04
10	01/01/2016	254,515.04	33,101.01	33,101.01	16,557.53	16,543.48	237,957.52
11	01/01/2017	237,957.52	33,101.01	33,101.01	17,633.77	15,467.24	220,323.75
12	01/01/2018	220,323.75	33,101.01	33,101.01	18,779.96	14,321.04	201,543.79
13	01/01/2019	201,543.79	33,101.01	33,101.01	20,000.66	13,100.35	181,543.12
14	01/01/2020	181,543.12	33,101.01	33,101.01	21,300.70	11,800.30	160,242.42
15	01/01/2021	160,242.42	33,101.01	33,101.01	22,685.25	10,415.76	137,557.17
16	01/01/2022	137,557.17	33,101.01	33,101.01	24,159.79	8,941.22	113,397.38
17	01/01/2023	113,397.38	33,101.01	33,101.01	25,730.18	7,370.83	87,667.21
18	01/01/2024	87,667.21	33,101.01	33,101.01	27,402.64	5,698.37	60,264.57
19	01/01/2025	60,264.57	33,101.01	33,101.01	29,183.81	3,917.20	31,080.76
20	01/01/2026	31,080.76	33,101.01	31,080.76	29,060.51	2,020.25	0.00

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-15-PARK
West Park No. 1 & 2 Park Construction
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
Assistant Director Engineering

RCE 50022

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

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

Agenda Item Wording: Authorization to record the final map for Parcel Map No. 2004-18, located at the southwest corner of Ferguson Avenue and Cain Street.

APN: 098-210-017

Deadline for Action: October 3, 2005

Submitting Department: Community Development and Public Works Department

Contact Name and Phone Number:

Andrew Benelli 713-4340
Greg Dais 713-4164

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Department Recommendation and Summary: The recommendation is that City Council approve the recordation of the final map for Parcel Map No. 2004-18 containing 3 single family lots. The developer for this parcel map is Jose and Romana Estrada. The cash payment of \$13,548.83, and final map are in the possession of the City. As authorized by State law, public street improvements to include street paveout on existing streets, sidewalk, sewer laterals, storm drain lateral, drop inlet, curb and gutter have been deferred until the first building permit.

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.

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 Cain Street (Collector). After construction, the City will be reimbursing approximately \$8,121.48 to the developer by giving a combination of fee credits for Transportation Impact Fees and cash payment.

Prior Council/Board Actions: On June 20 Council approved the formation of "Open Space District No. 88, Parcel Map No. 2004-18".

Committee/Commission Review and Actions: The tentative Parcel Map for Parcel Map No. 2004-18 was approved by Planning Commission on October 25, 2004 with the expiration date of October 25, 2006.

Alternatives: N/A

Attachments: Location sketch and subdivision map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to authorize recordation of the final map of Parcel Map No. 2004-18.

Financial Impact

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

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

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

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

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

Agenda Item Wording: "Authorization to bid the public improvements for Miscellaneous Sanitary Sewer Improvement Project without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 4311-00000-720000-0-9451-2005."

Deadline for Action: None

Submitting Department: Community Development
and Public Works

Contact Name and Phone Number:

David Jacobs 713-4492
Manuel Molina 713-4491

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 that the City Council authorize construction of the Miscellaneous Sanitary Sewer Improvements without the requirements for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 4311-00000-720000-0-9451-2005.

The projects are located through-out the City of Visalia in older annexed county islands where most of the homes in these neighborhoods have septic tanks /leach field systems, some of which are failing. The City recognizes the need to service these areas which have been annexed for over 10 years. In response, staff has completed design for these projects and is ready to be bid for construction.

Council is empowered to authorize the construction of capital improvement projects without the requirement of paying prevailing wage if only locally generated funds are used to pay for the project. In this case, the City will use locally generated wastewater operations funds to finance the project.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: None

Alternatives: Bid as prevailing wage project.

Attachments: Location Maps

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the bid for construction of the Miscellaneous Sanitary Sewer Improvement Project without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02. Project No. 4311-00000-720000-0-9451-2005.

Financial Impact

Funding Source:

Account Number: 4311-00000-720000-0-9451-2005

Budget Recap:

Total Estimated cost: \$ 496,000.00	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes___	No__X	

Copies of this report have been provided to:

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:

City of Visalia Agenda Item Transmittal

Meeting Date: September 19, 2005

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

Agenda Item Wording: Award a Construction Contract for the 2005 Major Street Overlays project (Court Street – Walnut Avenue to Caldwell Avenue, Linwood Street – Walnut Avenue to Caldwell Avenue and Akers Street – Tulare Avenue to Cypress Avenue) to Lee’s Paving, Inc. in the amount of \$769,448.00 and authorize an additional appropriation of \$120,000 from the Gas Tax Fund (1111); Project No. 1111-00000-720000-0-9225-2005

Deadline for Action: October 3, 2005

Submitting Department: Community Development & Public Works

Contact Name and Phone Number: Jim Funk, 713-4540;
David Jacobs, 713-4492

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 3

Department Recommendation and Summary: Staff recommends that the City Council award Lee’s Paving, Inc. the contract for the 2005 Major Street Overlays (Court Street – Walnut Avenue to Caldwell Avenue, Linwood Street – Walnut Avenue to Caldwell Avenue and Akers Street – Tulare Avenue to Cypress Avenue) for the amount of \$769,448.00 and authorize the additional appropriation of \$120,000 from the Gas Tax Fund (1111); Project No. 1111-00000-720000-0-9225-2005.

The 2005 Major Street Overlays project is an ongoing effort by the City to maintain major roadways in manner that extends the design life. In the past 12-18 months the City’s Street Department has made major repairs to Court Street between Walnut Avenue and Caldwell Avenue and along Akers Street between Tulare Avenue and Cypress Avenue. With the repairs complete, the roadways now need the additional asphaltic concrete (A.C.) cap to add structural strength to the roadway. The added A.C. cap will allow the streets to handle the increased traffic loads experienced as the City has grown. Linwood Avenue was designed for a future A.C. cap and now that the majority of the roadway’s frontage has been developed it is time to add the cap. The A.C. cap will allow the roadway to handle anticipated future traffic volumes without street structural failure.

In addition to the A.C. cap, the project will construct a concrete bus pad, curb and gutter at the intersection of Beech Avenue and Court Street. Currently, the roadway where City buses stop is broken due to the failure of the adjacent roll curb and gutter. Water that collects in the gutter finds its way through the broken gutter and into the street structural section. The water creates an unstable foundation whereby the A.C. surface breaks. Therefore, without repair of the curb and gutter and the construction of the bus pad the A.C. cap would fail in the future. Additionally,

on Akers Street the project will remove 3 trees and the concrete curb and gutter on the east side of Akers Street north of Tulare Avenue. Roots from the trees has uplifted the curb and gutter forcing water to stand in the gutter. The standing water finds a path to the roadway and underlying structural section causing the roadway to fail. New curb and gutter will be installed as part of the project. Once the project is complete new trees that have less invasive roots will be planted.

On September 8, 2005, the City opened three (3) bids submitted for the 2005 Major Street Overlays project. This project was advertised and bid as a prevailing wage project. The results of that bid-opening are as follows:

1. Lee's Paving, Inc.	\$769,448.00	Visalia, Ca
2. Seal Rite Paving	\$848,731.14	Clovis, Ca
3. Henderson Construction Co.	\$895,675.00	Fresno, Ca

The bid prices shown on the attached bid summary reflect the current market conditions for crude oil and oil products. Not only is asphalt more expensive to purchase, fuel costs associated with transportation of A.C. and concrete have increased as well as the cost to operate the milling equipment including trucking costs to remove the grindings. Based on uncertainty in the oil markets Staff recommends Council award the contract and approve additional appropriations to cover the bid amount. Prior to the rainy season, failure to add the A.C. cap may jeopardize the work City crew's have expended repairing the roadways.

The total cost of the project including project management, construction surveying, inspecting and testing is estimated to be \$800,000. The project funding is shown on the following table:

Project	Amount	Account	Proj. No.
2005 Major Street Overlays	\$ 666,000.00	Gas Tax (1111)	9225
Additional Appropriation	\$120,000.00	Gas Tax (1111)	

There are sufficient funds available in the FY '05/'06 Gas Tax Fund (1111) to appropriate to this project without affecting other approved projects.

Lee's Paving, Inc., a local contractor, has performed several Public Works contracts for the City of Visalia including prior overlay projects, the widening of Caldwell Ave. between West St. and Stonebrook St. and the widening of Akers Street adjacent to the CIGNA site.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: N/A

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

Attachments: Exhibit #1 (Location Map)
Exhibit #2 (Bid Results)

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to Award a Construction Contract for the 2005 Major Street Overlays project (Court Street – Walnut Avenue to Caldwell Avenue, Linwood Street – Walnut Avenue to Caldwell Avenue and Akers Street – Tulare Avenue to Cypress Avenue) to Lee’s Paving, Inc. in the amount of \$769,448.00 and authorize the additional appropriation of \$120,000.00 from the Gas Tax Fund (1111), Project No. 1111-00000-720000-0-9225-2005

Copies of this report have been provided to:

Financial Impact

Funding Source: 1111-00000-720000-0-9225-2005, Gas Tax Fund (1111)

Budget Recap:

Total Estimated cost:	\$786,000.00	New Revenue:	\$
Amount Budgeted:	\$666,000.00	Lost Revenue:	\$
New funding required:	\$120,000.00	New Personnel:	\$
Council Policy Change:	Yes_____ No <u>X</u>		

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

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

Agenda Item Wording: Adopt Resolution 05-134 authorizing the application for a grant from the Recreation Trails Program in the amount of \$179,000 to construct a twelve foot wide asphalt path along Packwood Creek between Tulare Ave. and south of Noble Ave.

Deadline for Action: September 19, 2005

Submitting Department: Park and Recreation Department

Contact Name and Phone Number: Paul Shepard- 713-4209
Don Stone, 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.):_1__

Department Recommendation and Summary: Staff recommends that the Council adopt Resolution 05-134 authorizing the application for a grant from the Recreation Trails Program in the amount of \$179,000 to construct a twelve foot wide asphalt path approximately one half mile along Packwood Creek between Tulare Ave. and south of Noble Ave. The California Parks and Recreation Department administers the grant program and funding is provided through the Transportation Equity Act for the 21st Century. Grant applications are due October 1, 2005 and, if successful, funding would be available after July, 2006.

The City recently completed acquisition of approximately 3.6 acres of conservation area along Packwood Creek between Tulare Ave. and Noble Ave. The proposed project will construct a multi-purpose trail on the north side of Packwood Creek and install additional landscaping, trash receptacles, and a bench. This project is part of the Waterway and Trail Master Plan to construct a multi-use trail along Packwood Creek. The long range goal is to continue the trail to connect the future community park site on Road 152. Several development projects are now being planned adjacent to the proposed trail.

Funding for the twenty percent match requirement will need to be appropriated from the Waterways Fund (1251) in the 2006-07 CIP budget. Staff will also be contacting potential partners such as the Park and Recreation Foundation, the Urban Tree Foundation, and others for matching and in-kind contributions.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: No action.

Attachments: Resolution, site map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to adopt Resolution 05-134 authorizing the application for a grant from the Recreation Trails Program in the amount of \$179,000 to construct a twelve foot wide asphalt path along approximately 3,050 ft of Packwood Creek.

Financial Impact

Funding Source: Waterway Fund
Account Number: 1251

Budget Recap:

Total Estimated cost: \$223,600	New Revenue:\$ 179,000
Amount Budgeted: \$	Lost Revenue:\$
New funding required:\$ 44,600	New Personnel:\$
Council Policy Change: Yes_____ No x	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA:

Required? Yes Completed

Review and
Action:

NEPA Review:

Required? Yes
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: 2005-134

RESOLUTION OF THE CITY COUNCIL OF CITY OF VISALIA APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM.

WHEREAS, the Transportational Equity Act for the 21st Century provides funds to the State of California for grants to state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail purposes; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing project application under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said applications(s) to the State; and

WHEREAS, the applicant will enter into an agreement with the State of California to complete the project(s);

NOW, THEREFORE, BE IT RESOLVED that the Visalia City Council hereby:

1. Approves the filing of an application for the Recreational Trails Program; and
2. Certifies that said applicant has or will have available prior to commencement of any work on the project(s) included in this application, sufficient funds to operate and maintain the project(s); and
3. Appoints the City Manager as agent of the City of Visalia to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

Approved and Adopted the _____ day of _____, 2005.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Certification of Negative Declaration No. 2005-79 prepared for the acquisition and development of 2.6 acre neighborhood park site at the Pheasant Ridge Subdivision and a 1.5 acre pocket park in Foxwood Unit 5 Subdivision, Resolution No. 2005-135 required.

Deadline for Action: September 19, 2005

Submitting Department: Parks & Recreation Department

Contact Name and Phone Number: Don Stone, 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.): 3

Department Recommendation and Summary: Staff recommends that the City Council certify Negative Declaration No. 2005-79 and the finding of no negative environmental impact for the acquisition and development of 2.6 acres neighborhood park at the Pheasant Ridge Subdivision and a 1.5 acre pocket park in Foxwood Unit 5 Subdivision. Both parks will include street improvements, landscape and irrigation, play equipment, picnic tables, benches and play area.

An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that environmental impacts are determined to be not significant, see attachment. The Notice of Intent to Adopt a Negative Declaration was mailed and published in the Visalia Times Delta on August 16, 2005 with the public comment period ending on September 8, 2005. The City received comments from California Regional Water Quality Control Board.

The properties are located on Ferguson Road in between Shirk Street and Akers Street. The first park, approximately 1.5 acres, will be located on Ferguson and Roeben Street in the Foxwood Subdivision. The second park, approximately 2.6 acres will be located on Ferguson Avenue in the Pheasant Ridge Subdivision. The General Plan Land Use Element (LUE) designates the site as Low Density Residential. The site is zoned R-1-6 (Residential / low density / minimum lot size 6,000 square feet). The proposed project is consistent with the Land Use Element of the General Plan. The land on the east and west of the subject property is designated for low density residential development. To the north of the property there is high density multi-family residential.

Prior Council/Board Actions: December 20, 2004, February 7, 2005 & February 22, 2005 Council meetings

Committee/Commission Review and Actions: Planning Commission approved Pheasant Ridge Tentative Subdivision Map; October 25, 2004
Park and Recreation Commission approved park site on November 16, 2004.

Alternatives:

Attachments: Resolution No. 2005-
Initial Study/Negative Declaration 2005-79
Assessor's Parcel Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to certify Negative Declaration No. 2005-79.

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:

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. 2005-135

**A RESOLUTION
OF THE VISALIA CITY COUNCIL
TO ADOPT NEGATIVE DECLARATION 2005-79**

WHEREAS, the City of Visalia has General Plan elements, specific plans, and redevelopment plans along with accompanying environmental impact reports (EIRs) which identify provisions to provide trails and open space for the use and enjoyment of the public, specifically the Conservation, Open Space, Park, and Recreation Element and EIR, and Land Use Element and EIR; and

WHEREAS, the proposed project will implement provisions of the General Plan and supporting provision of neighborhood parks and setbacks along waterways; and

WHEREAS, the proposed projects are funded through the Capital Improvement Program; and

WHEREAS, an Initial Study and a Negative Declaration were prepared, in accordance with the California Environmental Quality Act (CEQA), as amended, and City of Visalia Guidelines, which disclosed that no significant environmental impacts would result from this project; and

WHEREAS, commencing on August 16, 2005, the City noticed via a *Visalia Times-Delta* legal announcement a notice of intent to adopt the proposed Negative Declaration, its availability for review, and the public comment period; and

WHEREAS, no written comments were received; and

WHEREAS, the City Council reviewed and considered the Negative Declaration and comments on it; and

NOW, THEREFORE BE IT RESOLVED that the Visalia City Council makes the following specific findings based on the evidence presented:

1. The project is consistent with Visalia General Plan to provide parks, trails, and riparian setbacks.
2. The project is a funded Capital Improvement Program project.
3. A Negative Declaration was prepared for the proposed project, consistent with CEQA, as amended. Based on the whole record, there is no substantive evidence that the project will have a significant environmental impact.
4. The Negative Declaration reflects the City's (Lead Agency's) independent judgement and analysis.

5. There is no evidence before the City Council that the project will have any potential for adverse effect on wildlife resources, as defined in Section 711.2 of the State Department of Fish and Game.

NOW, BE IT FURTHER RESOLVED that the Visalia City Council, based on the specific findings and evidence presented, considered the Negative Declaration together with comments and hereby certifies Negative Declaration No. 2005-79 on the basis of the Initial Study and comments received that there is no substantial evidence that the project will have a significant impact on the environment.

The record of this proceeding is located in the City Clerk's Office located at 707 W. Acequia Ave.

PASSED AND ADOPTED:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk): 7k1

Agenda Item Wording: Request authorization to file a Notice of Completion for Northgate Estates, containing 16 family lots and one common lot, located north of Ferguson Avenue between Linwood Street and Akers Street.

Deadline for Action: None

Submitting Department: Community Development & Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Norm Goldstrom – 713-4638

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1 Min.

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Roger J. Wigboldy. Roger J. Wigboldy has submitted a cash payment for maintenance in the amount of \$5,304.00 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of August 16, 2004.

Committee/Commission Review and Actions: The tentative subdivision map for Northgate Estates was approved by Planning Commission on December 10, 2001.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Northgate Estates.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk): 7k2

Agenda Item Wording: Request authorization to file a Notice of Completion for Hidden Acres, containing 9 single family residential lots and a 10th lot for existing church facility, located 1,200 feet west of the intersection of Caldwell Avenue and Akers Street on the north side of Caldwell Avenue.

Deadline for Action: None

Submitting Department: Community Development & Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Norm Goldstrom – 713-4638

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1 Min.

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Blain Construction Inc. Blain Construction Inc. has submitted a maintenance bond in the amount of \$10,546.50 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of September 2, 2003 and the amended final map was approved by Council on February 2, 2004.

Committee/Commission Review and Actions: The tentative subdivision map for Hidden Acres was approved by Planning Commission on December 9, 2002.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Hidden Acres.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk): 7k3

Agenda Item Wording: Request authorization to file a Notice of Completion for La Valencia Subdivision, containing 38 lots, located on the west side of Linwood Street between Ferguson Avenue and Riggin Avenue.

Deadline for Action: None

Submitting Department: Community Development & Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 73-4340
Norm Goldstrom – 713-4638

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1 Min.

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Mangano Homes with a signed agreement on October 22, 2003. On November 11, 2003 Fred Machado bought La Valencia Subdivision from Mangano Homes and has submitted a maintenance bond in the amount of \$35,650.00 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of October 20, 2003.

Committee/Commission Review and Actions: The tentative subdivision map for La Valencia was approved by Planning Commission on June 23, 2003.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for La Valencia Subdivision.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk): 7k4

Agenda Item Wording: Request authorization to file a Notice of Completion for Cobblestone Estates II Unit No. 1, containing 27 lots, located West of Linwood Street, South of Ferguson Avenue.

Deadline for Action: None

Submitting Department: Community Development & Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Norm Goldstrom – 713-4638

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1 Min.

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Westland Development Company. Westland Development Company has submitted a maintenance bond in the amount of \$6,772.14 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of October 6, 2003.

Committee/Commission Review and Actions: The tentative subdivision map for Cobblestone Estates II Unit No. 1 was approved by Planning Commission on August 11, 2003.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Cobblestone Estates II Unit No. 1.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk): 7k5

Agenda Item Wording: Request authorization to file a Notice of Completion for Cobblestone Estates II Unit No. 2, containing 23 lots, located Northwest corner of Linwood Street and Houston Avenue.

Deadline for Action: None

Submitting Department: Community Development & Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Norm Goldstrom – 713-4638

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1 Min.

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Westland Development Company. Westland Development Company has submitted a maintenance bond in the amount of \$7,588.35 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of April 5, 2004.

Committee/Commission Review and Actions: The tentative subdivision map for Cobblestone Estates II Unit No. 2 was approved by Planning Commission on August 11, 2003.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Cobblestone Estates II Unit No. 2.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk): 7k6

Agenda Item Wording: Request authorization to file a Notice of Completion on Project No. 3011-720000-0-0-9141-2005 for the New Irrigation Well at the Riverway Sports Park

Deadline for Action: September 19, 2005

Submitting Department: Parks and Recreation Department

Contact Name and Phone Number: Don Stone, 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.): 5 min.

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion for the New Irrigation Well at the Riverway Sports Park. All the work has been completed on this project by the contractor, Arthur & Orum Well Drilling at a final cost of \$132,305. The contract amount for this job was \$125,260.00. There was one change order on the project for \$10,045. This was a result of a recommendation by the project engineer to increase the depth of the well an additional 30 feet to ensure sufficient water production. The irrigation demand for the first phase of the park requires a minimum of 1,350 gallons per minute flow. This well is expected to produce approximately 1,500 gallons per minute.

The additional \$10,045 will come from the Visalia Riverway Sports Park fund.

Prior Council/Board Actions: Award of contract April 27, 2005

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Location Sketch

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby move to authorize the filing of Notice of Completion for Project No. 3011-720000-0-0-9141-2005 for the New Irrigation Well at the Riverway Sports Park.

Financial Impact

Funding Source:

Account Number: 3011-720000-0-0-9141-2005 (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk): 71

Agenda Item Wording: Award Contract for the Ferguson Avenue Traffic Signal Modification project (intersection of Ferguson Ave. and Dinuba Blvd) to Lockwood General Engineering Inc, for the bid price of \$79,571.60. Project No. 1611-72-0-0-9524-2002.

Deadline for Action: October 6, 2005 (30 days after bid opening)

Submitting Department: Community Development
and Public Works

Contact Name and Phone Number:
David Jacobs 713-4492

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 2 min.

Department Recommendation and Summary: Staff recommends that the City Council award Lockwood General Engineering, Inc. the contract for the Ferguson Avenue Traffic Signal Modification project (intersection of Ferguson Ave. and Dinuba Blvd) in the amount of \$79,571.00. Project No. 1611-72-0-0-9524-2002.

This project is located at the intersection of Ferguson Avenue and Dinuba Boulevard (State Route 63). The project consists of moving the curb return at the southeast corner back 10 feet and installing protected left turn phasing on Ferguson Avenue.

This project is being done as a safety project at the request of Caltrans. With the development of the bank at the southeast corner of the intersection Caltrans requested the curb return at the southeast corner be relocated to accommodate truck turning movements and to install protected left turn signals on Ferguson Avenue. This project finalizes the intersection and makes it safer for all travelers.

On September 6, 2005 the City opened three (3) bids. The results of the bid opening are as follows:

- | | | |
|----|--|--------------|
| 1. | Lockwood General Engineering (Visalia) | \$ 79,571.00 |
| 2. | A-C Electric (Visalia) | \$120,000.00 |
| 3. | Central Valley Asphalt (Lindsay) | \$145,460.00 |

The engineers estimate for the project is \$59,000.

The principals of Lockwood General Engineering, Inc. are Tom and Nancy Lockwood.

Lockwood General Engineering has completed several projects for the City including the Downtown Pedestrian Corridor, Dinuba Sidewalks, and Garden Street Plaza. All projects were completed and the performance has been satisfactory on each project.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: None

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

Attachments: Location Map. Intersection layout, and Bid Opening Spreadsheet

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to award a contract to Lockwood General Engineering for the Ferguson Avenue Traffic Signal Modification (intersection of Ferguson Ave. and Dinuba Blvd) in the amount of \$79,571.00. Project No. 1611-72-0-0-9524-2002

Financial Impact

Funding Source:
Account Number: 1611-00000-720000-0-9524-2002

Budget Recap:

Total Estimated cost: \$ 85,000	New Revenue:	\$
Amount Budgeted: \$ 200,000	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes___	No__X	

Copies of this report have been provided to:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: September 19, 2005

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

Agenda Item Wording: Reject all bids for the Oak Avenue Street Improvement Project, Santa Fe to Tipton Streets. Project No. 1111-720000-0-0-9682-2005.

Deadline for Action: September 19,2005 (30 days after bid opening)

Submitting Department: Community Development
and Public Works

Contact Name and Phone Number:

David Jacobs 713-4492
Manuel Molina 713-4491

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 that the City Council reject all bids for the Oak Avenue Street Improvement Project, Santa Fe to Tipton Streets. Project No. 1111-720000-0-0-9682-2005. Staff had bid this project to complete the street improvements well ahead of completion of the new Chamber of Commerce Building. However, the California Public Utilities Commission has raised concerns regarding the Oak Street design that will necessitate an extended permitting process. Staff recommends that this bid not be awarded until the process is complete and the CPUC permit is obtained.

As part of its 2004-2005 fiscal year Capital Improvement Program the City budgeted to construct Oak Avenue from Santa Fe Street to Tipton Street to facilitate development of that block. Through out the project design stage the City worked closely with San Joaquin Valley Railroad (SJVR) and Railroad Controls Limited (RCL) which was the maintenance contractor for SJVR. RCL committed to all aspects of construction for the track upgrade including the permit process which required approval by the California Public Utilities Commission (CPUC).

In July of 2005, Quality Signal Construction became the new maintenance contractor for SJVR and informed the City that they would not handle the permit process with the PUC. Subsequently the City met with SJVR and PUC staff in August of 2005, to discuss the Oak Avenue project and initiate the process to obtain approval from the PUC for construction. On September 9,2005, the City received notification from PUC staff declining the City's informal 88-B application and requested for the City to submit a formal Rule 38 application which requires a traffic engineering study of the rail corridor and a minimum of 45 days for review.

On August 4,2005 concurrent with applying to PUC for approval of the 88-B application, the City advertised to bid the Oak Avenue Street Improvement Project. On August 18,2005 the City

opened (6) bids submitted for the Oak Avenue Street Improvement Project. The results of the bid opening are as follows:

1. Seal Rite Paving Company	Clovis, CA	\$ 245,578.26
2. Central Valley Asphalt	Lindsay, CA	\$ 270,971.00
3. Dunn's Sand, Inc.	Visalia, CA	\$ 286,455.50
4. Lockwood General Engineering, Inc.	Visalia, CA	\$ 324,676.36
5. JVD, Inc.	Visalia, CA	\$ 352,374.00
6. Lee's Paving, Inc.	Visalia, CA	\$ 478,365.00

The Engineers Estimate for this project including project management, inspecting and testing was estimated to be \$ 247,920.00.

Due to the extensive time frame the PUC requires to review the formal application, the City has no alternative but to reject all bids pending PUC approval. The project will re-bid in 60-90 days pending the outcome of the PUC application. The new schedule will place the completion date for the improvements at about late February 2006. The Chamber Building is expected to be completed and occupied around March 1,2006. Staff will be monitoring the time line of the PUC application. In case the PUC cannot act on the application in a timely manner, staff will set a date to bid a smaller alternative project that will construct Santa Fe and Tipton Streets in time to facilitate the new Chamber of Commerce Building.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: None

Alternatives: None recommended

Attachments: Exhibit #1 (Location Map) and Exhibit #2 (Site Detail)

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to reject all bids for construction of the Oak Avenue Street Improvement Project, Santa Fe to Tipton Streets. Project No. 1111-720000-0-0-9682-2005.

Copies of this report have been provided to:

Financial Impact

Funding Source:

Account Number: 1111-720000-0-0-9682-2005

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$ 440,000	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes___	No__ <u>X</u>

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:

City of Visalia Agenda Item Transmittal

Meeting Date: September 19, 2005

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

Agenda Item Wording: Award a contract for the Akers Street Improvements from Caldwell Avenue to Whitendale Avenue to the low bidder R. J. Berry Jr., Inc. in the amount of \$1,218,692.25. Project # 1241-720000-0-0-9263-2000.

Deadline for Action: October 13, 2005 (30 days after bid opening)

Submitting Department: Community Development & Public Works

Contact Name and Phone Number: David Jacobs 713-4492, Jim Funk 713-4540, Fred Lampe 713-4270

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Department Recommendation and Summary: The Community Development and Public Works Department recommends that the City Council award a contract for the Akers Street Improvements from Caldwell Avenue to Whitendale Avenue to the low bidder R. J. Berry Jr., Inc. of Selma, Ca. in the amount of \$1,218,692.25 and authorize additional funds in the amount of \$430,000.00 for this Project # 1241-720000-0-0-9263-2000.

The project will improve the half mile portion of Akers Street between Caldwell Avenue and Whitendale Avenue from a two lane undivided arterial to a four lane divided arterial. Existing narrow roadway sections will be widened to their ultimate width and curb and gutter added. Median islands with street lighting will be constructed through out the entire length of Akers Street from Caldwell Avenue to Whitendale Avenue. Storm drains will be installed and sub standard pavement replaced. The traffic signals at the intersection of Akers Street and Caldwell Avenue will be modified to accommodate the wider roadway and new lane configuration.

An alternate has been added to this project to repair street damage caused by a leaking sewer pipe. Portions of Akers Street in and north of the Whitendale intersection have subsided. The cause is a 12" sewer pipe leaking and undermining the pavement. The pipe will be repaired and the street will be re-compacted and re-paved. The damage to the pipe may have been caused by an SBC project. Staff is presently negotiating with SBC for compensation.

On September 13, 2005 the City opened five bids submitted for the Akers Street Improvements from Caldwell Avenue to Whitendale Avenue. The results of the bid opening are as follows:

	Base Bid	Alternate	Total
1. R. J. Berry Jr., Inc.	\$1,148,242.25	\$70,450.00	\$1,218,692.25
2. Construction Development Sys.	\$1,222,645.50	\$54,409.00	\$1,277,054.50
3. Seal Rite Paving Company	\$1,295,146.64	\$55,249.98	\$1,350,393.62
4. Lee's Paving	\$1,336,323.00	\$71,633.00	\$1,407,956.00
5. Don Berry Construction, Inc.	\$1,353,660.00	\$69,904.00	\$1,423,564.00
Engineer's Estimate	\$1,094,507.00	\$50,266.00	\$1,144,773.00

The cost of this project has increased with the rising oil and material prices which have spiked with Hurricane Katrina. The price of asphalt, with petroleum as a major component, has increased significantly in the last month.

Currently \$974,000 is budgeted in the transportation impact fund (1241) for the project. An additional \$430,000 will be required to complete the project. (\$1,218,692.25 for the contract and \$185,307.75 for signal poles, construction staking, project management, testing, Inspection, and contingencies.) Staff recommends the additional funds come from both the available balance in the transportation impact fund (1241) in the amount of \$359,550.00 and, for the sewer repair, the wastewater enterprise fund (4311) in the amount of \$70,450.00.

R.J. Berry Jr., Inc. has been in business since 1983. They have a proven record of satisfactorily completing paving projects for the City of Visalia. Some recent examples include widening Ben Maddox from Caldwell to K Road, McAuliff improvements at Golden West High School, and Akers widening at El Diamante High School just north of this project.

R. J. Berry Jr., Inc. is a California Corporation. The president is Robert J. Berry Jr., vice president is Paul D. Bibb, and secretary-treasurer is Linda J. Berry. There are no other directors and no other stockholders owning more than 10% equity interest in the corporation.

Prior Council/Board Actions: City Council Certified the Mitigated Negative Declaration prepared for the Akers Street Widening with Resolution 2000-16 on April 3, 2000.

Council approved several property purchases for additional right of way for both Akers Street and Caldwell Avenue from June 2001 to May 2004.

Council authorized staff to bid this project as a non-prevailing wage project on June 6, 2005.

Committee/Commission Review and Actions:

Alternatives: Do not award contract.

Attachments: Location Map and Bid Opening Spreadsheets

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to award a contract for construction of the Akers Street Improvements from Caldwell Avenue to Whitendale Avenue to the low bidder R. J. Berry Jr., Inc. in the amount of \$1,218,692.25 and authorize additional funds in the amount of \$430,000.00 for this Project # 1241-720000-0-0-9263-2000

Financial Impact

Funding Source:

Account Number: 1241 (Transportation Impact)
4311 (Wastewater Enterprise)

Budget Recap:

Total Estimated cost:	\$1,404,000	New Revenue:	\$
Amount Budgeted:	\$974,000	Lost Revenue:	\$
New funding required:	\$430,000	New Personnel:	\$
Council Policy Change:	Yes ___	No	<u>X</u>

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior: Negative Declaration - 2000
Required: None

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 19, 2005

Agenda Item Number (Assigned by City Clerk): 70

Agenda Item Wording: Request authorization for staff to submit project applications for Transportation Enhancement (TE) Program federal funding. Resolution 2005-141 required.

Deadline for Action: September 19, 2005

Submitting Department: Community Development

Contact Name and Phone Number: Michael Olmos 713-4332 or Michael Carr 713-4595.

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:

Authorize staff to submit applications for Transportation Enhancement (TE) Federal grant funding to the Tulare County Association of Governments (TCAG).

The Engineering and Parks and Recreation Divisions are preparing grant applications to submit to TCAG to be considered for funding. The applications are due by 12:00 p.m. September 23, 2005. A Resolution from the governing board in support of the projects is required before TCAG will take action to program a project in the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP). The projects are to be programmed over two fiscal years, 2009/10 and 2010/11, with approximately \$860,000 available in each year. Federal Fiscal Years run from October 1 through the following September 30. The projects are programmed according to ranking, as well as an effort to get the most benefit to the people of our County from the limited funding available.

TE projects must be selected from one or more of the twelve activities categories. Only those activities listed in U.S. Code, Title 23 Section 101(a) are eligible to be accounted for as Transportation Enhancement activities. The funded activities must be accessible to the general public or targeted to a broad segment of the general public.

The twelve categories are:

1. Provision of facilities for pedestrians and bicycles
2. Provision of safety and educational activities for pedestrians and bicyclists
3. Acquisition of scenic easements and scenic or historic sites
4. Scenic or historic highway programs (including the provision of tourist and welcome center facilities)
5. Landscaping and other scenic beautification
6. Historic preservation
7. Rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals)

8. Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails)
9. Control and removal of outdoor advertising
10. Archaeological planning and research
11. Mitigation of water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity
12. Establishment of transportation museums.

Below is the list of projects that staff proposes to submit for possible funding under the TE program. They are not listed by priority or in any specific order. Each project will be considered for TE funding on its own merits as judged by the TCAG rating committee. TE projects require a 11.53% minimum local funding match. The City will provide matching funds from the Transportation Fund, General Fund, or Waterways/Trails Funds based upon the type of project(s) programmed.

1. Main Street Lighting - Willis to Santa Fe Street
(\$407,00 Fed. + \$53,000 local = \$460,000 Total)

The proposed transportation enhancement project will replace tall, obsolete street lights on Main Street with modern metal halide lights on nostalgic, antique-style poles. The look will enhance Main Street and give it a "special" appearance by having something that "looks" old, but functions much better than what is currently in place. The lights will be very similar, if not the same, as the ones that were recently installed downtown by the Transit Center to Main Street Pedestrian Corridor TE project.

2. Downtown Civic Center Enhancement Project
(\$440,000 Fed. + \$60,000 local = \$500,000 Total)

The proposed transportation enhancement project is to install decorative street lights, benches and landscaping along the streets surrounding the new Civic Center to be built downtown. The project would make the area more attractive and pedestrian-friendly by creating a nicer place to walk, and providing a physical link to the Transit Center and the downtown commercial area. Trees would provide shade, and benches would give pedestrians a place to rest and enjoy the area.

3. Santa Fe Street Enhancement Project
(\$180,500 Fed. + \$24,500 local = \$205,000 Total)

Trees would be planted along the sidewalks on Santa Fe between Murray Avenue and Main Street. The project would include cutting the existing sidewalks in order to plant new trees and install a drip irrigation system. The project also includes the installation of decorative street lights, benches, and trash receptacles, as well as a new sidewalk on the west side of Santa Fe between Murray and Oak Street. This project will be greatly appreciated by transit users walking to and from the Transit Center.

4. Houston Avenue Bike/Pedestrian Path
(\$252,000 Fed. + \$27,000 local = \$285,000 Total)

Houston Avenue between Ben Maddox and Lovers Lane has sections of a 10-foot wide Class 1 bicycle and pedestrian path currently in place. This project would purchase the right-of-way and complete approximately 2,600 lineal feet of the path, making it usable for commute trips to work and schools and for recreation. There are five schools that would benefit greatly from the path being complete.

5. Goshen Bike Path Landscaping between Demaree and Akers
(\$86,700 Fed. + \$11,300 local = \$98,000 Total)

The Goshen Avenue Bike Path project has proven to be a widely-used amenity for recreation and commute trips to work and school. The path is away from traffic and has trees and benches along some areas. However, the mile-long section between Demaree and Akers Street is notably lacking landscaping and benches. This transportation enhancement project would landscape approximately 4,500 feet of path along the south side with trees and irrigation. Two new benches will also be added.

6. Median and Crosswalk on Main Street at Fairway/Divisadero
(\$88,000 Fed. + \$12,000 local = \$100,000 Total)

This project would build a 580-foot-long raised median on Main Street with an at-grade pedestrian cut for a crosswalk connecting Fairway Street on the north and Divisadero Street on the south. The median would allow for a safe pedestrian crossing on Main Street by providing a refuge for people to cross one direction of traffic at a time. There are currently no marked crosswalks on Main St. between Mooney Blvd. and Giddings St., a half-mile section. The crossing would also tie in with a riparian area trail following the course of Mill Creek. Fairway and Divisadero are already signed for no left turn onto Main Street.

7. Scenic Corridor Property Acquisition
(\$500,000 Fed + \$65,000 local = \$565,000 Total)

This project would acquire approximately 5 acres of freeway frontage property along SR 198 in the area of the Shirk interchange for the purpose of establishing a native-growth setback area. The area would be landscaped with Valley Oak riparian woodland plantings preserving a piece of the Visalia scenic corridor. The land is currently zoned for agriculture use.

8.* Packwood Creek Pedestrian/Bike Path

This project would continue work that the City has already begun creating a pathway along Packwood Creek. Staff will further define sections of this path that can be applied for as stand-alone projects to better serve the community. Several different TE projects will be developed as physical limits and dollar amounts are determined for each.

9.* Mill Creek Pedestrian/Bike Path

This project would continue work that the City has already begun creating a pathway along Mill Creek. Staff will further define sections of this path that can be applied for as stand-alone projects to better serve the community. Several different TE projects will be developed as physical limits and dollar amounts are determined for each.

* Projects 8 and 9 will be clearly defined in the applications that are submitted to TCAG, and may consist of more than one project apiece. The City of Visalia has been successful in applying for pedestrian/bike path projects before, having been awarded grants to put in a path on the south side of Packwood Creek from County Center Street to approximately 1,000 feet east of Mooney Blvd, and along Santa Fe Street from Tulare Avenue to Avenue 272. Both of those projects are scheduled to begin in the next fiscal year.

The City of Visalia has successfully competed for TE funding for recent projects such as the Garden Street Pedestrian Plaza (completed summer 2003), Tree planting on Major Travel Corridors (completed spring 2005), and the Transit Center to Main Street Downtown Pedestrian Corridor (completed summer 2005).

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: Pay the entire amount of the proposed projects without seeking Federal funds, do not do the projects, or revise the list of the projects for funding consideration.

Attachments:

City Manager/Executive Director Recommendation:

Recommended Motion (and Alternative Motions if expected):
I move that the City Council grants authorization for staff to submit project applications for Transportation Enhancement (TE) Program federal funding.

Financial Impact

Funding Source: None needed until one or more of the projects are approved by TCAG.

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$N/A New Revenue: \$N/A

Amount Budgeted: \$N/A Lost Revenue : \$N/A

New funding required:\$N/A New Personnel: \$N/A

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: Will be required for any projects that are programmed for funding.

Required? Yes No

Review and Action: Prior:
Required:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Resolution 2005-136 , Authorizing the formation of Underground Utility District No. 16 - Dinuba Boulevard between Houston Avenue (approximately 100 feet north of) and Riverway Drive (Avenue 316.)

Deadline for Action: none

Submitting Department: Community Development and Public Works

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

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 10 min

Department Recommendation:

City Staff recommends adopting Resolution 2005-136 authorizing the formation of Underground Utility District No. 16 – North Dinuba Boulevard between Houston Avenue (approximately 100 feet north of) and Riverway Drive (Avenue 316.)

Department Summary:

Staff is recommending the next underground utility district (UUD 16) be North Dinuba Boulevard (approximately Houston Avenue to Riverway Avenue) based on the following justifications: 1) criteria for using Rule 20A (Southern California Edison) funds is met in multiple categories (heavily traveled, arterial status roadway (State Route 63) and passes through a recreational area, 2) the necessary right of way is available to construct the underground district, 3) timing; the underground district is scheduled for completion in March 2007 which is around the time the first phase of the Riverway Sports Park should be completed and 4) there are sufficient Rule 20A funds available to construct the project.

Underground Utility District No. 16 will remove the overhead lines and poles and prohibit future poles and overhead lines along North Dinuba Boulevard (SR63) from Riverway Drive to just north of Houston Avenue. The relocation of the overhead facilities to underground will be completed by March 31, 2007. Funds necessary to underground the utilities come from Rule 20A funds (S.C.E.) and other accounts held by the individual utility companies for placing overhead wires underground and removing poles.

Criteria used to determine the appropriateness of North Dinuba Boulevard as an underground district are that it is a major roadway (City arterial status/State route) and a portion of the district is adjacent to a recreational facility. Specifically, the underground district covers the poles and overhead lines adjacent to the City's Riverway Sports Park complex. Once completed, the project will clean up the North Dinuba Boulevard entryway to the City and the entry way to the

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sports park complex by removing all poles and overhead lines that presently occupy the frontage. Originally, staff had considered relocating the overhead lines and poles to behind curb. However, with the formation of the underground district, the funds (approximately \$100,000) the City had programmed to relocate the current poles to a location behind the future curb and gutter can now be redirected to defray costs of the on-site sports park improvements.

Currently, there are overhead facilities from a point approximately 300 feet south of Vine Avenue to Riverway Drive and continuing north of the City limits. The addition of the area between Vine Avenue and north of Houston Avenue into the underground district will prohibit future location of utility poles and above ground lines where none currently exist. The underground district would include the Southern California Edison lines along Dinuba Boulevard that are 50kv and under. However, due to cost considerations, at the intersection of Riggan Avenue there are 66kv S.C.E. lines that cross over North Dinuba Boulevard that will remain overhead. Lines above 50kv will be excluded from the underground utility district. Additionally, S.B.C. and Comcast are required to underground all of their facilities within the district at their cost. As a result, all overhead lines along North Dinuba Boulevard in the project area, excepting the 66kv lines crossing Dinuba Boulevard at Riggan Avenue, will be placed underground with the underground district project.

Southern California Edison's "Order of Magnitude" estimated cost to underground the overhead lines and services is \$2.5M. There would be an additional \$850K necessary to cover the 66kv Riggan Avenue crossing. Due to the high costs associated with placing high voltage wires underground, staff is recommending only lines 50kv and below be placed in the district. Based on staff's recommendation, there would be no costs levied to the residential or commercial properties along the district. Preliminary analysis notes two (2) residential customers and four (4) commercial customers that would require having their overhead service and panel converted to underground service. Estimates, based on similar work constructed recently are in the \$15,000 range to convert all six (6) users. Recent changes in the Rule 20A program allow the Rule 20A fund to cover the costs of converting residential and commercial users from overhead service to underground service. Prior to the change, the Rule 20A funds could only be used to convert the first 100 feet of aerial line going onto a customer site. Therefore, staff recommends all costs, including conversion from overhead service to underground service for the affected users, be funded from the City's Rule 20A account.

Prior City Councils have approved fourteen (15) underground districts within the City with the last underground district formed in 1996-1998 for the SR198 project. The Rule 20A was suspended during the early 2000's, primarily due to the energy crisis, but is now available for City use. Presently, the City has a Rule 20A account balance in excess of \$2M with annual allocations of approximately \$317K. The amount accrued is based on the number of overhead services within the City of Visalia with the funds being held in an account overseen by S.C.E. Given the estimated 12-18 month time to design and construct the underground district there should be sufficient funds to cover costs to form and construct the underground district. In the event there are insufficient funds the program allows the City to mortgage five (5) years of future estimated funds (which equals approximately \$1.5M.)

Since Dinuba Boulevard is State Route 63 (TUL 63) staff is coordinating the underground district with Caltrans' District 6 office along with the HLA Group and Harris and Associates who are involved with the design and construction of the Riverway Sports Park Complex. Additionally, the City continues to coordinate the underground utility district with local representatives of S.C.E., S.B.C. and Comcast to minimize impacts to the opening of the sports park.

Prior Council/Board Actions: none

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Committee/Commission Review and Actions: none

Alternatives: none recommended

Attachments: 1.) Resolution 2005-
2.) Location map

City Manager/Executive Director Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to adopt Resolution 2005-136
authorizing the formation of Underground Utility District No. 16 – North Dinuba Boulevard between Houston Avenue (approximately 100 feet north of) and Riverway Drive (Avenue 316.).

Copies of this report have been provided to: Mark Nail, Southern California Edison

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Funding Source: Southern California Edison Rule 20A Fund

Account Number: (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$2.5M

Amount Budgeted: \$

New funding required:\$

Council Policy Change: Yes No

New Revenue: \$

Lost Revenue : \$

New Personnel: \$

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Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Tracking Information: *Record Resolution with Tulare County Recorder*

Resolution No. 2005 - 136

Authorizing the formation of Underground Utility District No. 16

BE IT RESOLVED by the Council of the City of Visalia as follows:

WHEREAS, a public hearing was noticed for September 19, 2005, at the hour of 7:00 P.M., in the Council Chambers in the City Hall, Visalia, California, to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles, overhead wires and facilities for supplying electric, communication, or other similar or associated services, within that certain area of the City described as follows:

Being a portion of the West half of Sections 17 and 20 and the East half of Sections 18 and 19, Township 18, Range 25, M.D.B. & M., in the City of Visalia, County of Tulare, State of California, described as a strip of land 130 feet in width lying 87 feet West of the East section line of Said Sections 18 and 19, and 43 feet East of the West section line of Said Sections 17 and 20 from the Southeast corner of Said Section 19 to the Northeast corner of Said Section 18 with all measurements made at right angles to the reference line.

Excepting the south 100 feet of Said Sections 19 and 20.

WHEREAS, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and to all utilities concerned in this matter, and within the time required by law; and

WHEREAS, such hearing has been duly and regularly held, and all persons interested have been given the opportunity to be heard; and

WHEREAS, Underground Utility District No. 16 will exclude all lines over 50,000 volts; and

WHEREAS, pursuant to Southern California Edison's approved Advice 1399-E, Rule 20A funds will be used for the conversion of affected property owners meter panels from overhead to underground service. The cost of such meter conversions using Rule 20A funds shall be limited to existing meters and shall not include permit fees and any upgrades requested by affected property owners; and

WHEREAS, the proposed project relates to the replacement and reconstruction of existing utility systems described in "Class 2" of the categorical exemptions under the State CEQA Guidelines and the Local CEQA Guidelines and is therefore exempt from the requirement for preparation of environmental documents.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Visalia, now and forever, that pursuant to Chapter 13.24 of the Municipal Code of the City of Visalia, the above described area is hereby declared an Underground Utility District, and is designated as Underground Utility District No. 16 of the City of Visalia. Attached hereto, marked "Exhibit A," and hereby incorporated as part of this resolution is a map delineating the boundaries of Said District.

September 16, 2005
4:52 PM

RESOLVED FURTHER, that the Council of the City of Visalia does hereby fix March 31, 2007 as the date on which affected property owners must be ready to receive underground service and does hereby order the removal of all poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service within Underground Utility District No. 16 on or before March 31, 2007.

RESOLVED, FURTHER, that the City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within Underground Utility District No. 16 of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that if they or any person occupying such property desires to continue to receive electric, communication or other similar or associated service, they or such occupant shall, by the date fixed in this Resolution, provide all necessary changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this Resolution together with a copy of Chapter 13.24, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

RESOLVED, FURTHER, that the Council of the City of Visalia hereby finds and determines as follows:

The Underground Utility District No. 16 herein created is in the general public interest for the following reasons:

- a) Dinuba Boulevard is a State Highway that is "heavily traveled."
- b) Dinuba Boulevard is designated in the City's adopted Circulation Element as an "arterial" status roadway.
- c) The overhead lines pass through the site of the City's Riverway Sports Park complex, a "recreational" facility.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording:

- a) Certify Negative Declaration No. 2005-090. **Resolution 2005-138 required.** (A separate Motion by the Council is required.)
- b) Initiation of proceedings of Annexation No. 2005-09 (Walnut-McAuliff SE): a request by Alvern M. and Linda L. Sousa, applicants (Branum Group, agent) to annex one parcel totaling 53.16 acres into the City limits of Visalia. The project is located on the southeast corner of Walnut Avenue and McAuliff Street, City of Visalia, County of Tulare. (APN: 127-030-046) **Resolution No. 2005-139 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. 2005-090, then initiate a 53.16-acre annexation that will bring vacant land planned for the development of a single-family residential subdivision into the City limits. If approved by Council, Staff would then file an application for annexation with the Local Agency Formation Commission (LAFCO).

Annexation No. 2005-09 (Walnut-McAuliff SE) is an approximately 53.16-acre annexation of privately-owned property located on the southeast corner of Walnut Avenue and McAuliff Street. The site contains land that has been used for agricultural row crops, but is now vacant. There is one rural residence with accessory structures located on approximately 2 acres on the northern portion of the site. Two large oak trees are located in the center and at the southeast corner of the site. To the north, there is an existing subdivision within the City limits containing custom homes. Property located to the west was approved for single-family residential development in 2004. A pending request to re-subdivide this land for a planned residential redevelopment will be considered by the Planning Commission in October 2005. Property located to the south is anticipated to be developed as single-family residences in the near future. A separate

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By author: Brandon Smith

File location and name: H:\(1) AGENDAS for Council\091905\Item 12 Annex 2005-09.doc

annexation request has been filed for property to the south, with a public hearing to the City Council anticipated in November 2005. Staff has no knowledge of any development plans for property to the east, which is currently being farmed. A map of current development activity is included as an attachment.

The site is within the City's current 129,000 Population Urban Development Boundary, and is within the LAFCO Sphere of Influence. The current City limit line is located on the west and north boundaries of the site.

The territory proposed for annexation is located outside of the proposed boundaries of the Southeast Area Master Plan. The boundaries of the Master Plan area, which were recently expanded to the north and east, are located approximately 600 feet south of the site along the San Joaquin Valley Railroad line / K Avenue alignment. The Master Plan expansion area did not include the subject site and other parcels north of the railroad line for reasons being that improvements to provide sanitary service have already been planned for this area, and because some of the area has already received entitlements for development.

The applicants of the annexation (Woodside Homes, represented by Branum Group – see attached ownership disclosure) have an interest to develop the site for single-family residential purposes, and have submitted separate requests for a Tentative Subdivision Map and a Conditional Use Permit for a Planned Residential Development. The Woodside Sousa Property Tentative Subdivision Map would divide the site's 53.16 acres into 256 lots for single-family residential use (see attached map). The subdivision contains lot sizes generally ranging from 5,000 square feet to 8,000 square feet, and has an average lot size of 6,231 square feet. The subdivision map is scheduled to be reviewed by the Planning Commission on September 26, 2005. If the Council has any comments pertaining to the subdivision map as shown, Staff requests that the Council refer these comments to Planning Staff. Concerns expressed by Council will be forwarded to the Planning Commission during the via the tentative map staff report.

The site does not contain any land that is under a Williamson Act Land Conservation Contract, though the site is bordered on the south by land that is included under a preserve and contract. Agriculture Preserve No. 1823 and Land Conservation Contract No. 4956 were established in 1970, at which time the City of Visalia responded with a letter of protest on the establishment of these designations. However, the letter did not constitute as a valid protest since the property was further than one mile from the City limits at the time of protest.

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 Overdraft Mitigation Fee Ordinance (effective per Ordinance No. 2005-09 adopted by the City Council on August 15, 2005);
- Payment of the General Plan Maintenance Fees upon approval of the annexation by Tulare County LAFCO. Staff has determined that a total of \$15,741 in fees would be

associated with the Walnut-McAuliff SE Annexation based on 53 acres of developable land in the annexation area.

Environmental Findings

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. 2005-090, which was prepared for the annexation, the Woodside Sousa Property Tentative Subdivision Map, and the Conditional Use Permit. The Negative Declaration document is attached.

Prior Council/Board Actions: None.

Committee/Commission Review and Actions: On September 12, 2005, the Planning Commission found that the annexation is consistent with the General Plan.

Alternatives: None.

Attachments:

- Ownership Disclosure Form(s)
- Resolution for Annexation
- Annexation Map
- Negative Declaration No. 2005-090
- Tentative Subdivision Map
- Development Activity Map
- Location Sketch
- General Plan Land Use Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution No. 2005- 138 certifying Negative Declaration No. 2005-090.

I move to adopt Resolution No. 2005-139 initiating Annexation 2005-09 (Walnut-McAuliff SE), and authorizing Staff to make application to the Tulare County Local Agency Formation Commission.

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action:

Prior:

Required: Negative Declaration No. 2005-090 must be certified prior to initiation of the annexation.

NEPA Review:

Required? No

Review and Action:

Prior:

Required:

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__	

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 26, 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. 2005-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
ADOPTING NEGATIVE DECLARATION NO. 2005-90, WHICH EVALUATES
ENVIRONMENTAL IMPACTS FOR ANNEXATION NO. 2005-09 (WALNUT-MC
AULIFF SE), WOODSIDE SOUSA PROPERTY TENTATIVE SUBDIVISION MAP,
AND CONDITIONAL USE PERMIT NO. 2005-33.

WHEREAS, Annexation No. 2005-09 (Walnut-McAuliff SE), Woodside Sousa Property Tentative Subdivision Map, and Conditional Use Permit No. 2005-33 (hereinafter "Project") is a request to annex one parcel totaling 53.16 acres into the City limits of Visalia, a request to divide 53.16 acres into 256 single-family residential lots, and a request to allow a planned residential development consisting of a 256 unit single-family residential subdivision in the R-1-6 zone. The project is located on the southeast corner of Walnut Avenue and McAuliff Street, City of Visalia, County of Tulare. (APN: 127-030-046)

WHEREAS, the City Council of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Council on September 19, 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-

90 which evaluates environmental impacts for Annexation No. 2005-05 (Silva), Woodside Sousa Property Tentative Subdivision Map, and Conditional Use Permit No. 2005-33. 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. 2005-139

A RESOLUTION OF APPLICATION BY THE CITY OF
VISALIA REQUESTING THE TULARE COUNTY LOCAL
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS
FOR ANNEXATION NO. 2005-09 (WALNUT-MC AULIFF SE)

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 September 12, 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. 2005-090 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 \$15,741.00 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. 2005-090, 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. 2005-09 (Walnut-McAuliff SE)", and as illustrated in the map entitled "Annexation No. 2005-09 (Walnut-McAuliff SE)".
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-1-6, consistent with the pre-zoning 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.
7. The property owner, applicant or designated agent of the project shall pay all Groundwater Overdraft Mitigation Fees (effective per Ordinance No. 2005-09 adopted by the City Council on August 15, 2005) and all other applicable impact fees for this project at the time that building permits are issued, or if applicable, at the time that a final map is recorded.

City of Visalia Agenda Item Transmittal

Meeting Date: September 19, 2005

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

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 residential projects from \$425.03 to \$612.46 per average daily trip. Transportation Impact Fees for commercial, office and industrial projects would be subject to a fee suspension and would not be increased at this time. 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.

Staff recommends the fee increase be temporarily suspended on Commercial, Office and Industrial projects. Several developers have stated that the proposed increase will have significant detrimental impacts on projects that are in the planning stages. They have indicated that they have already negotiated lease agreements based on the current rate. They are contractually bound to the lease agreements and will be unfairly penalized by a large increase without advance notice. They have indicated that they need to know about significant increases six to eight months in advance. Industrial projects will temporarily remain at \$425.03 per trip. Commercial and Office projects will temporarily remain at \$340.02. A plan to implement the fee increases on the Commercial, Office and Industrial project will be presented to the City Council within the next sixty days.

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 right of way reimbursement rate is effective on the same day as the new fees. Staff also recommends that the Commercial, Office and Industrial right of way continues to be reimbursed at the 2004 rates until the increased fees are adopted. If the fee increases are approved on September 19th, the new fees and reimbursement rates will be effective on November 18th. Staff recommends that right of way dedications made before November 18th are reimbursed at the May, 2004 appraisal value. Right of way dedications made on or after November 18th 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. 2005-129 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 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, the City Council of the City of Visalia desires to suspend a portion of the increases that are proposed by this Resolution; and

WHEREAS, the City Council of the City of Visalia desires to change the city policy to:

1. Suspend a portion of the Transportation Impact fees for commercial and office projects so that the fee is \$340.02 per average daily trip as shown in Exhibit "A".
2. Suspend a portion of the Transportation Impact fees for industrial projects so that the fee is \$425.03 per average daily trip as shown in Exhibit "A".

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 19, 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 19, 2005

City of Visalia
TRANSPORTATION IMPACT FEES

RESIDENTIAL	UNIT	TRIPS/UNIT	FEE AMOUNT
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
COMMERCIAL			
L			
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			
OFFICE			
<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			
INDUSTRIAL			
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

RESIDENTIAL AND INDUSTRIAL COST PER TRIP = \$ 612.46

-

COMMERCIAL AND OFFICE COST PER TRIP = \$ 489.97

-

FORMULA F = (T) x (C)

F = Transportation Impact Fee to be paid.

T = Total number of trips generated by the proposed project, for which the fee is being calculated.

C = Cost per trip.

INFILL CREDIT CRITERIA

A reduction in the amount of Transportation Impact Fees will be provided to all Commercial and Office projects that meet the following criteria:

- 1 The project is in a location where the curb, gutter and sidewalk have been installed in the ultimate alignment.
- 2 The project is seventy-five percent surrounded by existing development that has been in place an average of fifteen years or more.
- 3 Any median islands that are planned on adjacent roadways have been installed.
- 4 The project was inside of the Visalia City Limits prior to December 31, 1995.

Projects that meet the infill criteria;

- 1 Receive Transportation Impact Fee reductions not to exceed fifteen percent of the base fee.
- 2 Are not eligible for credits for any street improvements or repairs that are required by the City as a project condition.
- 3 The City Manager or his designee is authorized to determine whether a project meets the infill criteria.

Note: A portion of the Transportation Impact Fees have been suspended to provide for the infill credits described above.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 19, 2005

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

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>
Total	<u>\$3,837.18</u>	<u>\$5,139.21</u>	<u>\$1,302.02</u>	<u>33.9%</u>

* 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. 2005-130 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:

NEPA Review:	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 19, 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- 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 ¹	Civic Center ²	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

¹ D.U. = dwelling units

² 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 ¹	Civic Center ²	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

¹ D.U. = dwelling units

² 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 ¹		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

¹ D.U. = dwelling units

² 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

LAND USE DESIGNATION		FIRE PROTECTION FACILITIES		POLICE FACILITIES	
per gross acre					
RESIDENTIAL		2005-06	2005-06 Revised	2005-06	2005-06 Revised
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
COMMERCIAL		per gross acre		per gross acre	
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
OFFICE		per gross acre		per gross acre	
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
INDUSTRIAL		per gross acre		per gross acre	
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
PUBLIC / INSTITUTIONAL		per gross acre		per gross acre	
Public / Institutional	PI	\$ 1,363.09	\$ 1,393.49	\$ 734.43	\$ 734.43
PARKS		per gross acre		per gross acre	
Parks	PARK	\$ 1,363.09	\$ 1,393.49	\$ 219.27	\$ 219.27
AGRICULTURE		per gross acre		per gross acre	
Agriculture	A	\$ 1,363.09	\$ 1,393.49	\$ 300.36	\$ 300.36
CONSERVATION		per gross acre		per gross acre	
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>
			<u>Current</u>	<u>Current</u>	<u>Proposed</u>
LAND USE	% IMPERVIOUS		WATERWAY ACQUISITION FEE		
RESIDENTIAL					
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
COMMERCIAL					
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
PUBLIC /INSTITUTIONAL					
	60	-	\$ 888.30	\$ 926.50	\$ 3,094.50
INDUSTRIAL					
Outside Industrial Park					
Light Industrial	80	-	\$ 1,578.95	\$ 1,646.84	\$ 5,500.46
Heavy Industrial	90	-	\$ 1,776.31	\$ 1,852.69	\$ 6,187.99
Industrial Park	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)

LAND USE	PERCENT IMPERVIOUS	ACQUISITION FEE	DEVELOPER FEE	TOTAL FEE	EXISTING FEE
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
COMMERCIAL					
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
INDUSTRIAL					
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.

City of Visalia
Agenda Item Transmittal

Meeting Date: September 19, 2005

Agenda Item Number (Assigned by City Clerk): 14

Agenda Item Wording: Joint City and Community Redevelopment Agency public hearing regarding the proposed approval of a Disposition and Development Agreement for the sale and development of an approximately 48,787 square foot parcel for \$226,859.55 of Agency owned real properties located at 440 N. Ben Maddox Way to Scott A. McMillan and Tani M. McMillan of Wasco, CA, for the development of an office complex and related facilities (Agency Resolution 2005-03 and City Resolution 2005-140 required).

Deadline for Action: September 19, 2005

Submitting Department: Administration and Community Development & Public Works

Contact Name and Phone Number:

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

Department Recommendation and Summary:

That the Agency Board and City Council upon holding a joint Public Hearing take the following respective actions:

Agency Board adoption of Resolution:

1. Approving the purchase offer and development requirements detailed in the proposed Disposition & Development Agreement (the "DDA") with Scott A. McMillan and Tani M. McMillan of Wasco, CA, for the approximately 48,787 square foot (1.12 acres) Agency owned parcel located at 440 N. Ben Maddox Way for the previously agreed price of \$226,859.55 per the option clause Chapter X. §1000 (et. seq.) - Terms of Option as contained within the adopted Disposition and Development Agreement dated March 1, 2004 and the Health and Safety Code Sections 33433 Report;
2. Authorizing the Executive Director and Agency/City Attorneys to make minor or technical changes to the proposed DDA and related documents;
3. Authorizing the Executive Director, or his designee, to execute the DDA and related documents as necessary to accommodate the sale on behalf of the Agency; and
4. Directing the Director of Administrative Services to make the appropriate Budget Adjustments.

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By author: DRNANC
File location and name:

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 min

City Council adoption of Resolution:

1. Approving the sale and development of the site as assisting in the elimination of blight and is consistent with the Agency's 5-year plan based upon the Health and Safety Code 33433 Report;
2. Recognizing that the set sales price, as determined by previously adopted Disposition & Development and Option Agreement approved March 14, 2004, was not less than the fair market value at its highest and best use in accordance with the Redevelopment Plan;
3. Approving the DDA in substantially the form on file and authorizes the sale pursuant to the terms and conditions set forth in the DDA;
4. Authorizing the Agency to execute the DDA subject to any minor conforming, technical or clarifying changes approved.
5. Approving the method of determining fees and development review and approval of the project as specified under the terms and conditions set forth in the approved Site Plan Review and Planning Commission conditions, requirements and approvals.

California Environmental Quality Act Review:

The CEQA Environmental reviews and actions were previously taken as part of the Environmental Assessment (EA) No 2005-45 as described as follows: The Redevelopment Agency of the City of Visalia proposes to sell surplus land located on the east side of Ben Maddox Way, 189 feet south of Goshen Avenue. The parcel consists of 48,787 square feet of undeveloped land adjacent to the Sonic Fast Food Restaurant. The EA was determined to be Categorically Exempt according to Class 12, sale of surplus land.

Background:

Summary of the main terms of the proposed Disposition and Development Agreement:

1. The proposed development is to be an office complex the 48,787 square foot (1.12 acre) parcel.
2. Purchase price is \$226,859.55 (\$4.65 per square foot), as agreed in the adopted DDA dated March 01, 2004.
3. All required parking will be constructed on-site or shared with adjoining parcels.
4. No Agency write-downs or other development assistance.
5. Sale of the land and development of the site will require preparation and execution of a Disposition & Development Agreement.
6. Approval of easements, as required, for joint ingress/egress with adjoining properties and consent to work with Agency for shared parking for future adjoining development.
7. No commission to be paid.
8. The proposed office complex has gone through the City's Site Plan Review process for review, evaluation and approval and received a "Revise & Proceed" status with a March 30, 2007 completion date.
9. \$10,000 non-refundable deposit for the option site was deposited with the Agency to be used towards the purchase price.
10. Option termination date October 1, 2005
11. Development completion date: March 30, 2007. In the event the Developer does not meet the timeline, the Agency has the option to revise the completion date, elect to receive direct payment from the Developer for that amount the Agency would have received had the development been completed on-time or repurchase the land for the sales price plus actual costs for improvements made by the Developer.
12. Purchase price for parcel to be at a rate of \$4.65/sf (fair market value at time of option).
13. Agency to indemnify the McMillan's for a 5-year period in the event of any undiscovered contamination resulting from the previous Southern California Edison pole yard operations.

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By author: DRNANC

File location and name:

Site Plan Review:

In accordance with the proposed DDA, the proposed office complex project was submitted to Site Plan Review as Site Plan No. 05-084 and on April 13, 2005 received a REVISE AND PROCEED designation. (A copy of the Site Plan is included herein.)

History of Agency Ownership:

In May 2001, the Agency purchased an 8.27-acre parcel plus additional N. Ben Maddox Way right-of-way for \$944,000 (approximately \$2.62/sf) plus closing costs from the Southern California Edison Company that previously utilized the site as a pole yard and treatment facility.

The 9.01 gross parcel (approx. 8.27-acre net parcel after roadway dedication), as purchased, was determined to be “clean” and available for development. The Agency purchased the site in an effort to promote development in the area and assist the City in obtaining approximately 5-acres of additional property needed for the proposed Transit Maintenance facility. The balance of the property was to either be offered for private development, used for corporation yard purposes, of other public purposes.

The Agency also obtained an option to purchase the remaining approximately 3-acre adjoining parcel to the south that contains the steam injection facility when it is determined to be “clean” of contamination.

Proceeds from the various land sales would be used to repay the Agency’s loan from the City used to purchase the property.

Loan Repayment Summary:

The City provided the Agency a \$946,266 General Fund loan to assist the Agency in purchasing the property. Principal and accrued interest payments were to be made upon sale of the respective portions of the parcel for development. The following is a summary of the loan and payments:

<u>City Loan to Agency 06/04/2001</u>	946,226
Accrued Interest (City earnings rate plus 1%)	137,542

Land Sales/Payments:

McMillan – Sonic Purchase (\$7.17/sf)	331,068	
City Transit Division Purchase (\$3.00/sf)	505,732	
McMillan – Office Complex (\$4.65/sf)	<u>226,859</u>	
Total Land Sales:	1,063,659	<u>1,063,659</u>

<u>Estimated Balance Due to City</u>	<u>20,109</u>
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Remaining parcel to be sold:	
Approximately 64,033sf @ \$5.00/sf (est.) =	\$320,000

Prior Council/Board Actions:

Approval of option within the Distribution & Development Agreement dated March 1, 2004

Committee/Commission Review and Actions:

Site Plan Review – Revise and Proceed

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By author: DRNANC

File location and name:

Alternatives:

None recommended

Attachments:

- Copy of the Disposition and Development Agreement
- Map of the site
- Copy of the RDA 33433 Report
- Copy of proposed Agency Resolution
- Copy of proposed City Resolution
- Copy of Site Plan

Executive Director & City Manager Recommendation:

<p>Recommended Motion (and Alternative Motions if expected):</p> <p><u>I move for the Agency Board adoption of the respective Agency Resolution 2005-03:</u></p> <ol style="list-style-type: none">1. Approving the purchase offer and development requirements detailed in the proposed Disposition & Development Agreement (the "DDA") with Scott A. McMillan and Tani M. McMillan of Wasco, CA, for the approximately 48,787 square foot (1.12 acre) Agency owned parcel located at 440 N. Ben Maddox Way for the previously agreed price of \$226,859.55 per the option clause Chapter X. §1000 (et. seq.) Terms of Option contained within the adopted Disposition and Development Agreement dated March 1, 2004 and the Health and Safety Code Sections 33433 Report;2. Authorizing the Executive Director and Agency/City Attorneys to make minor or technical changes to the proposed DDA and related documents;3. Authorizing the Executive Director, or his designee, to execute the DDA and related documents as necessary to accommodate the sale on behalf of the Agency; and4. Directing the Director of Administrative Services to make the appropriate Budget Adjustments. <p><u>I move the City Council of the City of Visalia adoption of the respective City Resolution 2005-140:</u></p> <ol style="list-style-type: none">1. Approving the sale and development of the site as assisting in the elimination of blight and is consistent with the Agency's 5-year plan based upon the Health and Safety Code 33433 Report;2. Recognizing that the set sales price, as determined by previously adopted Disposition & Development and Option Agreement approved March 14, 2004, was not less than the fair market value at its highest and best use in accordance with the Redevelopment Plan;3. Approving the DDA in substantially the form on file and authorizes the sale pursuant to the terms and conditions set forth in the DDA;4. Authorizing the Agency to execute the DDA subject to any minor conforming, technical or clarifying changes approved.5. Approving the method of determining fees and development review and approval of the project as specified under the terms and conditions set forth in the approved Site Plan Review and Planning Commission conditions, requirements and approvals.
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Financial Impact

Funding Source: Sale proceeds to repay city loan from East Project Area

Budget Recap:

Total Estimated cost: \$	New Revenue: \$226,859.55
<i>(less closing costs and previous \$10,000 deposit)</i>	
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes ___ No <u>X</u>	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No X

Review and Action: Prior:

Required: The CEQA Environmental reviews and actions were previously taken as part of the EA No 2005-45 as described as follows: The Redevelopment Agency of the City of Visalia proposes to sale surplus land located on the east side of Ben Maddox Way, 189 feet south of Goshen Avenue. The parcel consists of 48,787 square feet of undeveloped land adjacent to the Sonic Fast Food Restaurant. The EA was determined to be Categoricaly Exempt according to Class 12, sale of surplus land.

NEPA Review:

Required? Yes No X

Review and Action: Prior: No Federal Funds are proposed for this activity.

Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Tracking Information:

Upon approval of the DDA, the property can close escrow and development construction start. Staff will need to track development improvements in order to confirm the March 30, 2007 completion date.

AGENCY RESOLUTION NO. 2005-03

**RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF VISALIA APPROVING AND AUTHORIZING THE
EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT
BETWEEN THE AGENCY AND SCOTT A. MCMILLAN AND TANI M.
MCMILLAN OF WASCO, CA**

WHEREAS, The Community Redevelopment Agency of the City of Visalia (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the East Project Area (the "Project Area"); and

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from Scott A. McMillan and Tani M. McMillan of Wasco, CA, (the "Developer"), providing for the disposition and development of certain vacant real property located within the boundaries of the Project Area in the City of Visalia consisting of approximately 48,787 square feet (1.12 acres) of land located at 440 North Ben Maddox Way, as more particularly described in the DDA (the "Site") for the development of an office complex on the Site (the "Project"); and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law; and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal; and

WHEREAS, notice of a joint public hearing of the City Council of the City of Visalia (the "City Council") and the Agency was published in the Visalia Times-Delta on September 02, 2005 and September 09, 2005; and

WHEREAS, the Agency prepared a report pursuant to Section 33433 of the Health and Safety Code (the "Report") containing a copy of the proposed DDA and a summary describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the purchase price and other information required by said Section 33433, and the Report was made available to the public for inspection; and

WHEREAS, the City Council and the Agency held a joint public hearing on September 19, 2005 in the City Council Chambers to consider and act on the disposition and development of the Site pursuant to the DDA; and

WHEREAS, The CEQA Environmental reviews and actions were previously taken as part of the EA No 2005-45 as described as follows: The Redevelopment Agency of the City of

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By author: DRNANC

File location and name:

Visalia proposes to sale surplus land located on the east side of Ben Maddox Way, 189 feet south of Goshen Avenue. The parcel consists of 48,787 square feet of undeveloped land adjacent to the Sonic Fast Food Restaurant. The EA was determined to be Categorically Exempt according to Class 12, sale of surplus land.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF VISALIA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Agency hereby finds and determines that the sale of the Site for the development of an office complex pursuant to the DDA will assist in the elimination of blight and is consistent with the five-year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490 (the "Implementation Plan"). This finding is based upon the facts contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433 and the fact that eliminating the underutilization of the Site is a stated goal in the Implementation Plan for the Redevelopment Project and the acquisition of the Site for development of an office complex will provide for further development in conformity with the Redevelopment Plan.

Section 2. The Agency hereby finds and determines that the consideration for the Site to be paid by the Developer is not less than the fair market value at its highest and best use in accordance with the Redevelopment Plan. This finding is based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 3. The Agency hereby approves the DDA in substantially the form on file with the Secretary of the Agency. The Agency further approves and authorizes the sale of the Site to the Developer pursuant to the terms and conditions set forth in the DDA.

Section 4. The Executive Director and Secretary of the Agency are hereby authorized and directed to execute the DDA on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by Agency Counsel. The Executive Director and Secretary are hereby further authorized and directed to take such further actions and execute such documents as are necessary to carry out the DDA on behalf of the Agency, including without limitation the execution of deeds and all other actions and documents necessary for the sale and development of the Site in accordance with the DDA.

PASSED AND ADOPTED by The Community Redevelopment Agency of the City of Visalia this 19th day of September, 2005 by the following vote:

AYES:

REPORT OF THE VISALIA COMMUNITY REDEVELOPMENT AGENCY ON THE SALE OF REAL PROPERTY PURSUANT TO A PROPOSED DISPOSITION AND

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By author: DRNANC

File location and name:

DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND SCOTT A. McMILLAN AND TANI M. McMILLAN

This report has been prepared pursuant to Section 33433 of the California Community Redevelopment Law (Health and Safety Code Section 33000, et seq.) which requires a redevelopment agency, prior to selling any real property acquired in whole or in part, directly or indirectly, with tax increment monies, to prepare a report which includes a copy of the proposed sale and a summary which describes and specifies: (1) the cost of the agreement to the agency; (2) the estimated value of the interest to be conveyed or leased, determined at the highest and best uses permitted under the redevelopment plan; (3) the estimated value of the interest to be conveyed determined at the use and with the conditions, covenants, and development costs required by the sale, the purchase price and, if there is a difference between the fair market value determined at its highest and best use consistent with the redevelopment plan and the purchase price, an explanation of the reasons for the difference; and (4) an explanation of why the sale of the property will assist in the elimination of blight, with reference to all supporting facts and materials relied upon in making this explanation.

I. PROPOSED SALE OF REAL PROPERTY

A copy of the proposed Disposition and Development Agreement (the "DDA") between The Community Redevelopment Agency of the City of Visalia (the "Agency") and Scott A. McMillan and Tani M. McMillan (collectively hereinafter the "Developer"), is attached as Exhibit A. The proposed DDA provides for the sale of certain real property owned by the Agency, located within the boundaries of the East Redevelopment Project Area in the City of Visalia consisting of approximately 48,787 square feet of land located near the southeast corner of Goshen Avenue and North Ben Maddox Way, as more particularly described in the DDA (the "Site"). The Site is adjacent to and just south of the Sonic Burger fast-food restaurant, which is the subject of a separate DDA between the Agency and the Developer, previously executed on or about March 1, 2004 ("Sonic DDA"). The Sonic DDA included an exclusive option for Developer to purchase the Site for the purpose of developing it into a professional office complex. Under the terms of the DDA, the Developer shall construct a professional office complex on the Site.

II. FINANCIAL SUMMARY

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By author: DRNANC
File location and name:

A. Cost of the DDA to the Agency

The Agency has incurred or will incur the following costs relating to the DDA:

1. Land Acquisition Costs. The Site is a portion (approximately 1.2 acres) of a larger 9-acre +/--parcel (the "Agency Parcel") purchased by the Agency in 2001 at a cost of \$944,000. As the land was vacant when purchased by the Agency, there were no Agency relocation or demolition costs.
2. Land Disposition Costs. The Agency will convey the Site to the Developer pursuant to the DDA. The Agency will bear one-half of the costs of escrow associated with sale of the Site, including payment of the premium for a CLTA title insurance policy. Should Developer desire an ALTA title insurance policy, the DDA provides that Developer will bear the incremental difference in cost of the premiums between a CLTA and an ALTA policy. The escrow costs to the Agency are estimated at \$5,000. The DDA provides that the Developer will pay the purchase price for the Site in cash at the close of escrow.
3. Administration and Staff Costs. The Agency will incur administrative costs associated with the DDA, including staff time and legal costs for the negotiation and preparation of the DDA and other related documents, and ongoing staff costs related to the monitoring of the obligations of the parties under the DDA during construction. Following construction, the Agency will incur additional administrative and staff costs relating to the ongoing monitoring during the term of the use covenants provided for under the DDA.

B. Estimated Value of the Site at Highest and Best Use

Based upon an independent appraisal prepared on November 17, 2003, by Richard W. Hopper, MAI, (the "Appraisal") the estimated fair market value of the Site determined at the highest and best uses permitted under the East Redevelopment Plan as a "net finished parcel" is \$4.65 per square foot. Therefore, the estimated value of the Site determined at the highest and best uses permitted under the East Visalia Redevelopment Plan is \$226,859.55.

C. Estimated Value of the Site at the Use and with the Conditions, Covenants, and Development Costs Required by the DDA

The DDA does not require any special use, conditions, covenants or development costs that change the estimated value of the Site from the estimated value at its highest and best use. Therefore, the estimated value of the Site is as indicated in Section B above. The

Developer's purchase price is within the range of the fair market value at its highest and best use for the Site based on the Appraisal.

III. EXPLANATION OF WHY THE SALE OF THE SITE WILL ASSIST IN ELIMINATING BLIGHT AND IS CONSISTENT WITH THE IMPLEMENTATION PLAN

The goals and objectives of the East Redevelopment Project, as stated in the Agency's 1999 Implementation Plan, include, in part, the promotion of building, higher intensity development, and stronger economic vitality. The development of the Site pursuant to the DDA is consistent with and will further the redevelopment goals and objectives stated above.

The sale of the Site will assist in the elimination of blight because the Site is currently vacant and underutilized and the sale of the Site pursuant to the terms of the DDA will make development of the Site possible and will require the Developer to use and develop the Site in accordance with the East Redevelopment Plan.

In addition to eliminating the underutilization of the Site, the development of the Site pursuant to the DDA will assist in stimulating other new investment in the Project Area.

COUNCIL RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING AND AUTHORIZING THE EXECUTION OF A
DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
VISALIA AND SCOTT A. MCMILLAN AND TANI M. MCMILLAN OF
WASCO, CA**

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from Scott A. McMillan and Tani M. McMillan of Wasco CA (the "Developer"), providing for the disposition and development of certain vacant real property located within the boundaries of the Project Area in the City of Visalia consisting of approximately 48,787 square feet (1.12 acres) of land located at 440 North Ben Maddox Way, as more particularly described in the DDA (the "Site") for the development of an office complex on the Site (the "Project"); and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law; and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal; and

WHEREAS, notice of a joint public hearing of the City Council of the City of Visalia (the "City Council") and the Agency was published in the Visalia Times-Delta on September 02, 2005 and September 09, 2005; and

WHEREAS, the Agency prepared a report pursuant to Section 33433 of the Health and Safety Code (the "Report") containing a copy of the proposed DDA and a summary describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the purchase price and other information required by said Section 33433, and the Report was made available to the public for inspection; and

WHEREAS, the City Council and the Agency held a joint public hearing on September 19, 2005 in the City Council Chambers to consider and act on the disposition and development of the Site pursuant to the DDA; and

WHEREAS, The CEQA Environmental reviews and actions were previously taken as part of the EA No 2005-45 as described as follows: The Redevelopment Agency of the City of Visalia proposes to sale surplus land located on the east side of Ben Maddox Way, 189 feet south of Goshen Avenue. The parcel consists of 48,787 square feet of undeveloped land adjacent to the

Sonic Fast Food Restaurant. The EA was determined to be Categorically Exempt according to Class 12, sale of surplus land.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VISALIA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the sale of the Site for the development of an office complex pursuant to the DDA will assist in the elimination of blight and is consistent with the five-year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490 (the "Implementation Plan"). This finding is based upon the facts contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433 and the fact that eliminating the underutilization of the Site is a stated goal in the Implementation Plan for the Redevelopment Project and the acquisition of the Site for development of an office complex will provide for further development and use in conformity with the Redevelopment Plan.

Section 2. The City Council hereby finds and determines that the consideration for the Site to be paid by the Developer is not less than the fair market value at its highest and best use in accordance with the Redevelopment Plan. This finding is based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 3. The City Council hereby approves the DDA in substantially the form on file with the Secretary of the Agency. The City Council further approves and authorizes the sale of the Site to the Developer pursuant to the terms and conditions set forth in the DDA.

Section 4. The City Council hereby authorizes the Agency to execute the DDA, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel, and to take such further actions and execute such documents as are necessary to carry out the DDA on behalf of the Agency, including without limitation the execution of deeds and all other actions and documents necessary for the sale and development of the Site in accordance with the DDA.

PASSED AND ADOPTED at the Regular Meeting of the City Council of the City of Visalia, duly held on the 19th day of September 2005 by the following vote:

EXHIBIT A

**PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT
BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF VISALIA
AND SCOTT A. McMILLAN AND TANI M. McMILLAN**

[Insert copy of DDA]