

Visalia City Council Agenda

For the regular meeting of: Monday, November 7, 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:

Assistant Community Development/Public Works Director Andrew Benelli introduces Patrick Barszcz, Public Works Inspector, Rachel Smick Administrative Assistant and Susan Genova Office Assistant.

Parks and Urban Forestry Manager Don Stone introduces Robert Martinez, Park Maintenance Worker, Scott Pyle, Sr. Park Maintenance Worker , Alonzo Ramirez, Park Maintenance Worker and Joe Garcia, Senior Maintenance Electrician.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

1. Discussion of San Joaquin Valley Air Pollution Control District's (SJVAPCD) proposed Indirect Source Rules Draft Rule 9510 and Rule 3180 (Indirect Source Rules) presented by Tom Jordan, SJVAPCD and Fred Brusuelas, Assistant Community Development/Public Works Director.
2. Update City Council on Tulare County joining the Consolidated Waste Management Authority (CWMA) presented by Assistant Community Development Director Andrew Benelli.

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

ITEMS OF INTEREST

CLOSED SESSION

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

3. Conference with Legal Counsel – Existing Litigation (1)
Name of Case: City of Visalia v. Harrah, TCSC Case No. 04-210016
4. Conference with Labor Negotiator
Employee Groups: Group M
Agency Negotiator: Jim Harbottle, Eric Frost, Janice Avila
5. Conference with Real Property Negotiators
Property: parcels owned by the Southern California Gas Company located at 300, 320 and 414 N. Tipton Street and APN: 094-250-036
Under Negotiation: Price, terms and conditions that may be included in a purchase and sale agreement
Negotiators: Steve Salomon, Bob Nance, Colby Wells and Ruth Love of the Southern California Gas Company
6. Item removed from Agenda.

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) Approval of **Resolution 2005-153** for the support of San Joaquin Valley's Aquarius Aquarium Institute, its programs and its efforts to build an aquarium.
 - c) **Introduction of Ordinance 2005-21** for the Authorization to sell parts of APN #'s 098-070-031; 098-070-014; 098-070-022 totaling 11.17 acres to the Visalia Unified School District for the sale price of \$893,600.00 for development of an elementary school.
 - d) Acceleration of Measure T expenditures, promotion of Agents to Sergeants.
 - e) Authorization to accept the City of Visalia cash and investment report for the first quarter of the 2005-2006 fiscal year.
 - f) Approval of an amendment to the contract dated September 23, 2005 for services with Mark Briggs & Associates for preparation of 3 additional EPA Environmental Cleanup applications for a total increase of \$7,500 and an amendment to the contracted dated September 22, 2004 with BSK & Associates to provide additional testing services in the amount of \$36,290.
 - g) Award Contract for the Miscellaneous Sanitary Sewer Improvement Projects, Project No. 4311-00000-720000-0-9451-2005, to install sewer in various areas of the City in the amount of \$547,750.00.
 - h) Authorization for the City Manager to execute an agreement with Consolidated Waste Management Authority (CWMA) to provide a Visalia employee to act as CWMA Administrator.
 - i) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation* of the final map(s) related thereto (if applicable):
 - 1. Authorize the Recordation of the Final Map for Ranch Santa Fe Phase 2, located Southeast corner of Santa Fe and Monte Vista Ave (69 lots) and the Annexation of Rancho Santa Fe Phase #2 into Landscape and Lighting District No. 05-04, Rancho Santa Fe; **Resolution 2005-154 and 2005-155 required.** APN: 123-220-01, 123-130-22.
 - 2. Authorize the Recordation of the Final Map for Pheasant Ridge Unit No. 1, located at the northwest corner of Ferguson Avenue and Roeben Street (61 lots) and the Formation of Landscape and Lighting District No. 05-19, Pheasant Ridge; **Resolution 2005-156 and 2005-157 required.** APN: 077-100-050 & 000-003-757)

3. Annexation of Tentative Parcel Map 2005-05 into Landscape and Lighting Act Assessment No. 96-03, Oak Meadow Estates located on the south side of Walnut Avenue between Shirk Street and Roeben Street; **Resolution 2005-158 and 2005-159 required.**

j) Request authorization to file a Notice of Completion for the following:

1. Cobblestone Estate Unit 3, containing 25 lots, located west of Linwood Street, south of Ferguson Avenue.
2. Turnberry Place, containing 39 lots, located northwest of the Akers Street and Caldwell Avenue intersection.

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

1. **Ordinance 2005-16** for Change of Zone No. 2005-12. A request by West Coast Construction (Quad Knopf, agent) to change the zoning from R-M-2 to R-M-3 on 5 acres. The site is located on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion).
2. **Ordinance 2005-20** for Change of Zone No. 2005-13 is a request to change the zoning on approximately 9.5 acres from QP (Quasi Public) to R-1-6 (Low Density Residential), located on the west side of Linwood Avenue between Mary and Cherry Avenues; APN: 119-600-035, 119-590-58.

l) Item removed from Agenda.

At the request of applicant Item 8 to be continued indefinitely (Motion required.)

8. PUBLIC HEARING (continued from October 17, 2005) -

- a. Certification of Negative Declaration No. 2005-057; **Resolution 2005-xx required (A separate Motion by the Council is required.)**
- b. Appeal of the Planning Commission's denial of Vesting Tentative Subdivision Map 5482 and Conditional Use Permit 2005-18, to create seven parcels and a remainder for a single-family residential development on 1.45 acres zone R-1, located at 4204 South Demaree Street (Garza Ranch) APN 126-020-033; **Resolution 2005-xx required (A separate Motion by the Council is required.)**

9. PUBLIC HEARING - Appeal of Planning Commission's Denial of Variance No. 2005-12: A request by Matt Vizzolini to allow a variance from the standard five-foot side yard setback in the R-1-6 Zone. The site is located at 3101 W. Border Links Drive (APN 089-122-012) **Resolution 2005-160 required.**

10. CONTINUED PUBLIC HEARING from October 3, 2005 and October 17, 2005 -

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

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

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

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, November 21, 2005 (Visalia Convention Center)
Monday, December 5, 2005
Monday, December 19, 2005

Work Session 4:00 p.m.
Regular Session 7:00 p.m.
City Hall Council Chambers
707 West Acequia Avenue

In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services.

City of Visalia Agenda Item Transmittal

Meeting Date: November 7, 2005

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording:

Informational Discussion Regarding the San Joaquin Valley Unified Air Pollution Control District Board Proposed Draft Rule 9510 and Rule 3180 (Indirect Source Rules)

Deadline for Action:

November 7, 2005

Submitting Department:

Administration

Contact Name and Phone Number:

Carol L. Cairns, Assistant City Manager 713-4324 and Mike Olmos, Community Development and Public Works Director 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.): 60

Department Recommendation:

Information will be presented at the November 7, 2005, Work Session to update Council on the current status of the two proposed Air District rules and the implementation overview. Mr. Tom Jordan will be representing the San Joaquin Valley Unified Air Pollution Control District Board and presenting the information. Representatives of the Building Industry Association (BIA) which opposes the rules in their current form, and other organizations will be in attendance at the November 7th work session and may request to offer comments.

Staff will make a recommendation to Council on the City's position regarding these draft rules during the December 5, 2005, Council Meeting after gathering all the pertinent data and responding to Council's questions.

Summary:

The City of Visalia has continually supported efforts in the San Joaquin Valley to improve air quality. On November 7, Council will hear information on two new rules proposed to be implemented in the air basin to gain further improvements in air quality.

The San Joaquin Valley Unified Air Pollution Control District is continuing its diligent efforts to improve air quality in our air basin. The District continues to adopt programs to achieve air quality improvement in specific areas. Toward this goal, the District has proposed two draft rules (9510 and 3180) that will impose construction-related air pollution mitigation measures, combined with an in lieu fee program on new homes, business, industry, institutional and other new construction projects within the Central Valley counties of Fresno, Kern, Kings Madera, San Joaquin, Stanislaus and Tulare. These rules are significant and Council is being asked to consider their implications and establish a position on the proposed rules.

The San Joaquin Valley Air Basin (SJVAB) is classified as a nonattainment area for the state and federal health based ambient ozone and PM 10 standards by the California Air Resources Board (ARB) and the U.S. Environmental Protection Agency (EPA). The SJVAB is currently classified as serious nonattainment for the 24-hour and annual National Ambient Air Quality Standards (NAAQS) for particulate matter 10 microns in size and smaller (PM10), extreme nonattainment for the federal 1-hour ozone standard, serious nonattainment for the new federal 8-hour ozone standard, and severe nonattainment for the 1-hour state ozone standard.

The San Joaquin Valley Unified Air Pollution Control District (District) recently adopted its 2003 PM10 Plan, which projects attainment of the NAAQS and PM10 at the earliest practicable date of December 31, 2010. As part of its PM10 attainment strategy, the District is required to reduce directly emitted PM10 and the PM10 precursor oxides of nitrogen (NOx). The 2003 PM10 Plan commits the District to develop new rules or amend existing rules to achieve these emission reductions. The *Indirect Source Rule (ISR)* is one of the commitments contained in the 2003 PM10 Plan to meet these requirements. The ISR commitment will be implemented through **Rule 3180** and **Rule 9510**. **Indirect sources are land uses that attract or generate motor vehicle trips.** These land uses are interpreted by the Air District as including development projects.

Proposed Rule 3180

The purpose of proposed Rule 3180 is to recover the costs of administering Rule 9510. The proposed rule includes a non-refundable application filing fee to be paid when an application is submitted to the District. Once an application and the application fee are received, District staff will log the total staff hours spent on the project. The application evaluation fee will compose those hours at a weighted average labor rate and subtract the application fee, so that only the cost of the actual hours spent on the project will be recovered.

Rule 3180 also contain a fee equal to 4% of the air impact mitigation fees to recover the cost of administering off-site mitigation projects. The 4% would be payable when the air impact mitigation fees are collected.

Proposed Rule 9510

The purpose of proposed Rule 9510 is to reduce emissions of NOx and PM10 from new development projects. The rule applies to development projects that will seek to gain a discretionary approval for projects that, upon full build-out will include any one of the following:

- 50 residential units
- 2,000 square feet of commercial space
- 25,000 square feet of industrial space
- 20,000 square feet of medical office space
- 39,000 square feet of general office space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of recreational space
- 9,000 square feet of uncategorized space.

This rule also applies to transportation projects whose construction exhaust emissions will result in a total of two tons per years of NOx and PM10 combined. However, there are several sources that are exempt. These include transportation projects that meet certain conditions, transit projects, reconstruction projects that result from a natural disaster, and development projects whose primary source of emissions are subject to *District Rule 2201(New and Modified Stationary Source Review Rule - which provides for the review of new and modified Stationary Sources of air pollution)* or *2010 (Administrative Remedies and Sanctions – which provides administrative penalties for certain rule violations.)* Also, development projects that have a mitigated baseline below two tons per year for NOx and PM10 shall be exempt from the mitigation requirements of the rule. Anti-circumvention language was added to prevent piecemealing of development projects.

The California Building Industry Association (CBIA), in conjunction with other interested organizations, has cited numerous issues associated with the draft rules. Most significantly, the CBIA has calculated that the in lieu fee program will impose significant fees on most new development in our air basin due to difficulty in achieving the required level of mitigation. Their concerns are explained in the attachments. While the impact of such fees (or mitigations) upon new private development is a serious concern to our local economy, the impact of these measures and fees on housing affordability, job generation, and the construction of critical essential facilities (Kaweah Delta Hospital expansion, schools, fire & police facilities, etc.) must be considered.

The two proposed rules are being opposed by the California Building Industry Association and a number of business associations and government agencies. A letter from the CBIA is attached that clarifies their position.

Staff has attached information from the San Joaquin Valley Unified Air Pollution Control District, the BIA, the BIG COALITION and STOP the AIR BOARD TAX Coalition.

Areas Needing Further Clarification:

The draft rules are very complex. However, it is clear that the rules, if implemented, will be among the most aggressive ever implemented in the Valley. It is important for Council and the community to understand the costs to the region if the rules are implemented, and the resulting benefits to air quality.

Staff believes the following areas need further clarification from the SJVUAPCD.

- What is the economic impact to the region by implementing the two rules?
- How will the two rules affect the construction of essential, critical facilities i.e schools, hospitals, police and fire facilities?
- How will the fee revenue be spent? What specific programs or mitigation measures will be developed and implemented?
- What will be the end result / impact of implementing the rules? What quantifiable results will be observed?

These as well as other areas identified by Council will be addressed in the final staff recommendation on December 5th.

Prior Council/Board Actions:

none

Committee/Commission Review and Actions:

n/a

Alternatives:

Attachments:

SJVUAPCD Draft Staff Report September 1, 2005

SOCIOECONOMIC ANALYSIS: Draft Rules 9510 and 3180

CBIA Opposition Letter, August 12, 2005

STOP the AIR BOARD Opposition Letter, November 3, 2005, Costs Chart

BIG COALITION Opposition Letter, August 30, 2005

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Information and discussion only; provide direction to staff regarding a position letter to be presented to Council on December 5, 2005.

Financial Impact

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

Budget Recap:

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

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Copies of this report have been provided to:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2005

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording:

Update City Council on Tulare County joining the Consolidated Waste Management Authority (CWMA)

Deadline for Action:

Not Applicable

Submitting Department:

Community Development & Public Works

Contact Name and Phone Number

Andrew Benelli, Assistant Community Development & Public Works Director 713-4340

Jim Bean, Public Works Manager 713-4564

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): _____

Department Recommendation and Summary:

In 1999, the City of Visalia entered into a joint powers agreement with the cities of Dinuba, Lindsay, and Porterville to form the Consolidated Waste Management Authority (CWMA). In 2002, the remaining incorporated cities of Tulare County joined the CWMA (Exeter, Farmersville, Woodlake, and Tulare). Per the agreement, the CWMA acts as an "independent public agency to comprehensively plan, develop, operate and manage the collection, diversion, recycling, processing and disposal of solid waste within the County of Tulare."

The CWMA Board has been working with Tulare County staff to include the County in the CWMA. The County membership is very important to the CWMA cities because the County operates the landfills. The unincorporated areas of the County also contain many residential and commercial waste generators. The County and the CWMA have both been funding public awareness campaigns. With the County as a member of the CWMA those campaigns will be able to be combined resulting in increased efficiencies. The combined program should be able to reach more people at a lower cost. The County has also been funding other programs like the Household Hazardous Waste program that can benefit from a combined effort. The County and the CWMA cities are all working on developing construction and demolition recycling programs that can more effectively be conducted with the County as a member of the CWMA. Having the County as a CWMA member will significantly improve this region's opportunities to develop programs that will increase recycling and decrease the volume of waste deposited at the landfills.

The CWMA's Attorney (Steve Kabot) has been working with County Counsel and staff to prepare a revised CWMA Agreement that includes the County as a CWMA member. The Agreement has been forwarded to the California Integrated Waste Management Authority for their review. A copy of the draft agreement is included with this staff report. The CWMA Board is scheduled to review

the Agreement during their January meeting. The Agreement will be presented to the City Council in February. The other CWMA cities and the County Board of Supervisors will also have to approve the Agreement.

Prior Council/Board Actions:

None

Committee/Commission Review and Actions:

N/A

Alternatives:

None recommended.

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): None expected

Financial Impact

Funding Source:

Account Number: _____

Budget Recap:

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

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2005

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

Agenda Item Wording: Approval of Resolution of Support for the San Joaquin Valley's Aquarius Aquarium Institute, its programs and its efforts to build an aquarium. Resolution 2005-153 required.

Deadline for Action: N/A

Submitting Department: Administration

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

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): _____

Department Recommendation and Summary:

It is recommended that the City Council approve Resolution 2005- supporting the Aquarius Aquarium Institute. The purpose of the organization is to foster respect, understanding and conservation of the world's aquatic ecosystems through educational programs, interpretive exhibits and aquarium propagation, spawning and rearing of aquatic species.

Formed five years ago, this non-profit group is offering programs to elementary and high school children, sponsoring Our Ocean World on KVPR, and is sponsoring The Breeder's Registry to assist with aquarium propagation of imperiled marine fish and corals.

The major undertaking of the organization is to build a world-class public aquarium facility with exhibits emphasizing the importance of captive propagation of fish and corals. A sight for the aquarium has been donated West of Highway 99 at the Herndon Intersection in Fresno. The facility has been designed by Arthur Dyson, AIA, dean emeritus of the Frank Lloyd Wright School of Architecture in Arizona and Wisconsin. (See attached) The project has been endorsed by the Fresno and Sanger City Councils, and goes before the Fresno Planning Commission later this month for approval. Site prep work is expected to begin next year, although actual building construction is probably still a couple of years away.

A world-class aquarium in the Valley would be another major tourism attraction and an outstanding educational resource for local students. In addition, if it felt that having these types of facilities and activities assists with the attraction and retention of a quality workforce.

Patrick Barszcz, a City of Visalia Public Works Inspector, is also an artist. His large Blue Whale mural (see attached) has been used to promote the Institute and the Aquarium.

Prior Council/Board Actions:N/A

Committee/Commission Review and Actions: N/A

Alternatives: Not approve the Resolution
Ask for additional information or wording

Attachments: Picture of the proposed facility
Pictures of the artwork by City Employee Patrick Barszcz

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):
I move to approve Resolution 2005-153.

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 Number 2005-153
RESOLUTION OF SUPPORT FOR THE

AQUARIUS AQUARIUM INSTITUTE

Whereas, volunteers of the non-profit Aquarius Aquarium Institute have been working to design and build a major world class public Aquarium in the San Joaquin Valley; and

Whereas, the project began two years ago, and since then, the Aquarius Aquarium Institute has gained support from the community in the form of Family Charter Memberships, Cash Donations, and Corporate Aquarium Exhibit Sponsorships; and

Whereas, the Aquarium will exist on Herndon Avenue West of Freeway 99. The site was donated by JFJ Farms with the option to purchase the 5 acres adjacent to the site. This site is easily visible to travelers coming into Fresno from the North on Freeway 99; and

Whereas, the Aquarium will bring many opportunities to the San Joaquin Valley. It will become a major regional tourism site, an educational resource for children, and a place of new employment opportunities. Additionally, the Aquarium will improve the aesthetics of the Highway 99 Corridor, it will provide a site for entertainment and recreational activities, and will serve as a model for Alternative Energy; and

Whereas, the Aquarius Aquarium will be a positive and productive addition to the Valley. It will provide a place for children to learn about different forms of fish and animal life., thereby benefiting citizens in the entire San Joaquin Valley; and

Whereas, the City Council of the City of Visalia commends and thanks the volunteers of the Aquarius Aquarium Institute for their vision and efforts to bring a valuable and positive venue to the San Joaquin Valley and wishes the Institute the best of luck in bringing its mission to fruition.

City of Visalia Agenda Item Transmittal

Meeting Date: November 7, 2005

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

Agenda Item Wording: Authorization to sell various parts of APN #'s 098-070-031; 098-070-014; 098-070-022 totaling 11.17 acres to the Visalia Unified School District for the sale price of \$893,600.00 for development of an elementary school. Ordinance 2005-21 required.

Deadline for Action: none

Submitting Department: Park & 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 min.

Department Recommendation and Summary: Staff recommends that the Visalia City Council adopt Ordinance No. 2005-21 authorizing the sale of portions of City-owned property, APN #'s 098-070-031; 098-070-014; 098-070-022 totaling 11.17 acre be sold to Visalia Unified School District as a future site of an elementary school for \$893,600.

The City is the owner of approximately 14.7 acres at 321 North Lovers Lane, the majority of the property acquired over 20 years ago and has not been developed. In the intervening years the City acquired and developed additional park and open space that has eliminated the need for a park at this location. Mill Creek Garden Park is located directly east of the site. It is a seven acre neighborhood park / pond that including an open play area, picnic tables, walking path and landscaping. In 2004 the City acquired additional 9-acres of open space along Mill Creek that adjoins Mill Creek Garden Park. This area, known as the Mill Creek / Evans Jungle, will provide additional open space for the area. In addition the City will retain 3-acres of the 14-acre parcel for a riparian setback on Mill Creek. All total there is about 19-acres of City owned park and open space in this area which makes the property expendable.

In 2004 City staff became aware of the need for a school site to serve the growth in east Visalia area. School District staff indicated the Four Creek Elementary School on Burke Street was nearing its intended capacity and there was not the capacity to accommodate the planned developments in the area between Mill Creek and Houston Avenue and east of Lovers Lane along Mill Creek Parkway. Staff evaluated the need for additional park on Lover Lane. In June 2004 the Park and Recreation Commission approved the recommendation not to develop a park and support the sale of the property.

At about the same time VSUD staff indicated an interest in the site for an elementary school. The sites location on the future Mill Creek Parkway at Lovers Lane will provide excellent access and circulation, critical factors for a school location.

In closed session on May 16, 2005 the Council authorized staff to negotiate an agreement with the Visalia Unified School District to purchase a portion of the property at 321 North Lovers Lane for the appraised price of \$80,000 per acre. The appraisal was conducted by the Hopper Co. in September of 2004 and updated April 15, 2005. The Hopper Co. determined a value of \$80,000 per acre. The comparable sales ranged from \$45,000 to \$78,700 per acre but when adjusted for current market conditions the ranged from \$71,000 to \$84,000. In a later action the Council authorized a topographical survey be undertaken and a legal description be developed. The survey was conducted by Lane Engineering for the purpose of identifying the riparian setback, Mill Creek Parkway right of way, and the exact area to the parcel to be sold. The areas are as follows:

- Parcel 1 11.17-acres, to be purchased by Visalia Unified School District
- Parcel 2 & 3 .86 & .1-acre remainder areas
- Parcel 4 3-acres to be retained for Mill Creek riparian setback
- Parcel 5 .64-acres Mill Creek Parkway right of way

The parcel includes two houses currently occupied by renters. Under the terms of the proposed purchase sales agreement the School District will assume responsibility for these leases. The two remainders can be sold at a later date and the City will retain parcels 4 and 5 for right of way and riparian setback. The City's community gardening project now located at the site will be relocated after this year's garden season has ended.

Staff recommends that the proceeds from the sale be designated for park projects as follows:

1. To the extent necessary, fund any deficit for Riverway Sports Park- Phase 1
2. Acquire a 6-acre neighborhood park and storm water basin site on the north side of Goshen Avenue at Virmargo Street as a replacement for the Lovers Lane location.

Prior Council/Board Actions: Council actions: July 12, 2004 authorized appraisal; March 7, 2005 authorized update of appraisal.

Committee/Commission Review and Actions: The Park and Recreation Commission, at the June 15, 2004 meeting, voted to support the sale of the property to the VSUD.

Alternatives: N/A

Attachments: Ordinance; Exhibit "A", Location map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to adopt Ordinance 2005-21 authorizing the sell various parts of APN #'s 098-070-031; 098-070-014; 098-070-022 totaling 11.17 acres to the Visalia Unified School District for the sale price of \$893,600.00 for development of an elementary school and authorize proceeds be used as follows; 1. To the extent necessary, fund any deficit for Riverway Sports Park- Phase 1 and / or use to acquire a 6-acre neighborhood park and storm water basin site on the north side of Goshen Avenue at Virmargo Street as a replace for the Lovers Lane location.

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: Visalia Unified School District

Environmental Assessment Status

CEQA Review:

Required? Yes No x
 Review and Action: Prior:
 Required: VSUD is lead agency and will prepare CEQA document

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:

ORDINANCE NO. 2005-21

DECLARING INTENT TO SELL TO 11.17 ACRES, PORTIONS OF APN #'S
098-070-031; 098-070-014; 098-070-022 TO THE VISALIA UNIFIED SCHOOL DISTRICT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City of Visalia owns all the legal and beneficial interest in certain real properties hereon referred to as Exhibit "A".

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

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

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

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

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

PASSED AND ADOPTED:

Bob Link, Mayor

ATTEST:

APPROVED BY CITY ATTORNEY:

Steven M. Salomon, City Clerk

Daniel M. Dooley

EXHIBIT 'A'

LEGAL DESCRIPTION

Separate PDF

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2005

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

Agenda Item Wording: Acceleration of Measure T plan by using one-time General Fund resources, promoting Agents to Sergeants.

Deadline for Action: None

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, x4474, Jerry Barker, x4215

For action by: <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Redev. Agency Bd. <input type="checkbox"/> Cap. Impr. Corp. <input type="checkbox"/> VPFA
For placement on which agenda: <input type="checkbox"/> Work Session <input type="checkbox"/> Closed Session Regular Session: <input checked="" type="checkbox"/> Consent Calendar <input type="checkbox"/> Regular Item <input type="checkbox"/> Public Hearing
Est. Time (Min.): <u>5</u>

Department Recommendation and Summary:

That the City Council accelerates the Measure T plan by using General Fund monies this year by:

- converting 10 agent positions to 10 sergeant positions at an cost of \$21,000 from the General Fund.

The money will be used to cover the costs of promoting Agents to Sergeants as called out in the Measure T plan. Ongoing costs will be approximately \$42,000 annually. This increased, ongoing cost was anticipated as an Measure T expenditure and will be charged to Measure T starting in 06/07.

Discussion:

Presently, there are 10 sworn police employees holding the rank of Police Agent in the Visalia Police Department and 13 existing Police Sergeant positions. With the opening of the two precinct buildings in late 2006, it is essential that additional Police Sergeants be added to ensure that adequate supervision exists in both precinct buildings and in each related district. This appointment of Police Agents to Police Sergeants was in the plan conceived in the Measure "T" funds disbursement plans and in the original operational plan related to staffing both precinct buildings. While originally the operational plan was to appoint the Police Agents to Police Sergeants in approximately June of 2006, additional time is needed to train and familiarize this many new Police Sergeants with their new positions and responsibilities. Some transfers and reassignments need to be incorporated into this transition period as well, which will require additional time to ensure that all new Police Sergeants receive the same level of training and close order supervision within their probationary period. Previously, no

more than two Police Sergeants have ever been promoted at the same time. The task of orientation and training of 10 new Sergeants, simultaneously, will be a daunting task.

The rank of Police Sergeant in any law enforcement organization is viewed as the key position. The first line supervisor has more to do with morale, discipline, camaraderie and esprit de corps than any other position or rank. It is essential that adequate training and supervision is applied in the first year of this mass appointment to this crucial rank. Thus, appointments should occur as early as possible in 2006 to ensure that discipline and proper procedures are kept at the high standards that this Department is known for. Any less of a training period will provide less than satisfactory results in the long run.

Budget

In June, the City Council revised the 05/06 budget. As part of that budget, the City Council reviewed the General Fund Budget Forecast shown in Table I, FY 05/06 General Fund Budget Forecast.

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

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

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

The City Council made approximately \$800,000 in budget revisions. However, some \$600,000 in one-time monies is forecasted to be deposited into the City Council's reserve priorities in the following percentages:

Sports Park Reserve	45.0%
Civic Center Reserve	45.0%
Rec Stadium Reserve	5.0%
198 Corridor Reserve	5.0%

Staff recommends using \$21,000 this year to accelerate the promotion of Sergeants and to better position the City to manage the Police force prior to the next round of hiring. Future funding will come from the Measure T plan as outlined in the approved spending plan.

Prior Council/Board Actions: June 2005 Budget deliberations

Committee/Commission Review and Actions: Measure T approvals

Alternatives: The City Council could wait until next fiscal year to implement this portion of the Measure T plan.

Attachments: None

City Manager Recommendation:

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

Copies of this report have been provided to:

Recommended Motion (and Alternative Motions if expected): Approve \$3,000 from the federal asset forfeiture fund to pay the Visalia Convention Center rental for Sober Graduation 2005.

Environmental Assessment Status

CEQA Review:

Required Yes No
?

Review and Prior:
Action:

Require
d:

NEPA Review:

Required Yes No
?

Review and Prior:
Action:

Require
d:

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: November 7, 2005

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

Agenda Item Wording: Accept the City of Visalia Cash and Investment Report for the first quarter of the 2005-2006 fiscal year.

Deadline for Action: None

Submitting Department: Administration - Finance

Contact Name and Phone Number:

Eric Frost 713-4474
Cass Cook 713-4425

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): _____

Department Recommendation and Summary: It is recommended that Council accepts the City of Visalia Cash and Investment Report for the first quarter of the 2005-2006 fiscal year.

The September 30, 2005 investment report is the first report for the 2005-2006 fiscal year. The portfolio had a managed balance of \$110.5 million on September 30, 2005. The portfolio rate for the month of September was 2.74%. The annualized rate for the first three months of 2005-06 (July- September) averaged 3.03%. The table below lists the key benchmarks and performance statistics for the City's portfolio.

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

Quarter Ending	Portfolio Balance	City Monthly Portfolio Rate	LAIF Balance	LAIF Rate	2 YR Treasury	Weighted Average Maturity
September 30, 2005	\$110.5	2.74%	\$7.57	3.19%	4.17%	1.26 years
1st Quarter Annualized Rate to Date 2005-2006		3.03%		3.18%	4.17%	
June 30, 2005	\$113.6	3.38%	\$12.7	2.85%	3.63%	1.22 years
March 31, 2005*	\$102.8	1.01%	\$7.9	2.38%	3.77%	1.25 years
December 31, 2004	\$95.9	2.94%	\$10.8	2.00%	3.07%	1.27 years
September 30, 2004	\$107.2	2.81%	\$26.7	1.67%	2.61%	1.18 years
Annualized Rate 2004-2005		2.76%		2.23%	3.27%	

*The March portfolio rate of 1.01% is lower due to the method of accounting used to calculate the earnings rate.

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

Table II: Cash Summary (in millions)

Table II: Cash Summary

Investment Type	Amount (in millions)
Managed Portfolio	
LAIF	\$7.57
CD's	\$0.30
Agencies	\$90.65
Medium Term Notes	\$10.00
Treasury Notes	\$2.00
Total Managed Portfolio	\$110.52
Trustee Cash	\$1.86
Banks & Depositories	\$1.44
Total Cash & Investments	\$113.82

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

Economic Outlook:

Since June 30, 2004, the Federal Open Market Committee (FOMC) has raised the Federal Funds rate (Fed Funds), the rate for overnight loans between banks, eleven times from 1.00% to the current rate of 3.75% or 275 basis points (100 basis points equals 1.00%). The Fed Funds rate plays an important role in the market. Changes to the rate and / or the Fed's stance on monetary policy can lead to a chain of events which normally has implications for both short-term and long-term interest rates.

Economists have accurately predicted that the FOMC would raise rates by 25 basis points at each of the last eleven meetings; and consensus is they will continue on this pace through the next quarter with a possible break in the first quarter of the calendar year. The market expects a Fed Funds rate of 4.00% after the November FOMC meeting and 4.25% by the December meeting; however, inflation (or lack thereof), an economic slowdown or other global factors may play a role in future increases this year. Staff anticipates that the Fed Funds rate for the end of the calendar year to be 4.25%, resulting in a gradual rise in investment yields over the next 4 months.

Future Management:

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

Staff expects investment interest rates to be steady to rising over the next quarter. The market expectation is that the FOMC will raise the Fed Funds rate over the next quarter to a less accommodating or "neutral level" which economist predict to be between 3.75% – 4.50% (0 to 75 basis

points from the current rate). What this means is the FOMC is likely nearing the end of the tightening cycle.

Due to upcoming capital projects the primary concern for the portfolio is to maintain cash flow to meet future capital expenditures. Once projected cash flows needs are met, staff will look to move the the weighted average maturity (WAM) from 1.26 years to 1.50 years.

Prior Council/Board Actions:

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

Committee/Commission Review and Actions:

Alternatives:

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

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):
Move to accept the City of Visalia Cash and Investment Report for the first quarter of the 2005-2006 fiscal year.

Financial Impact

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

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 07, 2005

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

Agenda Item Wording: Approval of an amendment to the contract dated September 23, 2005 for services with Mark Briggs & Associates for preparation of 3 additional EPA Environmental Cleanup grant applications for a total increase of \$7,500 and an amendment to the contract dated September 22, 2004 with BSK & Associates to provide additional testing services in the amount of \$36,290.

Deadline for Action: November 07, 2005

Submitting Department: Administration & Community Development

Contact Name and Phone Number

Steve Salomon, City Manager/Executive Director, 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

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 to authorize the City Manager to:

1. Execute an amendment to the existing contract with Mark Briggs & Associates to prepare three additional grant applications to the Environmental Protection Agency (EPA), at a cost of \$7,500 (\$2,500 each) for Cleanup grant funds to be used in the Civic Center Complex area where previous testing indicated contamination; and
2. Execute an amendment with BSK Associates for additional testing of the Civic Center Complex parcels at a cost of \$36,290 to be paid from the existing EPA assessment grant funds.

Mark Briggs & Associates amendment to contract dated September 23, 2005 provides for the creation of one Assessment Grant Application to perform phase I and II investigations in the east Mains Street area and one Cleanup application grant funds to cleanup a previously identified contaminated site. Previous testing on the Civic Center Complex parcels suggest four sites may be eligible for cleanup grant funds. This action will amend the contract with Mark Briggs & Associates to prepare three additional applications for cleanup grants. The cost to prepare the three additional cleanup applications will be \$2,500 each or \$7,500 should all three additional site be determined eligible. These consultants were previously successful in obtaining two EPA Assessment Grants of \$200,000 hazardous materials and \$200,000 for petroleum based contamination grants for the City. The grant funds have been used to fund

testing and plan preparation by BSK for the Civic Center Complex parcels purchased from the Union Pacific Railroad Company. The base contract provides for the development of an Area-wide Assessment application (East Main Street Master Plan Area) and one Cleanup Application (former Union Pacific Railroad parcel).

BSK Associates proposed amendment provides for additional testing to localize the areas of the Civic Center Complex parcels needing cleanup. It is proposed to submit these sites to EPA for cleanup grant funds. By completing the proposed work, a clearer picture of the mitigation work, if any, and cost estimates can be prepared and submitted as part of the application. The proposed work includes:

1. Additional sediment testing in Jennings Ditch	\$ 10,410
2. Post-demolition soil testing beneath the auto shop on N. Ben Maddox	6,270
3. Baseline and post-demolition lead sampling for the auto shop building	4,280
4. Additional soil testing west of Burke Street (former wrecking yard)	9,830
5. Additional soil testing at former dock area west of Burke along tracks	<u>5,500</u>
Estimated Total	\$ 36,290

The existing EPA Assessment Grant funds are proposed for use to fund some or all of the proposed additional testing. Any testing not reimbursed by the EPA Grant will be funded from the Civic Center Reserve.

Summary of Proposed Programs:

Environmental Protection Agency (EPA) Grant Application Process

The EPA has instituted a new process for their environmental grants. First EPA asks for an Initial Proposal, which evaluates the overall area and identifies potential sites and/or the process of identifying the sites. Applications are due in December 2005. In the Initial Proposal the City will inform EPA that it will apply for both assessment and cleanup grants. It is anticipated that in January 2006, EPA will invite selected cities to submit formal applications for the respective grant programs.

- The Assessment Grant Program is divided into two divisions with a maximum \$200,000 grant per division. One application can be submitted to assess only petroleum contaminated sites such as gas stations. Another application can be submitted to assess any site with contamination. Mark Briggs will be submitting applications on behalf of the City for both assessments grants at the full \$400,000 maximum. Applications for these funds are due this December.
- The Cleanup Grant Program funds are offered at increments of \$200,000 each and the Agency may apply for as many as five, or a total of \$1,000,000. Those funds would be used for the actual cleanup of any sites the Agency identifies and EPA approves. We would plan to apply for the four identified sites for \$800,000 in anticipation of funding sites needing cleanup. Applications for these funds are due this December.

Prior Council/Board Actions:

Prior approval of both Mark Briggs and BSK contracts for service

Committee/Commission Review and Actions:

None

Alternatives:

None recommended

Attachments:

- Copy of proposed Mark Briggs amendment
- Copy of proposed BSK amendment

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):
Authorize the City Manager to:

1. Execute an amendment to the existing contract with Mark Briggs & Associates to prepare three additional applications to the Environmental Protection Agency (EPA), at a cost of \$7,500 (\$2,500 each), Cleanup grant funds for those contaminated portions of the Civic Center Complex area, funded by the General Fund; and
2. Execute an amendment with BSK Associates for additional testing of the Civic Center Complex parcels at a cost of \$36,290 to be paid from the existing EPA assessment grant funds.

Financial Impact

Funding Source: Civic Center Reserve and EPA Assessment Grant funds
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: ___	No__X_	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:

Required: CEQA review required as part of the clean up plan preparation

NEPA Review:

Required? Yes No

Review and Action: Prior:

Required: NEPA review required as part of the clean up plan preparation

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: November 7, 2005

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

Agenda Item Wording: Award Contract for the Miscellaneous Sanitary Sewer Improvement Projects, Project No. 4311-00000-720000-0-9451-2005, to install sanitary sewer in various areas of the City in the amount of \$ 547,750.00.

Deadline for Action: November 24,2005 (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 award Bill Nelson Construction the contract for the Miscellaneous Sanitary Sewer Improvement Projects, Project No. 4311-00000-720000-0-9451-2005.

The projects are located through-out the City of Visalia in older developed areas without sanitary sewer. Most of the homes in these neighborhoods have septic tanks /leach field systems, some of which are failing. The City recognized the need to service these areas which have been annexed for over 10 years. In response, staff has completed design for these projects, received authorization from Council September 19, 2005 to bid as non-prevailing wage, and is now ready for construction.

The Miscellaneous Sanitary Sewer Improvement project consists of the installation of sanitary sewer mains, manholes and sanitary sewer laterals to the property lines.

On October 25,2005 the City opened (2) bids submitted for the Miscellaneous Sanitary Sewer Improvement Projects. The results of the bid opening are as follows:

1. Bill Nelson G.E.C. Inc.	Fresno, CA	\$ 547,750.00
2. Nicholas Construction	Bakersfield, CA	\$ 819,896.00

The Engineers Estimate for this project including project management, inspecting and testing is estimated to be \$ 545,440.00.

The principal of Bill Nelson Construction is Bill Nelson. The City has previously contracted with Bill Nelson Construction the most recent contract was in March 21, 2005 for the North Trunkline Sanitary Sewer Improvement project in the amount of \$1,873,810.00. Bill Nelson Construction performed satisfactorily on that project and staff recommends awarding them this contract.

The Miscellaneous Sanitary Sewer Improvement project is planned to be completed by early February, 2005.

Prior Council/Board Actions: Authorize to bid as non-prevailing wage project on September 19, 2005

Committee/Commission Review and Actions: None

Alternatives: Do not award contract.

Attachments: Exhibit #1 (Location Map), Exhibit #2 (Bid Opening Spreadsheet)

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to award a contract to Bill Nelson G.E.C. Inc. for construction of the Miscellaneous Sanitary Sewer Improvement Projects in the amount of \$ \$ 547,750.00. 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: \$ 547,750.00	New Revenue:	\$
Amount Budgeted: \$ 560,500.00	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:

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:

City of Visalia Agenda Item Transmittal

Meeting Date: November 7, 2005

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

Agenda Item Wording:

Authorization for the City Manager to execute an agreement with Consolidated Waste Management Authority (CWMA) to provide a Visalia employee to act as CWMA Administrator.

Deadline for Action:

November 7, 2005

Submitting Department:

Community Development & Public Works

Contact Name and Phone Number

Andrew Benelli, Assistant Community Development & Public Works Director 713-4340
Jim Bean, Public Works Manager 713-4564

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): _____

Department Recommendation and Summary:

In 1999, the City of Visalia entered into a joint powers agreement with the cities of Dinuba, Lindsay, and Porterville to form the Consolidated Waste Management Authority (CWMA). In 2002, the remaining incorporated cities of Tulare County joined the CWMA (Exeter, Farmersville, Woodlake, and Tulare). Per the agreement, the CWMA acts as an "independent public agency to comprehensively plan, develop, operate and manage the collection, diversion, recycling, processing and disposal of solid waste within the County of Tulare." The California Waste Management Act of 1989 (AB 939) requires that all California cities and counties prepare, adopt and implement source reduction and recycling plans to reach landfill diversion goals. As members of the CWMA, the individual cities work together to meet the diversion goals required by AB 939. All of the reporting and documentation associated with meeting the goals of AB 939 are prepared by the CWMA. The CWMA has never had any employees or staff members. For the last several years, the City of Porterville has supplied a staff member to complete the CWMA's reports and manage the Board meetings. Porterville has not been contractually bound to perform this work nor have they been compensated. The CWMA workload has increased substantially in the last few years to a level that justifies a full time employee. The CWMA has temporarily retained the services of a retired City of Lindsay employee (Tom McCurdy) to manage the workload. He has indicated that he will not be able to serve as the Administrator past January 1, 2006. Time is of the essence to allow sufficient time to recruit, hire and train a qualified employee to fill this position.

City staff recommends that Visalia serve as a host to hire and employ a CWMA Administrator. The CWMA members would all contribute to reimburse Visalia for the employee's wages, benefits and overhead. The CWMA Board has reviewed Visalia's proposal to serve as the host city, but has not taken formal action for approval. Visalia's proposal will be placed on the CWMA Board's

agenda after the City Council's approval. The total annual cost to the CWMA would be approximately \$69,850. This amount would be adjusted annually to cover salary and overhead increases (cost of living and merit). The Agreement would be for the remainder of this fiscal year and all of the next two fiscal years (until June 30, 2008). Both parties could mutually agree to terminate the Agreement early. The employee that will be hired will be a full time City of Visalia employee with normal benefits. An Agreement has been prepared by the CWMA's Attorney (Steve Kabot) and is currently being reviewed by the City Attorney. Staff recommends that the City Council authorize the City Manager to execute the finalized Agreement.

A full time CWMA Administrator will help the member cities increase recycling to achieve the State's fifty percent diversion requirements. The Administrator will be responsible for all reporting to California Integrated Waste Management Board and will manage various State grant programs. The CWMA is currently working on several programs to increase the diversion rates. Examples of programs are: Construction and Demolition Ordinance, Commercial Recycling, and Commercial Green Waste. The Administrator will work with all of the cities to implement diversion programs and will develop public awareness campaigns. A copy of the Job Description for the CWMA Administrative Analyst is attached to this report.

Prior Council/Board Actions:

None

Committee/Commission Review and Actions:

N/A

Alternatives:

None recommended.

Attachments:

CWMA Administrative Analyst Job Description

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to execute an agreement with Consolidated Waste Management Authority for Visalia to provide an employee to act as CWMA Administrator.

Financial Impact

Funding Source:

Account Number: _____

Budget Recap:

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

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

JOB TITLE

Consolidated Waste Management Authority Administrative Analyst

JOB DESCRIPTION

Under general direction, performs advanced administrative and analytical work for the Consolidated Waste Management Authority (CWMA) within Tulare County; coordinates, oversees and administers CWMA programs, projects and activities; performs and/or coordinates analytical studies requiring research and analysis on a variety of waste management issues; may coordinate, lead or supervise the work of others in conjunction with work activities; and performs related duties as required.

REPRESENTATIVE DUTIES

The duties listed below are examples of the work typically performed by employees in this class. An employee may not be assigned all duties listed and may be assigned duties which are not listed below.

- Provides broad administrative management over CWMA program activities; serves as liaison between the CWMA Board of Directors, member agencies and others to identify, plan, develop and implement program and project goals and objectives.
- Oversees grants and other funding resources; attends workshops and trainings to learn about funding options and requirements; makes recommendations to CWMA Board and members regarding pursuit of funding options; develops and prepares grant and other proposals, coordinating with involved parties as needed; if approved/received, administers grant and other funds, assuring that source requirements are met.
- Leads and participates on committees, task forces, and other entities to identify program/project parameters and develop cooperative efforts; communicates with all involved parties regarding current activities; schedules meetings and prepares materials, including agendas and minutes; makes presentations; prepares newsletters; coordinates and arranges for presentation of special educational information including materials, speakers, and other resources; provides follow-up on group requests as authorized.
- Conducts research into complex administrative issues and concerns; works with various officials and parties to obtain information, clarify details and understand the issues/concerns under study; compiles information for reports; evaluates alternatives and makes recommendations.
- Drafts policies, operating procedures, position statements, press releases and other documents as authorized; reviews and analyzes current, proposed, revised and new legislation regarding solid waste and related issues and reports on possible impact on CWMA activities.
- Schedules, coordinates and participates in CWMA work tasks; monitors progress and reviews completed work; coordinates, leads or supervises others working on the same or related projects.
- Prepares and presents comprehensive reports, recommending appropriate alternatives and courses of policy action; follows up on action as required.

- Manages and performs various CWMA administrative activities related to budgeting, expenditures, and financial tracking; coordinates with vendors and others regarding equipment, facility and/or supply needs; prepares requests and justifications for expenditures; establishes, maintains and reconciles accounts; works with auditors, attorneys and others as needed to obtain advice and services.

EMPLOYMENT STANDARDS

Education and/or Experience

Any combination of education and experience that provides the required knowledge and abilities below is qualifying. A typical way to obtain the required knowledge and abilities would be:

Education - Graduation from an accredited college or university with a bachelor's degree in business or public administration, finance, accounting, or a related field appropriate for the specific position.

Experience – Three years performing work that provided familiarity with solid waste recycling and related programs, including at least one year at a professional analytical level.

Substitution – Additional analytical experience that required research, data analysis, report development, and cost control may substitute for the above-required education on a year for year basis.

Knowledge of:

- Principles and practices of public administration, including finance, budget, management controls, reporting, statistics, administrative research, and program planning;
- Practices and activities common to solid waste recycling programs;
- State and local laws and regulations as they apply to solid waste recycling programs;
- Typical funding options available for solid waste recycling programs;
- Typical municipal organization and programs, local government relationships, and community relations;
- Principles and practices of customer service and public contact;
- Advanced administrative and office methods, procedures, terms, and equipment;
- Methods of data collection and evaluation;
- Research methods, letter composition, and report writing;
- Techniques for presenting information;
- Operation of varied office equipment, including computer hardware, software and peripherals;
- Principles and practices of supervision and leadership.

Ability to:

- Work at a professional level to research, understand, explain and apply complex rules, regulations, ordinances, policies and procedures;

- Independently evaluate and resolve situations, including those that fall within established policies and procedures and those that require substantial judgment;
- Coordinate complex activities with several parties;
- Exercise tact and discretion in dealing with the public and handling sensitive information;
- Organize and conduct research;
- Collect and tabulate statistical data;
- Analyze data, draw logical conclusions and make appropriate recommendations;
- Summarize narrative information; prepare narrative and statistical reports;
- Devise new methods and streamline procedures;
- Communicate effectively, both orally and in writing;
- Establish and maintain effective working relationships with superiors, subordinates, other City staff, outside organizations and the general public;
- Prioritize and organize work to meet deadlines;
- Lead, coordinate and/or supervise others if assigned;
- Use computers effectively to accomplish work objectives.

Additional Requirements

- Possession of or ability to obtain a valid California Driver's License may be required at the time of appointment. Individuals who do not meet this requirement due to a physical disability will be considered on a case-by-case basis.

Physical Demands

Positions require strength, dexterity, coordination and vision to use a keyboard and video display terminal for long periods of time; dexterity and coordination to handle files and single pieces of paper; occasional lifting of objects weighing up to 25 lbs. such as, files, stacks of paper, reference and other materials; moving from place to place within an office; some reaching for items above and below desk level.

WORKING CONDITIONS

Work environment is generally clean with limited exposure to conditions such as dust, fumes, odors, or noise. A video display terminal is used on a daily basis. Substantial travel and extended hours may be required.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2005

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

Agenda Item Wording: Authorize the Recordation of the Final Map for Ranch Santa Fe Phase 2, located Southeast corner of Santa Fe and Monte Vista Ave (70 lots) and the Annexation of Rancho Santa Fe Phase #2 into Landscape and Lighting District No. 05-04, Rancho Santa Fe (Resolution Nos. 05-154 and 05-155 required). APN: 123-220-01,123-130-22

Deadline for Action: None

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli	713-4340
Peter Spiro	713-4256

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for Rancho Santa Fe Unit #2 containing 70 Lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$566,681.50 and Labor and Material Bond in the amount of \$253,702.75 ; 3) cash payment of \$132,842.60 distributed to various accounts; and 4) Final Map. This subdivision is being developed by McMillin Rancho Santa Fe Estates, LLC.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. The Faithful Performance Bond can be reduced to 10% of the public construction costs after the Notice of Completion is recorded. The Faithful Performance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the Final 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 alongside Santa Fe Street (Collector). The City will be reimbursing approximately \$72,500 to the developer (McMillin 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. 05-154 Initiating Proceedings for Annexation to Assessment District No. 05-04, Rancho Santa Fe; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-155 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

On March 7th 2005, City Council approved the formation of a Landscape and Lighting District for Phase 1 of Rancho Santa Fe. This district included the assessor's parcel numbers for all phases of the Rancho Santa Fe tentative map. This established at the onset of this development that the landscape and lighting district would be built in phases and the cost for maintenance would be shared equally among all the property owners for all phases of Rancho Santa Fe. The purpose behind this was to bring future annexations to the Council without having to get permission from the owners in each developed phase to add additional lots to the district. The City would only need permission from the owners in each developed phase if the annexation of the new phase would cause the per lot assessment to increase. This annexation will reduce the per lot assessment for each lot within the district.

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

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

Committee/Commission Review and Actions: The tentative subdivision map for Rancho Santa Fe subdivision was approved by the Planning Commission on November 24, 2003. The tentative map will expire on November 24, 2005.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Rancho Santa Fe and I move to adopt Resolution No. 05-154 Initiating Proceedings for Annexation to Assessment District No. 05-04 "Rancho Santa Fe" and adopt Resolution No. 05-155 Ordering the Improvements for Assessment District No. 05-04 "Rancho Santa Fe."

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. 05-154

RESOLUTION INITIATING PROCEEDINGS
FOR ANNEXATION TO
ASSESSMENT DISTRICT 05-04
Rancho Santa Fe
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The district, including the annexation, shall continue with the designation established with the initial formation, which is "Assessment District No. 05-04, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-04, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Rancho Santa Fe".
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. 05-04
Rancho Santa Fe
(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. 05-04, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 28th day of May, 2005 by its Resolution No. 05-154 & 155

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

RESOLUTION NO. 05-155

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-04
Rancho Santa Fe
(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. 05-04, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the annexation to the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2004-05.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report
 - Attachment E - Disclosure of partnerships and property owners

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram Assessment District No. 05-04 City of Visalia, Tulare County, California



Rancho Santa FE Unit # 2

Exhibit "A"

Assessment Diagram
 Assessment District No. 05-04
 City of Visalia, Tulare County, California

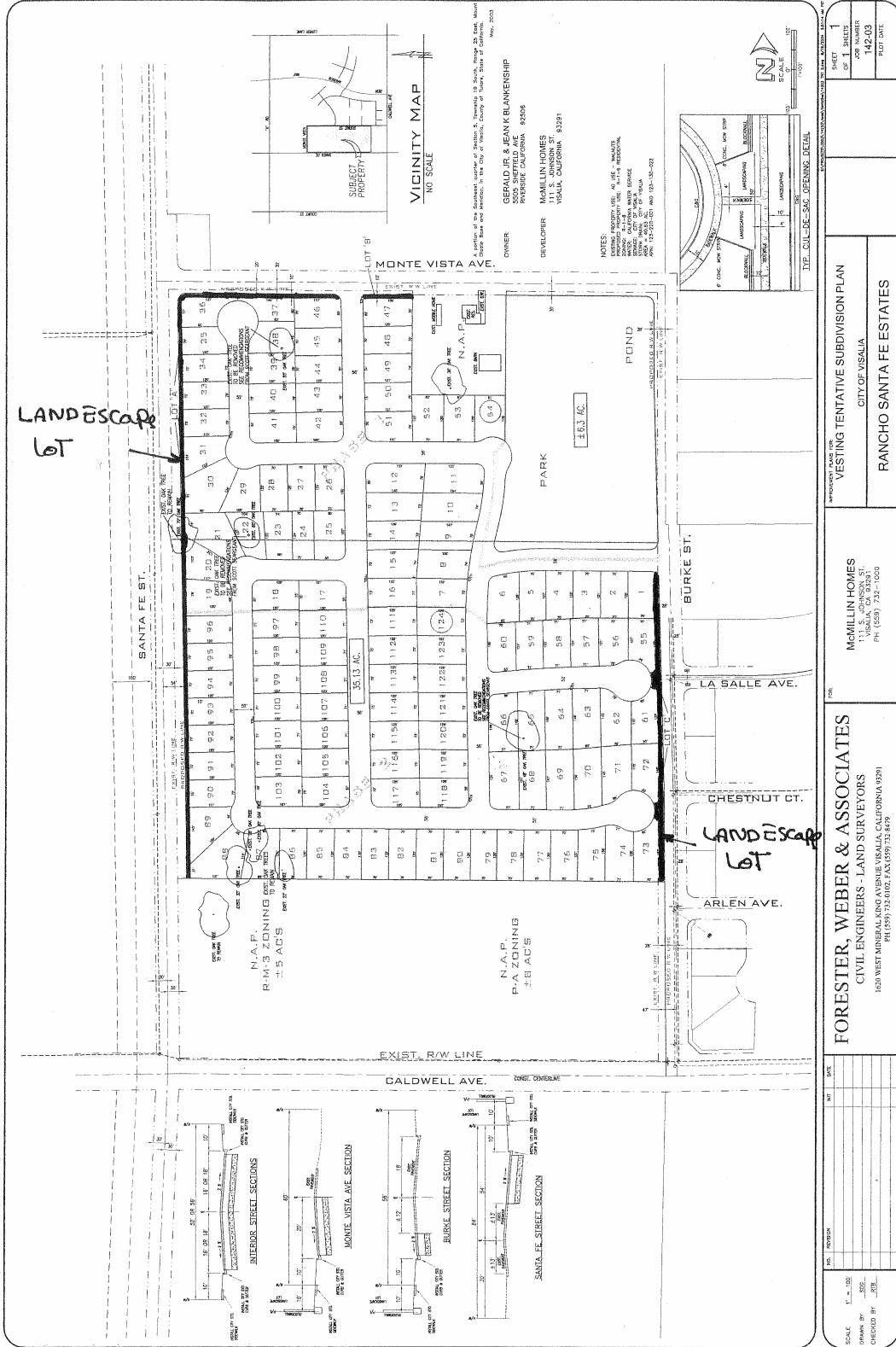


Exhibit "A"

Assessment Diagram
Assessment District No. 05-04
City of Visalia, Tulare County, California

Exhibit "B"

Landscape Location Diagram
Rancho Santa Fe

Exhibit "B"

Landscape Location Diagram
Rancho Santa Fe

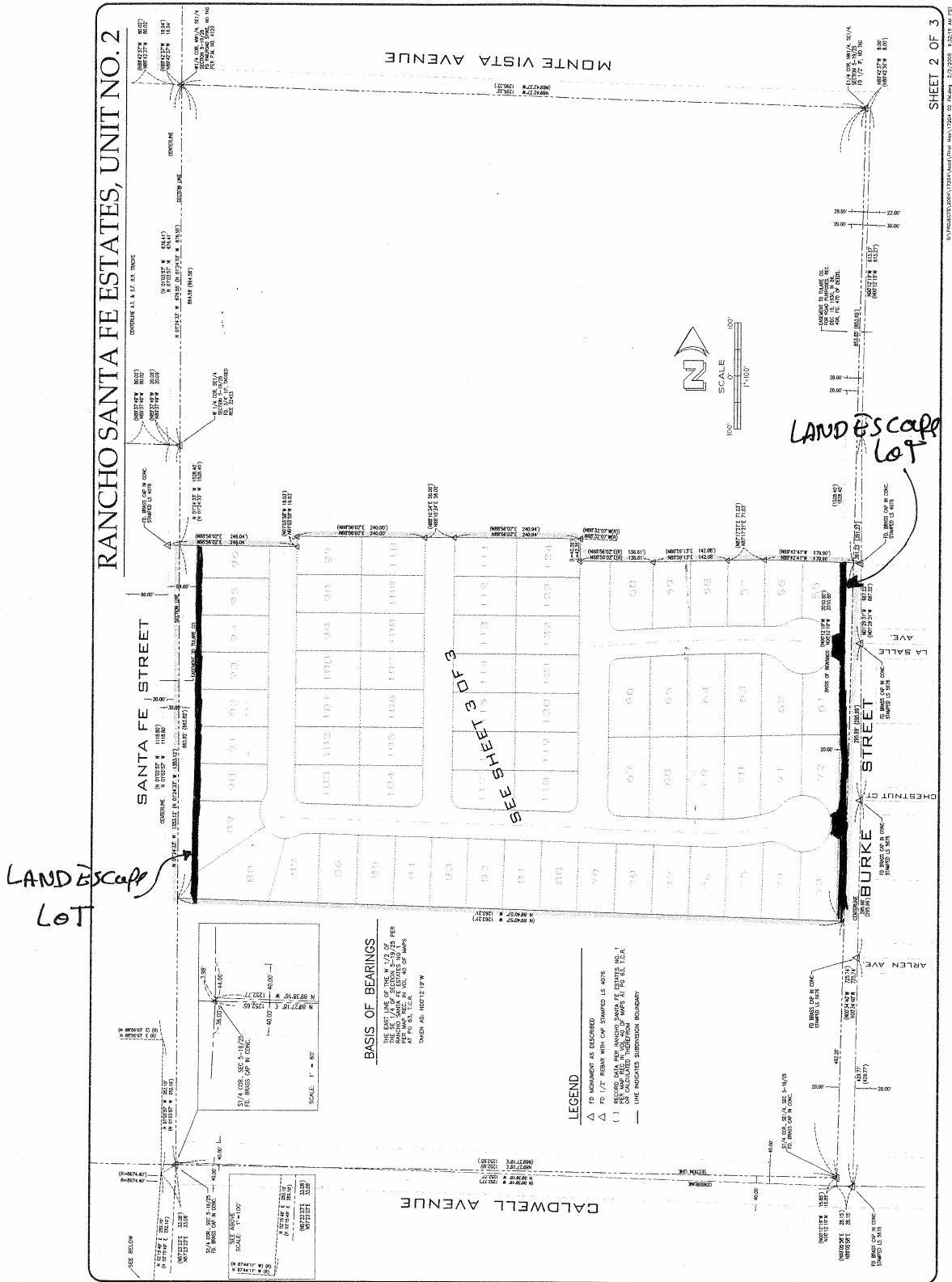


Exhibit "C"

Tax Roll Assessment
Rancho Santa Fe
Fiscal Year 2005-06

APN #	Assessment	Owner	Lot #	District
To Be Assigned	\$140.00	To Be Assigned	05-0401	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0402	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0403	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0404	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0405	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0406	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0407	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0408	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0409	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0410	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0411	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0412	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0413	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0414	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0415	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0416	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0417	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0418	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0419	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0420	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0421	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0422	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0423	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0424	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0425	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0426	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0427	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0428	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0429	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0430	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0431	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0432	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0433	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0434	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0435	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0436	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0437	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0438	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0439	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0440	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0441	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0442	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0443	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0444	Rancho Santa Fe

Exhibit "C"

Tax Roll Assessment
Rancho Santa Fe
Fiscal Year 2005-06

To Be Assigned	\$140.00	To Be Assigned	05-0490	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0491	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0492	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0493	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0494	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0495	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0496	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0497	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0498	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-0499	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04100	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04101	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04102	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04103	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04104	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04105	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04106	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04107	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04108	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04109	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04110	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04111	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04112	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04113	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04114	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04115	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04116	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04117	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04118	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04119	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04120	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04121	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04122	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04123	Rancho Santa Fe
To Be Assigned	\$140.00	To Be Assigned	05-04124	Rancho Santa Fe

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-04
Rancho Santa Fe
Fiscal Year 2005-06

General Description

This Assessment District (Rancho Santa Fe) is located at the south East corner of Santa Fe Street and Monte Vista Ave. Exhibit "A" is a map of Assessment District 05-04. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district are 124 Lots.

Determination of Benefit

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

Method of Apportionment

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

Estimated Costs

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-04
Rancho Santa Fe
Fiscal Year 2005-06

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	14610	\$0.180	\$2,629.80
Shrub Area	Sq. Ft.	28195	\$0.180	\$5,075.10
Water	Sq. Ft.	42805	\$0.050	\$2,140.25
Electricity	Sq. Ft.	42805	\$0.008	\$342.44
Trees In Landscape Lots	Each	129	\$25.00	\$3,225.00
Trees In Local Street Parkways	Each	206	\$25.00	\$5,150.00
Street Lights	Each	27	\$105.00	\$2,835.00
Project Management Costs	Lots	124	\$18.00	\$2,232.00
				<hr/>
TOTAL				\$23,629.59
10% Reserve Fund				\$2,362.96
				<hr/>
GRAND TOTAL				\$25,992.55
ACTUAL COST PER LOT				\$209.62
THE CURRENT ASSESMENT PER LOT				\$140.00

Since this assessment district was initially created incorrectly, the district will suffer a budget deficit in it's early years, the assessment will be raised every year using the maximum allowable increase until it matches the actual costs.

Annual Cost Increase

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

$$A_{max} \text{ for any given year "n"} = (\$25,992.55) (1.05)^{(n-1)}$$

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-04
Rancho Santa Fe
Fiscal Year 2005-06

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

Example 1. The estimated year four cost of maintaining the improvements in the district is \$ 28,331.88 [a 9% increase over the base year estimated cost of \$25,992.55]. The maximum annual assessment for year four is :
$$\$30,089.63 [A_{\max} = (\$25,992.55) (1.05)^{(4-1)}]$$
.

The assessment will be set at \$28,331.87 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$29,371.62 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$25,992.55]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$519.85 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is :
$$\$30,089.63 [A_{\max} = (\$25,992.55) (1.05)^{(4-1)}]$$
.

The year four assessment will be set at \$29,371.62 plus the deficit amount of \$519.85 which equals \$ 29,891.47 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$28,331.88 [a 9% increase over the base year assessment of \$25,992.55] and damage occurred to the masonry wall raising the year five expenses to \$34,564.89 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$31,165.06 (a 10% increase over the previous year) and below the maximum annual assessment of :
$$\$31,594.12 [A_{\max} = (\$25,992.55) (1.05)^{(5-1)}]$$
.

The difference of \$2,970.8 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-04
Rancho Santa Fe
Fiscal Year 2005-06

City Engineer Certification

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

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-04
Rancho Santa Fe
Fiscal Year 2005-06



CITY OF VISALIA
Ownership Disclosure

SITE:

Address or APN(s) #123-130-015 REMAINDER PARCEL OF RANCHO SANTA FE #1
Short Title or Name of proposed project RANCHO SANTA FE ESTATES UNIT NO. 2
Summary description of the proposed project North East corner of Caldwell Avenue and Santa Fe
Visalia, CA

PROPERTY OWNER(S):

If more than two owners, please provide information and signature(s) on a separate sheet.

Name (print) MCMILLIN RANCHO SANTA FE, LLC Name (print) _____
Mailing Address 111 S. JOHNSON, VISALIA, CA 93291 Mailing Address _____
Phone (559) 732-1000 Phone _____

Statement: I/We declare under penalty of perjury that I am/we are the legal owner(s) of the property involved in this application. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

10/28/05
Date

Humberto Alay
Property Owner Signature

10/28/05
Date

[Signature]
Property Owner Signature

OTHER INVOLVED PARTIES:

Fill in all that apply.

It is planned that the property will be sold to _____
(Write "none" if property owner(s) do not plan to sell property.)

Developer/Builder _____
Mailing Address _____
Phone _____ Fax _____

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-04
Rancho Santa Fe
Fiscal Year 2005-06

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder is a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

THE CORKY MCMILLIN COMPANIES, A CALIFORNIA CORPORATION

NOTICE: If the above information regarding ownership and interest in this property changes before the project goes before City Council or Planning Commission, it is the responsibility of such parties to notify the City of Visalia of this change(s).

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2005

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

Agenda Item Wording: Authorize the Recordation of the Final Map for Pheasant Ridge Unit No. 1, located at the northwest corner of Ferguson Avenue and Roeben Street (61 lots) and the Formation of Landscape and Lighting District No. 05-19, Pheasant Ridge (Resolution Nos. 05-156 and 05-157 required). APN: 077-100-050 & 000-003-757

Deadline for Action: N/A

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Doug Damko 713-4268

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for Pheasant Ridge Unit No. 1 containing 61 single family residential lots and 1 City park lot. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$349,992.81 and Labor and Material Bond in the amount of \$174,996.40; 3) cash payment of \$193,620.76 distributed to various accounts; and 4) Final Map. The applicant on this project is McMillin Homes.

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

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the developer for street improvements made to Arterial and Collector streets. This development is constructing street improvements on Ferguson Avenue (Collector) and Roeben Street (Collector). The City will be reimbursing the developer approximately \$670,000 for Arterial/Collector street improvements. The reimbursement will come through a combination of fee credits for Transportation Impact Fees and cash payment.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-156 Initiating Proceedings for Formation of Assessment District No. 05-19, Pheasant Ridge; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-157 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

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

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

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

Committee/Commission Review and Actions: The tentative subdivision map for Pheasant Ridge subdivision was approved by the Planning Commission on October 25, 2004. The tentative map will expire on October 25, 2006.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Pheasant Ridge Unit No. 1 and I move to adopt Resolution No. 05-156 Initiating Proceedings for Formation of Assessment District No. 05-19 "Pheasant Ridge" and adopt Resolution No. 05-157 Ordering the Improvements for Assessment District No. 05-19 "Pheasant Ridge."

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

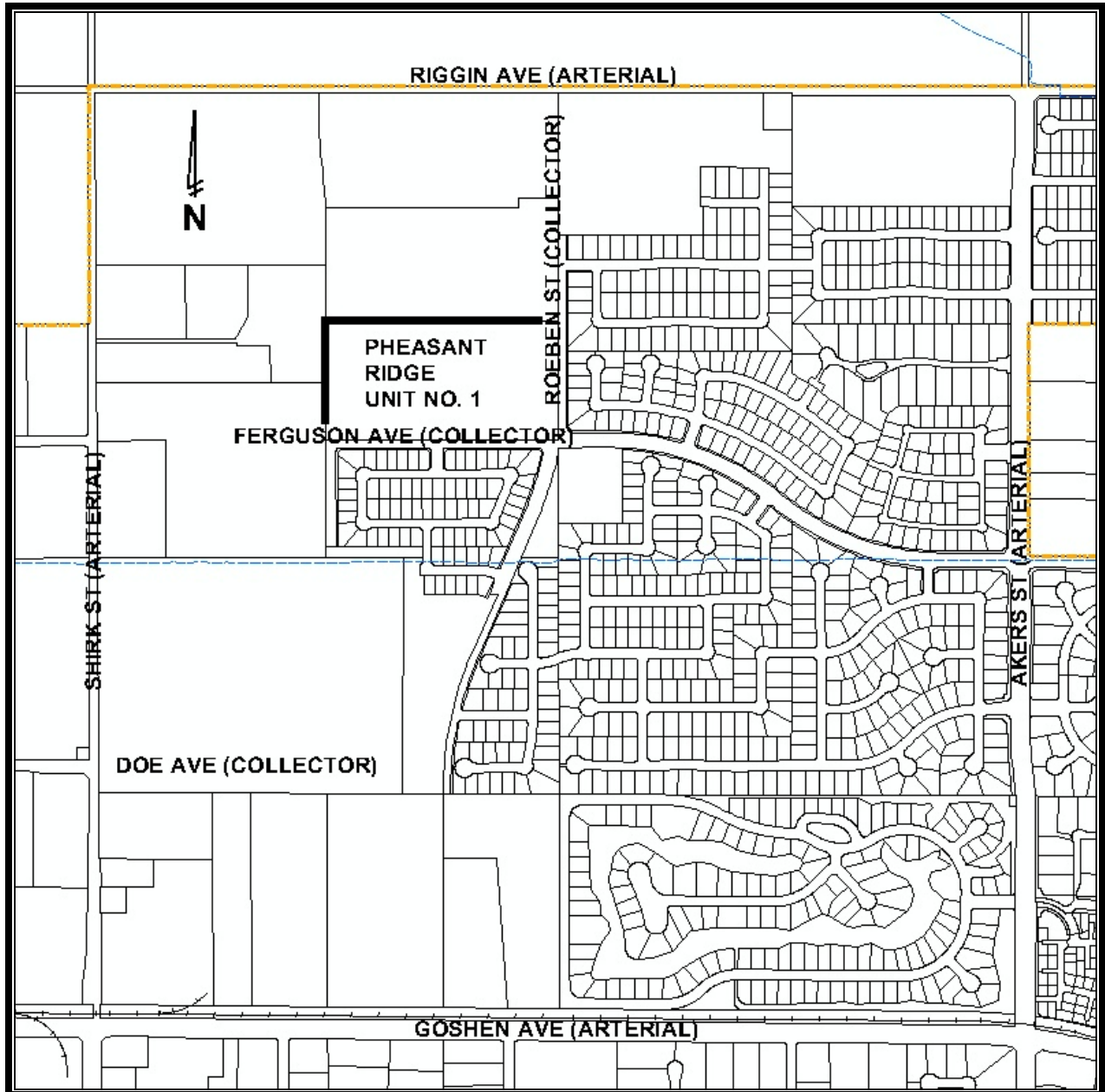
Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

LOCATION MAP



RESOLUTION NO. 05-156

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 05-19
PHEASANT RIDGE
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Turf areas, shrub areas, irrigation systems, trees, block walls, street lights, pavement on local streets and any other applicable equipment or improvements.
2. The proposed district shall be designated Assessment District No. 05-19, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-19, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Pheasant Ridge".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-19
PHEASANT RIDGE
(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-19, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 1st day of August, 2005 by its Resolution No. 05-156 & 157

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

RESOLUTION NO. 05-157

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-19
PHEASANT RIDGE
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-19, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2005-06.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram Assessment District No. 05-19 City of Visalia, Tulare County, California

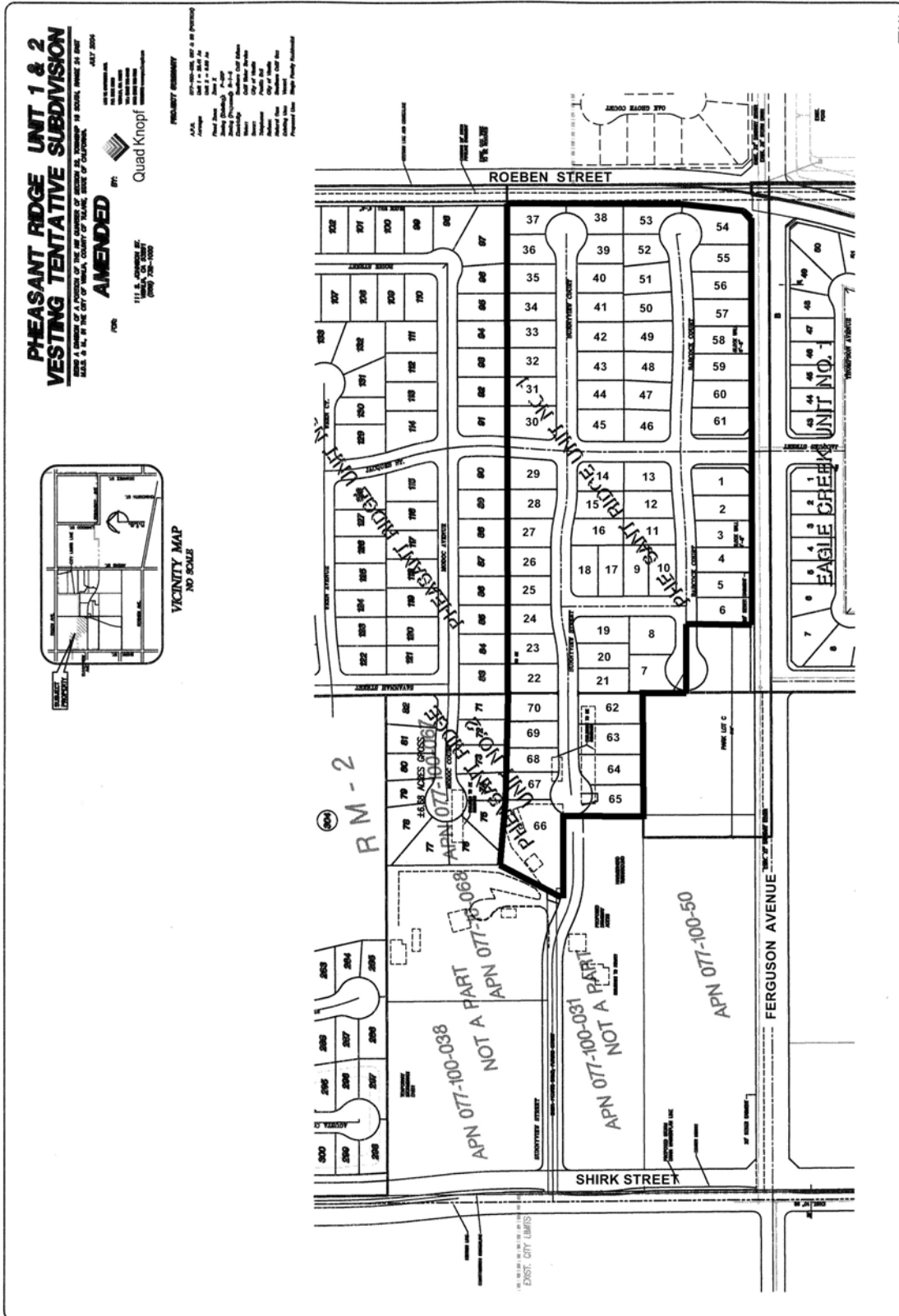


Exhibit "B"

Landscape Location Diagram Pheasant Ridge

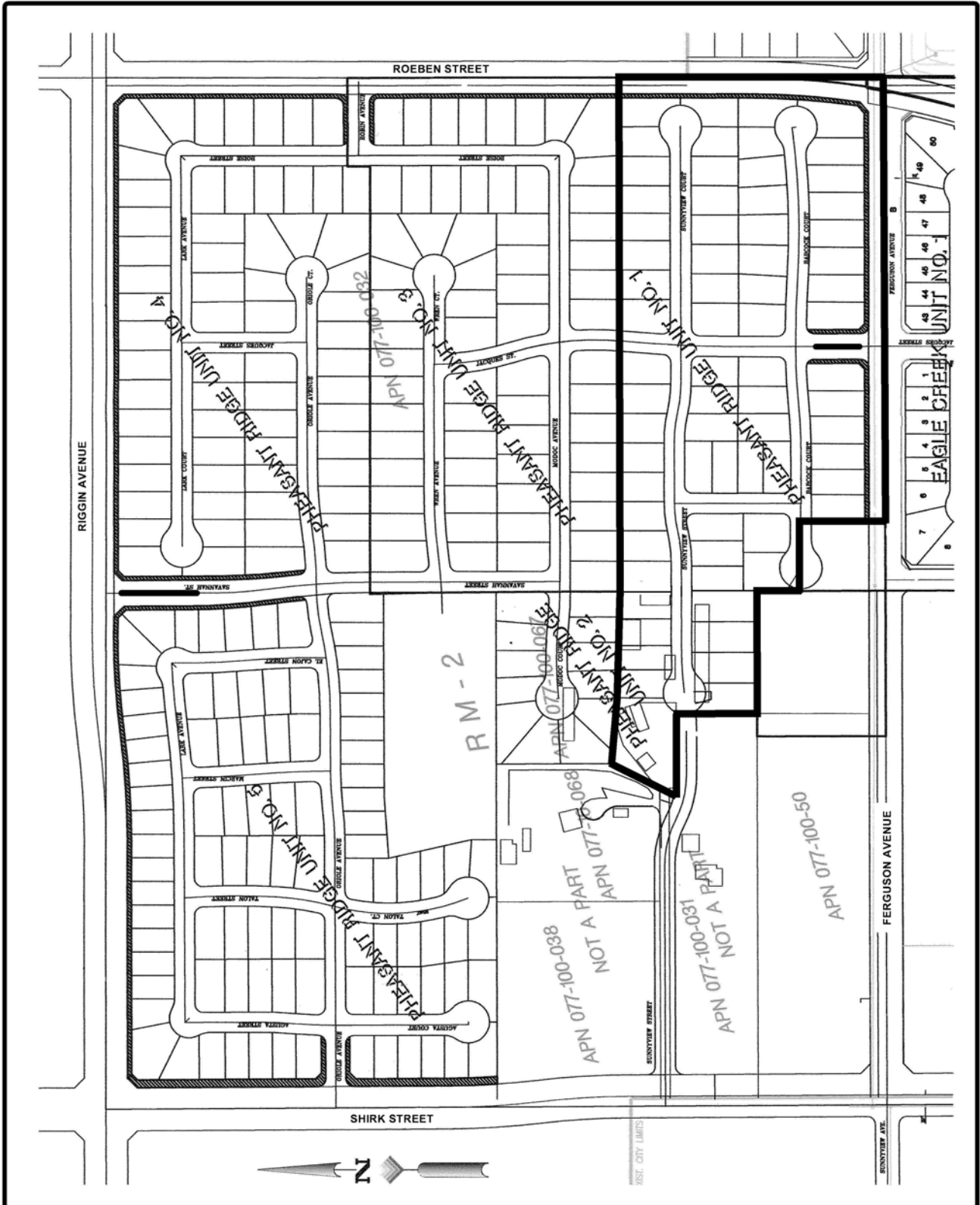


Exhibit "C"

Tax Roll Assessment
Pheasant Ridge
Fiscal Year 2005-06

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

Exhibit "C"

Tax Roll Assessment
Pheasant Ridge
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$387.85	McMillin Homes	05-19045	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19046	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19047	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19048	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19049	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19050	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19051	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19052	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19053	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19054	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19055	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19056	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19057	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19058	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19059	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19060	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19061	Pheasant Ridge
To Be Assigned	\$387.85	Larry Nelson	05-19062	Pheasant Ridge
To Be Assigned	\$387.85	Larry Nelson	05-19063	Pheasant Ridge
To Be Assigned	\$387.85	Larry Nelson	05-19064	Pheasant Ridge
To Be Assigned	\$387.85	Larry Nelson	05-19065	Pheasant Ridge
To Be Assigned	\$387.85	Larry Nelson	05-19066	Pheasant Ridge
To Be Assigned	\$387.85	Larry Nelson	05-19067	Pheasant Ridge
To Be Assigned	\$387.85	Larry Nelson	05-19068	Pheasant Ridge
To Be Assigned	\$387.85	Larry Nelson	05-19069	Pheasant Ridge
To Be Assigned	\$387.85	Larry Nelson	05-19070	Pheasant Ridge

Exhibit "D"

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

General Description

This Assessment District (District) is located at the northwest corner of Ferguson Avenue and Roeben Street. Exhibit "A" is the Assessment Diagram for Assessment District 05-19, which shows all 5 phases of the District. The total number of single-family lots within the District is 303. There is one 4.22 acre lot zoned for multi-family located in Phase 5. The total number of lots within the District is 304. This report evaluates the estimated cost per lot for all 304 lots in the District with the intent of establishing an assessment on each of the 61 lots in Unit No. 1 and on each of the 9 lots in Unit No. 2 Phase 1 as shown in Exhibit "C" Tax Roll Assessment.

This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, street lights, pavement on local streets and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The maintenance of pavement on local streets includes preventative maintenance by means including, but not limited to overlays, chip seals/crack seals and reclamite (oiling).

Determination of Benefit

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

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls, street lights and pocket parks. The lots not adjacent to landscape areas, block walls and street lights benefit by the uniform maintenance and overall appearance of the District. All lots in the District have frontage on an internal local street and therefore derive a direct benefit from the maintenance of the local streets. The 4.22 acre lot zoned for multi-family will be assessed at the same rate as the single-family lots. The City anticipates that this multi-family lot will be subdivided in the future and will have a specific development plan identifying the number of dwelling units. The District will be amended at that time to incorporate the additional lots and dwelling units into the calculation of the assessment cost on each lot. It is anticipated that the additional lots and dwelling units will reduce the assessment cost on each lot in the District.

Exhibit "D"

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

Estimated Costs

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

Estimated Quantities

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

The estimated quantities and estimated costs for all 5 phases of the Pheasant Ridge tentative are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	59648	\$0.180	\$10,736.64
Shrub Area	Sq. Ft.	59648	\$0.180	\$10,736.64
Water	Sq. Ft.	119296	\$0.050	\$5,964.80
Electricity	Sq. Ft.	119296	\$0.008	\$954.37
Trees In Landscape Lots	Each	332	\$25.00	\$8,300.00
Trees In Local Street Parkways	Each	422	\$25.00	\$10,550.00
Street Lights	Each	71	\$105.00	\$7,455.00
Chip Seal (15 year cycle)	Sq. Ft.	554122	\$0.190	\$7,018.88
Crack Seal (8 year cycle)	Sq. Ft.	554122	\$0.02933	\$2,031.76
Reclamite (6 year cycle)	Sq. Ft.	554122	\$0.0211110	\$1,949.68
Overlays (10 year cycle)	Sq. Ft.	554122	\$0.65	\$36,017.93
Project Management Costs	Lots	304	\$18.00	\$5,472.00
TOTAL				\$107,187.69
10% Reserve Fund				\$10,718.77
GRAND TOTAL				\$117,906.46
COST PER LOT				\$387.85

Exhibit "D"

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

Annual Cost Increase

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

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

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

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

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

Example 1. The estimated year four cost of maintaining the improvements in the district is \$128,518.04 [a 9% increase over the base year estimated cost of \$117,906.46]. The maximum annual assessment for year four is \$136,491.47 [$A_{\max} = (\$117,906.46) (1.05)^{(4-1)}$]. The assessment will be set at \$128,518.04 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$133,234.30 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$117,906.46]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$2,664.69 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$136,491.47 [$A_{\max} = (\$117,906.46) (1.05)^{(4-1)}$]. The year four assessment will be set at \$133,234.30 plus the deficit amount of \$2,664.69 which equals \$135,898.99 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$128,518.04 [a 9% increase over the base year assessment of \$117,906.46] and damage occurred to the masonry wall raising the year five expenses to

Exhibit "D"

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

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

City Engineer Certification

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

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

City of Visalia
City Council Agenda Item Transmittal

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

City Council Meeting Date: November 7, 2005

Agenda Item Wording: Annexation of Tentative Parcel Map 2005-05 into Landscape and Lighting Act Assessment District No. 96-03, Oak Meadow Estates located on the south side of Walnut Avenue between Shirk Street and Roeben Street. (Resolution Nos. 05-158 and 05-159 required)

Deadline for Council Action: N/A

Submitting Department: Community Development and Public Works

Contact Name and Phone Number:

Andy Benelli 713-4340
Doug Damko 713-4268

For action by:

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

For placement on agenda as:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary:

Staff recommends that the City Council: adopt Resolution No. 05-158 Resolution of Annexation to Assessment District No. 96-03, Oak Meadows Estates; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-159 confirming the Engineer's Report and ordering the improvements and levying the assessments.

Tentative Parcel Map 2005-05 divides one of the lots from the original Oak Meadows Estates tentative map into two lots. This will add one additional lot to Landscape and Lighting Act Assessment District No. 96-03 Oak Meadow Estates for a total of 66 lots. The original Oak Meadows Estates tentative map contained 60 lots. Oak Meadow Estates No. 5 tentative map divided 5 lots from the original Oak Meadows Estates tentative map into 10 lots and brought the total for the district up to 65 lots. Tentative Parcel Map 2005-05 increases the total lots for the district to 66 lots. No further divisions are anticipated.

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

On June 3rd, 1996, City Council approved the formation of a Landscape and Lighting District for Phase 1 of Oak Meadow Estates. This district was established over all the lots within Phase 1 of Oak Meadow Estates and also included the remaining parcels within the boundary of the tentative map. Including all parcels within the boundary of the tentative map established the boundaries of the landscape and lighting district and also set forth the framework to allow the future phases to be annexed into the district. As each phase is annexed into the district, additional lots are added to the district.

The owner of the lots for Tentative Parcel Map 2005-05 has requested and consented to the formation of the district and has also waived the notice of public hearing. The property owners of the other lots within the district are already being assessed by the district and this annexation will reduce their calculated assessment from \$108.86 to \$107.48. The City will not need to ballot these property owners because the assessment on their lots is being reduced. The City only needs to ballot the property owners if the annexation of the new lots causes the calculated assessment on each lot to increase.

Prior Council Actions:

- On June 3, 1996 the City Council approved the formation of Landscape and Lighting District No. 96-03 for Phase 1 Oak Meadow Estates.
- On May 19, 2003 the City Council approved the annexation of Phase 4 of Oak Meadow Estates into Landscape and Lighting Act Assessment No. 96-03.
- On January 10, 2005 the City Council approved the annexation of Phase 5 of Oak Meadow Estates into Landscape and Lighting Act Assessment No. 96-03.

Committee/Commission Review and Actions: N/A

Alternatives:

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

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

"I move to adopt Resolution No. 05-158 Resolution Initiating Resolution of Annexation to Assessment District No. 96-03 and adopt Resolution No. 05-159 Ordering the Improvements for Assessment District No. 96-03."

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes 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):

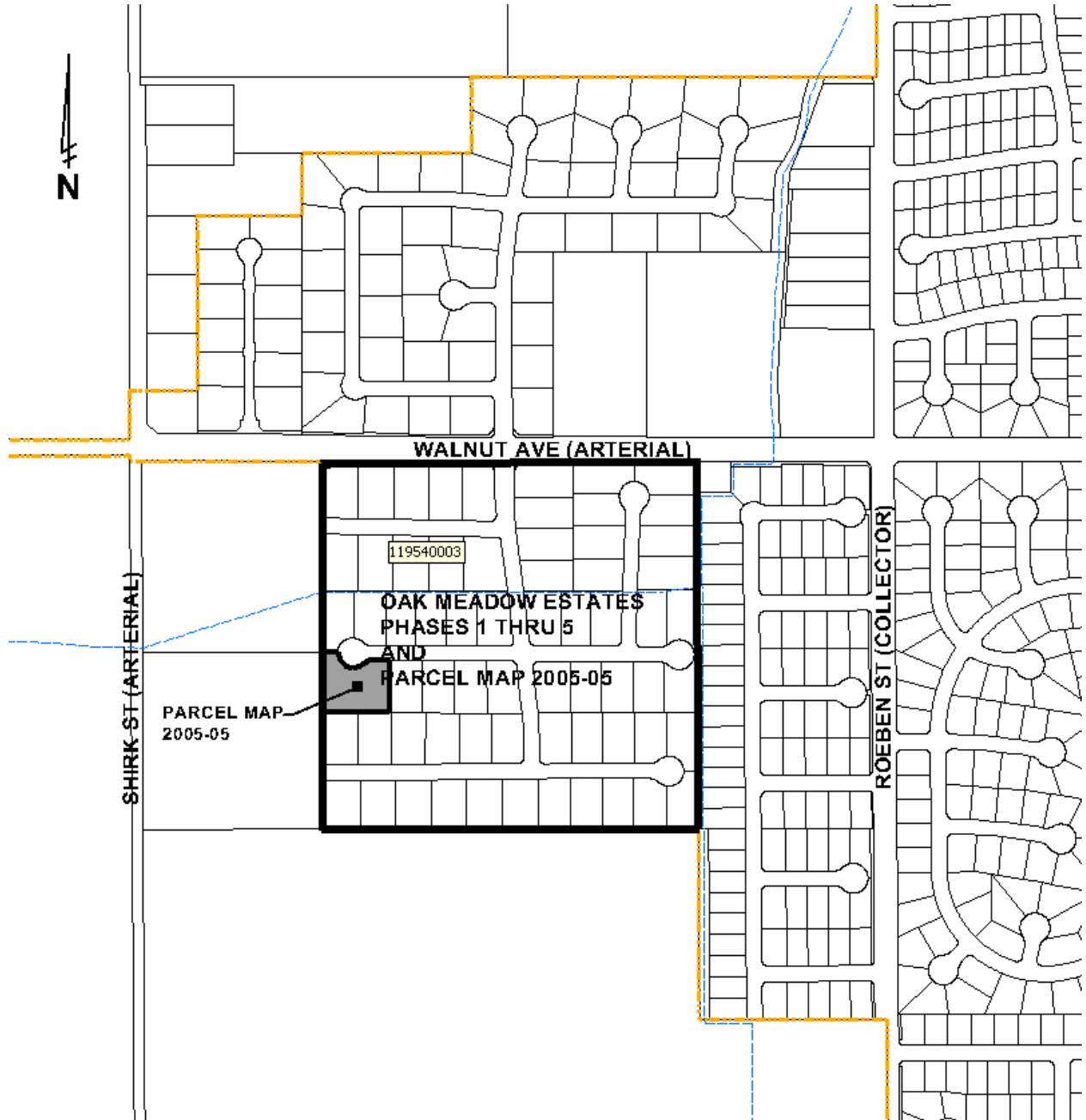
Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

LOCATION MAP



RESOLUTION NO. 158
RESOLUTION OF ANNEXATION TO
ASSESSMENT DISTRICT 96-03
OAK MEADOW ESTATES
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf area, shrubs, trees, irrigation systems and walls.
2. The proposed district shall be designated Assessment District No. 96-03, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram Assessment District No. 96-03, City of Visalia, Tulare County, California", which map is on file with the City Clerk and is hereby approved and known as Oak Meadow Estates.
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 96-03
OAK MEADOW ESTATES
(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for Assessment District No. 96-03, City of Visalia, confirmed by the City Council of the City of Visalia on the 7th day of November 2005 by its Resolution No. 05-158 & 159

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

RESOLUTION NO. 159

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 96-03
OAK MEADOW ESTATES
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 96-03, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2005-06.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Formation of the District
 - 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"	Assessment Roll
Exhibit "D"	Engineer's Report

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram
Assessment District No. 96-03
City of Visalia, Tulare County, California

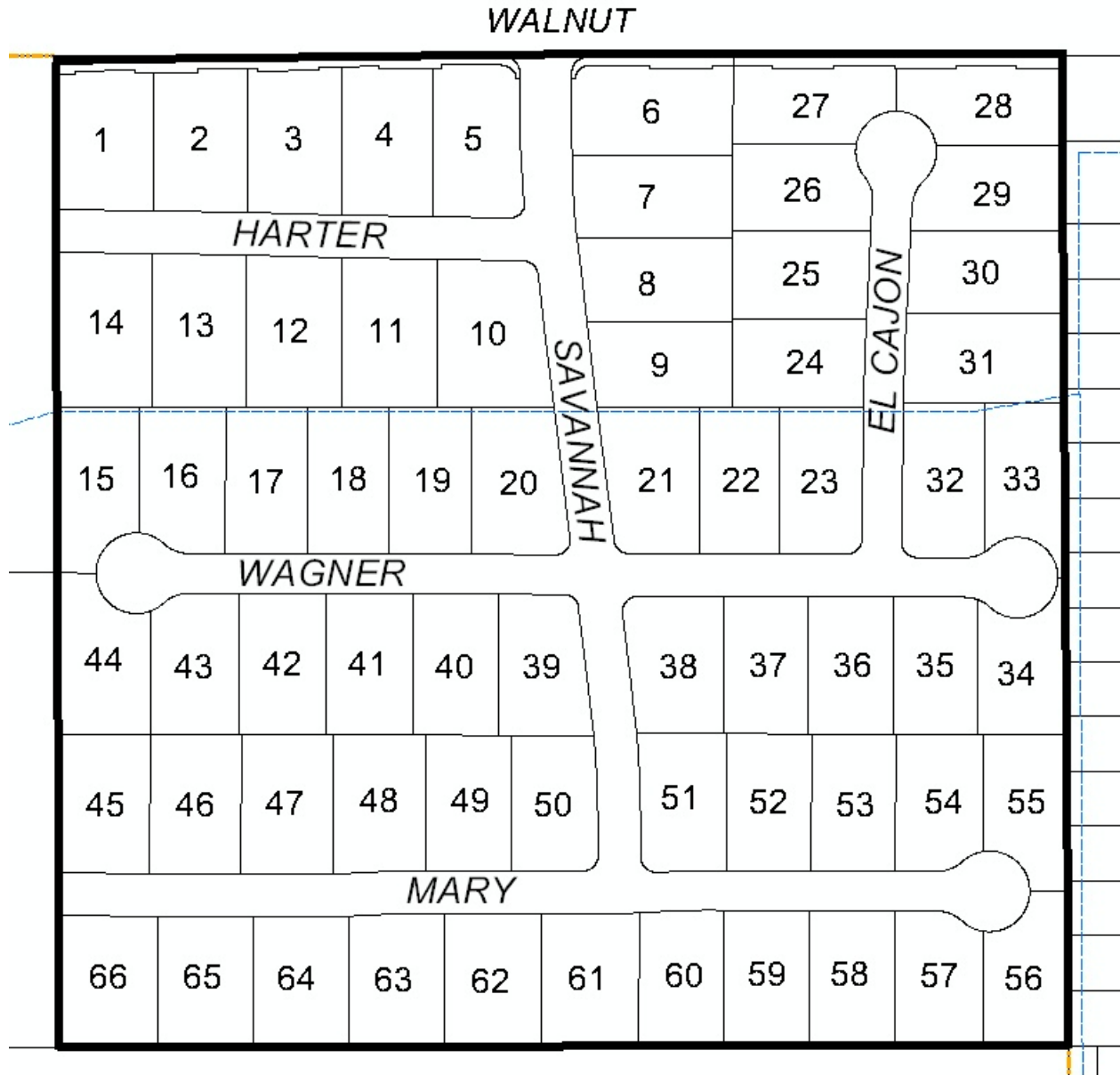


Exhibit "B"

Landscape Location Diagram
Oak Meadow Estates

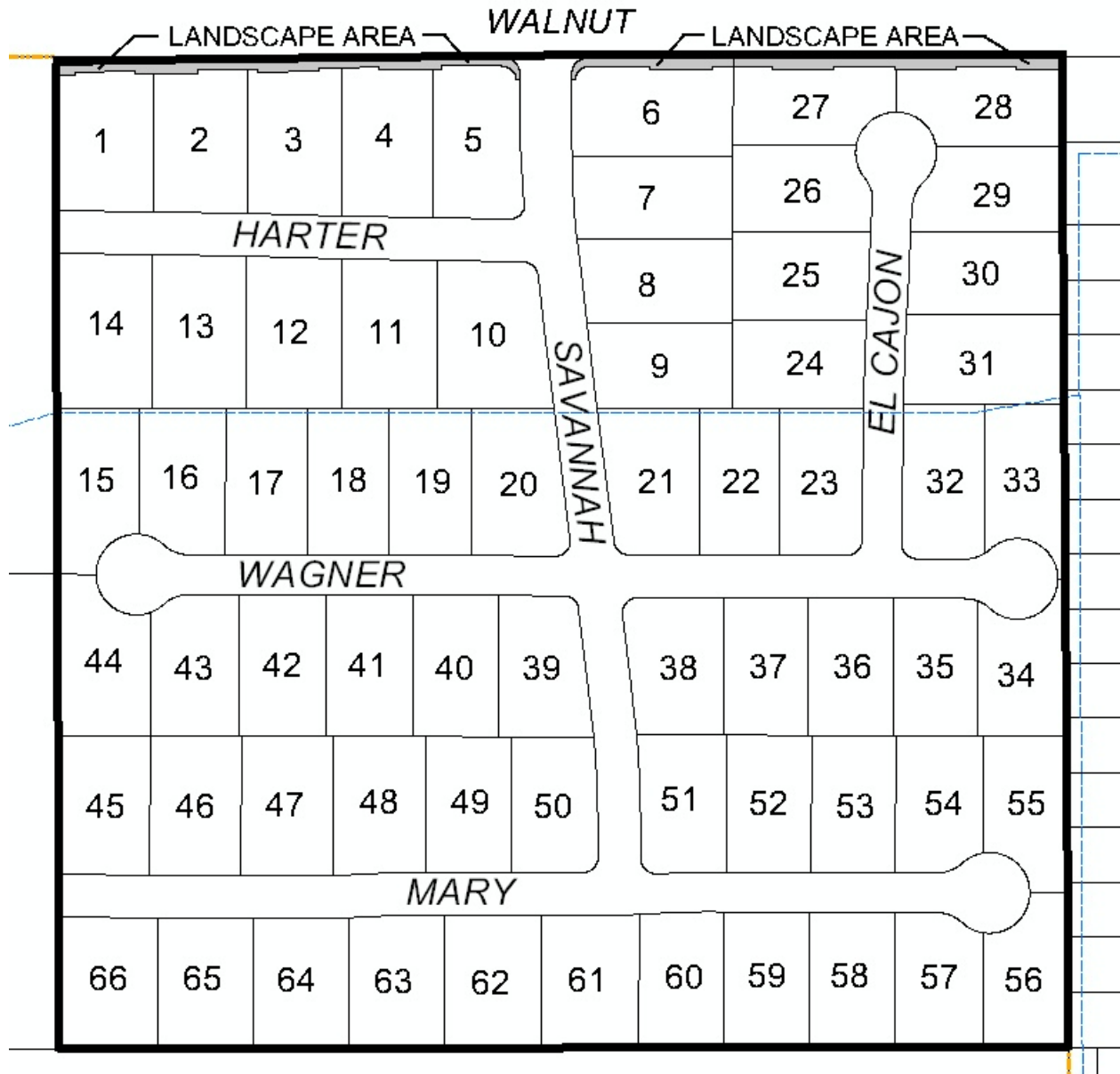


Exhibit "C"

Tax Roll Assessment
Oak Meadow Estates
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
119-540-001	\$107.48	To Be Determined	96-0301	Oak Meadow Estates
119-540-002	\$107.48	To Be Determined	96-0302	Oak Meadow Estates
119-540-003	\$107.48	To Be Determined	96-0303	Oak Meadow Estates
119-540-004	\$107.48	To Be Determined	96-0304	Oak Meadow Estates
119-540-005	\$107.48	To Be Determined	96-0305	Oak Meadow Estates
119-550-001	\$107.48	To Be Determined	96-0306	Oak Meadow Estates
119-550-002	\$107.48	To Be Determined	96-0307	Oak Meadow Estates
119-550-003	\$107.48	To Be Determined	96-0308	Oak Meadow Estates
119-550-004	\$107.48	To Be Determined	96-0309	Oak Meadow Estates
119-540-010	\$107.48	To Be Determined	96-0310	Oak Meadow Estates
119-540-006	\$107.48	To Be Determined	96-0311	Oak Meadow Estates
119-540-007	\$107.48	To Be Determined	96-0312	Oak Meadow Estates
119-540-008	\$107.48	To Be Determined	96-0313	Oak Meadow Estates
119-540-009	\$107.48	To Be Determined	96-0314	Oak Meadow Estates
119-540-016	\$107.48	To Be Determined	96-0315	Oak Meadow Estates
119-540-015	\$107.48	To Be Determined	96-0316	Oak Meadow Estates
119-540-014	\$107.48	To Be Determined	96-0317	Oak Meadow Estates
119-540-013	\$107.48	To Be Determined	96-0318	Oak Meadow Estates
119-540-012	\$107.48	To Be Determined	96-0319	Oak Meadow Estates
119-540-011	\$107.48	To Be Determined	96-0320	Oak Meadow Estates
119-550-005	\$107.48	To Be Determined	96-0321	Oak Meadow Estates
119-550-019	\$107.48	To Be Determined	96-0322	Oak Meadow Estates
119-550-018	\$107.48	To Be Determined	96-0323	Oak Meadow Estates
119-550-017	\$107.48	To Be Determined	96-0324	Oak Meadow Estates
119-550-016	\$107.48	To Be Determined	96-0325	Oak Meadow Estates
119-550-015	\$107.48	To Be Determined	96-0326	Oak Meadow Estates
119-550-014	\$107.48	To Be Determined	96-0327	Oak Meadow Estates
119-550-013	\$107.48	To Be Determined	96-0328	Oak Meadow Estates
119-550-012	\$107.48	To Be Determined	96-0329	Oak Meadow Estates
119-550-011	\$107.48	To Be Determined	96-0330	Oak Meadow Estates
119-550-010	\$107.48	To Be Determined	96-0331	Oak Meadow Estates
119-550-009	\$107.48	To Be Determined	96-0332	Oak Meadow Estates
119-550-008	\$107.48	To Be Determined	96-0333	Oak Meadow Estates
119-670-007	\$107.48	To Be Determined	96-0334	Oak Meadow Estates
119-670-006	\$107.48	To Be Determined	96-0335	Oak Meadow Estates
119-670-005	\$107.48	To Be Determined	96-0336	Oak Meadow Estates
119-670-004	\$107.48	To Be Determined	96-0337	Oak Meadow Estates
119-670-003	\$107.48	To Be Determined	96-0338	Oak Meadow Estates
119-620-005	\$107.48	To Be Determined	96-0339	Oak Meadow Estates
119-620-004	\$107.48	To Be Determined	96-0340	Oak Meadow Estates

Exhibit "C"

Tax Roll Assessment
Oak Meadow Estates
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
119-620-003	\$107.48	To Be Determined	96-0341	Oak Meadow Estates
119-620-002	\$107.48	To Be Determined	96-0342	Oak Meadow Estates
To Be Assigned	\$107.48	To Be Determined	96-0343	Oak Meadow Estates
To Be Assigned	\$107.48	To Be Determined	96-0344	Oak Meadow Estates
119-620-016	\$107.48	To Be Determined	96-0345	Oak Meadow Estates
119-620-017	\$107.48	To Be Determined	96-0346	Oak Meadow Estates
119-620-018	\$107.48	To Be Determined	96-0347	Oak Meadow Estates
119-620-019	\$107.48	To Be Determined	96-0348	Oak Meadow Estates
119-620-011	\$107.48	To Be Determined	96-0349	Oak Meadow Estates
119-620-012	\$107.48	To Be Determined	96-0350	Oak Meadow Estates
119-670-037	\$107.48	To Be Determined	96-0351	Oak Meadow Estates
119-670-038	\$107.48	To Be Determined	96-0352	Oak Meadow Estates
119-670-039	\$107.48	To Be Determined	96-0353	Oak Meadow Estates
119-670-040	\$107.48	To Be Determined	96-0354	Oak Meadow Estates
119-670-041	\$107.48	To Be Determined	96-0355	Oak Meadow Estates
119-670-042	\$107.48	To Be Determined	96-0356	Oak Meadow Estates
119-670-043	\$107.48	To Be Determined	96-0357	Oak Meadow Estates
119-670-044	\$107.48	To Be Determined	96-0358	Oak Meadow Estates
119-670-045	\$107.48	To Be Determined	96-0359	Oak Meadow Estates
119-670-046	\$107.48	To Be Determined	96-0360	Oak Meadow Estates
119-620-025	\$107.48	To Be Determined	96-0361	Oak Meadow Estates
119-620-024	\$107.48	To Be Determined	96-0362	Oak Meadow Estates
119-620-023	\$107.48	To Be Determined	96-0363	Oak Meadow Estates
119-620-022	\$107.48	To Be Determined	96-0364	Oak Meadow Estates
119-620-021	\$107.48	To Be Determined	96-0365	Oak Meadow Estates
119-620-020	\$107.48	To Be Determined	96-0366	Oak Meadow Estates

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 96-03
Oak Meadow Estates
Fiscal Year 2005-06

General Description

This assessment district is located on the south side of Walnut Avenue at Savannah Street and includes all the lots located in the Oak Meadow Estates subdivision (Units 1 thru 5) and Tentative Parcel Map 2005-05. Exhibit A & B are maps of assessment district 96-03. The district includes the maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.

Determination of Benefit

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

Method of Apportionment

In order to provide an equitable assessment to all owners within the district, the following method of apportionment has been used. All lots in the district benefit equally including lots not adjacent to the landscaping and walls. The lots not adjacent to the landscaping and walls benefit by the uniform maintenance and appearance of the district.

Estimated Costs

The district includes not only the maintenance of the turf, shrubs and trees, but the integrity of the wall, irrigation system and seeing that any acts of vandalism (graffiti, theft or damage) are mitigated in a timely fashion. The total number of lots within the district is 66.

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	12476	\$0.135	\$1,684.26
Shrub Area	Sq. Ft.	14057	\$0.135	\$1,897.70
Water	Sq. Ft.	26533	\$0.050	\$1,326.65
Electricity	Sq. Ft.	26533	\$0.008	\$212.26
Trees	Each	34	\$8.00	\$272.00
Street Lights	Each	0	\$105.00	\$0.00
Project Management Costs	Lots	66	\$16.00	\$1,056.00
TOTAL				\$6,448.87
10% Reserve Fund				\$644.89
GRAND TOTAL				\$7,093.76
COST PER LOT				\$107.48

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 96-03
Oak Meadow Estates
Fiscal Year 2005-06

Annual Cost Increase

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

$$\text{year "n" assessment} = (\$7,093.76) (1.05)^{(n-1)}$$

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

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

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

Example 1. The year four estimated costs are \$7,732.20 [a 9% increase over the base year assessment of \$7,093.76]. The ceiling on the assessment increase for year 4 would be \$8,211.91 [ceiling = $(\$7,093.76) (1.05)^{(4-1)}$]. The assessment would be set at \$7,732.20 or the actual cost of providing the maintenance effort.

Example 2. The year four assessment is estimated at the actual cost of providing the maintenance effort of \$8,015.95 [a 7% increase over the previous year assessment and a 13.3% increase over the base year assessment]. The ceiling on the assessment increase for year 4 would be \$8,211.91 [ceiling = $(\$7,093.76) (1.05)^{(4-1)}$]. The assessment would be set at \$8,211.91 or the actual cost of providing the maintenance effort because it is less than the ceiling amount and the year-to-year increase is less than the 10% cap on increases in any given year.

Example 3. The year four assessment is \$7,732.20 [a 9% increase over the base year assessment of \$7,093.76] and damage occurred to the masonry wall raising the year five assessment to \$8,654.39 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$8,505.42, a 10% increase over the previous year and under the ceiling of \$8,622.51 [ceiling = $(\$7,093.76) (1.05)^{(5-1)}$]. The difference of \$ 148.97 will be recognized as a deficit and carried over into future years' assessment.

City Engineer Certification

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 96-03
Oak Meadow Estates
Fiscal Year 2005-06

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: November 7, 2005

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Cobblestone Estate Unit 3, containing 25 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: Staff recommends that City Council give authorization to file a Notice of Completion for Cobblestone Estates Unit 3. 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 Co., LLC. Westland Development Co., LLC has submitted a maintenance bond in the amount of \$786.20 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. The interior streets in this subdivision are privately owned. The City does not require developers to bond for private streets. However, the project did include some minor improvements on Linwood Street that were subject to the City's bonding requirements. The amount of the maintenance bond was minimal because the project included only minor public improvements.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of November 18, 2002.

Committee/Commission Review and Actions: The Tentative Subdivision Map for Cobblestone Estate Unit 3 was approved by Planning Commission on March 25, 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 Cobblestone Estate Unit 3.

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: November 7, 2005

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Turnberry Place, containing 39 lots, located northwest of the Akers Street and Caldwell Avenue intersection.

Deadline for Action: None

Submitting Department: Community Development &
Public Works Department

Contact Name and Phone Number:

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

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1 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 Benart Development Company, A California Partnership. Benart Development Company has submitted a maintenance bond in the amount of \$4,009.65 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 18, 2004.

Committee/Commission Review and Actions: The tentative subdivision map for Turnberry Place was approved by Planning Commission on April 26, 2004.

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 Turnberry Place.

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: November 7, 2005

Agenda Item Number: 7k(1)

Agenda Item Wording:

Second Reading; Ordinance 2005-16, Change of Zone No. 2005-12 is A request by West Coast Construction (Quad Knopf, agent) to change the zoning from R-M-2 to R-M-3 on five acres. The site is located on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion).

Deadline for Action: None

Submitting Department: Community Development / Public Works - Planning

Contact Name and Phone Number: Travis Page, Planning Department (559) 713-4449

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Recommendation and Summary: Staff recommends that the City Council approve the second reading of Change of Zone 2005-12. The City Council held a public hearing on this item on October 17, 2005, and approved the first reading of the zone change. (5-0)

If the second reading for this change of zone is approved, approximately five acres of R-M-2 (Multi-Family Medium Density Residential) zoned land will be re-designated to R-M-3 (Multi-Family High Density Residential) zoned land. The planned land use for this site will be a 96 unit multiple family residential project.

If the change of zone is approved at the second reading, it will become effective 30 days from November 7, 2005.

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on October 10, 2005 and recommended approval of Change of Zone No. 2005-12 by a 5-0 vote.

Prior Council/Board Actions:

First Reading by City Council on October 17, 2005.

Alternatives:

None recommended

Attachments:

- Ordinance No. 2005-16
- Zoning Map
- Location Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to approve the second reading of Ordinance No. 2005-16, approving Change of Zone No. 2005-12.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes

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

Required:

NEPA Review:

Required? No

Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

ORDINANCE NO. 2005-16

AN ORDINANCE OF THE CITY OF VISALIA, APPROVING CHANGE OF ZONE NO. 2005-12, TO CHANGE THE ZONING FROM R-M-2 TO R-M-3 (MULTI-FAMILY RESIDENTIAL) ON APPROXIMATELY 5 ACRES LOCATED ON THE NORTH SIDE OF THE CAMERON AVENUE ALIGNMENT, APPROXIMATELY 300 FEET EAST OF COURT STREET

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Planning Commission of the City of Visalia has recommended to the City Council Change of Zone No. 2005-12, to change the zoning from R-M-2 to R-M-3 (Multi-Family Residential), for the development of a 96-unit apartment complex for West Coast Construction, on the north side of the Cameron Avenue alignment, approximately 300 feet east of Court Street. APN: 126-100-006 (portion).

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

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2005

Agenda Item Number: 7k(2)

Agenda Item Wording:

Second Reading; Change of Zone No. 2005-13, is a request to change the zoning on approximately 9.5 acres from QP (Quasi Public) to R-1-6 (Low Density Residential), located on the west side of Linwood Avenue between Mary and Cherry Avenues, Ordinance No. 2005-20 required. APN: 119-600-035, 119-590--58

Deadline for Action: None

Submitting Department: Community Development / Public Works
- Planning

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

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Recommendation and Summary: Staff recommends that the Council approve the second reading of Change of Zone 2005-02. The City Council held a public hearing on this item on October 17, 2005 and approved the first reading of the zone change along with the accompanying amendment to the General Plan. (5-0)

After the second reading for this change of zone is conducted, approximately 9.5 acres of QP (Quasi-Public) zoned land will be re-designated to R-1-6 (Single Family Residential) zoned land. The site is located on the west side of Linwood Avenue between Mary and Cherry Streets. The intended development of the site is for a future single family residential subdivision.

If the change of zone is approved at the second reading, it will become effective 30 days from November 7, 2005.

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on September 12, 2005 and recommended approval of General Plan Amendment No. 2005-14 and Change of Zone No. 2005-13 (4-0-1, Commissioner Perez abstained due to proximity of residence).

Prior Council/Board Actions:

First Reading by City Council on October 17, 2005.

Alternatives:

None recommended

Attachments:

- Ordinance No. 2005-20
- Zoning Map
- Location Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to approve the second reading of Ordinance No. 2005-20, approving Change of Zone No. 2005-13.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? No

Review and Action: Prior: Negative Declaration No. 2005-75 was certified at the first hearing for this change of zone.

Required:

NEPA Review:

Required? No

Review and Action: Prior:

Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

ORDINANCE NO. 2005-20

AN ORDINANCE OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE NO. 2005-13, TO CHANGE THE ZONING FROM QP (QUASI PUBLIC) TO R-1-6 (SINGLE FAMILY RESIDENTIAL) ON APPROXIMATELY 9.5 ACRES FOR RESIDENTIAL DEVELOPMENT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Planning Commission of the City of Visalia has recommended to the City Council Change of Zone No. 2005-13, to change the zoning from QP (Quasi Public) to R-1-6 (Single Family Residential), for residential development, on the west side of Linwood Street between Mary and Cherry Avenues. APN: 119-600-035, 119-590--58.

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

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

City of Visalia

Memo



ITEM

To: City Council and City Manager

From: Paul Scheibel, AICP

CC: Michael Olmos, AICP
Fred Brusuelas, AICP

Item 8

Date: November 7, 2005

Re: Continued Public Hearing-Appeal of the Planning Commission's Denial of Tentative Subdivision No. 5482 and Conditional Use Permit No. CUP 2005-18 (Garza Ranch)

Staff and the applicant request a continuance of this Public Hearing item to a date unspecified. This request is made to allow the applicant and staff to explore potential alternative design solutions to the project that address more comprehensive land use, circulation, and infrastructure issues in the immediate area.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2005

Agenda Item Number: 9

Agenda Item Wording:

Appeal of Planning Commission Denial of Variance No. 2005-12, a request by Matt Vizzolini to allow a Variance from the standard five-foot side yard setback in the R-1-6 Zone. The site is located at 3101 Border Links Drive (APN: 089-122-012). Resolution 2005-160 required.

Deadline for Action: None.

Submitting Department: Community Development – Planning

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 20

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

Planning Commission Recommendation and Summary

Staff recommends that the City Council uphold the Planning Commission's denial of Variance No 2005-12, by denying the Appeal. On September 12, 2005, the Planning Commission denied Variance No. 2005-12, a request for relief from the required building setbacks to allow a one-foot encroachment into the required five-foot side yard at 3101 W. Border Links Drive. The Variance request is to allow the completion of a partially constructed garage addition that is approximately four feet from the side property line (see Exhibit "A").

The Planning Commission found that the structure was constructed without a building permit, and that removing or legally reconstructing the addition will not result a practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. In addition, the applicant currently has two two-car garages on the site, so the addition of the fifth bay for a golf cart is not considered a hardship.

A statement included with the Variance application submitted by the applicant indicated that the new addition was the result of enclosing a pre-existing carport located four feet from the side property line. However, through public testimony at the Planning Commission by the neighbor Frank Robbins and other correspondence (attached) from Darlene L. Loose, an All Estates Broker Associate who sold this house, it was discovered that there was not a pre-existing carport on the property, and that the pre-existing structure was a lean-to structure in the side property area built without a building permit, and used for storing firewood and bicycles (see Exhibit "B").

Committee/Commission Review and Actions

The Planning Commission held a public hearing on September 12, 2005, denying Variance No. 2005-12 on a 4-1 vote (Commissioner Perez – No). The majority of the Planning Commission found that the five findings could not be made to approve the requested Variance, specifically citing that other properties in the neighborhood do build new construction to meet the required R-1-6 setbacks, and that there are no practical difficulties or exceptional or extraordinary circumstances applicable to the property that warrants approval of the request. Commissioner Perez concurred with the Variance request, finding that the newly constructed addition was not a hazard to the adjacent property, and that the new construction was comparable with the pre-existing six-foot tall lean-to structure in the side property line.

During the public hearing four persons spoke to the item. The applicant, Mr. Vizzolini, spoke in support of the request. Mike Fistolera spoke clarifying that he had done previous work on this site for a detached two-car garage and remodel, and he also clarified that there was a pre-existing lean-to structure located in the side property setback that encroached all the way to the fence.

The neighbors, Mr. and Mrs. Frank Robbins spoke against the project, citing the concerns outlined in their letters of correspondence, attached. Mr. Robbins also submitted a two-page petition signed by local neighbors stating their opposition to requested Variance, attached in the correspondence section opposing the Variance.

In the September 12 report to the Planning Commission (attached), staff recommended approval of the variance, based upon Mr. Vizzolini's representation of an existing car-port structure located in the side-yard four feet from the side property line. Five possible findings required to approve a variance, with recommended conditions of approval are found in an alternate resolution approving the variance, attached to this report, similar to the resolution included in the original Planning Commission staff report.

Appeal

The attached appeal from the applicant, Mr. Matt Vizzolini, states that new evidence has surfaced that was not available at the Planning Commission hearing. In subsequent correspondence received by staff on October 27, Mr. Vizzolini states that there is no longer opposition from Frank Robbins, his neighbor to the south. Per Mr. Vizzolini, he and Mr. Robbins have agreed to have a new fence built the whole length of their properties allowing for more privacy and beautification to both homes.

Staff received a letter of correspondence (see Exhibit "E") from Mr. Robbins on November 1, stating his endorsement of the variance request. Mr. Robbins states in his letter that he and Mr. Vizzolini have resolved their differences, and that Mr. Robbins is now supportive of Mr. Vizzolini's request for a variance to side-yard setbacks.

Additional Correspondence

One letter from Mr. Frank Robbins of 510 N. Greenview Court was received on September 19, 2005, following the Planning Commission hearing. The letter expresses appreciation for the City's public hearing process, and suggests that attempts to reconcile a related property line dispute between Mr. Robbins and Mr. Vizzolini are in progress.

Prior Council/Board Actions

None.

Alternatives

Find that the Variance meets the objectives of the Zoning Ordinance and uphold the appeal by approving the Variance (alternate resolution for approval attached).

Attachments

- Exhibit "A" – Site Plan
- City Council Resolution Upholding the Denial of Variance No. 2005-12
- Alternate City Council Resolution Upholding Appeal and approving Variance No. 2005-12
- Planning Commission Resolution Denying Variance No. 2005-12 (unsigned)
- Exhibit "B" – Pictures of the Addition and previous structure
- Exhibit "C" – Applicant’s Appeal (Including letter to Council and 5 Findings by appellant)
- Exhibit "D" – Letter from Mr. Frank Robbins, received September 19, 2005
- Exhibit "E" – Letter from Mr. Frank Robbins, received November 1, 2005
- Correspondence
- Location Map
- Aerial Map
- Planning Commission Staff Report

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to deny Variance No. 2005-12 by adoption of Resolution No. 2005-160.

Financial Impact

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

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? No

Exempt from CEQA (Categorical Exemption No. 2005-98)

Review and Action: Prior:
Required:

NEPA Review:

Required? No

Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

DENYING THE VARIANCE

RESOLUTION NO. 2005-160

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA DENYING VARIANCE NO 2005-12, A REQUEST FOR A VARIANCE FROM THE STANDARD 5-FOOT SIDE YARD SETBACK IN THE R-1-6 ZONE. THE SITE IS LOCATED AT 3101 W. BORDER LINKS DRIVE.

WHEREAS, Variance No. 2005-12 is a request by Matt Vizzolini to allow a Variance from the standard five foot side yard setback in the R-1-6 zone. The site is located at 3101 West Border Links Drive (APN 089-122-012); and

WHEREAS, the Planning Commission of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Commission on September 12, 2005; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Council on November 7, 2005; and

WHEREAS, the City Council of the City of Visalia does not find the Variance to be in accordance with Section 17.42.110, of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the City Council finds the project to be Categorically Exempt consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines. (Exemption No. 2005-98)

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

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

1. That strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;

The structure was constructed without a building permit. Removing or legally re-constructing the addition will not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. In addition, the applicant currently has two two-car garages on the site, so the addition of a fifth garage bay for a golf cart is unnecessary to receive any hardship.

2. That there are not exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;

The structure was constructed without a building permit. Removing or legally re-constructing the addition will not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. In addition, the applicant currently has two two-car garages on the site, so the addition of a fifth garage bay for a golf cart is unnecessary to receive any hardship.

3. That strict or literal interpretation and enforcement of the specified regulation would not deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;

Other property owners in this area have properties developed which do meet the required setbacks.

4. That the granting of the Variance will constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;

Other properties in this neighborhood and zone have had to meet all required setbacks for new construction.

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

The granting of the Variance would not affect public health or safety, but may be injurious to properties of improvements in the vicinity in that it would create a lot which does not meet the required setback on the south side of the site next to the neighbor's residence to the south, thus denying the neighbor's expectation of personal privacy.

6. That the requested action is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-98).

7. That there is no evidence before the City Council that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

APPROVING THE VARIANCE

RESOLUTION NO. 2005-160

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING VARIANCE NO 2005-12, A REQUEST FOR A VARIANCE FROM THE STANDARD 5-FOOT SIDE YARD SETBACK IN THE R-1-6 ZONE. THE SITE IS LOCATED AT 3101 W. BORDER LINKS DRIVE.

WHEREAS, Variance No. 2005-12 is a request by Matt Vizzolini to allow a Variance from the standard five foot side yard setback in the R-1-6 zone. The site is located at 3101 West Border Links Drive (APN 089-122-012); and

WHEREAS, the Planning Commission of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Commission on September 12, 2005; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Council on November 7, 2005; and

WHEREAS, the City Council of the City of Visalia finds the Variance to be in accordance with Section 17.42.110, of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the City Council finds the project to be Categorical Exempt consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines. (Exemption No. 2005-98)

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

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

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. Per the applicant, the pre-existing structure was previously built four feet off the side property line. Enclosing the structure does not increase the existing encroachment.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone. Per the applicant, the pre-existing structure was previously built four feet off the side property line. Enclosing the structure does not increase the existing encroachment.
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties

classified in the same zone. The proposed structure lines up with the existing garage, and is setback 47 feet from the front property line, per Exhibit "A." A four-foot setback is consistent with other four-foot side yard setbacks found in other projects in the R-1-6 Zone approved by the Planning Commission, such as the Villas at Bella Sera, and Avalon Subdivision.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone. The proposed structure lines up with the existing garage, and is setback 47 feet from the front property line, per Exhibit "A." A four-foot setback is consistent with other four-foot side yard setback found in other projects in the R-1-6 Zone approved by the Planning Commission, such as the Villas at Bella Sera, and Avalon Subdivision.
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Analysis: The granting of the variance would not create an obstructed visibility that would interfere with traffic safety in the public right-of-way, or the adjacent properties. The structure is setback 47 feet from the front property line, per Exhibit "A."
6. That the requested action is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-98).
7. That there is no evidence before the City Council that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

BE IT FURTHER RESOLVED that the City Council hereby gives approval to the variance, on the real property described in accordance with the terms of this resolution under the provisions of Section 17.42.120 of the ordinance code of the city of Visalia, subject to the following conditions:

1. That the site be developed consistent with the submitted plans (Exhibit "A").
2. That the materials and color used for the addition match the existing primary structures.
3. That all other City codes and ordinances be met.

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 2005-107

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING VARIANCE NO 2005-12, A REQUEST FOR A RELIEF FROM THE STANDARD FIVE-FOOT SIDE YARD SETBACKS IN THE R-1-6 ZONE. THE SITE IS LOCATED AT 3101 W. BORDER LINKS DRIVE

WHEREAS, Variance No. 2005-12 is a request by Matt Vizzolini to allow a Variance from the standard five-foot side yard setbacks in the R-1-6 Zone. The site is located at 3101 W. Border Links Drive (APN 089-122-012); and

WHEREAS, the Planning Commission of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Commission on September 12, 2005; and

WHEREAS, the Planning Commission of the City of Visalia finds the Variance to be not in accordance with Section 17.42.110, of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines. (Exemption No.2005-98)

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia denies the Variance and makes the following specific findings based on the evidence presented:

8. That strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;

The structure was constructed without a building permit. Removing or legally re-constructing the addition will not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. In addition, the applicant currently has two two-car garages on the site, so the addition of a fifth garage bay for a golf cart is unnecessary to receive any hardship.

9. That there are not exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;

The structure was constructed without a building permit. Removing or legally re-constructing the addition will not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. In addition, the

applicant currently has two two-car garages on the site, so the addition of a fifth garage bay for a golf cart is unnecessary to receive any hardship.

10. That strict or literal interpretation and enforcement of the specified regulation would not deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;

Other property owners in this area have properties developed which do meet the required setbacks.

11. That the granting of the Variance will constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;

Other properties in this neighborhood and zone have had to meet all required setbacks for new construction.

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

The granting of the Variance would not affect public health or safety, but may be injurious to properties of improvements in the vicinity in that it would create a lot which does not meet the required setback on the south side of the site next to the neighbor's residence to the south, thus denying the neighbor's expectation of personal privacy.

13. That the requested action is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-98).

14. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

Commissioner Thompson offered the motion to this resolution. Commissioner Segrue seconded the motion and it carried by the following vote:

AYES: Commissioners Thompson, Segrue, Logan, Salinas

NOES: Commissioner Pérez

ABSTAINED:

ABSENT:

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Fred Brusuelas, AICP
Community Development & Public Works Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2005-107, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 12, 2005.

Fred Brusuelas, AICP
Community Development & Public Works Assistant Director

Sam Logan, Chairperson

City of Visalia

Memo



To: City Council
From: Brandon Smith, Associate Planner
Date: November 7, 2005
Re: Continued Item from October 17, 2005: General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32 Item 10

Recommended Motion: Move to approve the General Plan Amendment and Change of Zone, and require a Conditional Zoning Agreement to require construction of professional office buildings as a noise mitigation measure, with said offices to be completed prior to issuing building permits for residential structures in areas subject to at least 65 dB DNL noise levels.

Discussion

On October 17, 2005, the agenda item for General Plan Amendment No. 2004-31 and Change of Zone No. 2004-32 was continued at staff's request so that staff could work with the applicant on an acceptable solution to the noise mitigation requirements associated with future development on the project site. The agenda item was originally scheduled on September 6, 2005, but was continued to October 3, 2005 at the request of the applicant, and then continued twice on October 3, 2005 and October 17, 2005 at the request of staff. The public hearing was opened for the item on September 6, 2005, and the Council then continued the item to dates specific.

The GPA and COZ are a request by Fred Machado (Branum Group, agent) to change the General Plan Land Use and Zoning Designations on 48 acres from Business Research Park to 6.0 acres of Professional / Administrative Office, 7.7 acres of Park, and 34.3 acres of Low Density Residential. The project site is located on the north side of Goshen Avenue, approximately ¼ mile east of Shirk Street.

Staff Follow-Up with Applicant

Since the project's original continuance on September 6, staff has met multiple times with the applicant and representing agent to discuss feasible mitigations for noise impacts on the proposed residential area. A mitigating solution originally proposed by the applicant was a 21-foot tall combination landscape feature (berm) and wall.

On September 20, 2005, staff met with the Rick Branum, agent, and Bob Dowds, the prospective buyer of the residential area, and discussed available options for mitigating noise impacts from existing industrial operations west of the site. The agent presented staff with a follow-up letter from Brown Buntin Associates Inc., the consulting firm who prepared the original acoustical analysis for the project. The letter (see attached Exhibit "1") disclosed that options for project noise mitigation other than the berm and wall combination proposed by the applicant

could be utilized to achieve compliance with the Community Noise Standards for the proposed residential area. These options include one or a combination of the following:

- a 16 to 24-foot tall noise wall/barrier located along the western boundary of the project site,
- the construction of two-story multi-story office buildings as to create a continuous north-south barrier from the residential areas.

During the week of October 24, 2005, a meeting was held between Planning, Engineering, and Parks staff and Mr. Machado, from which it was concluded that the use of the berm and wall combination will not be a viable option based on costs associated with the long-term maintenance of the berm.

Following the meeting, Mr. Machado produced a new conceptual plan for the site which illustrated the placement of one and two-story office buildings as noise-mitigating features for the residential area (see Exhibit "2" for the conceptual plan and Exhibit "3" for elevations of the office buildings.) Upon review of the conceptual plan, staff endorsed this mitigating solution, and with Mr. Machado, agreed that this plan would be a preferred means of noise mitigation for the residential land uses as required by the project's Mitigated Negative Declaration. In addition to addressing noise mitigation, the plan also showed a public trail system that would span from Roeben Street to the site. Therefore, Staff is recommending that the City Council accept this solution as the preferred means of noise mitigation for the residential land uses.

Ponding Basin and Public Trail

The project will include a continuation of the pedestrian parkway from Ferguson Avenue that will run southerly along side the alignments of Roeben Street and Doe Avenue. As shown on Exhibit "2", this parkway will continue along the office development, and will be incorporated into the landscaped open space surrounding the ponding basin. The basin will not be dually used as a park, though the trail will wrap around the basin's perimeter. A cross section drawing of the trail is shown as Exhibit "4". Other public amenities tied to the trail include platforms projecting onto the basin and an open space area to the west, maintained by a Landscape and Lighting Assessment District. The landscaped open space area is shown on the east side of and adjacent to the ponding basin. In the future, the trail may connect with the existing pedestrian walkway along Goshen Ave., however permission must first be granted by the Public Utilities Commission before the trail crosses the railroad line.

Conditional Zoning Agreement

If the City Council accepts this solution as the preferred means for noise mitigation, Staff recommends that a Conditional Zoning Agreement be adopted as part of the Change of Zone application to ensure that the required noise mitigation is built prior to construction of the noise-sensitive residential uses. Such a condition would allow for the applicant or subsequent developer of the residential area to pursue securing entitlements for the property with the understanding that the office structures must be completed prior to building permits being issued for dwellings lying within noise-impacted areas. In such circumstance, any tentative subdivision map approved for the residential area shall be phased so that no phases located inside the noise contour that establishes the 65 dB DNL Community Noise Standard can be finalized or recorded until the office structures are completed. According to Exhibit "5", this contour runs generally along the Roeben Street alignment. Specifically, the Agreement would include the condition that no building permits may be issued for this portion, until it can be demonstrated that office structures have been completed and exterior noise levels have been reduced to a level meeting the Standards.

If the City Council approves this concept, a Zoning Agreement incorporating this provision will be provided to the applicant for execution and brought back to the City Council for review and approval with the second reading of the Change of Zone Ordinance.

Alternative Motions

On August 8, 2005, the Planning Commission recommended that the City Council approve GPA No. 2004-31 and COZ No. 2004-32 and certify Mitigated Negative Declaration No. 2005-071 prepared for the project. The Mitigated Negative Declaration includes mitigating measures requiring that the site be developed to comply with Community Noise Standards. As an alternative, the Council could motion for a modified approval of the project to address noise issues. These alternatives are briefly discussed below:

- The Council can modify the project by expanding the Professional / Administrative Office designation easterly, thereby eliminating the portion of Residential designation that is inside the area exceeding Community Noise Standards, and eliminating the need for any sound barrier or other mitigating feature. The acoustic analysis concluded that the boundary of the area which exceeds Community Noise Standards for noise-sensitive land uses (50 dBA) generally follows the Roeben Street alignment (see Exhibit "5" and Figure 1 in attached acoustical analysis). This would result in approximately 22 acres of Professional / Administrative Office and 18 acres of Low Density Residential.
- The Council can approve the project as requested but not adopt any specific mitigation measures at this time. This would result in 34 acres of newly created Low Density Residential designation, including 16 acres located in the area which exceeds Community Noise Standards for noise-sensitive land uses (roughly west of the Roeben Street alignment) This area would not have the ability to develop until an acceptable means of mitigating noise impacts for this area is adopted. This alternative is not recommended because the project would be approved without identifying a noise mitigation solution.
- The Council can approve the requested GPA and COZ as recommended by the applicant, and utilize the berm and landscape feature as a means of noise mitigation for the residential land uses. This feature was originally proposed by the applicant as a preferred means of mitigation. This alternative is not recommended due to aesthetic issues and long-term maintenance issues associated with the berm.

Business Research Park Designations

The 1991 update of the General Plan Land Use Map designated approximately 516 acres of Business Research Park (BRP) land use designation over four locations throughout the City. Since 2003, approximately 273 acres have been changed from BRP to Single-family Residential, 20 acres to Multi-family Residential, 36 acres to Service Commercial, and 20 acres to Professional Office. Today, there are 182 acres of BRP land use designation remaining in the City, of which 12 acres are developed by Print Xcel and the Tulare County Board of Education. If Council approves the proposed GPA and COZ, an additional 48 acres of BRP area will be converted to other uses, and 134 acres of BRP designation would remain in Visalia.

Attachments

- Exhibit “1” - Letter from Brown Buntin Associates dated September 13, 2005
- Exhibit “2” – Conceptual site plan which implements one and two-story office buildings as noise mitigation
- Exhibit “3” – Elevation drawings of office buildings
- Exhibit “4” – Cross Section of ponding basin, trail, and office buildings
- Exhibit “5” – Figure 1 from Acoustical Analysis illustrating existing noise contours from Viking Ready Mix
- Council Transmittal from September 6, 2005

PLACEHOLDER SHEET
FOR
EXHIBITS "1" THROUGH "5"

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 6, 2005

Agenda Item Number:

Item continued from September 6, 2005 to October 3, October 17, and November 7, 2005

Agenda Item Wording:

a) Certify Mitigated Negative Declaration No. 2005-071.

Resolution 2005-125 required. (A separate Motion by the Council is required.)

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

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

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

Deadline for Action: None

Submitting Department: Community Development - Planning

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

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 20

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

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

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

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

Project Alternatives

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

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

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

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

barriers, buildings, and/or setbacks would be needed to separate any new residential development from ongoing industrial operations.

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

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

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

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

Environmental Finding

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

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

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

Committee/Commission Review and Actions:

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

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

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

Prior Council/Board Actions:

None.

Alternatives:

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

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

Attachments:

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

City Manager Recommendation:

Recommended Motion:

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

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

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action: Prior:

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

NEPA Review:

Required? No

Review and Action: Prior:

Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005-125

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION NO. 2005-126

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDINANCE NO. 2005-17

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

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

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

Section 3: This portion of property which contains the Zoning Designation of PA (Professional / Administrative Office) shall be labeled as having Design District "B" on the City's officially adopted design district map.

Section 4: This ordinance shall become effective 30 days after passage hereof.