

Visalia City Council Agenda

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

Location: City Hall Council Chambers

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

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

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

1. Update on the Civic Center Master Plan alternatives and discussion on implementation approach and next steps.
2. Discussion and authorization to implement the action plan for the East Downtown Strategic Plan.

**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
(Subdivision (a) of Section 54956.9 GC)
4. Conference with Legal Counsel – Anticipated Litigation (1)
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC)
5. Conference with Legal Counsel- Anticipated Litigation
(Subdivision (b) of Section 54956.9 GC)
Industrial Disability Retirement (3)

6. Conference with Real Property Negotiators
Property: 212 N. Tipton, APN: 094-240-037 and the 9,841 square foot parcel located at 220 N. Tipton, APN: 094-240-032
Under Negotiation: Price, terms, conditions of a potential purchase and sale agreement
Negotiators: Steve Salomon, Bob Nance, Ken Kugler representing Duval & Margaret Kugler
7. Conference with Real Property Negotiators
Property: located south of Visalia Parkway on the County Center Drive Alignment, Project No. 1231-00000-720000-9840-2006
Under Negotiation: Price, terms, conditions of a purchase for sewer line easement in the future County Center Drive alignment between Visalia Parkway and Midvalley Avenue
Negotiators: Steve Salomon, Adam Ennis, Marvin, Martha and Michael Keener

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Kent Mishler, KDDH Chaplain

SPECIAL PRESENTATIONS/RECOGNITION

Wynter Benway, 2005 Visalia Teen Idol Winner, performs holiday songs.

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

8. **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) Assignment of City Council Representatives to various boards and committees for the 2005-2007 Council Term.

- c) Appointment of Amy Shuklian and Bill Dillberg to serve on the Parks and Recreation Commission, and approval to recruit in early 2006 for two alternates to the Commission.
- d) Authorization for the City Manager to enter into an indemnification agreement with the Tulare County Local Agency Formation Commission for Annexation 2005-06, Houston Avenue Island and authorization to enter into indemnification agreements on all future annexations.
- e) Receive a status report on the Northwest fire station and training facility amending the contract with BJ Perch.
- f) Approve the recommendation by the Parks & Recreation Commission to establish the name of "(James) Burke Park" for the new neighborhood park site at Burke and Monte Vista Streets in southeast Visalia.
- g) Award contract for the Signal Preemption Project to AC Electric Company in the amount of \$211,560.00; project no. 3011-00000-720000-0-9531-2006.
- h) Award a contract for the Pinkham Street - K Avenue Intersection Street Improvement Project to Central Valley Asphalt in the amount of \$312,074.48 and authorize an additional appropriation of \$281,500.00 from the Transportation Impact Fund (1241); Project No. 1241-00000-720000-0-9723-2005.
- i) Item removed from Agenda.
- j) Approve a non-matching grant award in the amount of \$26,059 from the State Office of Homeland Security and Tulare County Office of Emergency Services to the Visalia Fire Department.
- k) **Second Reading of the following Ordinance(s):**
 - 1. **Ordinance 2005-22** for Change of Zone No. 2005-19, a request by Vernon F. Phan to change the Zoning from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial) on .32 acre. The project site is located on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010).
 - 2. **Ordinance 2005-23** authorizing the lease of .68 acres of property at the Visalia Municipal Airport to Optimal Aviation Services, LLC for the purpose of constructing an Aircraft Storage Facility.
 - 3. **Ordinance 2005-24** for Construction and Demolition Recycling Ordinance (Chapter 8.29) to increase the recycling and reuse of construction and demolition debris.
- l) Authorization to file Notice of Completion for the following:
 - 1. Recreation Park Gymnasium at 343 N. Jacob Avenue.

m) 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. Final Map for Ashley Grove No. 11, located at the southwest corner of Riggin Avenue and Mooney Blvd. (76 lots) and the Annexation to Landscape and Lighting District No. 05-17, Ashley Grove No. 10-11: **Resolution 2005-179 and 2005-180 required.** APN: 089-001-033.
2. Authorize the Recordation of the Final Map for Park Place 3, located north of Caldwell Avenue, between Pinkham Street and Lovers Lane (53 lots) and the Annexation of Park Place 3 into Landscape and Lighting District No. 04-04, Park Place/Crossroads **Resolution 2005-181 and 2005-182 required.** APN: 126-120-069

n) Authorization to record the final map for the following:

1. Final parcel map for Tentative Parcel Map 2005-11, located at the northwest corner of Lovers Lane and Caldwell Avenue. APN: 126-120-070

9. REGULAR ITEM - Recommendation to award major capital projects as described in individual staff reports.

- a) Authorization to award the construction contract for the West Acequia Parking Structure to Seals/Biehle General Contractors of Visalia in the amount of \$13,110,000, and appropriate \$2.6 million additional funding for the project. Project #3011-720000-00000-0-9536-2005.
- b) Authorization to award the construction contract for Phase 1 of the Riverway Sports Park to Lewis Nelson & Son of Selma in the amount of \$9,010,000, and appropriate an additional \$1,250,000 from the Park Impact Fee Fund for the project. Project #3011-72000-0-0-9141-2003.

10. PUBLIC HEARING -

- a. Certification of Negative Declaration No. 2005-134. **Resolution 2005-183 required. (A separate Motion by the Council is required.)**
- b. Public Hearing for Contract Cancellation No. 2005-01: a request by Frank Luisi et al, property owners (Bob Dowds, agent) to cancel 61 acres of Williamson Act Land Conservation Contract No. 9788 within Agricultural Preserve No. 3350, covering 75 acres. The site is located on the east side of Demaree Street between Ferguson Avenue and Houston Avenue in the City of Visalia, within APN 089-020-020 [portion], 089-020-022, and 089-020-023. **Resolution 2005-184 required. (A separate Motion by the Council is required.)**

11. PUBLIC HEARING -

- a. Certification of Negative Declaration No. 2005-00, **Resolution 2005-185 required. (A separate Motion by the Council is required.)**
- b. Adoption of General Plan Housing Element Update. **Resolution 2005-186 required.**

12. REGULAR ITEM – Authorization for the City Manager to: Execute a 1-Year Serve Agreement (with an additional 2-year agreement option) with Valley Oak SPCA for Animal Control Services in the amount of \$330,000 annually and \$76,000 for two (2) Animal Control Pickup Trucks with cages and \$5,250 for licensing software and increase or no license fee for dogs and cats from \$10 to \$20.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, January 9, 2006 (Visalia Convention Center)

Tuesday, January 17, 2006

Friday, January 20, 2006 (Noon to 8 p.m.) & Saturday, January 21, 2006 (8:30 a.m. to 4 p.m.)
(Visalia City Council Retreat – location to be determined)

Monday, February 6, 2006

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: December 19, 2005

Agenda Item Number: 2

Agenda Item Wording:

Discussion and authorization to implement the action plan for the East Downtown Strategic Plan.

Deadline for Action: None

Submitting Department: Community Development Department

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: Michael Olmos, Assistant City Manager 713-4332; Bob Nance 713-4511.

Recommendation and Summary: Staff recommends that the City Council initiate the changes recommended by staff and the East Downtown consultant, Bruce Race, to implement the action plan for the East Downtown Strategic Plan Area as outlined below.

On October 3, 2005, at a work session presented by Bruce Race and the East Downtown Strategic Plan Task Force Members, the City Council accepted the East Downtown Strategic Plan and directed staff to return with recommendations to implement the Strategic Plan. The recommended steps to implement the East Downtown Plan are listed below. Council action to authorize these steps will initiate the implementation process.

East Downtown Action Plan

The following recommended activities are intended to implement the Master Plan and "set the table" for private sector development interest in the East Downtown Area:

Administrative

1. Designate Bob Nance, Economic & Redevelopment Manager, as senior level project manager for the East Downtown Strategic Plan implementation.
2. The City Manager shall establish within 30 days an internal technical advisory team with representation of applicable City departments.
3. Encourage and support future efforts to expand the Property Based Improvement District (PBID) into the East Downtown area to assist in revitalization and maintenance efforts.

Regulatory (Permanent)

1. Amend the General Plan, Zoning and related documents for consistency with the East Downtown Strategic Plan.
 - a. Establish new Zones, Land Use Designations, and Circulation Element revisions.
 - b. Establish a new Design District

(Timeline: 6 – 12 months)

2. Review parking opportunities and constraints:
 - a. Update the Parking In-Lieu program regarding geographical area and fees.
 - b. Complete street parking analysis.

(Timeline: 6 months)

Regulatory (Interim)

Because the preparation, processing and adoption of zone classifications and design district standards will take 6-12 months to complete, staff recommends that Council authorize preparation of an interim zoning ordinance to establish temporary zoning and design requirements for the East Downtown area consistent with the Master Plan. The temporary requirements will be in effect until permanent measures are enacted by Council. If Council approves this strategy, staff will prepare an Interim Ordinance to be considered on the January 9, 2006, Council agenda.

The interim ordinance is intended to transition the land use regulatory structure of the East Downtown area from the current service commercial framework to a program that encourages multi-story, mixed use commercial, office, and residential uses. The interim ordinance will be structured to enable existing uses that conform to current zoning to remain and continue operating indefinitely, and allow new uses that implement the Master Plan to be established under a set of urban design standards. The intended result is that existing land uses and businesses be allowed to continue without hindrance and that the expanded opportunities offered by the Strategic Plan be made available to land owners.

Public Infrastructure

1. Prepare an assessment of existing public works facilities (sewer, storm drain) in the East Downtown Strategic Plan area.

(Timeline: 12 months)

2. Prepare engineering construction documents for first phase public improvements including streets and utilities for the Civic Center area.

(Timeline: 12 months)

3. Prepare an assessment of overhead utility line locations, priority undergrounding projects and cost/ funding analysis.

(Timeline: 12 months)

Public infrastructure is a critical element necessary for implementation of the East Downtown Strategic Plan. The cost for public infrastructure can be substantial when addressing physical improvements such as utility undergrounding, environmental contamination removal, street construction, water element development and public open space creation. Project cost assessment, methods of financing, project priorities and project phasing will be necessary prior to embarking on public infrastructure implementation.

Development / Redevelopment

1. Assess the amount of Redevelopment Agency funding that will be available to assist in East Downtown revitalization and establish priorities and programs for use of these funds.

(Timeline: 3 months)

2. Establish a program to encourage infill of vacant properties and desired rehabilitation and adaptive reuse of existing buildings consistent with the East Downtown Plan. This program could include expedited processing, heightened staff assistance and other efforts to streamline permit processing in the East Downtown.

(Timeline: 2 months)

3. Identify contaminated sites in the East Downtown area and develop strategies and resources to assist property owners in site clean-up.

(Timeline: On-going)

The City of Visalia will play a vital role in the leadership and funding of the East Downtown Strategic Plan. This implementation effort is a significant step in changing the physical, social and economic character of the East Downtown area. The vision of the plan is to transform the current physical and economic conditions of the area into a robust mixed-use neighborhood complete with public spaces and pedestrian friendly streets. Realization of this Strategic Plan and urban vision will occur over a long period of time with the participation and cooperation of property owners, developers, financial institutions, government agencies and the general public. During the implementation process there will

be market forces, economic conditions and fiscal conditions that will be conducive for development opportunity in the East Downtown area. During the course of time, however, there will be fluctuations in market and economic conditions that will impede desired progress. The long term vision for implementing the East Downtown Strategic Plan must, therefore, be kept in perspective. Realization of this plan will take long term commitment, funding resources and municipal effort.

Future Planning

1. Create a Land Use/Circulation/ Urban Design framework for adjoining lands north of and east of the East Downtown Strategic Plan Area and the new Civic Center Complex. This process would establish a master plan for two areas as follows:

Area 1 – bounded by Santa Fe Street, Ben Maddox, Houston and Murray/Goshen;

Area 2- bounded generally by Ben Maddox, Cain Street, Douglas Avenue and Mill Creek.

Staff will return to Council within 60 days with a recommended process and timeline to prepare these master plans.

Committee/Commission Review and Actions:

The Planning Commission held a workshop study session on August 8, 2005 with the East Downtown Task Force. At the meeting members of the Task Force presented an overview of the plan, discussed strategies and the potential action plan for the East Downtown study area. The Planning Commission did not take a formal action on the plan, but Commissioners commented on the benefits of the Plan and recognized and thanked the consultant Bruce Race and the Task Force for the work they did in preparing the East Downtown Strategic Plan. The Strategic Plan has been forwarded to the City Council for review and acceptance.

History:

The East Downtown Strategic Plan identifies the necessary changes to City plans, codes, standards, and programs to facilitate downtown's eastward expansion. The intent of the plan is not to compete with the existing downtown area, but compliment it. The plan examines existing physical and economic conditions in the East Downtown Area. The boundaries of the study are from Highway 198 to Murray/Goshen Avenue and from Bridge Street to Ben Maddox Way. The plan identifies, on a comprehensive basis, changes to plans, policies and standards that should be undertaken by the City to allow and encourage downtown style development along East Main Street and land uses that complement downtown. These strategies are listed in Chapter 3 of the report.

The Strategic Plan contains a concept land use plan for the East Downtown area. The concept plan is intended to show an optimal land use mix for the plan area based on the plan's findings

and conclusions. The recommended changes to City plans, policies, and standards will enable this land use mix to occur. However, the land use pattern that eventually develops in the area may differ from the concept plan based on City priorities land owner needs and economic conditions.

The consultant for the project, Bruce Race, has met with the East Downtown Task Force numerous times. In July there were a number of meetings regarding the project, including a Community Workshop where citizens of the community had a chance to participate in the planning process and identify key issues facing the East Downtown. These issues have been discussed and incorporated in the key planning concepts.

On January 18, 2005, Bruce Race made a presentation to a Joint Study Session of the City Council and Planning Commission. The joint study covered three objectives. The first objective provided an update on what has happened up to this point and provided a summary of all the meetings that have occurred up to this point with the task force members, members of staff, and members of the community. Secondly, draft framework issues were reviewed such as land uses, circulation, and design concepts. The third objective was to discuss the implementation approach, which includes potential actions and going over the feasibility of development.

Prior Council/Board Actions:

The City Council authorized awarding a contract for urban design and planning services to Bruce Race and Larry Mintier Associates on December 15, 2003. The City Council authorized the formation of an East Downtown Strategic Plan Task Force at its March 15, 2004, meeting. The Council appointed the members of the Task Force on April 19, 2004. A list of the Task Force members is attached.

Alternatives:

None recommended

Attachments:

East Downtown Visalia "A Strategic Plan for 2025" – Public Draft dated July 2005

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to initiate the changes recommended by staff to implement the action plan for the East Downtown Strategic Plan.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action: Prior:
Required:

NEPA Review:

Required? No
Review and Action: Prior:
Required:

Tracking Information:

Anticipated schedule of review:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: December 19, 2005

Agenda Item Number: 2

Agenda Item Wording:

Discussion and authorization to implement the action plan for the East Downtown Strategic Plan.

Deadline for Action: None

Submitting Department: Community Development Department

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: Michael Olmos, Assistant City Manager 713-4332; Bob Nance 713-4511.

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Administrative

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2. The City Manager shall establish within 30 days an internal technical advisory team with representation of applicable City departments.
3. Encourage and support future efforts to expand the Property Based Improvement District (PBID) into the East Downtown area to assist in revitalization and maintenance efforts.

Regulatory (Permanent)

1. Amend the General Plan, Zoning and related documents for consistency with the East Downtown Strategic Plan.
 - a. Establish new Zones, Land Use Designations, and Circulation Element revisions.
 - b. Establish a new Design District

(Timeline: 6 – 12 months)

2. Review parking opportunities and constraints:
 - a. Update the Parking In-Lieu program regarding geographical area and fees.
 - b. Complete street parking analysis and evaluate City parking lot opportunities.

(Timeline: 6 months)

Regulatory (Interim)

Because the preparation, processing and adoption of zone classifications and design district standards will take 6-12 months to complete, staff recommends that Council authorize preparation of an interim zoning ordinance to establish temporary zoning and design requirements for the East Downtown area consistent with the Master Plan. The temporary requirements will be in effect until permanent measures are enacted by Council. If Council approves this strategy, staff will prepare an Interim Ordinance to be considered on the January 9, 2006, Council agenda.

The interim ordinance is intended to transition the land use regulatory structure of the East Downtown area from the current service commercial framework to a program that encourages multi-story, mixed use commercial, office, and residential uses. The interim ordinance will be structured to enable existing uses that conform to current zoning to remain and continue operating indefinitely, and allow new uses that implement the Master Plan to be established under a set of urban design standards. The intended result is that existing land uses and businesses be allowed to continue without hindrance and that the expanded opportunities offered by the Strategic Plan be made available to land owners.

Public Infrastructure

1. Prepare an assessment of existing public works facilities (sewer, storm drain) in the East Downtown Strategic Plan area.

(Timeline: 12 months)

2. Prepare engineering construction documents for first phase public improvements including streets and utilities for the Civic Center area.

(Timeline: 12 months)

3. Prepare long term parking program: supply / demand; interim surface lots / future parking garage sites, etc.

(Timeline: 6 months)

4. Prepare an assessment of overhead utility line locations, priority undergrounding projects and cost/ funding analysis.

(Timeline: 12 months)

Public infrastructure is a critical element necessary for implementation of the East Downtown Strategic Plan. The cost for public infrastructure can be substantial when addressing physical improvements such as utility undergrounding, environmental contamination removal, street construction, water element development and public open space creation. Project cost assessment, methods of financing, project priorities and project phasing will be necessary prior to embarking on public infrastructure implementation.

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1. Assess the amount of Redevelopment Agency funding that will be available to assist in East Downtown revitalization and establish priorities and programs for use of these funds.

(Timeline: 3 months)

2. Establish a program to encourage infill of vacant properties and desired rehabilitation and adaptive reuse of existing buildings consistent with the East Downtown Plan. This program could include expedited processing, heightened staff assistance and other incentives to streamline permit processing in the East Downtown.

(Timeline: 2 months)

3. Identify and request Council review/ authorization for key acquisitions/assembly of property related to identified catalyst sites.

(Timeline: On-going)

4. Identify contaminated sites in the East Downtown area and develop strategies and resources to assist property owners in site clean-up.

(Timeline: On-going)

The Redevelopment Agency and City of Visalia will play a vital role in the leadership and funding of the East Downtown Strategic Plan. This implementation effort is a significant step in changing the physical, social and economic character of the East Downtown area. The vision of the plan is to transform the current physical and economic conditions of the area into a robust mixed-use neighborhood complete with public spaces and pedestrian friendly streets. Realization of this Strategic Plan and urban vision will occur over a long period of time with the participation and cooperation of property owners, developers, financial institutions, government agencies and the general public. During the implementation process there will be market forces, economic conditions and fiscal conditions that will be conducive for development opportunity in the East Downtown area. During the course of time, however, there will be fluctuations in market and economic conditions that will impede desired progress. The long term vision for implementing the East Downtown Strategic Plan must, therefore, be kept in perspective. Realization of this plan will take long term commitment, funding resources and municipal effort.

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Prior Council/Board Actions:

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Alternatives:

None recommended

Attachments:

East Downtown Visalia "A Strategic Plan for 2025" – Public Draft dated July 2005

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to initiate the changes recommended by staff to implement the action plan for the East Downtown Strategic Plan.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action: Prior:
Required:

NEPA Review:

Required? No
Review and Action: Prior:
Required:

Tracking Information:

Anticipated schedule of review:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 19, 2005

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

Agenda Item Wording: Approval of City Council Representatives to various boards and committees for the 2005-2007 Council term.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Steve Salomon 713-4312,
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: Approval of the City Council representatives to the various board and committees as recommended by Mayor Jesus Gamboa.

After reviewing the list of committees and boards that had City Council representation during the 2003-2005 term, after consideration of which groups would benefit from continuity or the particular experience of a Council Member, and after assessing Council Member's particular interests in certain issues, Mayor Gamboa has compiled the recommendations listed below.

In two instances it is recommended that staff members be the alternate to the Council Member. For both the Tulare County Economic Development Corp. and the Consolidated Waste Management Authority, it is traditional for staff to be the alternate since they are usually well versed on the issues and often in attendance. In addition, it is recommended that former City Council Member Evan Long be appointed to serve as the City's representative to the Lake Kaweah Enlargement Project. He has served admirably in this capacity throughout the tenure of this project, which while substantially completed, still has some final work to be completed.

The current representatives are as follows:

Tulare County Association of Governments	Primary:	Bob Link
	Alternate:	Jesus Gamboa

Visalia Riverway Sports Park Task Force	Jesus Gamboa
	Don Landers

Kaweah Delta Health Care District Joint Committee	Greg Kirkpatrick
	Bob Link

Consolidated Waste Management Authority	Primary:	Bob Link
	Alternates:	Andrew Benelli/Jim Bean
Tulare County Economic Development Corp. (Includes Business Incentive Zone representation)	Primary:	Jesus Gamboa
	Alternate:	Steve Salomon
Visalia Economic Development Council	Primary:	Don Landers
	Alternate:	Bob Link
Cross Valley Rail Corridor Joint Powers Authority	Primary:	Jesus Gamboa
	Alternate:	Greg Kirkpatrick
Lake Kaweah Expansion Project:		Evan Long (ret)
	Alternate:	Greg Collins
Workforce Investment Board:		Jesus Gamboa
Tulare Irrigation District/Kaweah Delta Water Conservation District Management Committee	Primary:	Greg Kirkpatrick
	Alternate:	Bob Link
Education Subcommittee (4-year University Proj.)		Don Landers Jesus Gamboa
West Visalia Specific Plan/198 Scenic Corridor		Greg Collins Bob Link
Visalia Civic Facilities Authority		Greg Collins Bob Link
East Downtown Project		Bob Link Greg Kirkpatrick
Natural Resources		Greg Kirkpatrick Bob Link
COS/Cities Coordination		Bob Link Greg Collins
Airline Sub-Committee		Bob Link Don Landers
Civic Center Masterplan		Don Landers Greg Collins

(The primary listing means that person generally attends and the alternate is called upon if the primary will be absent.)

Prior Council/Board Actions: Most of these positions were last filled in January, 2005.

Committee/Commission Review and Actions: N/A

Alternatives:

-The Council may choose to submit alternate names for consideration to these groups.

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Move to approve the Mayor's recommendations to various boards and committees for the 2005-2007 Council term.

Financial Impact

Funding Source:N/A

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: N/A

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: December 19, 2005

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

Agenda Item Wording: Appointment of Amy Shuklian and Bill Dillberg to serve on the Parks and Recreation Commission, and approval to recruit in early, 2006 for two alternates to the Commission.

Deadline for Action: N/A

Submitting Department: Administration & Parks and Recreation

Contact Name and Phone Number: Leslie Caviglia, 713-4317;
Vince Elizondo, 713-4367

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): _____

Department Recommendation and Summary:

It is recommended that the Visalia City Council appoint Amy Shuklian to fulfill the unexpired term of Betty Anthony, who submitted her resignation effective December 31, 2005, and reappoint Bill Dillberg to serve a full term on the Commission.

In 2003, the Council appointed Amy Shuklian to serve as an alternate to the Park and Recreation Commission. She has been very committed and involved with the Commission, and is ready and willing to serve as a voting member. Betty Anthony, who has served on the Commission since 2000, submitted her resignation effective the end of this year. It is recommended that Amy be appointed to fulfill the remainder of Betty's second term, which will expire in October, 2006. At that time, Amy would be eligible to be appointed for a full term, and if the Council desires, could actually serve two full terms, plus this partial term, since the partial term is less than half the term.

Bill Dillberg has served on the Commission since April, 2000. Since the Commission terms are currently 3 years, and he was appointed to serve more than half of the unexpired term, he has technically served for the maximum amount of consecutive terms a person may serve. However, the Council has the discretion to waive this policy, and the Park and Recreation Commission, and the Citizen's Advisory Committee, which makes recommendations to the Council regarding appointments, are both recommending that he be reappointed. The Commission has five members, currently including Anthony and Dillberg. Another Commissioner, Margaret Huggins, has indicated her intention to resign in the spring, 2006 because she is relocating out of the area. In addition, Commissioner Bob Marshall's second term will expire in October, 2006, meaning that within a year, the Commission could have four new members. Bill has been a very involved Commissioner, and the Commission and the CAC both believe that Bill's reappointment for a third term would bring some stability and consistency to the Commission. If reappointed, his third term would end in 2008.

Currently, the Commission's composition and terms, which expire in October of the given year, are:

Bill Dillberg	2005
Bob Marshall	2006
Betty Anthony	2006
Tom Link	2007
Margaret Huggins	2007

Given the anticipated vacancies, it is recommended that the Council authorize the Commission to recruit for two alternates in early 2006 so that knowledgeable replacements will be available as the vacancies arise.

Prior Council/Board Actions:

Appointed Amy Shuklian to serve as an alternate to the Commission in 2003

Committee/Commission Review and Actions:

Amy Shuklian was previously recommended by the Park and Recreation Commission and the Citizens Advisory Committee when she was appointed as an alternate.

The Commission and the CAC are both recommending that Bill Dillberg be appointed for a third term.

Alternatives:

To ask the City Clerk's Office to recruit for new applicants for one or both positions.

Attachments:

Letter from the Park and Recreation Commission

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move that Amy Shuklian and Bill Dillberg be appointed to serve on the Park and Recreation Commission and that a recruitment for alternates to the Commission be conducted in early 2006.

Copies of this report have been provided to:

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:

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: December 19, 2005

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

Agenda Item Wording: Authorization for City Manager to enter into an indemnification agreement with the Tulare County Local Agency Formation Commission for Annexation 2005-06, Houston Avenue Island and authorization to enter into indemnification agreements on all future annexations.

Submitting Department: Administration Department

Contact Name and Phone Number:
Phyllis Coring – 713-4566

For action by:
 City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:
 Work Session
 Closed Session
 Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):__

Recommendation and Summary:

Staff recommends that City Council authorize the City Manager to enter into an indemnification agreement with Tulare County Local Agency Formation Commission (LAFCO) for Annexation 2005-06, Houston Avenue Island and on all future annexations. Further, that property owners be required to submit indemnification agreements to indemnify the city with annexation applications.

Discussion:

On Monday, December 5, City Council initiated Annexation 2005-06, Houston Avenue Island. On Wednesday, December 7, LAFCO adopted a new policy requiring that cities submit an indemnification agreement on all actions along with applications. LAFCO has frequently required indemnification agreements as a condition of annexation and they have been filed at the end of the annexation process. When that has happened, the city has had the applicant, when possible, then indemnify the city. Now it will be required that the indemnification agreements be submitted along with the application to LAFCO. The agreement indemnifies LAFCO against challenges to actions taken by LAFCO.

Staff requests that Council authorize the City Manager to enter into the agreement so the annexation application will be accepted for processing. The City Attorney's office has reviewed the agreement and found it acceptable. A sample agreement is attached. For future projects, staff further recommends that property owners applying for annexation provide indemnification to the city along with the annexation application. The indemnification agreement may be in addition to an annexation agreement that may be required by the city to address other issues.

Committee/Commission Review and Actions:

Alternatives:

Attachments: sample agreement

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to authorize the City Manager to enter into an indemnification agreement with Tulare County Local Agency Formation Commission for Annexation 2005-06, Houston Avenue Island and on all future annexations and require indemnification agreements as a condition of accepting annexation applications.

Financial Impact

Funding Source:

Account Number: Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? no
Review and Action: Prior:
Required

NEPA Review:

Required? no

Review and Action: Prior:
Required

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 19, 2005

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

Agenda Item Wording: Receive a status report on the Northwest fire station and training facility amending the contract with BJ Perch.

Deadline for Action: December 19, 2005

Submitting Department: Finance – Gus Aiello

Contact Name and Phone Number:
Gus Aiello, 713-4423

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.): _____

Recommendation

That Council receive a status report on the Northwest fire station and training facility project, amending the contract amount for preconstruction services to \$640,000.

Summary

Council has authorized staff to move forward with a construction manager (CM) at risk to assist in delivering the facility. This delivery method is new to the City. Highlights of the CM at risk method include:

- A single source contract between the City and the CM for preconstruction services
- CM holds all subcontracts for the preconstruction phase of the project
- Upon completion of preconstruction services, the CM presents a guaranteed maximum price (GMP) to the City, which includes the total cost to deliver the project. The City has the option to accept the GMP as presented by the CM and move forward with construction, or end the contract with the CM and solicit bids for construction.

Discussion

The City's Capital Improvement Program (CIP) has a fire station and training facility programmed in year 2 (FY 05/06). The cost of the project, which was approved in the 04/05 and 05/06 budget, is \$4.92 million funded from the following sources:

Fire Impact Fee Fund	\$	3.25	million
Measure T Fund	\$	1.67	million
Total	\$	<u>4.92</u>	

The current status of the project includes the following milestones:

- Approximately 5 acres of land has been purchased at Shirk and the future Ferguson Avenue.
- The City has entered into a contract with BJ Perch Construction, Inc. to provide construction management (CM) at risk services. Under this agreement, all subcontracts for preconstruction and construction services will be held by BJ Perch.
- BJ Perch has selected RRM Design services to perform architectural services.

The City has begun the process to construct a northwest fire station and training facility at the corner of Shirk and the future Ferguson Avenue, which the City purchased in 2004. To assist in delivering the facility, on July 18, 2005 Council approved a contract with BJ Perch Construction Inc. for construction manager at risk services. The contract stipulates that BJ Perch will be compensated \$34,000.00 for managing the project through the pre-construction phase. All other costs will be paid by the City through BJ Perch, as all subcontracts for preconstruction services will be held by BJ Perch. The terms of the contract also include an open book policy in which all subcontractor billings would be reviewed by City personnel to ensure proper payment for services.

The preconstruction phase of the NW Fire Station and Training Facility will cost:

<u>Service</u>	<u>Cost</u>
Design Consultants Fee	\$ 539,000
Survey, Topo Map, Boundary Study	\$ 12,000
Geotechnical Engineering Investigation	\$ 10,000
Allowance for additional design services	\$ 30,000
Blueprinting Allowance	\$ 15,000
Construction Manager @ Risk Services	\$ 34,000
Total	<u>\$ 640,000</u>

The total estimated cost to complete the project is \$4.92 million. Estimated preconstruction services of \$640,000 will equate to approximately 13% of the entire project cost.

A project committee consisting of BJ Perch and City staff, which includes members from Fire, Buildings and Finance, has been formed to manage all phases of the project. The first phase of the Northwest fire station and training facility project is to select an architect to complete design and construction documents. A request for proposals was issued and nine firms responded. The project committee reviewed each of the proposals and narrowed the candidate pool to four firms, who were interviewed on November 17, 2005. The committee has selected RRM Design Services to design the facility. Reference checks and other post interview review are in the process of being completed.

Upon completion of the above mentioned preconstruction services, BJ Perch will provide the City with a guaranteed maximum price (GMP) to complete the construction of the project. The City has the right to not accept the GMP and solicit bids based upon the final construction drawings, which will be owned by the City at the completion of the preconstruction phase.

Prior Council/Board Actions:

This document last revised: 12/16/05 1:10:00 PM
By author:
File location and name:

July 18, 2005 – Authorization to enter into a contract with BJ Perch Construction, Inc. for Construction Manager at Risk services for the Northwest Fire Station and Training Facility.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to receive the status report on the Northwest fire station and training facility, amending the contract with BJ Perch .

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:

NEPA Review:	Required:
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: December 19, 2005

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

Agenda Item Wording: Approve the recommendation by the Parks and Recreation Commission to establish the name of "(James) Burke Park" for the new neighborhood park site at Burke and Monte Vista Streets in southeast Visalia.

Deadline for Action:

Submitting Department: Parks and Recreation Department

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

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: The Visalia Parks and Recreation Commission unanimously recommends that the City Council establish the name of "(James) Burke Park" for the new 5.8 acre neighborhood park located at Burke and Monte Vista Streets in southeast Visalia.

Background:

By ordinance the Park and Recreation Commission has the responsibility to recommend park names for consideration by the City Council.

As requested by the Commission, City Staff contacted local historian, Terry Omen, a member of the Tulare County Historical Society for suggestions about a potential park name based on the history of the area. After some research, Mr. Omen recommended the name of James Burke. Mr. Burke was prominent in the early history of the City. He began his law practice in Visalia in 1910. He was the County Deputy District Attorney, and a Visalia City Councilman from 1919 to 1927, President of the Tulare County Board of Trade, a leading water expert, and a long time Visalian. It is staff opinion that this suggestion is in keeping with the naming policy's objective of recognizing individuals of local significance and/or a geographic landmarks. The adjacent Burke Street is named after the Burke family.

Part of the construction process includes the installation of a concrete park sign. City staff has been working with the Parks and Recreation Commission for several months to develop a recommendation regarding a park name so the park sign can be constructed and installed in a timely manner. The park dedication is set for the early spring of 2006.

Other name suggestions received include; Monte Vista, Vista, Walnut Grove, Brian Park (recognizing Brian Blain), Kensington, El Rancho, and Otani Kazuo.

As a point of interest, several local World War II veterans appeared before the Commission in October 2005, to suggest the name of Otani Kazuo. Local resident Alan George, representing local World War II veterans, requested that the Commission consider Mr. Kazuo, a World War II Medal of Honor recipient, as a future park name. Mr. George indicated that the Medal of Honor is the highest military award given to a soldier and believes the City should give the same recognition to Mr. Kazuo as was bestowed on Mr. Alejandro R. Ruiz. (Ruiz Park in northern Visalia is named after Mr. Alejandro R. Ruiz, also a Medal of Honor recipient.)

The Commission considered this request when making the recommendation for the Burke-Monte Vista park site. The Commission felt the Kazuo park name deserves future consideration, but not for this specific neighborhood park site.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: Park and Recreation Commission Meeting of November 11, 2005.

Alternatives:

Attachments: James Burke Fact Sheet

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): The Visalia Parks and Recreation Commission unanimously recommends that the City Council establish the name of “(James) Burke Park” for the new 5.8 acre neighborhood park located at Burke and Monte Vista Streets in southeast Visalia.

Copies of this report have been provided to:

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

Review and Action: Prior:
Required:

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: December 19, 2005

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

Agenda Item Wording Award a contract for the Signal Preemption Project to AC Electric Company in the amount of \$211,560.00; Project No. 3011-00000-720000-0-9531-2006.

Deadline for Action: January 5, 2006 (30 days after bid opening)

Submitting Department: Public Works

Contact Name and Phone Number:

David Jacobs 713-4492

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: Staff recommends that the City Council award a contract to AC Electric Company of Visalia in the amount of \$211,560.00 for the Signal Preemption Project. Project No. 3011-00000-720000-0-9531-2006.

This project will install signal preemption equipment on 29 traffic signals within the City of Visalia. The preemption equipment will allow Fire vehicles to use on-board equipment to change traffic signals to a green light as they approach signalized intersections, thereby allowing for safer and faster emergency responses. The intersection of Ben Maddox and Houston was bid as an alternative intersection and will not be awarded with this project. This intersection is scheduled for widening in 2006 and at that time the preemption equipment will be added.

The project is funded by \$186,000 in State Transportation Improvement Program (STIP) funds and the remaining \$25,560.00 is funded by fire impact fees.

Currently there are 98 City signalized intersections and 46 Caltrans signalized intersections for a total of 144 signals within the City of Visalia. Currently there are 3 City signals (Houston/Demaree is the most recent City signal with preemption equipment) and 5 Caltrans signals with preemption equipment. This project will install preemption equipment at 21 City intersections and 8 Caltrans intersections leaving 77 City signals and 41 Caltrans signals needing preemption upgrades. The Mooney Boulevard widening project will install preemption equipment on 8 Caltrans signals by 2008. Each year the Fire Department will budget money in the CIP to install preemption equipment at five intersections in an effort to have the preemption equipment installed on all intersections within 15 years. The most crucial intersections (intersections the Fire Department determines will get the most use) will be installed first. In the future, any new intersections that are signalized will include the preemption equipment. On December 6, 2005 the City opened two bids submitted for the Signal Preemption Project. The results of the bid opening are as follows:

1. AC Electric Company	Visalia	\$ 211,560.00
2. Madco Electric Inc.	Selma	\$ 295,200.00

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: None

Alternatives: None recommended

Attachments: Bid results, Location Maps of target intersections

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to award a contract for the Signal Preemption Project to AC Electric Company of Visalia in the amount of \$211,560.00. Project No. 3011-00000-720000-0-9531-2006.

Financial Impact

Funding Source:

Account Number: 3011-00000-720000-0-9531-2006

Budget Recap:

Total Estimated cost: \$211,560.00	New Revenue:	\$
Amount Budgeted: \$235,000.00	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes___	No__ <u>X</u>	

Copies of this report have been provided to:

Tracking Information: If approved, contracts must be forwarded to Contractor for execution (by Engineering staff), City Attorney, Risk Management and City Manager must execute once returned by Contractor.

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior: Categorical Exemption
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: December 19, 2005

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

Agenda Item Wording: Award a contract for the Pinkham Street – K Avenue Intersection Street Improvement Project to Central Valley Asphalt in the amount of \$312,074.48 and authorize an additional appropriation of \$281,500.00 from the Transportation Impact Fund (1241); Project No. 1241-00000-720000-0-9723-2005.

Deadline for Action: January 3, 2006 (30 days after bid opening)

Submitting Department: Public Works

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

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 3 min.

Department Recommendation and Summary:

Staff recommends that the City Council award a contract to Central Valley Asphalt of Lindsay, Ca. in the amount of \$312,074.48 for the Pinkham Street – K Avenue Intersection Street Improvement Project; Project No. 1241-00000-720000-0-9723-2005. Additionally, staff recommends that City Council authorize the additional appropriation of \$281,500.00 from the Transportation Impact Fund (1241) to cover the project's total costs including railroad upgrades, construction management, testing, inspection and surveying.

Pinkham St. - K Rd. Ave Intersection Construction Bid

The Pinkham St. – K Ave. Intersection project, in conjunction with the San Joaquin Valley Railroad track warning devices and crossing upgrade project approved by City Council at the December 5, 2005 meeting, will complete a major north-south circulation link for the city by providing through traffic from Noble to Caldwell along Pinkham St., a collector roadway.

On December 13, 2005, Engineering Staff opened five (5) bids submitted for the Pinkham Street – K Avenue Intersection Street Improvement Project. The results of the bid opening are as follows:

1. <i>Central Valley Asphalt</i>	<i>Lindsay</i>	<i>\$ 312,074.48</i>
2. <i>R.J. Berry Jr., Inc.</i>	<i>Selma</i>	<i>\$ 349,226.00</i>
3. <i>Lee's Paving, Inc.</i>	<i>Visalia</i>	<i>\$ 378,774.00</i>
4. <i>Seal Rite Paving.</i>	<i>Clovis</i>	<i>\$ 395,404.32</i>
5. <i>Lockwood General Engineering, Inc.</i>	<i>Visalia</i>	<i>\$ 460,356.00</i>

The Engineers Estimate for this project, including project management, inspecting and testing, is \$330,000. Additionally, staff is requesting \$2,500 for landscape design plans and specifications for the areas adjacent to the project. The project was initially budgeted with \$350,000 of which \$337,050.00 is available to fund the construction project and the railroad upgrades. Design costs and staff time account for the difference (\$350,000 - \$337,050.00) of \$12,950.00. The total cost of the project and upgrades is approximately \$631,500 (\$285,807.06 + \$332,500 + \$12,950.) Therefore, staff is requesting City Council authorize the additional appropriation of \$281,500 (\$631,500 – (\$337,050 + \$12,950)) from the 1241 Fund (Transportation Impact Fund) to cover the total cost of the project including railroad upgrades and design of adjacent landscape and irrigation plans. There are sufficient funds in the 1241 fund to allow the additional appropriation without affecting currently approved FY '05/'06 C.I.P. projects. Construction of the Pinkham St. – K Ave. Intersection project improvements should begin in mid-January 2006 with completion by early April 2006, weather permitting.

San Joaquin Valley Railroad Pinkham St. Crossing Project

Concurrent with the road project, City staff is working with the San Joaquin Valley Railroad and the California Public Utility Commission (C.P.U.C.) to upgrade the crossing at Pinkham Street. The proposed improvements will be installed by San Joaquin Valley Railroad's contractor; Quality Signal Construction and their sub-contractors. The railroad improvements include new concrete lined tracks installed in Pinkham Street along with cantilevered, lighted warning devices on both the north and south approaches. As a result of the upgrades, the railroad crossing will be safer for vehicular and pedestrian traffic using Pinkham Street. The upgrade of the warning devices will be a requirement to obtain approval from the C.P.U.C. for the road widening project while the track upgrades are a requirement of the local railroad company. Presently, along Pinkham Street there are cross bucks (wood post with two wood diagonal cross members at 90 degrees) only at the crossing. At its December 5, 2005 City Council meeting, City Council approved the expenditure of \$285,807 for the upgrades to the track and warning devices.

Pinkham St. - K Rd. Ave Intersection Project

The Pinkham St. – K Ave. Intersection project consists of a series of improvements that will connect Pinkham St. north and south of K Ave. so that Pinkham St. will be a through collector between Noble and Caldwell and change the grade of the streets to match the grades of the railroad tracks.

The project will consist of removing the existing Pinkham Street roadway and west side curb, gutter, sidewalk and landscaping from Cherry Avenue to K Avenue. Additionally, the existing K Avenue roadway will be removed to points approximately 400 feet east and west of Pinkham Street. Both roadways will be elevated to better match existing railroad track grades on Pinkham Street north of K Avenue. The elevated roadway will match the recently completed section of Pinkham Street south of K Avenue. The south leg of Pinkham Street at K Avenue was installed as part of the Sunrise Park subdivision. Pinkham Street north of K Avenue will be widened to 46 feet curb to curb. Construction on K Avenue east and west of Pinkham Street will include curb and gutter on both north and south sides of the roadway. The roadway is designed as 40 feet curb to curb. Additionally, five-foot concrete sidewalk will be reinstalled on the west side of Pinkham Street and new City Standard sidewalk will be installed on the east side of Pinkham Street. An 8-foot concrete bike path will be installed on the south side of K Avenue starting at Pinkham Street and tying into the existing bike path to the west. The proposed improvements

will match grade and tie into the existing public improvements installed with the Sunrise Park subdivision located at the southwest corner of Pinkham Street and K Avenue. Currently, Pinkham Street extends south of Noble Avenue to K Avenue and from Caldwell Avenue north to Monte Verde. With the completion of the intersection improvements, Pinkham Street will be connected between K Avenue and Caldwell Avenue and will allow travel from Nobel Avenue to Caldwell Avenue.

As part of the approval of the Kaweah Gardens subdivision along the east side of Pinkham Street at Cherry Avenue Pioneer Properties (the Developer) made a cash deposit of \$7,542 for the reconstruction of a portion of Pinkham Street. The Developer is still responsible for the landscaping, sidewalk and lighting along the east side of Pinkham Street south of Cherry Avenue. Since all other required improvements have been completed, the City may take cash payment from Pioneer Properties for the cost of the remaining improvements (landscaping, sidewalk and lighting) so a Notice of Completion can be filed on the subdivision. The \$7,542 the Developers have previously paid will be included in the project funding. Additionally, the Developers of Sunrise Park subdivision, at the southwest corner of K Avenue and Pinkham Street, have paid for the bike path and parkway landscaping along K Avenue west of Pinkham Street through a reduction in reimbursements due the Developer. The amount of the reduction is \$19,240.

A future landscape and irrigation project will be developed while the street improvement project is under construction. The landscape project will include typical landscaping found adjacent to residential subdivisions including street trees. The landscape and irrigation will be installed along the east and west sides of Pinkham Street between Cherry Avenue and K Avenue and along the south side of K Avenue west of Pinkham Street. Additional funds to cover the construction and management of the landscaping project will be requested at the time the project is bid and is presented to Council for action.

Prior Council/Board Actions: December 5, 2005 – Council authorized the expenditure of \$285,807.06 from the Capital Improvement program for the Pinkham Street track and warning device upgrades; work shall be performed by San Joaquin Valley Railroad.

Committee/Commission Review and Actions: None

Alternatives: None recommended

Attachments: 1. Location Map
2. Bid Summary

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to award a contract for the Pinkham Street – K Avenue Intersection Street Improvement Project to Central Valley Asphalt in the amount of \$312,074.48 and authorize an additional appropriation of \$281,500.00 from the Transportation Impact Fund (1241); Project No. 1241-00000-720000-0-9723-2005.

Financial Impact

Funding Source:

Account Number: 1241-720000-0-0-9723-2005

Budget Recap:

Total Estimated cost:	\$631,500.00	New Revenue:	\$
Amount Budgeted:	\$350,000.00	Lost Revenue:	\$
New funding required:	\$281,500.00	New Personnel:	\$
Council Policy Change:	Yes___	No__	X

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required?	Yes	No:	Considered routine maintenance of existing facility
Review and Action:	Prior:	Required:	

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Tracking Information: If approved, contracts must be forwarded to Contractor for execution (by Engineering staff), City Attorney, Risk Management and City Manager must execute once returned by Contractor.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 19, 2005

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

Agenda Item Wording: Approve a non-matching grant award in the amount of \$26,059 from the State Office of Homeland Security and Tulare County Office of Emergency Services to the Visalia Fire Department.

Deadline for Action:

Submitting Department: Fire Department

Contact Name and Phone Number:

George Sandoval, Fire Chief – 713-4218
Danny Wristen, Battalion Chief – 713-4056

Department Recommendation and Summary:

The Fire Department recommends that the City Council approve the non-matching grant award in the amount of \$26,059 from the State Office of Homeland Security and Tulare County Office of Emergency Services (OES) to the Visalia Fire Department.

In an effort to improve homeland security as a result of the September 11, 2001, terrorist's attacks on the United States, both the State of California and the federal government have developed programs to help prepare county and local governments. One of these programs is the FY05 State Homeland Security Grant Program. The Governor's Office of Emergency Services is providing \$84.6 million to California's Operational Area's to protect against, and respond to, incidents of terrorism involving the use of Weapons of Mass Destruction. Our Operational Area, Tulare County, received \$993,540 of this grant. As Tulare County was preparing the grant application, they asked the police, fire and EMS agencies in Tulare County to prepare a list of equipment needs to help prepare for a Weapons of Mass Destruction incident. The Visalia Fire Department provided an equipment list that totaled approximately \$71,155. During the grant process, our equipment list was reduced to \$26,059 worth of equipment.

The equipment that was approved during this grant process will help to improve our Hazardous Materials Response Team. The majority of the equipment that we have been approved to purchase is related to the decontamination of victims who have been exposed to a hazardous material. We have also been approved to purchase several atmospheric monitors, which allow Haz Mat personnel to check for chemicals that could harm them or others. The other items are support type equipment. For specifics regarding the approved equipment see attachment #2. This grant requires no matching funds and only requires that if needed, we make the equipment available during a Weapons of Mass Destruction incident. We do not feel that this requirement

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

will have any affect on our normal operations. Tulare County OES has asked that we purchase the equipment and be reimbursed 100% by Tulare County OES.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: Do not accept the grant award.

Attachments: #1 – Letter from the Tulare County OES
#2 – Approved equipment list

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move that we accept the grant award in the amount of \$26,059 from the State Office of Homeland Security and Tulare County OES for the Visalia Fire Department.

Financial Impact

Funding Source:

Account Number: 0011-540100-22226 (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$26,059	New Revenue:	\$26,059
Amount Budgeted: \$	Lost Revenue:\$	
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes_____ No_____		

Copies of this report have been provided to: None

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: December 19, 2005

Agenda Item Number:

Agenda Item Wording:

Second Reading; Change of Zone No. 2005-19, is a request by Vernon F. Phan to change the zoning from R-M-3 (Residential High Density) to Convenience Commercial on .32 acre site located on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010). Resolution 2005-167 required.

Deadline for Action: None

Submitting Department: Community Development / Public Works - Planning

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

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

Recommendation and Summary: Staff recommends that the Council approve the second reading of Change of Zone 2005-19. The City Council held a public hearing on this item on December 5, 2005, and approved the first reading of the zone change along with the accompanying amendment to the General Plan, by a vote of 4-1-0.

The project site is located on the northeast corner of Murray Avenue and Jacob Street. The intended development of the site is a new convenience store that will be the subject of a future Conditional Use Permit application, contingent on successful re-designation of the site. After the second reading for this change of zone is conducted, approximately .32 acre of R-M-3 (High-Density Residential) zoned land will be re-designated to CC (Convenience Commercial) zoned land. If the change of zone is approved at the second reading, it will become effective 30 days from December 19, 2005.

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on Dec24, 2005 and recommended approval of General Plan Amendment No. 2005-18 and Change of Zone No. 2005-19 by a unanimous vote.

Prior Council/Board Actions:

First Reading by City Council on December 5, 2005.

Alternatives:

None recommended

Attachments:

- Ordinance No. 2005-22
- Zoning Map
- Location Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to approve the second reading of Ordinance No. 2005-22, approving Change of Zone No. 2005-19.

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. 2005-22

AN ORDINANCE OF THE CITY OF VISALIA, APPROVING CHANGE OF ZONE NO. 2005-19, TO CHANGE THE ZONING FROM R-M-3 (MULTI-FAMILY RESIDENTIAL) TO CC (CONVENIENCE COMMERCIAL) ON APPROXIMATELY .32 ACRE FOR THE DEVELOPMENT OF A NEW CONVENIENCE STORE.

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. 2005-19, to change the zoning from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial), for the development of a new convenience store for Vernon Phan, on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010).

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: December 19, 2005

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Second Reading of Ordinance No. 2005-23 authorizing the lease of .68 acres of property at the Visalia Municipal Airport to Optimal Aviation Services, LLC. for the purpose of constructing an Aircraft Storage Facility.

Deadline for Action:

Submitting Department: Administrative Services – Airport

Contact Name and Phone Number: Mario Cifuentez, II
Airport Manager, x4480

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:

Executive Summary:

City Staff recommends that Council authorize the City Manager to execute this lease agreement with Optimal Aviation Services, LLC. Optimal Aviation Services, LLC. is owned and operated by Mr. David Lanham. Mr. Lanham is an experienced pilot and charter operation manager and has been a long time tenant at the Visalia Airport and currently leases space from an existing airport tenant. The term of this lease is twenty-five (25) years. The lease rate will be \$694.17 per month, adjusted annually based on the California Consumer Price Index.

Background:

Optimal Aviation Services, LLC. Is a new business. However, the owner, David Lanham is a long time tenant of the Visalia Airport. Mr. Lanham manages several aircraft for tenants at the airport and others across the valley. He has continued to acquire control over several larger aircraft and he desires to relocate the aircraft to Visalia under one facility. In addition, Mr. Lanham ultimately hopes to operate a full-service air charter operation and is looking for a quality facility to operate his business from.

Optimal Aviation Services proposes to construct a new hangar facility of approx. 15,000 square feet, an above ground fuel farm, and significant ramp improvements on the 30,000 square foot leasehold. The site is located just South of Fire Station 3 in the new corporate hangar area where taxiways were constructed in the Summer of 2004.

This lease agreement is a Standard Airport Ground Lease Agreement containing the same terms and conditions as all other agreements executed since 1995. The agreement has a twenty-five (25) year term, with three five (5) year options. The lease also requires a fair market analysis of the rent at the expiration of the original term and prior to the execution of each option.

This document last revised: 12/16/05 1:15:00 PM

By author: Mario Cifuentez

File location and name: H:\(1) AGENDAS for Council\2005\121905\Item 8k(2) Second Reading of Optimal Aviation Ordinance.doc

Prior Council/Board Actions:

Committee/Commission Review and Actions:

The Airport Committee recommends Introduction of this ordinance and execution of the associated Lease Agreement.

Alternatives:

Attachments: Proposed Ordinance

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move the Second Reading of Ordinance No. 2005-23 authorizing the lease of .68 acres of property at the Visalia Municipal Airport to Optimal Aviation Services, LLC.

Financial Impact

Funding Source:

Account Number: 4011-452011-40401 (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$13,330.04 annually
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes_____ No <input checked="" type="checkbox"/>		

Copies of this report have been provided to:

This document last revised: 12/16/05 1:15:00 PM

By author: Mario Cifuentez

File location and name: H:\(1) AGENDAS for Council\2005\121905\Item 8k(2) Second Reading of Optimal Aviation Ordinance.doc

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:

ORDINANCE NO. 2005-23

This document last revised: 12/16/05 1:15:00 PM

By author: Mario Cifuentez

File location and name: H:\(1) AGENDAS for Council\2005\121905\Item 8k(2) Second Reading of Optimal Aviation Ordinance.doc

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF VISALIA AND OPTIMAL AVIATION SERVICES, LLC. FOR .68 ACRES OF PROPERTY AT THE VISALIA MUNICIPAL AIRPORT

WHEREAS, the City of Visalia owns and operates certain real property commonly referred to as the Visalia Municipal Airport; and

WHEREAS, the City of Visalia desires to lease a portion of said real property to a commercial fixed base operator for the purpose of providing support services to users of the Visalia Municipal Airport; and

WHEREAS, Optimal Aviation Services, LLC. is a longtime tenant of the Visalia Municipal Airport and desires to continue to provide said services; and

WHEREAS, the City of Visalia and Optimal Aviation Services, LLC. desire to enter into a lease agreement for said real property; and

WHEREAS, the said real property is more particularly shown on Exhibit A attached hereto and described as .68 acres of airport property.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA:

Section 1. The City Manager of the City of Visalia be, and is hereby authorized to execute on behalf of the City of Visalia, that certain Lease Agreement by and between the City of Visalia as Lessor and Optimal Aviation Services, LLC. as Lessee, dated January 1, 2006, is hereby approved and the City Manager of the City of Visalia is hereby authorized to execute the same on behalf of the City of Visalia.

Section 2. This ordinance shall go into effect thirty (30) days after its passage.

This document last revised: 12/16/05 1:15:00 PM

By author: Mario Cifuentez

File location and name: H:\(1) AGENDAS for Council\2005\121905\Item 8k(2) Second Reading of Optimal Aviation Ordinance.doc

City of Visalia Agenda Item Transmittal

Meeting Date: December 19, 2005

Agenda Item Number (Assigned by the City Clerk)

Agenda Item Wording:

Second Reading of the Construction and Demolition Recycling Ordinance (Chapter 8.29) to increase the recycling and reuse of construction and demolition debris. Ordinance 2005-24

Deadline for Action:

12-19-05

Submitting Department:

Public Works

Contact Name and Phone Number

Andrew Benelli, Public Works Director 713-4340
Jim Bean, Public Works Manager, Solid Waste & Fleet
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.): 05

Department Recommendation and Summary:

City staff recommends that Council approve the second reading of the Construction and Demolition Recycling Ordinance. (Chapter 8.29) With the implementation of this new construction and demolition ordinance, the City will be committed to the recycling of construction and demolition by requiring that contractors establish a Recycling and Reuse Plan for construction and demolition (C&D) waste. Visalia's adoption and implementation of the proposed C & D Ordinance, in conjunction with adoption of the ordinance by other jurisdictions in the Consolidated Waste Management Authority (CWMA), will assist the City and CWMA to meet the fifty percent waste recycling mandate established by state law.

History:

In 1989, the California Integrated Waste Board enacted the California Waste Management Act of 1989. (AB 939). AB 939 contains language that requires that all California cities and counties prepare, adopt and implement source reduction and recycling plans to reach landfill diversion goals. AB 939 also requires that cities and counties make substantial reductions in the volume of waste materials going to the landfills, or face fines up to \$10,000 per day.

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). Per the agreement, the CWMA was created to act 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". When the CWMA was first formed the cities had a combined annual diversion rate of 52%. In 2002, four other cities (Exeter, Farmerville, Woodlake and Tulare) joined the CWMA. In 2003, the CWMA's combined annual diversion rate dropped to 44% (the tonnages are always one year in arrears). An analysis of the decrease indicates that it primarily resulted from more construction and demolition material being deposited at the County landfills. The County also increased their efforts to identify the source of material that was being deposited by "self-haulers." The self hauls are all deliveries not made by city disposal trucks or other recognized city contract

haulers. The self hauls include everything from pickup trucks to dump trucks. Many loads are delivered in trucks with large roll off bins. A significant amount of the material delivered by self haul is construction and demolition waste from Visalia or other cities belonging to the CWMA. The City of Visalia's current diversion rate is about 47%.

In April 2005, the CWMA's tonnage report was sent to the California Waste Management Board, showing that the diversion rate had fallen to 44%. Because the diversion level was less than 50% the CWMA had to request a time extension to meet State's requirements. The CWMA also had to prepare a plan to raise the diversion level back up to 50% or better. The CWMA has agreed to the following programs to reach this goal:

- All eight cities will implement commercial green waste programs,
- All eight cities will adopt Construction and Demolition Ordinances,
- Expand public outreach programs, and;
- Temporarily implement a waste to energy program.

With all of these programs in place CWMA staff is confident that the diversion level will increase back above the 50% level.

The CWMA Board has adopted a model Construction and Demolition Ordinance (C & D) for all of the member cities to use. Mayor Link is Visalia's representative on the CWMA Board. The CWMA cities were required by the State to introduce a C & D Ordinance to their respective City Councils before November 1, 2005. The CWMA Board has set a goal for the cities to have the C & D Ordinances adopted by March 1, 2006. Staff members from the CWMA cities have met with representatives from the Building Industry Association (BIA) to review the model ordinance. The BIA indicated that they support the concepts in the model ordinance and want to work with the cities to make the implementation as simple as possible. The BIA stated that they would prefer that all of the cities and the County adopt similar ordinances. Because of this request Tulare County and the CWMA have both adopted the same C&D model ordinance. The CWMA member cities and Tulare County held an informational meeting for the contractors and private haulers at the Visalia Convention Center on November 16, 2005 to discuss the new model ordinance. Tulare County recently issued a Request for Proposals (RFP) to vendors interested in accepting and processing construction and demolition materials at the County's three landfill sites. Council approved the first reading of the City of Visalia new C&D ordinance on December 5, 2005.

All of the CWMA Cities must promote the reduction of solid waste and reduce the stream of solid waste going to landfills so that the CWMA can meet the State requirement for 50% diversion. Waste from construction, demolition, and renovation of buildings represents a significant portion of the material being deposited in the landfills, and much of this waste is suitable for recycling and reuse. With the implementation of this new construction and demolition ordinance, the City will be committed to the reduction of construction and demolition by requiring that contractors establish a Recycling and Reuse Plan for construction and demolition (C&D) waste. Many California cities and counties have already adopted C&D ordinances. In this area, Fresno County, City of Fresno and the City of Sanger have implemented construction and demolition ordinances similar to the one proposed in this staff report, to assist them to reach their goals set by AB 939.

The C&D Ordinance will require contractors and builders to submit a "Recycling and Reuse Plan" when they apply for a building permit. A copy of the form that the contractors will be required to complete is attached to this report. The contractors will be providing a list of the material that they expect to generate and estimating the amount that will be recycled. They also will have to list the facilities where the recyclable material will be delivered. The contractors must also submit a second copy of the form within 30 days of completing the project. The second submittal provides the City with the actual quantities of material that was recycled. The contractors must also submit weigh tickets or other documentation to validate the quantities that were recycled. For details concerning disposal requirements, penalties or other information, please see the attached C&D Ordinance proposal.

Prior Council/Board Actions:

Introduced the new C&D model ordinance to Council on October 17,2005 during a Work Session.
Council approved the first reading of the new City of Visalia C&D Ordinance (Chapter 8.29) on 12-5-05.

Alternatives:

Do not approve the second reading of the Construction & Demolition Ordinance (Chapter 8.29) and seek other programs to meet the fifty percent diversion mandate.

Attachments:

- 1. The City of Visalia C&D Ordinance (Chapter 8.29)
- 2. The City of Visalia's Recycling and Reuse Plan

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Approve the second reading of the C&D ordinance 2005-24.

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: ___ 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:

ORDINANCE NO. 2005-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA, AMENDING THE VISALIA MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.29, CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT TO TITLE EIGHT OF THE VISALIA MUNICIPAL CODE

WHEREAS, under California law as embodied in the California Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.), the City of Visalia is required to prepare, adopt and implement source reduction and recycling plans to reach landfill diversion goals, and is required to make substantial reductions in the volume of waste materials going to the landfills, or face fines up to \$10,000 per day; and

WHEREAS, in order to meet these goals it is necessary that the City of Visalia promote the reduction of solid waste, and reduce the stream of solid waste going to landfills; and

WHEREAS, waste from construction, demolition, and renovation of buildings represents a significant portion of the volume of waste presently coming from the City of Visalia and much of this waste is particularly suitable for recycling and reuse; and

WHEREAS, waste reduction, reuse and recycling of Construction and Demolition (C&D) Materials reduces the amount of C&D Materials transported for disposal in landfills and transformation facilities, increases site and worker safety, and are cost effective; and

WHEREAS, the City's commitment to the reduction of waste requires the establishment of programs for recycling and salvaging of construction and demolition (C&D) waste; and

WHEREAS, except in unusual circumstances, it is feasible to divert at least fifty percent (50%) of all C&D Materials from construction, demolition, and renovation projects; and

WHEREAS, certain types of projects are exempt from these requirements; and

WHEREAS, to ensure compliance with this Chapter and ensure that those contractors that comply with this Chapter are not placed at a competitive disadvantage, it is necessary to impose a penalty for non-compliance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VISALIA HEREBY ORDAINS THAT:

Title Eight of the Visalia Municipal Code is amended by adding a new Chapter 8.29, "CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT," to read in its entirety as follows:

CHAPTER 8.29

CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

Section 8.29.10 –PURPOSE

The purpose of this Chapter is to increase the recycling and reuse of construction and demolition debris, consistent with the goals of the California Integrated Waste Management Act of 1989.

Section 8.29.20 –DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the following meanings unless the context otherwise requires:

- (a) "**ACCESSORY STRUCTURE**": means a structure containing no kitchen or bathroom and located upon the same lot or parcel as the principal use or structure to which it is an accessory. The structure is customary, incidental and subordinate to the use of the principal building or the principal use of the land. All accessory structures shall be constructed with, or subsequent to, the construction of the principal structure or activation of the principal use.
- (b) "**APPLICANT**": means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City of Visalia for the applicable permits to undertake any construction, demolition or renovation project within the City of Visalia boundaries, as defined in this Section, and who is, therefore, responsible for meeting the requirements of this Section.
- (c) "**BUILDING OFFICIAL or DIRECTOR**": means the Officer or other designated authority charged with the administration and enforcement of this Section, or the City of Visalia duly authorized representative.
- (d) "**CONSTRUCTION**": means all building, landscaping, remodeling, including the addition, removal or destruction of buildings and landscaping.
- (e) "**CONSTRUCTION AND DEMOLITION DEBRIS**": means and includes
 - (1) Used or commonly discarded materials generally considered to be not water soluble and non-hazardous in nature, including but are not limited to, steel, copper, aluminum, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project; or
 - (2) Remnants of new materials, including but are not limited to, cardboard, paper, plastic, wood and metal scraps from any construction, demolition and/or landscape project.
- (f) "**CONTRACTOR**": means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor, owner-builder, or otherwise) any construction, demolition, remodeling, renovation or landscaping service relating to buildings or accessory structures in the City of Visalia's jurisdictional boundaries.
- (g) "**COVERED PROJECT**": means and includes any project which consists of one or more of the following:
 - (1) Demolition projects that are 500 square feet or greater.
 - (2) Any project involving renovation of a kitchen and/or bath facility irrespective of total square footage or value.

- (3) The renovation, remodel or addition to an existing residential structure that is equal to or greater than 500 square feet and/or projects that exceed \$20,000 in construction cost.
 - (4) The renovation, remodel or addition to an existing commercial or multi-family residential structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000 in construction cost.
 - (5) Residential development and any new residential structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
 - (6) Commercial or multi-family residential development, and any new structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
 - (7) All City of Visalia sponsored construction, demolition and renovation projects that are equal to or greater than 1,000 square feet.
 - (8) All City of Visalia public works and construction projects which are awarded pursuant to the competitive bid procedures.
- (h) "**DECONSTRUCTION**": means a process to dismantle or remove useable materials from structures, in a manner which maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.
- (i) "**DEMOLITION**": means the deconstructing, razing, ruining, tearing down or wrecking of any structure, wall, fence or paving, whether in whole or in part, whether interior or exterior. Demolition needs to be done by a contractor or owner-builder.
- (j) "**DESIGNATED RECYCLABLE AND REUSABLE MATERIALS**": means and includes:
- (1) Inert solids, asphalt and masonry building materials generally used in construction including, but are not limited to, concrete, rock, stone and brick.
 - (2) Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.
 - (3) Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use. The following materials are excluded as the materials are not recyclable and should be land filled: bamboo, palm fronds and yucca.
 - (4) Metals including all metal scrap such as, but are not limited to, pipes, siding, window frames, door frames and fences.
 - (5) Roofing materials including wood shingles and shakes as well as asphalt, stone and slate based roofing material.
 - (6) Salvageable materials and structures including, but are not limited to, doors, windows, fixtures, hardwood flooring, sinks, bathtubs and appliances.
 - (7) Any other materials that the Building Official or Director determines can be diverted due to the identification of a recycling facility, reuse facility or market accessible from the County.
- (k) "**DIRECTOR**": means the City's **Director of the Public Works** Department or his/her authorized representative.

- (l) **"DIVERT" and "DIVERSION"**: means to use material for any lawful purpose other than disposal in a landfill, transformation facility or alternative daily cover. Methods to divert materials from landfills include Reuse, Salvage and Recycling. Diversion does not include illegal dumping.
- (m) **"EMERGENCY DEMOLITION"**: means an emergency demolition can be performed only when a facility is determined to be structurally unsound and in danger of imminent collapse **and** a state or local government agency has issued an immediate demolition order. The order for emergency demolition only applies to the part of the building that is unsound; attached buildings may not be demolished under this order and must be treated as a regular demolition.
- (n) **"FACILITIES"**: means recycling, salvage and reuse establishments and landfills.
- (o) **"INERT SOLIDS"**: includes asphalt, concrete, rock, stone, brick, sand, soil and fines.
- (p) **"NON-COVERED PROJECTS"**: Construction, demolition and renovation projects within the City of Visalia that do not meet the established thresholds for Covered Projects.
- (q) **"OWNER-BUILDER"**: see "CONTRACTOR".
- (r) **"PERMIT"**: means an official document or certificate issued by the Building Official authorizing performance of a specified activity.
- (s) **"PROJECT"**: means any activity involving construction, demolition or renovation, and which requires issuance of a permit from the City of Visalia.
- (t) **"RECYCLABLES"**: means materials which would otherwise become solid waste but which are capable of or suitable for recycling.
- (u) **"RECYCLING"**: means the process of collecting, sorting, cleansing, treating and reconstituting or converting construction and demolition debris that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw materials for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace or in the form of useable energy. Recycling does not include transformation.
- (v) **"RECYCLING AND REUSE PLAN"**: means a form provided by the City of Visalia for the purpose of compliance with this Chapter that must be submitted by the Applicant for any Covered Project.
- (w) **"RENOVATION"**: means any change, addition or modification to an existing structure.
- (x) **"REUSE"**: means further or repeated use of Construction and Demolition Debris.
- (y) **"SALVAGE"**: means the controlled removal of materials from a Covered Project for the purpose of recycling, reuse or storage for later reuse.
- (z) **"SOURCE SEPARATED"**: means recyclables that have been segregated from solid waste by or for the generator thereof on the premises at which they were generated for handling different from that of solid waste.
- (aa) **"STRUCTURE"**: means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Section 8.29.30 –DECONSTRUCTION AND SALVAGE AND RECOVERY

- (a) Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall be counted towards the diversion requirements of this Section.

Section 8.29.40 –DIVERSION REQUIREMENTS

- (a) One hundred percent (100%) of inert solids and at least fifty percent (50%) by weight of the remaining construction and demolition debris resulting from the project shall be diverted to an approved facility or by salvage.
- (b) For each Covered Project, the diversion requirements of this Section shall be met by submitting and following a C&D Debris Recycling and Reuse Plan that includes the following:
 - (1) Deconstructing and salvaging all or part of the structure as practicable, and
 - (2) Directing one hundred percent (100%) of inert solids to reuse or recycling facilities approved by the City of Visalia, and
 - (3) Collecting (source separated or commingled) non-inert materials, such as cardboard and paper, wood, metals, green waste, new gypsum wallboard, tile, porcelain fixtures, and other easily recycled materials, and directing them to recycling facilities approved by the City of Visalia and taking the remainder (but no more than 50% by weight) to a facility for disposal.
- (c) The Applicant for any Covered Project shall make reasonable efforts to ensure that all construction and demolition waste diverted or land filled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales that are in compliance with all regulatory requirements for accuracy and maintenance.
- (d) Although it may not be an explicit condition of the building permit, Contractors working on Non-Covered Projects are encouraged to divert material from construction and demolition projects to the maximum extent practicable in accordance with this Chapter.

Section 8.29.50 –PROJECTS EXEMPT FROM THIS CHAPTER

- (a) Emergency demolition required to protect the public health, safety or welfare.
- (b) City of Visalia-sponsored demolition of a substandard structure or construction required to protect public health or safety in an emergency.
- (c) Projects in any single-family residential district, which consist solely of a swimming pool.
- (d) Projects for which only a plumbing permit, electrical permit or mechanical permit is required.
- (e) A project for which a valid building permit has been lawfully issued by the City of Visalia prior to the effective date of this Ordinance.
- (f) A project of the City of Visalia public construction for which the notice inviting bids has been published prior to the effective date of this Ordinance.

Section 8.29.60 –SUBMISSION AND REQUIRED CONTENTS OF C&D DEBRIS RECYCLING AND REUSE PLAN

- (a) Prior to issuance of permit, every Applicant for building or demolition permits involving any Covered Project shall complete and submit a properly completed C&D Debris Recycling and Reuse Plan to the Building Official, unless a C&D Debris Recycling and Reuse Plan for the project is already on file with the City of Visalia.
- (b) A C&D Debris Recycling and Reuse Plan must contain all of the following information:
 - (1) The name and address of the person applying for the permit.

- (2) Unless waived by the Building Official or designee, evidence that the owner or owners of the subject property acknowledge that they are aware of and understand that a violation of any provision of this Section may result in the imposition of penalties and that any unpaid penalties imposed may be declared a lien on the subject property.
- (3) A description of the project, including location, scope, required permit(s) and estimated timeline for completion of the project.
- (4) The names and addresses of all vendors and facilities proposed to be used to collect, receive, dispose, recycle, reuse or salvage the project C&D debris.
- (5) The recycling or reuse percentage rate, as applicable, of each vendor and facility proposed to be used to recycle or reuse the project C&D debris.

Section 8.29.70 –EVIDENCE OF COMPLIANCE WITH C&D DEBRIS RECYCLING AND REUSE PLAN

- (a) A C&D Debris Recycling and Reuse Plan shall be approved or denied no later than thirty (30) days after a complete application is made.
- (b) Notwithstanding any other provision of this Section, no permit shall be issued for any Covered Project unless and until the C&D Debris Recycling and Reuse Plan have been approved.
 - (1) All of the information has been remitted on the C&D Debris Recycling and Reuse Plan.
 - (2) The C&D Debris Recycling and Reuse Plan establish a mechanism such that the diversion requirement shall be met.
- (c) If the Director determines that the C&D Debris Recycling and Reuse Plan application is incomplete or fails to indicate that one hundred percent (100%) of inert solids and at least fifty percent (50%) by weight of all construction and demolition debris generated by the Project will be reused or recycled, he or she shall either:
 - (1) Return the C&D Debris Recycling and Reuse Plan application to the Building Official marked “Denied”, including a statement of reasons, which shall then immediately stop processing the building or demolition permit application, or
 - (2) Return the C&D Debris Recycling and Reuse Plan to the Building Official marked “Further Explanation Required”.
- (d) Within 30 days following project completion, a final compliance report containing the following information and documentation must be submitted to the Building Official, listing every vendor or facility that collected, transported or received any C&D debris.
 - (1) Copies of receipts from every vendor or facility that collected, transported or received any project C&D debris. Each receipt must specify the weight of any project C&D debris handled by the vendor or facility and must clearly demonstrate that all such C&D debris originated from the project site.
 - (2) A calculation of the actual percentage, determined by weight, of project C&D debris that was recycled or reused for each vendor or facility that collected, transported or received material.
 - (3) A description of the manner in which the project C&D debris was recycled or reused and the name and address of all vendors and facilities employed in the recycling or reuse of project C&D debris, including the recycling or reuse rate of each vendor or facility, as applicable.

- (e) Failure to accurately account for and submit the required documentation for all project C&D debris in the final compliance report constitutes a violation of this Section.

Section 8.29.80 –DIVERSION REQUIREMENT EXEMPTION

- (a) Application: If an Applicant for a Covered Project experiences circumstances that the Applicant believes make it infeasible to comply with established Diversion Requirements, the Applicant may request, in writing, an exemption from one or all of the waste diversion requirements during the building permit process.
- (b) Meeting with Director: The Director, or designee, shall review all exemption request information supplied by the Applicant and may meet with the Applicant to assess alternative ways of meeting waste diversion requirements. Based on the information supplied by the Applicant, the Director, or designee, shall determine whether it is possible for the Applicant to meet any or all of the Diversion Requirements of the project.
- (c) Granting of Exemption: If it is determined that it is infeasible for the Applicant to meet all of the diversion requirements specified herein, the Director, or designee, shall determine alternate permit conditions and the Building Official will inform the Applicant, in writing, of any such alternative requirements.

Section 8.29.90 –ON-SITE PRACTICES

During the term of the Covered Project, the Applicant shall according to the Applicant's C&D Debris Recycling and Reuse Plan recycle, reuse or divert the required percentages of waste, and keep records of the tonnage. To the maximum extent feasible, project waste shall be source separated on-site to increase diversion.

Section 8.29.100 –REPORTING

- (a) Progress reports during construction may be required.
- (b) All documentation is subject to verification by the City of Visalia.
- (c) It is unlawful for any person to submit documentation to the City of Visalia under this Section which that person knows to contain any false statements, including but not limited to, false statements regarding tonnage of materials recycled or diverted.

Section 8.29.110 –ENFORCEMENT

The Director or his designee shall administer this Ordinance and shall enforce the requirements of this Chapter, including but not limited to, the authority to order that work be stopped where any work is being done contrary to the provisions of this Ordinance.

Section 8.29.120 –NOTICE OF VIOLATION AND ADMINISTRATIVE PENALTIES

- (a) In addition to any other remedy authorized by this Ordinance or applicable law, any violation of the provisions of this Chapter shall be subject to an administrative penalty, enforcement, and collection proceedings, as set forth in this Ordinance and authorized by Section 53069.4 of the California Government Code. Each day of a continuing violation constitutes a separate violation.
- (b) Except as otherwise provided in subsection (c), the Director may impose an administrative penalty for each violation in an amount not to exceed \$100 for the first violation, \$250 for the second violation of the same provision of this Chapter within one year after the first violation, and \$500 for each additional violation of the same provision of this Chapter within one year after the first violation.

- (c) If the Director determines that a project is in violation of the requirements of Section 8.29.40, the Director may impose an administrative penalty equal to \$100 for every ton or fraction of a ton of Construction and Demolition Debris that was not recycled or reused as required.
- (d) Whenever the Director determines that a violation of any provision of this Chapter has occurred, the Director is authorized to issue a notice of violation. The Director's issuance of a notice of violation is final unless an administrative review has been filed as provided in Section 8.29.130. If such an administrative review is not filed, the Director may withhold approval of any and all Recycling and Reuse Plans submitted by the responsible person on any Covered Project(s) until the applicable administrative penalty has been paid, and the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 8.29.150. In addition, when a final administrative determination has been made that a violation has occurred, the Director is authorized to suspend and/or revoke any and all Permits issued pursuant to this Chapter and to direct the appropriate City officials to order the cessation of all work and activities on the Covered Project in question until such time as the applicable penalty has been paid.
- (e) The notice of violation shall specify the conditions constituting the violation, the time, if any, within which the violation must be corrected, the applicable administrative penalty, and the availability of an administrative appeal as provided in this Chapter. The notice of violation shall also state that if such an administrative appeal is not filed and the applicable administrative penalty has not been paid, the Director may withhold approval of any and all Recycling and Reuse Plans submitted by the responsible person on any Covered Project(s) until such penalty has been paid, and the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 8.29.150.
- (f) A notice of violation shall be served upon a responsible person(s) by personal delivery or by registered or certified mail, return receipt requested, at the Director's election. In the event, after reasonable effort, the Director is unable to serve the notice of violation as set above, service shall be accomplished by posting a copy of the notice on the premises of the project. The date of service is deemed to be five days after the date of mailing, the date of personal delivery, or the date of posting, as applicable.
- (g) The total amount of administrative penalties imposed for a project under this section may not exceed fifteen percent of the value of the project, as described on the Permit application(s), or \$50,000, whichever is more.

Section 8.29.130 – ADMINISTRATIVE REVIEW OF NOTICE OF VIOLATION

- (a) Any person upon whom a notice of violation has been served may request an administrative review of the accuracy of the contents of the notice and/or the propriety of any administrative penalty by filing a written notice of appeal with the Director no later than 30 days after the date of service of the notice of violation. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses that the appellant wishes to be considered in connection with the appeal.
- (b) The appeal shall be heard by a hearing officer designated by the City Manager. The hearing officer shall conduct a hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the

appellant and the city, and shall give the appellant ten days prior written notice of the date of the hearing. The hearing officer shall sustain, rescind, or modify the notice of violation by written decision. The hearing officer shall have the power to waive any portion of an administrative penalty in a manner consistent with the decision. Service of the hearing officer's decision shall be made on the appellant in the manner provided in subsection (f) of Section 8.29.120. The decision of the hearing officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision. If judicial review of the final administrative decision is not sought in accordance with the provisions of Section 8.29.140, the decision of the hearing officer shall be deemed confirmed and the Director may withhold approval of any and all Recycling and Reuse Plans submitted by the responsible person on any Covered Project(s) until the applicable administrative penalty has been paid, and the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place.

Section 8.29.140 – JUDICIAL REVIEW

Within 20 days after service of the written decision of the hearing officer, a person contesting that decision may seek review of the decision by filing an appeal in the superior court pursuant to section 53069.4 of the Government Code. A copy of the notice of appeal must be served in person or by first-class mail upon the clerk of the City of Visalia by the person filing the appeal and a copy of the notice of appeal must be submitted to the Director. If the decision of the court is against the contestant, the Director may withhold approval of any and all Recycling and Reuse Projects submitted by the responsible person on any Covered Project(s) until the applicable administrative penalty has been paid, or the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 8.29.150.

Section 8.29.150 – COLLECTION OF ADMINISTRATIVE PENALTIES

- (a) Prior to recordation of a lien declared under this Chapter in the amount of an unpaid administrative penalty, notice shall be given to the owner of the property to be subject to the lien and shall be served in the same manner as a summons may be served pursuant to section 415.10 et seq. of the Code of Civil Procedure.
- (b) The lien shall attach upon recordation in the office of the county recorder. The lien shall specify the amount of the lien, the date of the violations, the date of the final decision, the street address (if any), legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel.
- (c) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, the city shall record a notice of the discharge containing the information specified in subsection (b).

Section 8.29.160 –EFFECTIVE DATE

The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in a newspaper printed and published in the County of Tulare, State of California, together with the names of the City of Visalia, City Council members voting for and against the same.

Section 8.29.170 –SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective. To this end, the provisions of this Ordinance are declared severable.

THE FOREGOING ORDINANCE was passed and adopted by the City of Visalia in the County of Tulare, State of California, on the ____ day of _____, 200__, at a regular meeting of said City Council duly and regularly convened on said day by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Mayor, City of Visalia, City Council



City of Visalia
CONSTRUCTION AND DEMOLITION DEBRIS
RECYCLING AND REUSE PLAN

Complete and Submit to:

Today's Date: _____

City of Visalia

315 E. Acequia, Visalia, CA 93292

Telephone: (559) 713-4444 Fax: (559) 713-4812

Office Hours: 8:00 AM – 5:00 PM. Monday – Friday

Applicant Name: _____

Applicant's Mailing Address:

Phone: _____

Fax: _____

Email: _____

Project Name: _____

Project Site Address: _____

Assessor's Parcel Number: _____ - _____ - _____

Plan Check Number(s): _____

Project Type: Construction Demolition Grading Renovation, Remodel or Addition

Residential Non-Residential

Relation to Project: Owner Contractor Authorized Representative

Expected Project Start Date: _____

Expected Project End

Date: _____

Project Description:

FOR SOLID WASTE USE ONLY

RRP ID: _____

Project Valuation: \$ _____

Meets 50% Requirement: Yes No

Project Exempt? Yes Reason: _____

Approved Percent if Lower than 50%: _____ %

Reason for Approval of Lower Percent: _____

RRP Approved: Yes No

Date: _____

Approved by: _____ (559) 713-_____



City of Visalia
CONSTRUCTION AND DEMOLITION DEBRIS
RECYCLING AND REUSE PLAN
Vendors & Facilities

In Table 1, list all recyclers, waste haulers, deconstruction contractors, salvage companies, recycling facilities, materials recovery facilities, landfills, and transfer stations that will be used for disposal, recycling, or reuse of project construction and demolition (C&D) debris. List any potential alternative vendors and facilities to be used. This will avoid the need to submit an amended RRP in case the services of a vendor or facility outside of the original selection are used.

Obtain Handling Method and Estimated Recycling Rate by contacting each facility.

TABLE 1

Material Hauling Company	Address of Facility Where Materials will be Delivered	Facility Phone Number	Facility Handling Method*	Estimated Recycling / Reuse Rate (%) <i>(if applicable)</i>	Final Total Tonnage Recycling / Reuse Rate (%)

*Provide a description of the manner in which the project C&D debris will be handled (recycled, reused, salvaged, disposed, processed, etc.)
 **The Recycling / Reused Rate is the amount of material recycled / reused by a facility divided by the amount of material delivered to that facility.



**CITY OF VISALIA
CONSTRUCTION AND DEMOLITION
DEBRIS
RECYCLING AND REUSE PLAN
Signature Page**

Project Name: _____

Project Site Address: _____

Street

City, State, Zip

Owner Information: _____

Print Name

Street

City, State, Zip

Please sign below if you are the owner(s) or Legal representatives(s)

Note that any violation of the provisions of Chapter 8.29, of the Visalia Municipal Code will be subject to a penalty, enforcement, and collection proceedings, as set forth in this Chapter and authorized by Section 53069.4 of the California Government Code. The Building Official or Designee may withhold approval of any and all C&D Debris Recycling and Reuse Plans submitted by the responsible person on any project(s) until the applicable penalty has been paid. In addition, the amount of any unpaid penalty may be declared a lien on any real property on which the project took place, as provided in Chapter 8.28.110 of the Visalia Municipal Code.

The undersigned fully acknowledges the requirements of Chapter 8.29, of the Visalia Municipal Code, on Construction and Demolition Debris. If you are not the owner(s), attach a notarized statement indicating you are the legal representative.

Signature

Print Name

Date

Signature

Print Name

Date

Signature

Print Name

Date

City of Visalia
Agenda Item Transmittal

Meeting Date: December 19, 2005

Agenda Item Number (Assigned by City Clerk): 8I(1)

Agenda Item Wording: Request authorization to file a Notice of Completion for the Recreation Park Gymnasium located at 343 North Jacob Avenue.

Deadline for Action: none

Submitting Department: Community Development and Public Works

Contact Name and Phone Number:

Steve Salomon, City Manager, 713-4312

Michael Olmos, Director of Community Development, 713-4332

Sharon Sheltzer, Project Manager, 713-4414

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Department Recommendation and Summary:

The recommendation is that Council to accept the project and give authorization for City Staff to file a Notice of Completion at the County Recorder's office. The project has been completed as of November 30, 2005. The finish floor was installed at the end of October after the concrete slab floor reached the appropriate moisture content.

The original contract with Sequoia Construction was for \$1,695,000. There were a total of 5 Change Orders for the amount of \$14,047, bringing the final contract amount to \$1,709,047. This is a comparatively minimal 0.82% cost increase, helped in part by a few credits where we saved money when possible. The City Fire Inspector requested some additional work, the Recreation Department added volleyball courts and equipment and furred walls around exposed cable for safety concerns, the gym floor required bead blasting to attain the required moisture content to receive the floor finish warranty and the Teen Room remodel uncovered some wall finish challenges that needed additional work.

Prior Council/Board Actions:

June 29, 2004 Approval for contract with Sequoia Construction to build gymnasium and Teen Rooms

July 21, 2003 Review and approval of gymnasium and Teen Room design

December 3, 2002 Authorization to enter into contract with Teter consultants

Alternatives: none

Attachments: none

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Move that Council to accept the project and give authorization for City Staff to file a Notice of Completion for the Recreation Park Gym at 342 N. Jacob Avenue at the County Recorder's office.

Copies of this report have been provided to:

Financial Impact

Funding Source:

Account Number: 3011-00000-720000-0-9281-2004

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$
Amount Budgeted: \$1,929,847	Lost Revenue:	\$
New funding required:\$0	New Personnel:	\$
Council Policy Change: Yes___	No__x__	

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Tracking Information: *File Notice of Completion within 10 days of approval by Council, and pay Sequoia Construction final invoice within 35 days after recordation.*

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: December 19, 2005

Agenda Item Number (Assigned by City Clerk): 8m(1)

Agenda Item Wording: Authorize the Recordation of the Final Map for Ashley Grove No. 11, located at the southwest corner of Riggins Avenue and Mooney Blvd. (76 lots) and the Annexation to Landscape and Lighting District No. 05-17, Ashley Grove No. 10-11 (Resolution Nos. 05-179 and 05-180 required).

APN: 089-001-033

Deadline for Action: January 9, 2006

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli, Assistant Director 713-4340
Greg Dais, Assistant Engineer 713-4164

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for Ashley Grove No. 11 containing 76 single family 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 \$711,223.96 and Labor and Material Bond in the amount of \$355,611.98; 3) cash payment of \$269,696.36 distributed to various accounts; and 4) Final Map. The applicant on this project is Smeed Builders.

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

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

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along North Mooney Blvd. (Collector). The City will be reimbursing approximately \$73,957 to the developer (Smee Builders) by giving a combination of fee credits for Transportation Impact Fees.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-179 Initiating Proceedings for Annexation to Assessment District No. 05-17, Ashley Grove No. 10-11; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-180 confirming the Engineer's Report, ordering the improvements and levying the annual assessments. The assessment for this Subdivision has been computed to be \$336.65 per lot.

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 July 18, 2005, City Council approved the formation of a Landscape and Lighting District for Ashley Grove No. 10 Subdivision. 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 Ashley Grove No. 10 - 13. 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 not increase or reduce the per lot assessment for each lot within the district.

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

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

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

On July 18, 2005, City Council approved the formation of a Landscape and Lighting District for Ashley Grove No. 10 Subdivision.

Committee/Commission Review and Actions: The tentative subdivision map for Ashley Grove No. 11 subdivision was approved by the Planning Commission on January 24, 2005. The tentative map will expire on January 24, 2007.

Alternatives: N/A

Attachments: Resolution Initiating Proceedings; Clerk’s Certification; Resolution Ordering the Improvements; Exhibits “A”, “B”, “C”, “D”

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

“I move to authorize the recordation of the Final Map for Ashley Grove No. 11 and I move to adopt Resolution No. 05-179 Initiating Proceedings for Annexation to Assessment District No. 05-17 “Ashley Grove No. 10-11” and adopt Resolution No. 05-180 Ordering the Improvements for Assessment District No. 05-17 “Ashley Grove No. 10-11.”

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. 05-179

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 05-17
ASHLEY GROVE NO. 10-11
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements.
2. The proposed district shall be designated Assessment District No. 05-17, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-17, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Ashley Grove No. 10-11".
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. 05-17
ASHLEY GROVE NO. 10-11
(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. 05-17, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 18th day of July, 2005 by its Resolution No. 05-179 & 180

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

RESOLUTION NO. 05-180

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-17
ASHLEY GROVE NO. 10-11
(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. 05-17, 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 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. 05-17
 City of Visalia, Tulare County, California

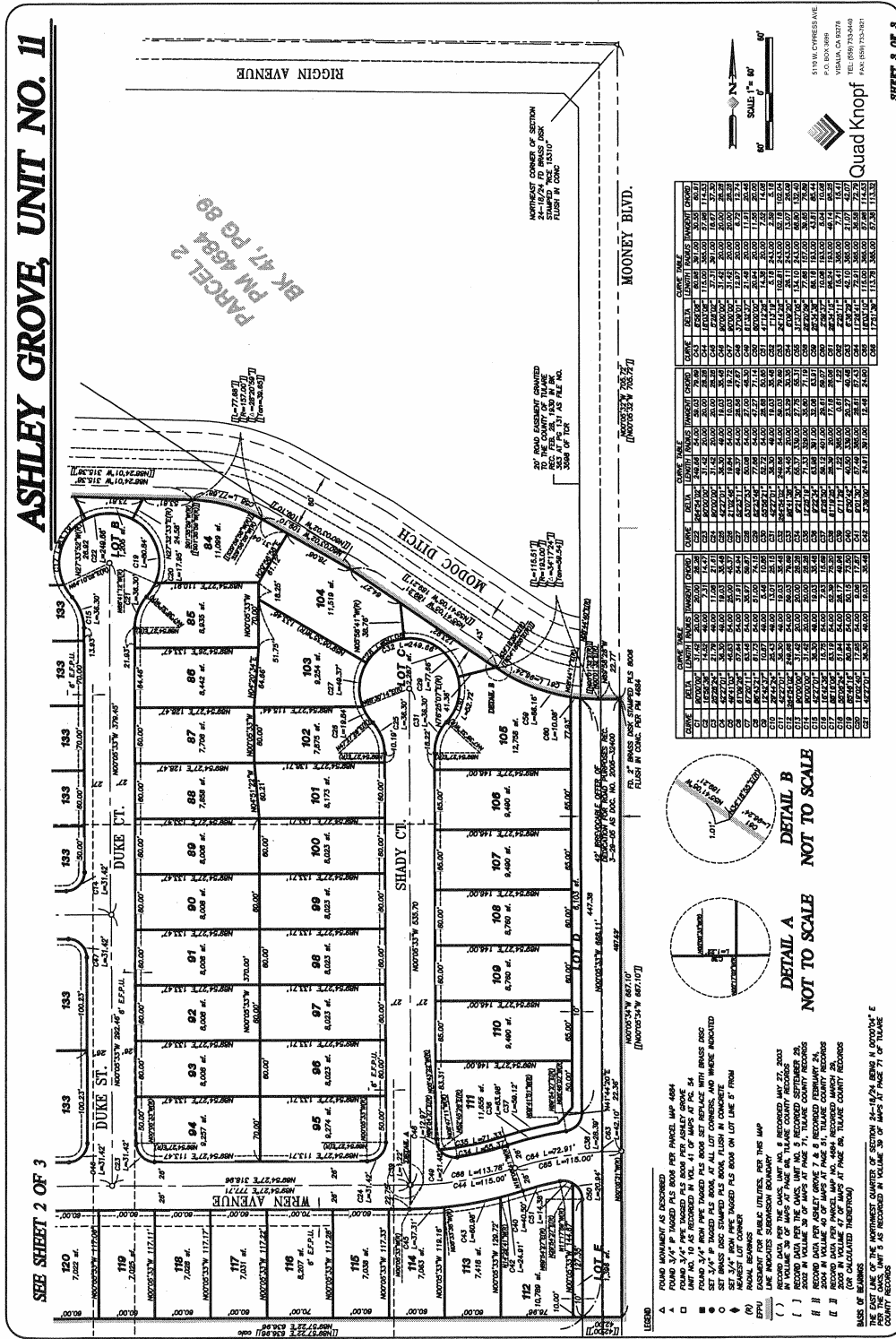


Exhibit "B"

Landscape Location Diagram Ashley Grove No. 10-11

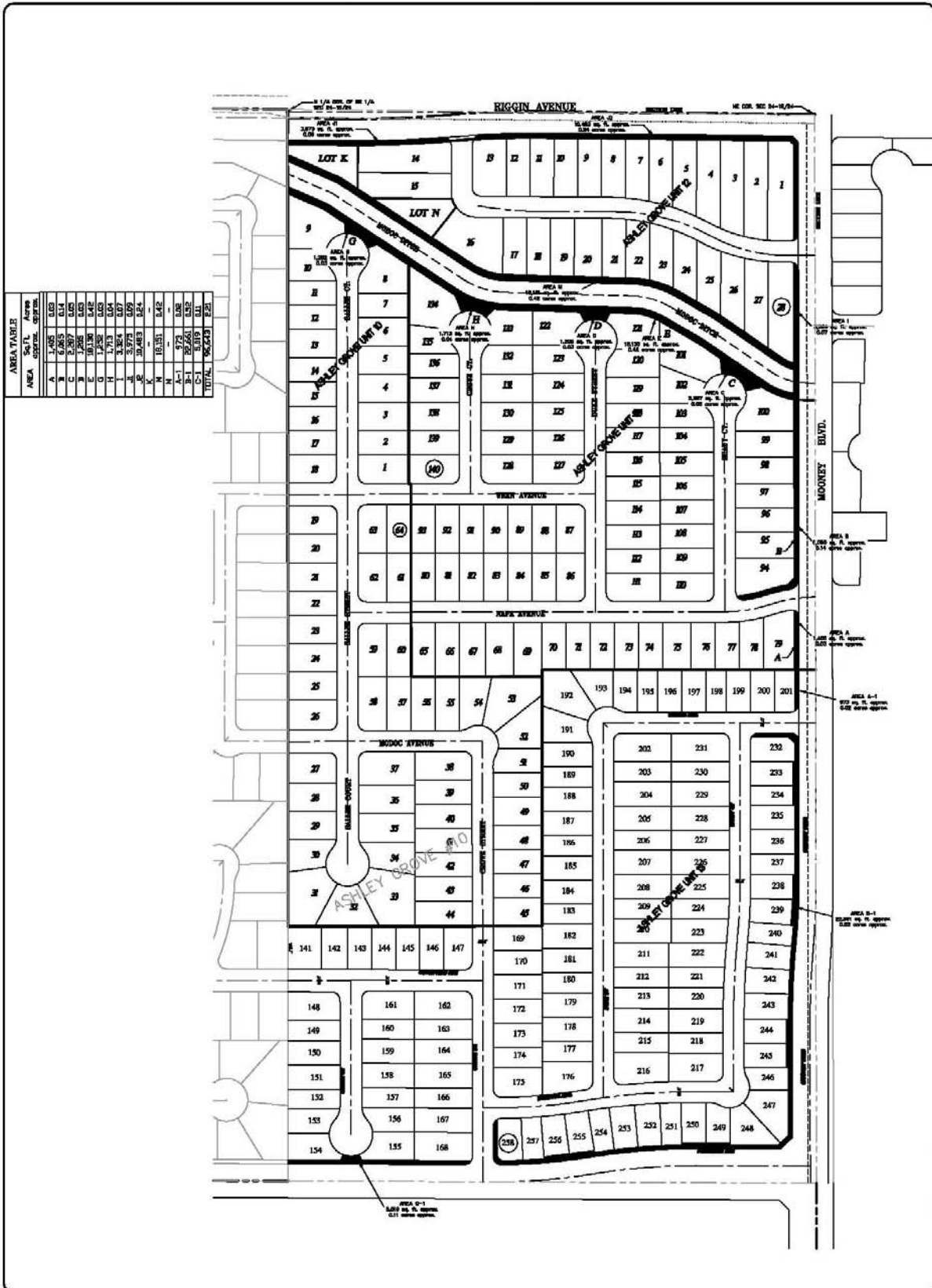


Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-11
Fiscal Year 2005-06

<u>APN #</u>		<u>Lot #</u>	<u>District</u>
089-043-001	\$336.65	05-1701	Ashley Grove No. 10
089-043-002	\$336.65	05-1702	Ashley Grove No. 10
089-043-003	\$336.65	05-1703	Ashley Grove No. 10
089-043-004	\$336.65	05-1704	Ashley Grove No. 10
089-042-001	\$336.65	05-1705	Ashley Grove No. 10
089-042-002	\$336.65	05-1706	Ashley Grove No. 10
089-042-003	\$336.65	05-1707	Ashley Grove No. 10
089-042-004	\$336.65	05-1708	Ashley Grove No. 10
089-042-005	\$336.65	05-1709	Ashley Grove No. 10
089-042-006	\$336.65	05-1710	Ashley Grove No. 10
089-042-007	\$336.65	05-1711	Ashley Grove No. 10
089-042-008	\$336.65	05-1712	Ashley Grove No. 10
089-042-009	\$336.65	05-1713	Ashley Grove No. 10
089-042-010	\$336.65	05-1714	Ashley Grove No. 10
089-043-005	\$336.65	05-1715	Ashley Grove No. 10
089-043-006	\$336.65	05-1716	Ashley Grove No. 10
089-043-007	\$336.65	05-1717	Ashley Grove No. 10
089-043-008	\$336.65	05-1718	Ashley Grove No. 10
089-043-009	\$336.65	05-1719	Ashley Grove No. 10
089-043-010	\$336.65	05-1720	Ashley Grove No. 10
089-043-011	\$336.65	05-1721	Ashley Grove No. 10
089-043-012	\$336.65	05-1722	Ashley Grove No. 10
089-043-013	\$336.65	05-1723	Ashley Grove No. 10
089-044-001	\$336.65	05-1724	Ashley Grove No. 10
089-044-002	\$336.65	05-1725	Ashley Grove No. 10
089-044-003	\$336.65	05-1726	Ashley Grove No. 10
089-044-004	\$336.65	05-1727	Ashley Grove No. 10
089-044-005	\$336.65	05-1728	Ashley Grove No. 10
089-044-006	\$336.65	05-1729	Ashley Grove No. 10
089-044-007	\$336.65	05-1730	Ashley Grove No. 10
089-044-008	\$336.65	05-1731	Ashley Grove No. 10
089-044-009	\$336.65	05-1732	Ashley Grove No. 10
089-044-010	\$336.65	05-1733	Ashley Grove No. 10
089-044-011	\$336.65	05-1734	Ashley Grove No. 10
089-044-012	\$336.65	05-1735	Ashley Grove No. 10
089-044-013	\$336.65	05-1736	Ashley Grove No. 10
089-044-014	\$336.65	05-1737	Ashley Grove No. 10
089-044-015	\$336.65	05-1738	Ashley Grove No. 10
089-044-016	\$336.65	05-1739	Ashley Grove No. 10
089-044-017	\$336.65	05-1740	Ashley Grove No. 10
089-044-018	\$336.65	05-1741	Ashley Grove No. 10
089-044-019	\$336.65	05-1742	Ashley Grove No. 10
089-044-020	\$336.65	05-1743	Ashley Grove No. 10
089-044-021	\$336.65	05-1744	Ashley Grove No. 10

Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-11
Fiscal Year 2005-06

089-044-022	\$336.65	05-1745	Ashley Grove No. 10
089-044-023	\$336.65	05-1746	Ashley Grove No. 10
089-044-024	\$336.65	05-1747	Ashley Grove No. 10
089-044-025	\$336.65	05-1748	Ashley Grove No. 10
089-044-026	\$336.65	05-1749	Ashley Grove No. 10
089-044-027	\$336.65	05-1750	Ashley Grove No. 10
089-044-028	\$336.65	05-1751	Ashley Grove No. 10
089-044-029	\$336.65	05-1752	Ashley Grove No. 10
089-044-030	\$336.65	05-1753	Ashley Grove No. 10
089-044-031	\$336.65	05-1754	Ashley Grove No. 10
089-044-032	\$336.65	05-1755	Ashley Grove No. 10
089-044-033	\$336.65	05-1756	Ashley Grove No. 10
089-044-034	\$336.65	05-1757	Ashley Grove No. 10
089-044-035	\$336.65	05-1758	Ashley Grove No. 10
089-043-014	\$336.65	05-1759	Ashley Grove No. 10
089-043-015	\$336.65	05-1760	Ashley Grove No. 10
089-043-016	\$336.65	05-1761	Ashley Grove No. 10
089-043-017	\$336.65	05-1762	Ashley Grove No. 10
089-043-018	\$336.65	05-1763	Ashley Grove No. 10
089-043-019	\$336.65	05-1764	Ashley Grove No. 10
To be determined	\$336.65	05-1765	Ashley Grove No. 11
To be determined	\$336.65	05-1766	Ashley Grove No. 11
To be determined	\$336.65	05-1767	Ashley Grove No. 11
To be determined	\$336.65	05-1768	Ashley Grove No. 11
To be determined	\$336.65	05-1769	Ashley Grove No. 11
To be determined	\$336.65	05-1770	Ashley Grove No. 11
To be determined	\$336.65	05-1771	Ashley Grove No. 11
To be determined	\$336.65	05-1772	Ashley Grove No. 11
To be determined	\$336.65	05-1773	Ashley Grove No. 11
To be determined	\$336.65	05-1774	Ashley Grove No. 11
To be determined	\$336.65	05-1775	Ashley Grove No. 11
To be determined	\$336.65	05-1776	Ashley Grove No. 11
To be determined	\$336.65	05-1777	Ashley Grove No. 11
To be determined	\$336.65	05-1778	Ashley Grove No. 11
To be determined	\$336.65	05-1779	Ashley Grove No. 11
To be determined	\$336.65	05-1780	Ashley Grove No. 11
To be determined	\$336.65	05-1781	Ashley Grove No. 11
To be determined	\$336.65	05-1782	Ashley Grove No. 11
To be determined	\$336.65	05-1783	Ashley Grove No. 11
To be determined	\$336.65	05-1784	Ashley Grove No. 11
To be determined	\$336.65	05-1785	Ashley Grove No. 11
To be determined	\$336.65	05-1786	Ashley Grove No. 11
To be determined	\$336.65	05-1787	Ashley Grove No. 11
To be determined	\$336.65	05-1788	Ashley Grove No. 11

Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-11
Fiscal Year 2005-06

To be determined	\$336.65	05-1789	Ashley Grove No. 11
To be determined	\$336.65	05-1790	Ashley Grove No. 11
To be determined	\$336.65	05-1791	Ashley Grove No. 11
To be determined	\$336.65	05-1792	Ashley Grove No. 11
To be determined	\$336.65	05-1793	Ashley Grove No. 11
To be determined	\$336.65	05-1794	Ashley Grove No. 11
To be determined	\$336.65	05-1795	Ashley Grove No. 11
To be determined	\$336.65	05-1796	Ashley Grove No. 11
To be determined	\$336.65	05-1797	Ashley Grove No. 11
To be determined	\$336.65	05-1798	Ashley Grove No. 11
To be determined	\$336.65	05-1799	Ashley Grove No. 11
To be determined	\$336.65	05-17100	Ashley Grove No. 11
To be determined	\$336.65	05-17101	Ashley Grove No. 11
To be determined	\$336.65	05-17102	Ashley Grove No. 11
To be determined	\$336.65	05-17103	Ashley Grove No. 11
To be determined	\$336.65	05-17104	Ashley Grove No. 11
To be determined	\$336.65	05-17105	Ashley Grove No. 11
To be determined	\$336.65	05-17106	Ashley Grove No. 11
To be determined	\$336.65	05-17107	Ashley Grove No. 11
To be determined	\$336.65	05-17108	Ashley Grove No. 11
To be determined	\$336.65	05-17109	Ashley Grove No. 11
To be determined	\$336.65	05-17110	Ashley Grove No. 11
To be determined	\$336.65	05-17111	Ashley Grove No. 11
To be determined	\$336.65	05-17112	Ashley Grove No. 11
To be determined	\$336.65	05-17113	Ashley Grove No. 11
To be determined	\$336.65	05-17114	Ashley Grove No. 11
To be determined	\$336.65	05-17115	Ashley Grove No. 11
To be determined	\$336.65	05-17116	Ashley Grove No. 11
To be determined	\$336.65	05-17117	Ashley Grove No. 11
To be determined	\$336.65	05-17118	Ashley Grove No. 11
To be determined	\$336.65	05-17119	Ashley Grove No. 11
To be determined	\$336.65	05-17120	Ashley Grove No. 11
To be determined	\$336.65	05-17121	Ashley Grove No. 11
To be determined	\$336.65	05-17122	Ashley Grove No. 11
To be determined	\$336.65	05-17123	Ashley Grove No. 11
To be determined	\$336.65	05-17124	Ashley Grove No. 11
To be determined	\$336.65	05-17125	Ashley Grove No. 11
To be determined	\$336.65	05-17126	Ashley Grove No. 11
To be determined	\$336.65	05-17127	Ashley Grove No. 11
To be determined	\$336.65	05-17128	Ashley Grove No. 11
To be determined	\$336.65	05-17129	Ashley Grove No. 11
To be determined	\$336.65	05-17130	Ashley Grove No. 11
To be determined	\$336.65	05-17131	Ashley Grove No. 11
To be determined	\$336.65	05-17132	Ashley Grove No. 11
To be determined	\$336.65	05-17133	Ashley Grove No. 11

Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-11
Fiscal Year 2005-06

To be determined	\$336.65	05-17134	Ashley Grove No. 11
To be determined	\$336.65	05-17135	Ashley Grove No. 11
To be determined	\$336.65	05-17136	Ashley Grove No. 11
To be determined	\$336.65	05-17137	Ashley Grove No. 11
To be determined	\$336.65	05-17138	Ashley Grove No. 11
To be determined	\$336.65	05-17139	Ashley Grove No. 11
To be determined	\$336.65	05-17140	Ashley Grove No. 11

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-17
Ashley Grove No. 10-11
Fiscal Year 2005-06

General Description

This Assessment District (District) is located at the southwest corner of Riggan Avenue and Mooney Blvd. Exhibit "A" is a map of Assessment District 05-17. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The maintenance of pavement on local streets includes preventative maintenance by means including, but not limited to overlays, chip seals/crack seals and reclamite (oiling). The total number lots within the district are 297.

Determination of Benefit

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

Method of Apportionment

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

Estimated Costs

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-17
Ashley Grove No. 10-11
Fiscal Year 2005-06

The estimated quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Estimated Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area and Shrub Area	Sq. Ft.	116,790	\$0.180	\$21,022.20
Shrub Area	Sq. Ft.	0	\$0.180	\$0.00
Water	Sq. Ft.	116,790	\$0.050	\$5,839.50
Electricity	Sq. Ft.	116,790	\$0.008	\$934.32
Trees In Landscape Lots	Each	295	\$25.00	\$7,375.00
Trees In Local Street Parkways	Each	355	\$25.00	\$8,875.00
Street Lights	Each	60	\$105.00	\$6,300.00
Chip Seal (15 year cycle)	Sq. Ft.	317,503	\$0.190	\$4,021.70
Crack Seal (8 year cycle)	Sq. Ft.	317,503	\$0.02933	\$1,164.16
Reclamite (6 year cycle)	Sq. Ft.	317,503	\$0.0211110	\$1,117.13
Overlays (10 year cycle)	Sq. Ft.	317,503	\$0.65	\$20,637.70
Project Management Costs	Lots	297	\$18.00	\$5,346.00
TOTAL				\$82,632.72
10% Reserve Fund				\$8,263.27
10% for estimated quantities				\$9,089.60
GRAND TOTAL				\$99,985.59
COST PER LOT				\$336.65

Annual Cost Increase

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

$$A_{max} \text{ for any given year "n"} = (\$99,985.59) (1.05)^{(n-1)}$$

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

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-17
Ashley Grove No. 10-11
Fiscal Year 2005-06

Example 1. The estimated year four cost of maintaining the improvements in the district is \$108,984.29 [a 9% increase over the base year estimated cost of \$99,985.59]. The maximum annual assessment for year four is \$115,745.82 [$A_{\max} =$
 $(4-1)$
 $(\$99,985.59) (1.05)$]. The assessment will be set at \$108,984.29 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 \$112,983.72 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$99,985.59]. 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 \$2,259.67 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum
 $(4-1)$
annual assessment for year four is \$115,745.82 [$A_{\max} = (\$99,985.59) (1.05)$]. The year four assessment will be set at \$112,983.72 plus the deficit amount of \$2,259.67 which equals \$113,026.85 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$108,984.29 [a 9% increase over the base year assessment of \$99,985.59] and damage occurred to the masonry wall raising the year five expenses to \$121,982.42 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$119,882.72 (a 10% increase over the previous year) and below the maximum annual assessment of \$121,533.11 [$A_{\max} =$
 $(5-1)$
 $(\$99,985.59) (1.05)$]. The difference of \$2,099.70 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

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

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 19, 2005

Agenda Item Number (Assigned by City Clerk): 8m(2)

Agenda Item Wording: Authorize the Recordation of the Final Map for Park Place Unit 3, located north of Caldwell Avenue, between Pinkham Street and Lovers Lane (54 lots) and the Annexation of Park Place Unit 3 into Landscape and Lighting District No. 04-04, Park Place/Crossroads (Resolution Nos. 05-181 and 05-182 required). APN: 126-120-069

Deadline for Action:

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Steven Son 713-4259

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 Park Place Unit 3 containing 54 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 \$832,769.52 and Labor and Material Bond in the amount of \$416,384.79; 3) cash payment of \$221,053.88 distributed to various accounts; and 4) Final Map. Park Place Unit 3 is being developed by Centex Homes.

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

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-__181____ Initiating Proceedings for Annexation to Assessment District No. 04-04, Park Place/Crossroads; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-__182____ 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 October 24, 2004, City Council approved the formation of a Landscape and Lighting District for Park Place and Crossroads. This district included the assessor's parcel numbers for all phases of the Park Place Unit 1, Unit 2 and Crossroad subdivision. 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 Park Place and Crossroad. 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.

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 2005-11 subdivision was approved by the Planning Commission on August 11, 2003. The tentative map will expire on August 11, 2006.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for 2005-11 and I move to adopt Resolution No. 05-__181_____ Initiating Proceedings for Annexation to Assessment District No. 04-04 "Park Place/Crossroads" and adopt Resolution No. 05-__182_____ Ordering the Improvements for Assessment District No. 04-04 "Park Place/Crossroads."

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):

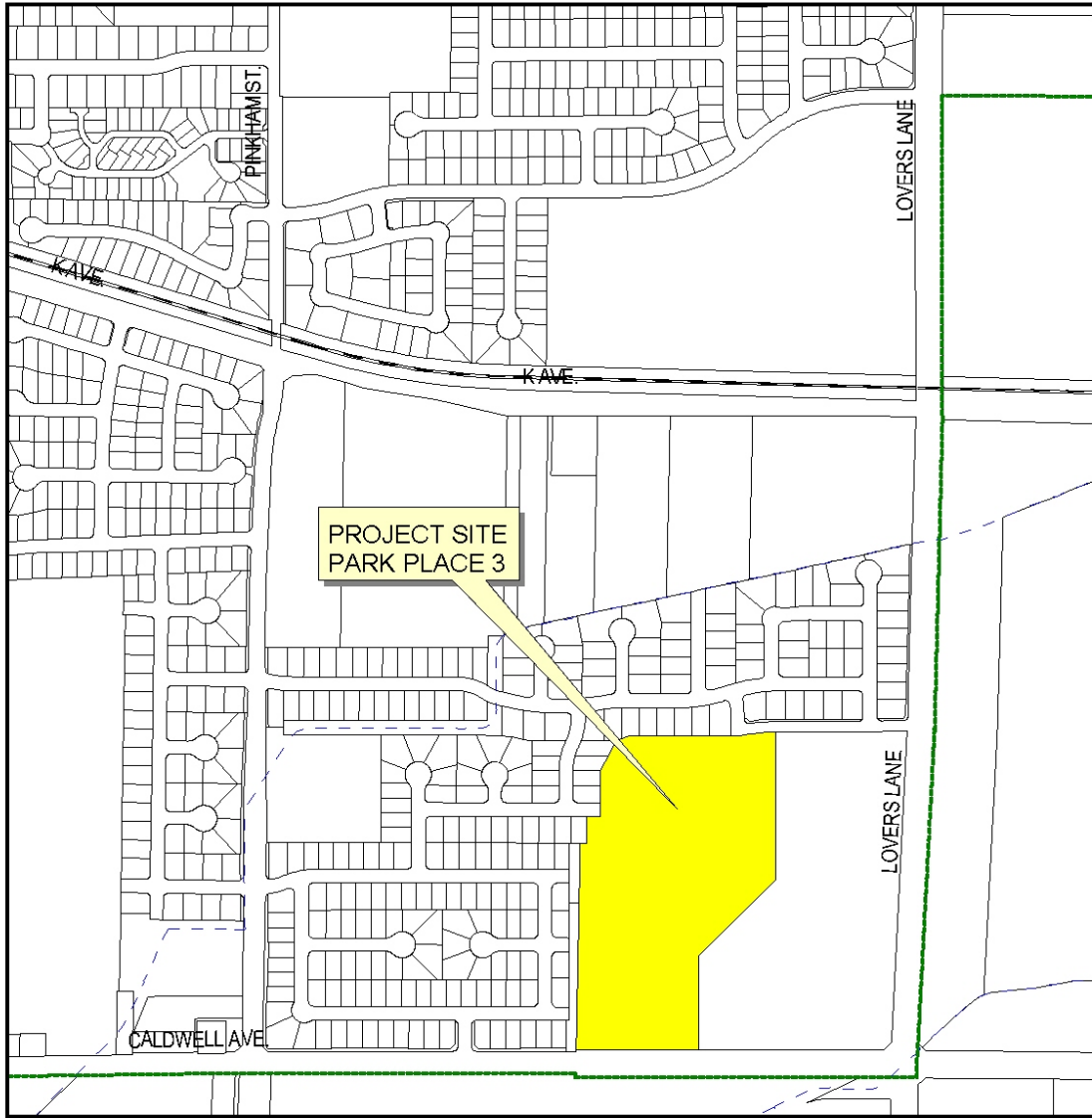
Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia
PARK PLACE 3



- CITYLIMITS
- WATERWAYS
- RAILROADS
- PARCELS



Scale: 1"=583'

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

RESOLUTION NO. 05-181

RESOLUTION INITIATING PROCEEDINGS
FOR ANNEXATION TO
ASSESSMENT DISTRICT 04-04
PARK PLACE/CROSSROADS
(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. 04-04, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 04-04, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Park Place/Crossroads".
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. 04-04
PARK PLACE/CROSSROADS
(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. 04-04, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 19th day of December, 2005 by its Resolution No. 05-181 & 182

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

RESOLUTION NO. 05-182

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 04-04
PARK PLACE/CROSSROADS
(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. 04-04, 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 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. 04-04 City of Visalia, Tulare County, California

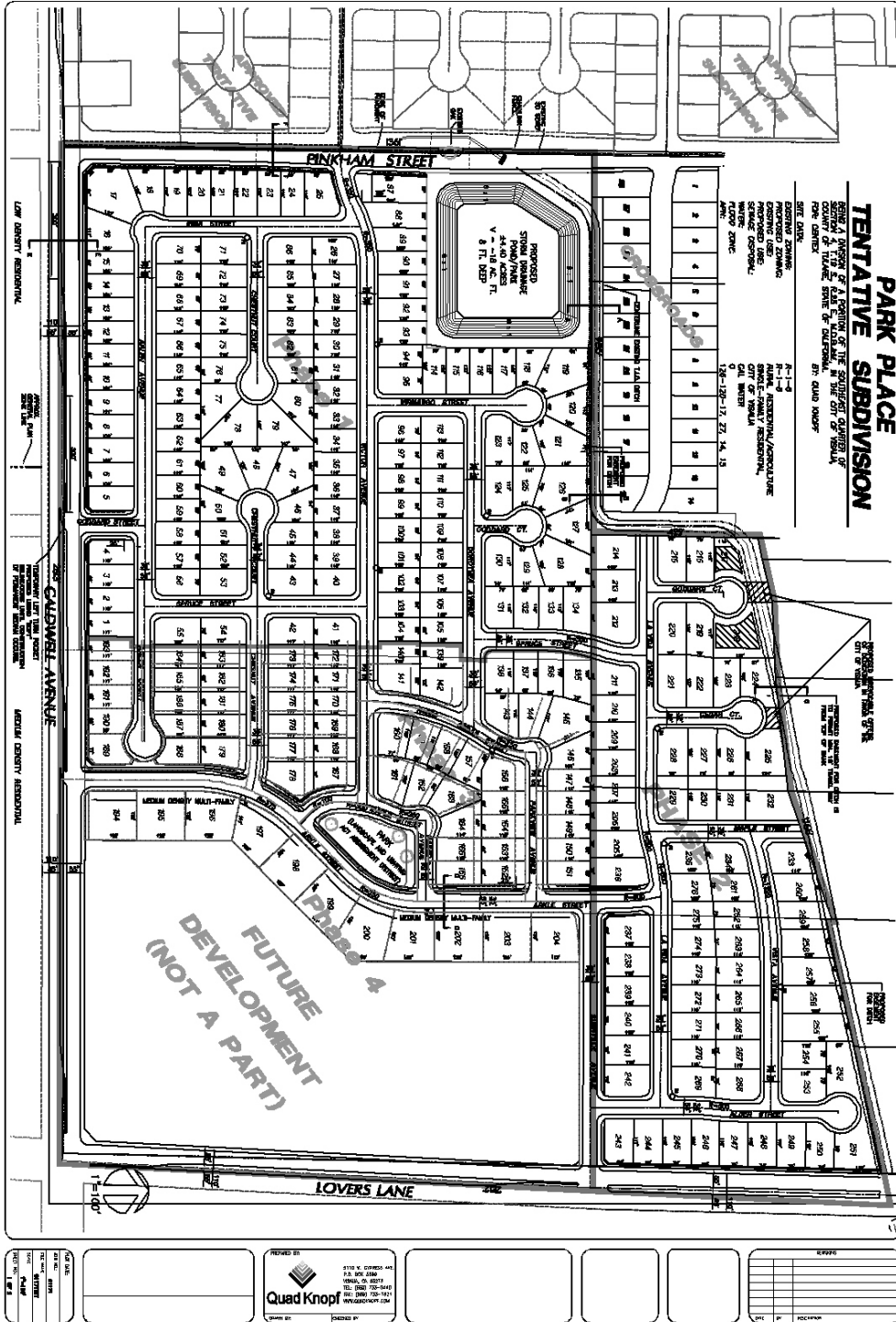


Exhibit "C"

Tax Roll Assessment PARK PLACE/CROSSROADS Fiscal Year 2005-06

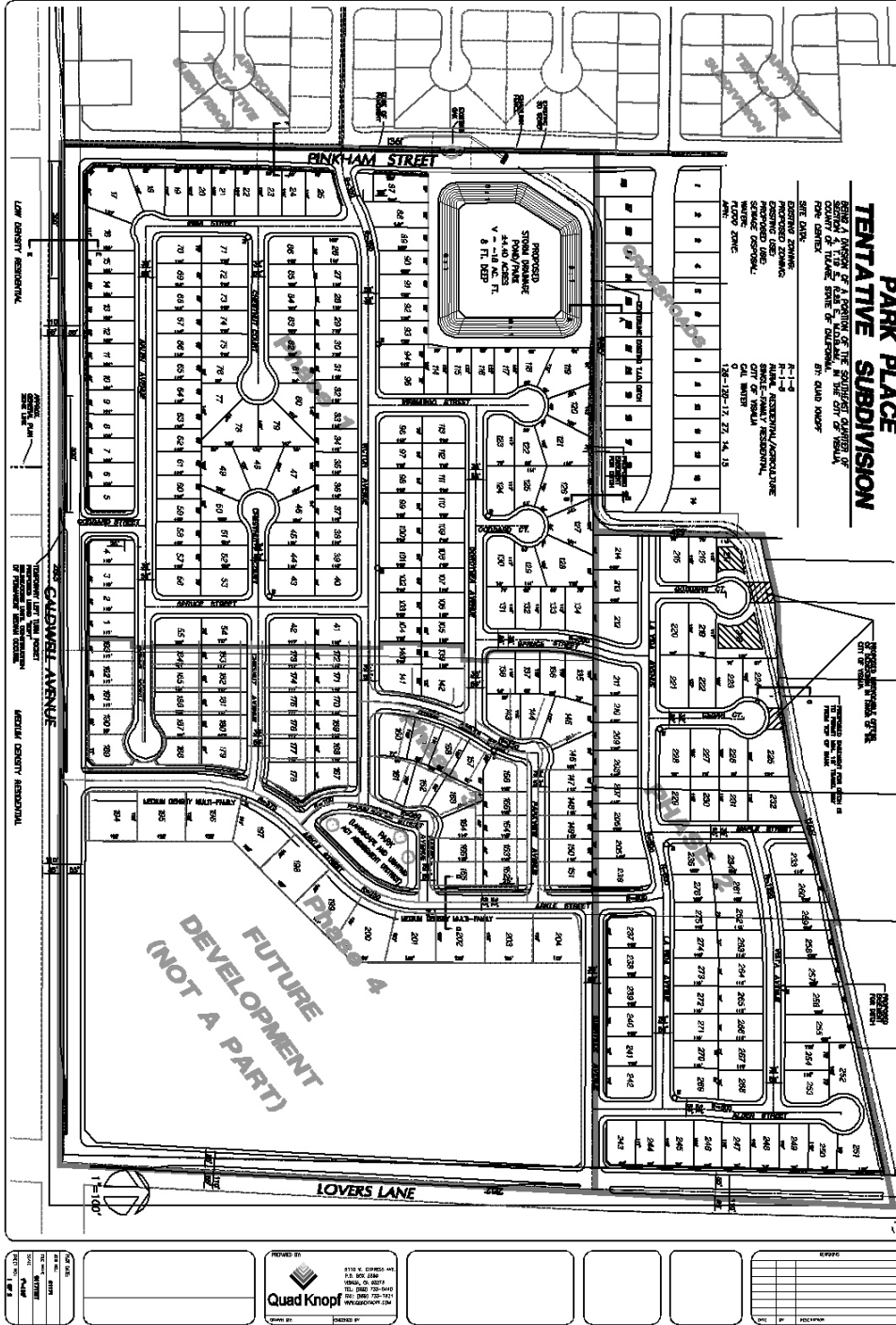


Exhibit "C"

Tax Roll Assessment PARK PLACE/CROSSROADS Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$119.31	To Be Assigned	04-0401	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0402	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0403	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0404	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0405	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0406	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0407	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0408	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0409	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0410	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0411	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0412	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0413	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0414	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0415	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0416	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0417	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0418	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0419	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0420	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0421	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0422	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0423	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0424	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0425	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0426	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0427	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0428	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0429	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0430	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0431	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0432	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0433	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0434	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0435	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0436	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0437	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0438	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0439	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0440	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0441	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0442	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0443	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0444	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0445	Park Place/Crossroads

Exhibit "C"

**Tax Roll Assessment
PARK PLACE/CROSSROADS
Fiscal Year 2005-06**

<u>APN #</u>	<u>Assesment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$119.31	To Be Assigned	04-0446	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0447	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0448	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0449	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0450	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0451	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0452	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0453	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0454	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0455	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0456	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0457	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0458	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0459	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0460	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0461	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0462	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0463	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0464	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0465	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0466	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0467	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0468	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0469	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0470	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0471	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0472	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0473	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0474	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0475	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0476	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0477	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0478	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0479	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0480	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0481	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0482	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0483	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0484	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0485	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0486	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0487	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0488	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0489	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0490	Park Place/Crossroads

Exhibit "C"

**Tax Roll Assessment
PARK PLACE/CROSSROADS
Fiscal Year 2005-06**

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$119.31	To Be Assigned	04-0491	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0492	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0493	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0494	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0495	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0496	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0497	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0498	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-0499	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04100	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04101	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04102	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04103	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04104	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04105	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04106	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04107	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04108	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04109	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04110	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04111	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04112	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04113	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04114	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04115	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04116	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04117	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04118	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04119	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04120	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04121	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04122	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04123	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04124	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04125	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04126	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04127	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04128	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04129	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04130	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04131	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04132	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04133	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04134	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04135	Park Place/Crossroads

Exhibit "C"

**Tax Roll Assessment
PARK PLACE/CROSSROADS
Fiscal Year 2005-06**

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$119.31	To Be Assigned	04-04136	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04137	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04138	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04139	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04140	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04141	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04142	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04143	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04144	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04145	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04146	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04147	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04148	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04149	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04150	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04151	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04152	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04153	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04154	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04155	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04156	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04157	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04158	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04159	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04160	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04161	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04162	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04163	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04164	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04165	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04166	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04167	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04168	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04169	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04170	Park Place/Crossroads
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To Be Assigned	\$119.31	To Be Assigned	04-04172	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04173	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04174	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04175	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04176	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04177	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04178	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04179	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04180	Park Place/Crossroads

Exhibit "C"

Tax Roll Assessment
PARK PLACE/CROSSROADS
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$119.31	To Be Assigned	04-04181	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04182	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04183	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04184	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04185	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04186	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04187	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04188	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04189	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04190	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04191	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04192	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04193	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04194	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04195	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04196	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04197	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04198	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04199	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04200	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04201	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04202	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04203	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04204	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04205	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04206	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04207	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04208	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04209	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04210	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04211	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04212	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04213	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04214	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04215	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04216	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04217	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04218	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04219	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04220	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04221	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04222	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04223	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04224	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04225	Park Place/Crossroads

Exhibit "C"

**Tax Roll Assessment
PARK PLACE/CROSSROADS
Fiscal Year 2005-06**

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$119.31	To Be Assigned	04-04226	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04227	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04228	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04229	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04230	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04231	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04232	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04233	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04234	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04235	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04236	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04237	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04238	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04239	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04240	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04241	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04242	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04243	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04244	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04245	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04246	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04247	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04247	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04248	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04249	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04250	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04251	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04252	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04253	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04254	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04255	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04256	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04257	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04258	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04259	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04260	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04261	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04262	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04263	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04264	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04265	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04266	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04267	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04268	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04269	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04270	Park Place/Crossroads

Exhibit "C"

Tax Roll Assessment
PARK PLACE/CROSSROADS
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$119.31	To Be Assigned	04-04271	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04272	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04273	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04274	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04275	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04276	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04277	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04278	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04279	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04280	Park Place/Crossroads
To Be Assigned	\$119.31	To Be Assigned	04-04281	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04282	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04283	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04284	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04285	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04286	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04287	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04288	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04289	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04290	Park Place/Crossroads
To Be Assigned	\$191.31	To Be Assigned	04-04291	Park Place/Crossroads

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 04-04
Park Place/Crossroads
Fiscal Year 2005-06

General Description

This Assessment District (District) is located between Pinkham Ave and Lovers Lane, north of Caldwell Avenue. Exhibit "A" is a map of Assessment District 04-04. 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 290.

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 04-04
Park Place/Crossroads
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.	61575	\$0.069	\$4,248.68
Shrub Area	Sq. Ft.	54935	\$0.071	\$3,900.39
Water	Sq. Ft.	116510	\$0.040	\$4,660.40
Electricity	Sq. Ft.	116510	\$0.014	\$1,631.14
Trees	Each	351	\$15.00	\$5,265.00
Street Lights	Each	62	\$105.30	\$6,528.60
Project Management Costs	Each	290	\$18.00	\$5,220.00
TOTAL				\$31,454.20
10% Reserve Fund				\$3,145.42
GRAND TOTAL				\$34,599.62
AVG COST PER LOT				\$119.31
(TO SEE THE ACTUAL COST PER EACH LOT-PLEASE SEE ASSESMENT TABLES.				

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:

$$A_{max} \text{ for any given year "n"} = (\$34,599.62) (1.05)^{(n-1)}$$

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

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 04-04
Park Place/Crossroads
Fiscal Year 2005-06

Example 1. The estimated year four cost of maintaining the improvements in the district is \$37,713.59 [a 9% increase over the base year estimated cost of \$34,599.62]. The maximum annual assessment for year four is \$40,053.39 [$A_{\max} = (\$34,599.62)^{(4-1)}$ (1.05)]. The assessment will be set at \$37,713.59 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 \$39,097.57 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$34,599.62]. 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 \$781.95 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$64,226.33 [$A_{\max} = (\$34,599.62)^{(4-1)}$ (1.05)]. The year four assessment will be set at \$39,097.57 plus the deficit amount of \$781.95 which equals \$40,351.44 [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 \$37,713.59 [a 9% increase over the base year assessment of \$34,599.62] and damage occurred to the masonry wall raising the year five expenses to \$42,211.54 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$41,484.94 (a 10% increase over the previous year) and below the maximum annual assessment of \$42,056.05 [$A_{\max} = (\$34,599.62)^{(5-1)}$ (1.05)]. The difference of \$726.60 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

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

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 19, 2005

Agenda Item Number (Assigned by City Clerk): 8n(1)

Agenda Item Wording: Authorization to record the final parcel map for Tentative Parcel Map 2005-11, located at the northwest corner of Lovers Lane and Caldwell Avenue. APN 126-120-070

Deadline for Action: N/A

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Steven Son 713-4259

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Department Recommendation and Summary: Staff recommends that the City Council approve the recordation of the final parcel map of Tentative Parcel Map 2005-11. The final parcel map is creating two parcels that are 7.1 and 11.4 acres in size. The project will create parcels for a future multiple family residential (RM-3) project and a neighborhood commercial (P-1-N) project. A preliminary layout of the multiple family residential housing was submitted to site plan review and approved. Both of the parcels have frontage on a public street. Due to Caldwell Avenue and Lovers Lane being a major arterial as identified in our circulation element, improvements being made will be reimbursed by the City. Public street improvements along Lovers Lane as well as Caldwell Avenue will be required to be completed prior to the development of these parcels.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: Tentative Parcel Map 2005-11 was approved by the Planning Commission on June 13, 2005.

Alternatives: N/A

Attachments: 1) Location map; 2) Tentative parcel map; 3) Owners Disclosure

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

Move to authorize recordation of the final parcel map of Tentative Parcel Map 2005-18.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No X

Review and Action: Prior: Environmental finding completed for tentative parcel map

Required:

NEPA Review:

Required? Yes No X

Review and Action: Prior:

Required:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: December 19, 2005

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Finance recommendation to award major capital projects as described in individual staff reports.

Deadline for Action: December 19, 2005

Submitting Department: Administration Services Department

Contact Name and Phone Number:

Eric Frost 713-4474
Renee Nagel 713-4375

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: Finance recommends to award major capital projects as described in individual staff reports by:

- Awarding the construction bids, and
- appropriating sufficient monies to fully fund the project

Summary:

During the past 3-5 years, staff has worked with Council to fund large capital projects. Two of these projects are phase 1 of the Sports Park and the West Acequia Parking Structure. The costs for these three projects are shown in Table 1.

Table 1

Project	Budget	Construction Cost (bid)	Soft Costs	Total Costs	Additional Appn Needed
Sports Park	\$ 10,479,820	\$ 9,010,000	\$ 2,716,630	\$ 11,726,630	\$ 1,246,810
W Acequia Parking Structure	\$ 13,643,500	\$ 13,110,000	\$ 3,090,000	\$ 16,200,000	\$ 2,556,500
Total	\$ 24,123,320	\$ 22,120,000	\$ 5,806,630	\$ 27,926,630	\$ 3,803,310

Financial Impact:

The Finance Division has worked closely with staff and supports their recommendation to continue with the capital projects identified in table 1. Both projects are requesting additional funding because construction costs are more than budgeted. Following are details of the current funding plan for each project at its current cost:

Sports Park

The Sports Park total project costs of \$11.7 million is proposed to be funded from the following sources:

	<u>Budget</u>	<u>Proposed Addition</u>	<u>Total</u>
General Fund	\$ 1,050,710	\$ -	\$ 1,050,710
Sports Park Reserve	\$ 6,815,500	\$ -	\$ 6,815,500
Park & Rec Impact Fees	\$ 1,740,010	\$ -	\$ 1,740,010
Sale of Coopman Property	\$ 873,600	\$ -	\$ 873,600
Additional Park \$ Rec Impact Fees	\$ -	\$ 1,250,000	\$ 1,250,000
Total	<u>\$ 10,479,820</u>	<u>\$ 1,250,000</u>	<u>\$ 11,729,820</u>

The creation of the sports park is a significant community asset. The additional funding of \$1.2 million to continue with the first phase of the Sports Park is proposed to be funded from the Park & Recreation Facilities Impact Fee.

Currently there is no timetable for delivering the second phase of this project. In 2001 the Council established the Sports Park General Fund Reserve fund and approved 40% of any year end budget surplus and proceeds from the sale of undesignated property for the first phase of the sports park. At that time there was no time table for the delivery of the project. In the course of five years seven million dollars was accumulated in the fund making this phase possible. For the most part this was a result of factors outside the City's control; a strong economy, faster than anticipated growth, and the sales of surplus land. Staff anticipates that the Council will continue to designate reserves for the second phase of the project and, while there is no estimate of when it will be built, it is likely to occur sooner than anticipated.

West Acequia Parking Structure

The West Acequia Parking Structure total project cost of \$16.2 million is proposed to be funded from the following sources:

	<u>Budget</u>	<u>Proposed Addition</u>	<u>Total</u>
Parking In-Lieu	\$ 857,000	\$ -	\$ 857,000
Community Development Block Grant (CDBG)	\$ 1,111,801	\$ 900,000	\$ 2,011,801
Central Redevelopment Agency	\$ 179,470	\$ -	\$ 179,470
Downtown Redevelopment Agency	\$ 300,000	\$ -	\$ 300,000
Property & Business Improvement District (PBID)	\$ 650,000	\$ -	\$ 650,000
Brownfields Economic Development Initiative	\$ 244,000	\$ -	\$ 244,000
Housing & Community Development Grant	\$ 156,227	\$ -	\$ 156,227
Economic Development Agency Grant	\$ 3,940,000	\$ -	\$ 3,940,000
Kaweah Delta Contribution	\$ 2,000,000	\$ -	\$ 2,000,000
Section 108 Loan	\$ 4,205,000	\$ -	\$ 4,205,000
Loan Capitalizing Value of Permit Parking & In lieu fees	\$ -	\$ 1,700,000	\$ 1,700,000
Total	<u>\$ 13,643,498</u>	<u>\$ 2,600,000</u>	<u>\$ 16,243,498</u>

Additional funding for this project is recommended to come from CDBG funds in the amount of \$900 thousand and a loan of \$1.7 million which will be repaid with future parking permit fees and other sources. This loan may require a collateral pledge from RDA as additional loan security.

To the City's credit, almost all of the funding for this asset is coming from current financial resources, something unusual for a project of this size. In addition, the Section 108 Loan is to be repaid over a short period of time, 8 years.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

<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 havjhgjypte been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 19, 2005

Agenda Item Number (Assigned by City Clerk): 9a

Agenda Item Wording: Authorization to award the construction contract for the West Acequia Parking Structure to Seals/Biehle General Contractors of Visalia in the amount of \$13,110,000, and appropriate \$2.6 million additional funding for the project. Project #3011-720000-00000-0-9536-2005

Deadline for Action: December 19, 2005. The Request for Bids requires that the project be awarded within 60 days of bid opening. The next regular Council meeting, which will be January 17, 2006, falls beyond the 60 day period.

Submitting Department: Administration Department

Contact Name and Phone Number:

Phyllis Coring, Special Projects Manager, 713-4566

Recommendation: Staff recommends that City Council award the construction contract for the West Acequia Parking Structure to Seals/Biehle of Visalia in the amount of \$13,110,000, and appropriate \$2.6 million to the project by initiating an amendment to the CDBG Action Plan and authorizing a loan not to exceed \$1.7 million.

Department Summary and Discussion:

The city conducted a competitive bid process for the construction of the West Acequia Parking Structure, a 5 level, 692 parking structure to be located on the north side of West Acequia, mid-block between Floral and Locust St. Three firms submitted proposals and the total lump sum bids were as follows:

Seals/Biehle General Contractors	\$13,110,000.
West Bay Builders	13,497,000.
Lewis C. Nelson and Sons, Inc.	13,990,000.

Two deductive alternates, the metal screens and trellis and landscaping, were provided for in the bid. Staff recommends that the deductive alternates not be implemented and that the full project be awarded. The figures above include the full project. A breakdown of the bids and deductive alternates is attached. Excluding the metal screens, trellis and landscaping would reduce the cost of the project by \$479,600, but would significantly affect the aesthetics of the building, which will be located in the core of downtown.

For action by:

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

For placement on which agenda:

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

Est. Time (Min.):15 min.

The staff, with the assistance of Harris and Associates Construction Management , have reviewed the bids, conducted a reference check process, and recommend that the City Council award the contract to Seals/Biehle General Contractors. The most relevant experience of their firm is the construction of the 800 space parking structure at St. Agnes Hospital in Fresno. The references provided positive comments regarding the firm's ability to perform.

The city has been awarded a \$3.94 million dollar grant from the U.S. Department of Commerce Economic Development Administration (EDA). A condition of the grant requires EDA review and approval of the bid process and numerous other aspects of the project. EDA has authorized the City to award the contract to Seals/IBiehle. Prior to the Notice to Proceed, additional federal requirements will need to be met.

The city indicated a cost estimate of \$11.5 million for the construction portion of the project during the bidding process. This estimate was developed in April, 2005 and did not include the inflation of construction costs that have occurred since. Recent bidding experience of the city and other agencies, including Kaweah Delta Hospital and COS, has resulted in costs exceeding estimates. Given the closeness of the bid amounts, staff believes the bid was competitive.

Assembling the funding for the parking structure has been a major effort. Congressman Devin Nunes and his staff assisted the city with obtaining the two federal sources of funds, which are the \$3.94 million dollar EDA grant and the \$4.2 million dollar HUD Section 108 loan. There are currently 10 funding sources for the project totaling \$13,643,498. (See attached table). Other major funding sources include \$2 million from Kaweah Delta Health Care District Measure M Bond and \$ 650,000 from the Downtown PBID.

Added to the proposed budget is \$900,000 from CDBG. This include funds allocated to the parking structure project which were intended to be used to make the first payment on the Section 108 loan this year, which can now be added to the budget since the project did not start as soon as originally anticipated. Also included are uncommitted funds and adjustments to projects. This will require an amendment to the CDBG Action Plan. To complete the funding package, staff recommends that a local loan not to exceed \$1.7 million be obtained for the remainder, to be paid through revenue from a parking permit program in the structure and the Parking-in Lieu Fund.

While a final plan has not been developed, an example of a preliminary parking plan would be to allocate 170 parking spaces to permit parking. Pricing the permits at \$50 a month would yield revenue source that could fund a \$1.4 million loan at 5% over 20 years. Currently, the Downtown Visalians sell parking permits for surface lots at \$25 a month. Their parking permits allow someone to park all day in any 2 hour parking space. Because these permits will have a reserved area and will be close to the prime business area downtown, staff believes that the spaces will probably command a high rent value. Staff will present a formal proposal for a parking plan to Council at a subsequent meeting.

Total project cost for is the project is now estimated at \$16.2 million, or \$23,410 per parking space. Included in this cost are property acquisition, construction, design, demolition, costs associated with utility relocation, and project contingency. Constructed is planed to commence in January with an expected construction period of 12 months.

Prior Council/Board Actions: Council previously authorized the project to proceed, approved the existing budget and authorized the applications for the EDA grant and HUD Section 108 loan.

Committee/Commission Review and Actions: N/A

Alternatives: The City could elect to award the contract to one of the other proposers.

Attachments: Funding Summary, Bid Recap Summary

City Manager/Executive Director Recommendation:

Financial Impact

Funding Sources: See attached Funding Schedule **Budget Recap:**

Total Estimated cost:	\$16,200,000.
Amount Budgeted:	\$13,643,500.
CDBG W. Acequia Parking Structure	\$ 570,000.
CDBG uncommitted & adjustments	\$ 330,000.
Loan (not to exceed)	\$ 1,700 000.

Council Policy Change: Yes No

Copies of this report have been provided to:

Motions if expected):

I move that the City Council authorize the City Manager to enter into the construction contract for a the West Acequia Parking Structure in the amount of \$13,110,0000 with Seals/IBiehle General Contractors and appropriate a total of \$2.6 million to the project by initiating an amendment to the CDBG Action Plan and authorizing a loan not to exceed \$1.7 million.

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

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

**West Acequia Parking Structure
Bid Summary**

		Seals/Biehle	West Bay Builders, Inc	Lewis C. Nelson and Sons, Inc.
	ITEM	BID	BID	BID
	Total Lump Sum	13,110,000	13,497,000	13,990,000
	Deductive Alternates (not recommended)			
1	Metal screens and trellis	470,000	470,000	500,000
2	Landscaping	9,600	8,000	8,000

PROPOSED FUNDING FOR WEST ACEQUIA PARKING STRUCTURE

FUNDING SOURCES	2001-02	2002-03	2003-04	2004-05	2005-06	TOTAL
Available Funding						
Parking In-Lieu (6111)	300,000	475,000	50,000	32,000		857,000
CDBG		350,000	370,373	277,000	114,428	1,111,801
Central RDA (existing fund balance)		179,470				179,470
DT RDA (existing fund balance)				300,000		300,000
PBID (Construction Only)				450,000	200,000	650,000
BEDI Grant			244,000			244,000
HCD JHB Grant			156,227			156,227
EDA Grant				3,940,000		3,940,000
KDHCD Contribution				2,000,000		2,000,000
Subtotal	300,000	1,004,470	820,600	6,999,000	314,428	9,438,498
Loans						
Section 108 Loan (as of 10-28-02)			2,171,000	986,000	1,048,000	4,205,000
Subtotal		0	2,171,000	986,000	1,048,000	4,205,000
Total	300,000	1,004,470	2,991,600	7,985,000	1,362,428	13,643,498

Potential Other Sources

CDBG Parking Structure Project	570,000
CDBG Unallocated & adjustments	330,000
Capitalized value of permit parking	1,400,000
Parking In Lieu Fund	300,000
 Grand Total	 16,243,498

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 19, 2005

Agenda Item Number (Assigned by City Clerk): 9b

Agenda Item Wording: Authorization to award the construction contract for the Phase 1 of the Riverway Sports Park to Lewis Nelson & Son of Selma in the amount of \$9,010,000, and appropriate an additional \$1,250,000 from the Park Impact Fee Fund for the project. Project # 3011 720000 0 0 9141 2003

Deadline for Action: February 6, 2006

Submitting Department: Park and Recreation Department

Contact Name and Phone Number:
Vince Elizondo, 713-4367 Don Stone 713-4397

For action by:

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

For placement on which agenda:

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

Est. Time (Min.):5 min.

Department Recommendation: Recommend the City Council award Lewis C. Nelson and Sons Inc. of Selma the contract in the amount of \$9,010,000 to construct the first phase of the Riverway Sports Park project and appropriate \$1,250,000 from the Park and Recreation Impact Fund for the project.

Department Summary and Discussion:

Staff conducted a competitive bid process to construct the first phase of the Riverway Sports Park project. The City received three proposals from qualified firms; Lewis Nelson & Son, S.C. Anderson Inc. of Bakersfield, and David A. Bush of Hanford. The City utilized the construction management firm of Harris & Associates to assist with the bid process and review of the bids. The bids received were as follows:

Lewis Nelson & Son	\$9,010,000
S.C. Anderson Inc.	\$9,890,000
David A. Bush Inc.	\$10,197,000

The bids also included alternate No. 1 construction of a second entry tower at the entrance on Shannon Parkway. L C Nelson's bid for Alternate No. 1 is \$145,000. Staff is recommending that this not be awarded since the project now requires additional funding.

The staff with the assistance of Harris and Associates have reviewed the bids, conducted a reference check process, and recommended awarding the contract to Lewis C. Nelson & Son based on their review. It is the staff opinion that the bid of \$9,010,000 from L.C. Nelson reflects the current construction market and is a competitive price for the project. The City's cost estimate for the first phase is \$7,875,800 and the low bid is 14% greater than the estimate. This estimate was last updated in August 2005. It is the staff opinion that this estimate did not reflect

current cost at the time of bidding. Labor, construction materials, and the rise of energy prices continue to impact construction costs. The recent natural disasters have only exacerbated the difficulty of estimating. Also, the difference between the low bid and the average of the second and third bids is approximately \$1 million (the spread between those bids is \$317,000). Harris and Associates believes that this is an indication of the competitiveness of the low bid.

Lewis Nelson & Son has a history of doing construction projects in the area. Specifically they have done similar projects for Fresno Unified, CSUF, Selma Unified, and Planada Unified School District. These projects were completed on time and with minimal change orders. According to the project managers for these agencies there were no issues related to change orders or quality of work and they recommended the firm for our project. L.C. Nelson and Sons was also the low bidder for the City Transit maintenance facility.

The project includes the development of approximately 48 of the 80 acres of park area. Included in this phase is the construction of 10 regulation soccer fields (3 lighted), two concession restrooms buildings, three covered group picnic areas, 30 additional individual picnic tables, a playground, a fenced area for bicycle motocross, over a mile of sidewalks, an interactive water playground, over 1,000 trees, spaces for special events, a 380 space parking lot, additional temporary parking, and a maintenance yard.

This phase also includes all of the electrical service capacity, domestic water, storm, and sewer main lines for all future development shown in the master plan. Electrical conduit will be run to soccer fields for future field lighting. In addition this phase includes curb and gutter improvement along Dinuba Boulevard. Other costs not a part of the bid include sports lighting fixtures which will be provided by the City at an estimated cost of \$145,000 and a pump and pressure tank for the existing well that is now being designed.

Total project cost for Phase 1 is estimated at \$11.7 million. Included in this cost is approximately \$10 million in construction costs; (including well drilling, sport lighting fixtures, pumping system, and project contingency and \$1.7 million in design fees, construction management, impact fees, and staff time. Funding currently budgeted for the project is \$10,479,820.

	FY 04/05 Budget	FY 04/05 Expenditures	Ending Balance	FY 05/06 Budget	\$ Available as of 11/30/05
General Fund	487,710	37,000	450,710	600,000	1,050,710
Sports Park Reserve	5,968,500	453,000	5,515,500	1,300,000	6,815,500
Park & Rec Facilities	1,904,400	164,390	1,740,010	-	1,740,010
	8,360,610	654,390	7,706,220	1,900,000	9,606,220
\$ Available					9,606,220
Sale of Coopman Property					873,600
Total Available Funding					10,479,820
Less Estimated Expenses					(11,726,630)
Recommended additional Park & Recreation Facilities Impact Fees					(1,246,810)

Staff recommends that the Council approve \$1,250,000 from the Park Impact Fee account to fund the project. The Park and Recreation Impact Fee is paid by new development to meet the demand for new neighborhood and community park and recreation facilities generated by growth. In September 2005 the Council took action to increase the fee paid on each single-family unit from \$2,009.74 to \$2,891.46. This fund was projected to have a deficit fund balance at the end of FY 2005-06 of \$89,000. However due the recent Council action to increase the impact fee and more housing starts than anticipated the fund is now projected to have a positive year end balance of \$450,000 including the request for a \$1.25 million for this project. All funds in the Sports Park General Fund Reserve Fund are being utilized for the project.

If the Council acts on the recommendation the total funds from the Park and Recreation Impact Fund will be approximately \$3 million or 25% of the total project cost. In 2001 the Finance Department determined that up to 41% of the funding for this project could be allocated from the Park and Recreation Impact Fund. This was calculated by taking the City's estimated population for the year 2020 (identified in the General Plan Land Use Element) minus the current population, which equals 68,300. The 68,300 is the future population growth that can be funded by developer impact fees. The 68,300 was then divided by 165,000 (future population) to obtain the percentage that can be applied to community-wide recreation projects.

Currently there is no timetable for delivering the second phase of this project. In 2001 the Council established the Sports Park General Fund Reserve fund and approved 40% of any year end budget surplus and proceeds from the sale of undesignated property for the first phase of the sports park. At that time there was no time table for the delivery of the project. In the course of five years seven million dollars was accumulated in the fund making this phase possible. For the most part this was a result of factors outside the City's control; a strong economy, faster than anticipated growth, and the sales of surplus land. Staff anticipates that the Council will continue to designate reserves for the second phase of the project and, while there is no estimate of when it will be built, it is safe to assume it will occur sooner than anticipated.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: N/A

Alternatives: Revise and re-bid the project.

Attachments:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Recommended Motion (and Alternative Motions if expected):

I move that the City Council authorize the City Manager to award the construction contract for a the Riverway Sports Park, Phase 1 in the amount of \$9,010,000 to Lewis Nelson & Son of Selma, and appropriate an additional \$1,250,000 from the Park & Recreation Impact fund.

City Manager/Executive Director Recommendation:

Copies of this report have been provided to: Park and Recreation Commission

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

City of Visalia
Agenda Item Transmittal

Meeting Date: December 19, 2005

Agenda Item Number: 10

Agenda Item Wording:

a) Certification of Negative Declaration No. 2005-134. Resolution No. 2005-183 required.

b) Public Hearing for Contract Cancellation No. 2005-01: a request by Frank Luisi et al, property owners (Bob Dowds, agent) to cancel 61 acres of Williamson Act Land Conservation Contract No. 9788 within Agricultural Preserve No. 3350, covering 75 acres. The site is located on the east side of Demaree Street between Ferguson Avenue and Houston Avenue in the City of Visalia, within APN 089-020-020 [portion], 089-020-022, and 089-020-023. **Resolution No. 2005-184 required.**

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 15

Deadline for Action: None

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

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

Department Recommendation and Summary:

Planning Division Staff recommends that the City Council hold a public hearing and then approve a request for the partial cancellation of Land Conservation Contract No. 9788, covering 61 acres of vacant land designated for single-family residential zoning which has been approved for a tentative subdivision map. Thirteen acres of the contracted land would remain on the site of a future elementary school. Staff's recommendation is based on findings required by State law that Staff believes can be supported, and based on correspondence received from the Department of Conservation. The site is located on the east side of Demaree Street between Ferguson Avenue and Houston Avenue.

Request

Bob Dowds, who represents property owner Frank Luisi, is requesting the cancellation of 61 acres under contract for the alternative use of a single-family residential subdivision, consistent with the underlying R-1-6 zone. The site's contract and preserve must be cancelled before final maps can be recorded for the subdivision.

The Williamson Act Cancellation follows the approval of the Luisi Ranch Tentative Subdivision Map which has been approved on this site to divide 74 acres into 276 lots for single-family residential use and a 13.2-acre site that will facilitate a future VUSD elementary school. The Planning Commission's approval of the related tentative subdivision map on August 22, 2005 was subject to the successful removal of the contract. The environmental effects of the cancellation of the contract were analyzed in an Initial Study and Negative Declaration.

The site is located inside both the 98,700 population and current 129,000 population Urban Development Boundaries. An attached map shows the development status of lands surrounding the site. According to this development activity map, residential subdivisions are currently under construction to the west, north, and east of the site. To the south, a final map for a subdivision has been recorded, but construction has not yet commenced.

Contract Background

Land Conservation Contract No. 9788, along with Agricultural Preserve No. 3350, became effective in 1976 at the request of property owners Hal and Claire McConnaughey. At the time application was made, the City of Visalia protested the execution of the Williamson Act Contract with Resolution No. 1526, approved by the City Council on January 19, 1976. The property was within one mile of the City limits of Visalia at the time of protest. Therefore, since the contract was successfully protested, the contract and preserve would have been eliminated upon the property's future annexation.

In 2001, an application was filed to annex the subject property into the City limits. City Council initiated the annexation on February 11, 2002, and the Annexation was approved by the Tulare County LAFCO on June 5, 2002. As part of this annexation, the City in fact succeeded to the Contract No. 9788 despite having a valid protest, and succeeded to a second Williamson Act Contract (No. 10080) on the annexation site which did not contain a valid protest. According to a Memorandum of Understanding (MOU) which was entered into at the time between the City and property owner Frank Luisi, the City agreed to succeed to and administer both Williamson Act Contracts as part of the annexation. In exchange for the City's agreement to administer the contracts, Mr. Luisi would agree to consent to the annexation of his property, thereby avoiding the creation of a County island. The MOU allowed Mr. Luisi to continue farming the property and utilize the Williamson Act benefits for an immediate period.

The annexation subsequently recorded on August 5, 2002, at which point the City succeeded to Contract Nos. 9788 and 10080. In doing so, the City now has jurisdictional authority over the Contracts and Preserves.

Currently, a walnut orchard covers the entire site. An existing single family residence is located on the southeast corner of Ferguson Avenue and Demaree Street, covering approximately 0.75 acres on the site.

A single-family residential subdivision has been approved by the Planning Commission as the alternative use for the subject site. Luisi Ranch Tentative Subdivision Map (see attached exhibit) will divide the 61 acres coming out of Williamson Act contract into 276 lots for single-family residential use. A Conditional Use Permit was approved with the subdivision to allow the development of lot sizes below the standard 6,000 square feet minimum, and to allow modified residential setbacks in the R-1-6 zone. The average lot size within the subdivision will be 6,764 square feet. All developable lots within the proposed subdivision will be built with single-family detached units. The subdivision is consistent with the policies in the General Plan Land Use Element and consistent with the Zoning Ordinance. The Planning Commission's approval of this tentative subdivision map on August 22, 2005 was conditioned on the successful removal of the contract.

Williamson Act Background

Since the State began the Williamson Act program in the late 1960's, many landowners of agricultural land have requested to have their land designated as agricultural preserves. (Tulare County has about 1.1 million acres of land in agricultural preserve, the most land of any

county in the State.) Once in preserve the landowner signs a contract with the city or county in which the property is located. The standard contract states that in exchange for a reduction in property taxes, the owner agrees to only use the land for agricultural purposes. The terms of these contracts are initially set for ten years, and are automatically renewed annually for an additional year, unless the property owner or the city/county files a Notice of Non-Renewal of the contract. Once this notice is filed, the contract is no longer renewed and expires after ten years. During those remaining years, property taxes are gradually increased to the noncontracted tax rate. In this case, the property owner has filed a Notice of Non-Renewal dated October 6, 2005.

State law does provide for a cancellation procedure. It requires that the City Council hold a public hearing, and that the Council make specific findings regarding whether or not it is appropriate to cancel the contract. If it makes the findings, the Council can tentatively cancel the contract subject to conditions, including payment by the landowner of a penalty fee that is determined by the County Assessor. Once the fee is paid to the County Auditor and any other conditions are met, the City can issue a final cancellation, which would allow the property to develop. The cancellation fee is calculated 12.5% of the fair market value of the property as determined by the County Assessor. In this case, the County Assessor has determined that the current fair market value for the 61 acres under Contract is estimated at \$7,340,000; therefore the fee would be \$917,500. Once the fee is paid to the County Treasurer and all other conditions required by Council are satisfied, the City can issue a final cancellation, which would allow the property to develop.

Required Findings

Based upon the analysis prepared by staff (included as an attachment), Staff believes that the Council can make both the five "consistency" findings as well as the two "public interest" findings that would allow the contract to be tentatively cancelled. According to State law, at least one of the two sets of findings must be made in order for a Council to tentatively approve the cancellation. Staff's recommendation includes proposed conditions that must be met before the final cancellation can be approved. The proposed conditions and the procedure of tentative and final cancellation are all in accordance with the procedures outlined in State law (Sections 51280 through 51287 of State Government Code).

The recommended conditions are as follows:

1. The applicant shall make full payment to the Tulare County Treasurer for the amount of the cancellation fee, which is \$917,500 (12.50 % of the land's current fair market value of \$7,340,000).
2. Unless the cancellation fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of the certificate of tentative cancellation, the fee shall be recomputed as of the date of notice that the landowner has satisfied the required conditions of the tentative cancellation.
3. The applicant shall file an application and pay application fees for the disestablishment of Agricultural Preserve No. 3350.

State law requires that a copy of the petition for cancellation be sent to the Department of Conservation (DOC), which will conduct its own analysis of findings and renders an opinion whether the "consistency" and "public interest" findings can be made. The City Council is then required to consider the comments received by the Department of Conservation before taking action on the item. The comment letter received for this cancellation (see attached) does not raise objections to the proposed contract cancellation. The DOC cites the unlikelihood of

adjacent lands also being removed from agricultural use, based on existing and pending urban development surrounding the site, and indicates that a more contiguous pattern of growth can be achieved by the removal of the land. With regard to public interest, the DOC remarks that the (City) Council is charged with considering the interest of the public as a whole in the value of the land for open space and agricultural use.

In making a recommendation, the Council is required to make an environmental finding, in accordance with the California Environmental Quality Act (CEQA). Staff is recommending that the Council certify Negative Declaration No. 2005-134, which was prepared for the contract cancellation on the site. The Negative Declaration document is attached.

Prior Council/Board Actions: On June 20, 2005, the City Council held a public hearing and approved General Plan Amendment No. 2005-05 and Change of Zone No. 2005-06 proposed on the subject site. The GPA and COZ were requests to change 19 acres of Quasi-Public / Public Institutional zoning and land use designation on the site to Low Density Residential. The reduction in size of the school sites was requested by VUSD based on the planned relocation of a larger school complex to the northwest corner of Akers and Riggins.

Committee/Commission Review and Actions: On May 23, 2005, the Planning Commission reviewed and recommended approval of the above mentioned GPA and COZ to the City Council. On August 22, 2005, the Planning Commission approved Luisi Ranch Tentative Subdivision Map, a request to divide the 61 acres coming out of Williamson Act contract into 276 lots for single-family residential use.

Alternatives: None recommended.

Attachments:

- Resolution for Tentative Cancellation
- Exhibit "1" - Analysis of Findings for Cancellation of Contract No. 9788
- Exhibit "2" - Letter Received from Department of Conservation
- Exhibit "3" - Letter Received from Tulare County Assessor
- Exhibit "4" - Negative Declaration No. 2004-137
- Exhibit "5" - Development Activity Surrounding Contract
- Exhibit "6" - Proposed Subdivision / Alternative Land Use on Site
- Location Sketch
- Agricultural Preserves in Vicinity of Contract
- Zoning Map

City Manager Recommendation:

Recommended Motion:

I move to certify Negative Declaration No. 2005-134 by adoption of Resolution No. 2005-183.

I move to approve the Tentative Cancellation of Land Conservation Contract No. 9788 as conditioned. Resolution 2005-184.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action: Prior:

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

NEPA Review:

Required? No

Review and Action: Prior:

Required:

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

If approved, a Certificate of Tentative Cancellation to be recorded by the City Clerk with the Tulare County Clerk.

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. 2005-183
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
ADOPTING NEGATIVE DECLARATION NO. 2005-134, WHICH EVALUATES
ENVIRONMENTAL IMPACTS FOR CONTRACT CANCELLATION NO. 2005-01.

WHEREAS, a request was made for the cancellation 61 acres of a portion of Williamson Act Land Conservation Contract No. 9788 within Agricultural Preserve No. 3350, located on the east side of Demaree Street between Ferguson Avenue and Houston Avenue in the City of Visalia, within APN 089-020-020 [portion], 089-020-022, and 089-020-023. The request was made by property owner Frank Luisi, represented by Bob Dowds; and

WHEREAS, the City Council of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Council on December 19, 2005 for the Project; and

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2005-134 which evaluates environmental impacts for Contract Cancellation No. 2005-01. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2005-184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
APPROVING A CERTIFICATE OF TENTATIVE CANCELLATION FOR A PORTION OF LAND
CONSERVATION CONTRACT NO. 9788 WITHIN AGRICULTURAL PRESERVE NO. 3350,
LOCATED ON THE EAST SIDE OF DEMAREE STREET BETWEEN FERGUSON AVENUE
AND HOUSTON AVENUE

WHEREAS, a request was made for the cancellation 61 acres of a portion of Williamson Act Land Conservation Contract No. 9788 within Agricultural Preserve No. 3350, located on the east side of Demaree Street between Ferguson Avenue and Houston Avenue in the City of Visalia, within APN 089-020-020 [portion], 089-020-022, and 089-020-023. The request was made by property owner Frank Luisi, represented by Bob Dowds; and

WHEREAS, the subject property is within Agricultural Preserve No. 3350, established pursuant to the Williamson Act (California Government Code Section 51200 et seq.) and is subject to Land Conservation Contract No. 9788; and

WHEREAS, the Agricultural Preserve No. 3350 and Land Conservation Contract No. 9788 were established and entered into between the County of Tulare and property owner in 1976; and

WHEREAS, the property owner has served a Notice of Nonrenewal for the entire area contained under said Contract, and the notice was recorded as Document No. 2005-0110679 at the Tulare County Recorder on October 6, 2005; and

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

WHEREAS, the City Council of the City of Visalia, after twenty (20) days published notice did hold a public hearing on December 19, 2005, regarding the request for cancellation; and

WHEREAS, notice of the public hearing was also given pursuant to Government Code Section 51284; and

WHEREAS, the City Council of the City of Visalia finds that the findings required by State law by which said contract may be tentatively canceled have been made; and

WHEREAS, the City Council finds the Contract Cancellation to be carried out in accordance with procedures for tentative cancellation of contracts outlined in State law; and

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

BE IT FURTHER RESOLVED that the City Council of the City of Visalia makes the following findings based on evidence presented in the Analysis of Findings for Contract Cancellation No. 2005-01:

1. That the cancellation is for land on which a notice of non-renewal has been served pursuant to Section 51245 of State Government Code.

A notice of nonrenewal for the entire Contract filed with the City of Visalia and was recorded as Document No. 2005-0110679 at the Tulare County Recorder on October 6, 2005. The contract is now scheduled to expire in 2015. Therefore, this finding can be met.

2. That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

Existing uses on land surrounding the parcel containing the agricultural preserve include single-family tract home subdivisions, limited agricultural production and vacant land. However, a majority of the surrounding land containing agriculture-related uses has been either tentatively approved for residential subdivision maps, or has been successfully subdivided for residential use through a final subdivision map. Therefore, full development of these agricultural areas for urban uses is expected within the next two to five years. Other lands not approved for tentative tract maps surrounding the project site contain urban zoning and land use designations, which permit these areas to develop in the future in accordance with the City's Zoning Ordinance. With the exception of Land Conservation Contract No. 2735 and Agricultural Preserve No. 187 located northwest of the subject site, there are no existing land conservation contracts adjacent to the subject site. All land surrounding the parcel with the preserve is inside the City's 98,700 and 129,000 population Urban Development Boundaries.

The applicant is requesting the cancellation of 61.17 acres from Agricultural Preserve No. 3350. This will leave 13.42 acres remaining in the preserve and contract, though a Notice of Nonrenewal issued for the area in October 2005 will allow the contract to expire in 2015. The remaining 13.42 acres are located at the northeast portion of the land to be cancelled from the preserve, and is being acquired by the Visalia Unified School District for the development of a future elementary school site.

The 61-acre project site, the 13-acre future elementary school site, as well as the surrounding lands, are all inside the City's current Urban Development Boundary (UDB) and have been designated for urban development since 1991. Therefore, it is the General Plan and its policies of managed growth out from the historical center of the community, and not this proposed contract cancellation, that increase the development potential of adjacent lands and the removal of other lands within the current UDB from agricultural use.

If existing agricultural preserves inside the current Urban Development Boundary continue to remain, the resulting land use pattern would eventually become one of mostly urban development with pockets of agricultural land among and within the urbanized area. The traditionally intensive farming practices in Tulare County are not suitable to coexist as pockets within urban development. Concentric land use conflicts between urban and agricultural uses would also occur. This land use pattern would also be in conflict with Visalia General Plan policies to grow in a compact fashion and to avoid allowing development to leap-frog over parcels of land. In addition, the policies of the City to promote concentric growth out from its City Core would be compromised as

the unavailability of land in agricultural preserve near existing urban development would increase the pressure to develop on other land that is farther away from urban development. This would result in an urban area that is less dense and less well-planned.

The strong growth management policies in Visalia's General Plan guide and direct growth to its most appropriate location, keeping growth near existing development in a carefully managed fashion. These policies have proven to be strong enough that the influence of a single development on growth inducement is typically negligible. Therefore, the evidence supports the statement that partial cancellation of Agricultural Preserve No. 3350 will not in itself result in the removal of adjacent agricultural lands. If the adjacent agricultural lands are converted to urban uses it will be because this is the area the City has chosen, through adoption of its General Plan, to direct growth, while at the same time choosing to protect other lands around the city from development pressure.

3. That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

The City General Plan, as well as the Tulare County General Plan designates the site for urban development. The site is also within the current 129,000 population and previous 98,700 population Urban Development Boundaries. The cancellation is being proposed in conjunction with a development project (subdivision) that is consistent with the General Plan. These facts support a finding that the cancellation is for an alternative use that is consistent with both the City and County General Plans.

4. That cancellation will not result in discontinuous patterns of urban development.

The discussion in item 2) (see above) illustrates how a majority of the land surrounding the project site is already urbanized or has been subdivided for future development that is consistent with the site's proposed alternative land use. With the development of adjacent areas expected in the next two to five years, the project site will be surrounded on all sides by urban development. Therefore, leaving the agriculture preserve in effect on the project site will alternately result in an inefficient pattern of urban development.

5. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non contracted land.

The development of the contracted land for its proposed alternative use would provide a pattern of development that is contiguous to and consistent with existing and approved development surrounding the site. The development would be adjacent to existing development on two sides, adjacent to approved development on all four sides, and surrounded on all sides by land that is inside the City limits and is designated for development in accordance with the City General Plan.

In contrast, there is no proximate non-contracted land that is equal to or greater in size of the subject land that would support a more contiguous pattern of development. Other lands in this proximity that are equal to or greater in size of the subject land are primarily found on the fringe of the existing urbanized area of the City. While the Visalia General Plan contains policies that support the outward growth of the City into some of these undeveloped areas at this time, development of these non-contracted areas would either be less contiguous than or not contiguous to existing urban development.

6. That other public concerns substantially outweigh the objectives of the Williamson Act.

The partial cancellation of this contract and the subsequent development of this land for urban uses would be consistent with Goals and Policies in the City's General Plan Land Use Element. The Land Use Element specifically illustrates a goal to "manage planning area growth to be contiguous and concentric from the City's core area". Furthermore, Land Use Element Policy 6.1.1 calls for promoting development of vacant, underdeveloped, and/or redevelopable land where urban services are available". The project area is located approximately ¾ mile from the City's Core Area as defined by the Land Use Element Goal 1, and contains the one of the closest land conservation contracts in proximity to the City's downtown.

Formal public participation, represented by the City Council, Planning Commission, community leaders, and the general public, played an essential role in developing the current City General Plan, its goals, and policies. The public's role in helping to formulate the plan is specifically identified in pages 1-4 through 1-8 of the Plan's Land Use Element.

In addition to the public participation which helped shape growth management policies contained in the plan, current public demand for housing is at an all-time high. Current demand supports the public interest and need for continued development in proximity to existing services.

If development is not allowed to occur on the project site, it will most likely increase the pressure for the City to approve new development on the fringe of the City.

These facts support that public concerns substantially outweigh the objectives of the Williamson Act in this particular case.

7. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and that Negative Declaration No. 2005-134 is hereby adopted.

8. There is no evidence before the 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.

9. Based upon the certification of cancellation valuation of the site by the Tulare County Assessor, the City Council determines and certifies to the Tulare County Auditor that the appropriate cancellation fee to be paid to the Tulare County Treasurer upon cancellation of Contract No. 9788 is \$917,500.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves a tentative cancellation for a portion of Land Conservation Contract No. 9788, in accordance with the terms of this resolution under the provisions of Sections 51280 through 51287 of the State Government Code and based on the above findings, subject to the following conditions:

1. The applicant shall make full payment to the Tulare County Treasurer for the amount of the cancellation fee, which is \$917,500 (12.50 % of the land's current fair market value of \$7,340,000).

2. Unless the cancellation fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of the certificate of tentative cancellation, the fee shall be recomputed as of the date of notice that the landowner has satisfied the required conditions of the tentative cancellation.
3. The applicant shall file an application and pay application fees for the disestablishment of Agricultural Preserve No. 3350.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 19, 2005

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording:

Public Hearing

- a. Certification of Negative Declaration. Resolution 2005-185 required. (A separate Motion by the Council is required)
- b. Public Hearing for Adoption of General Plan Housing Element Update. Resolution 2005-186 required. (A separate Motion by the Council is required)

For action by:

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

For placement on which agenda:

- Work Session
 - Closed Session
 - Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing
- Est. Time (Min.): 45

Deadline for Action:

December 19, 2005, is the last City Council Meeting for the calendar year. Adopting the Housing Element prior to the year 2006 will make the City of Visalia eligible for certain housing grants and programs.

Submitting Department: Community Development

Contact Name and Phone Number:

Fred Brusuelas, Community Development & Public Works Assistant Director 713-4364

Department Recommendation and Summary:

On December 19, 2005, Council will hear a presentation from City Staff and J. Laurence Mintier & Associates regarding the Housing Element Update. After conduction the public hearing, the Planning Commission and Community Development Department recommends that the City Council adopt the General Plan Housing Element Update and Negative Declaration.

Recommended by the City Staff is the following addition:

“Policy 1.22 the City of Visalia shall encourage transit oriented residential development to support future light-rail systems”.

The Staff recommended policy addition is based upon written comments received from the Tulare County Association of Governments (correspondence attached).

Background:

The City of Visalia’s General Plan Housing Element was last updated in January 1993, and was certified by the State of California, as required by State law. State law (CGC Section 65580) requires cities to update their Housing Elements and be certified by the State at least every ten

This document last revised 12/16/05 1:17 PM

By author: Susan Currier

File location and name:

years. Failure to comply with this law can result in sanctions being placed on the City's redevelopment funds, federal Community Development Block Grant (CDBG) funds, and other sources of grant funding.

The draft Housing Element Update, including the assessment and inventory, and the implementing policies, has been reviewed and tentatively approved by the State Department of Housing and Community Development. The Purpose of this hearing is to review the Negative Declaration and the final revisions of the draft of the Housing Element in response to the State's review and recommendations on the draft document. Once adopted, the Housing Element will replace the 1993 Housing Element as one of the seven required Elements of the City's General Plan. J. Laurence Mintier & Associates, the City's Housing Element consultant, will provide the technical analysis of the Housing Element during the City Council public hearing.

An implementation of the Housing Element will be a Zoning Ordinance Amendment to modify the multiple family residential requirements of a Conditional Use Permit in the RM-3 and RM-3 districts for 11 units or more to 40 units or more. The Planning Commission has conducted a public hearing for the Zoning Ordinance Amendment (Zoning Text Amendment No. 2005-16) and recommends the City Council approve the proposed ordinance amendment. This item will be scheduled for City Council consideration and adoption after the Development Standards Task Force reviews and recommends multiple family residential design and operational guidelines for use by decision makers and staff.

Prior Council/Board Actions:

The City Council adopted the previous Housing Element in 1993. Council has reviewed the draft Housing Element in previous Work Sessions.

Committee/Commission Review and Actions:

The Planning Commission conducted a public hearing on November 29, 2005, and recommended that the City Council adopt the General Plan Housing Element Update and Negative Declaration.

Alternatives:

The City Council may adopt the Housing Element without any additional policy changes.

Attachments:

- Draft Housing Element
- Negative Declaration
- Correspondence
 - San Joaquin Valley Air Pollution Control District
 - Public Utilities Commission
 - Tulare County Association of Governments
- Planning Commission Staff Report

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Move to approve Certification of Negative Declaration Resolution 2005-185.

Move to approve Resolution 2005-186 adopting the General Plan Housing Element Update

This document last revised 12/10/05 1:17 PM

By author: Susan Currier

File location and name:

Copies of this report have been provided to: Tulare County Association of Governments

Financial Impact

Funding Source:

Budget Recap:

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

Environmental Assessment Status

CEQA Review: Not Required

Required? No

Review and Action: Prior:
Required:

NEPA Review:

Required? No

Review and Action: Prior:
Required:

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

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: December 19, 2005

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: Authorization for the City Manager to: Execute a 1-Year Service Agreement (with an additional 2-year agreement option) with Valley Oak SPCA For Animal Control Services in the Amount of \$307,583 Annually and \$78,000 for Two (2) Animal Control Pickup Trucks With Cages and \$5,250 for Licensing Software and Increase the Late or No License Fee for Dogs and Cats From \$10 to \$20.

Deadline for Action:

December 19, 2005

Submitting Department:

Administration

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

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 30

Department Recommendation:

Staff recommends that the City Council authorize the City Manager to enter into a 1 year service agreement (with an additional 2-year agreement option) with Valley Oak SPCA for animal control services in the amount of 307,583 annually effective July 1, 2005.

- This includes the addition of one (1) full time animal control officer and one (1) half time animal control officer.
- Additionally the first year would include the purchase of two animal control vehicles (2 ¾ ton pickups with cages at approximately \$39,000 (per unit) and \$5,250 for licensing software.
- The City will provide service, maintenance and fuel for the animal control vehicles provided by the City.

Valley Oak SPCA will:

- Start a reserve fund for miscellaneous capital items and or maintenance and start a reserve fund for construction of a new facility. Any available balance in the operating budget at the end of the budget year would first go to maintain a 15% Emergency Reserve and then any additional savings be divided equally between the capital needs reserve and the new facility reserve.
- Begin planning for a new facility. Valley Oak SPCA has been discussing with the City plans for a new SPCA facility located on the existing city site.
- Increase animal control field services (vicious, sick and injured and dead animal pick-up) to Sundays.
- Increase the number of dogs licensed in calendar year 2006 by 1000 licenses.

- Report to City Council in February 2006, the feasibility of contracting crematorium services to veterinarians, law enforcement agencies and any other viable entity.
- Provide the City with a recommendation by February 1, 2006, on any fees and charges that could be increased.
- Provide the City an annual operating budget in February for the following fiscal year and provide quarterly reports reflecting the budget expenses and revenues. This report will also include statistics regarding the number of animals housed, number of license issued, and the number of disposed animals. The quarterly reports will be presented in October, January, April and July.

Background:

Staff originally requested authorization from Council on August 1, 2005, to enter into a contract for animal control services with Valley Oak SPCA. At that time a recommendation was made to increase the licensing fee to more appropriately reflect the operational cost of licensing.

Current Fees:

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

PROPOSED FEES:

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

PROPOSED FEES later revised in September to:

Dogs: Male or female	\$35.00
Neutered Male/Spayed Female	15.00
Cats: Male or Female	15.00
Neutered Male/Spayed Female	7.00

The annual revenue from licensing is approximately \$135,000. Due to the new proposed contract becoming effective mid-year, \$60,000 was projected from the recommended increase in licensing fees and was included in the proposed contract budget.

Council requested that staff reevaluate the recommendation to increase the licensing fees and find other means of increasing the animal control operational revenues.

At Council's request staff has worked with Valley Oak SPCA to reevaluate the need to increase licensing fees as originally recommended and develop other approaches to increase the operating revenue for animal control services. Council also requested that staff research the number of citations issued during the past year, evaluate the current penalty fee and determine additional methods of increasing the enforcement efforts.

Valley Oak staff have evaluated several options to reach more animals for licensing and increased enforcement. These options are outlined in the following summary. The new programs, if approved, will need time to develop and will not result in an automatic, pre-determined source of revenue the first year.

SUMMARY:

The City of Visalia contracts with Valley Oak SPCA to provide animal control services and to operate an animal shelter. These services are required by Visalia Municipal Code, *Chapter 6, Section 6.04.010* through *Section 6.04.110*.

A significant component of the municipal code, (*Section 6.12.030* License required and *Section 6.12.070* Vaccination requirement for licenser) protects the community against the threat of rabies. These two sections require that a dog or cat be licensed and in order to be licensed they must have proof of being vaccinated against rabies. In order to maintain this safety factor it is important that dogs and cats are licensed and vaccinated.

Over the past 5 years approximately **41,629** dogs and cats have been licensed. To date, **8,529** animals (7,413 dogs and 1,116 cats) have been licensed in the current year.

It is estimated that there are approximately **26,548** dogs (.25 per capita) and **32,730** (.30 per capita) cats in Visalia. (APPMA-American Pet Products Manufacturers Association, Inc.). Valley Oak SPCA licensed approximately **9,134** dogs and **1,484** cats in 2004. At the current rate of licensing, approximately 34.4% of dogs are being licensed and 4.5% of cats are being licensed. It is the goal of Valley Oak SPCA to increase the number of dogs licensed in calendar year 2006 by 1,000 and 300 cats.

The annual revenue from licensing is approximately **\$135,700**. If the above proposals are successful in increasing dog licensing by 1,000 (neutered) and cat licensing by 300 (spayed) the new revenue generated annually would be approximately **\$11,500**.

In order to encourage the public to license their dogs and cats and increase the number of license being issued, Valley Oak SPCA proposes the following programs to promote education, vaccination and licensing:

- **DOG DAZE OF SUMMER**
An annual event in the Fall consisting of a parade and educational fair at Recreation Park.
- 2 annual clinics in the fall, one at the Manuel Hernandez Center and one at Washington Elementary School.
- 2 annual clinics in the spring, one at Mineral King School and one at Crestwood School.
- A mailer annually in the Cal Water billing informing residents of the need to license their dog or cat and the information on how to do and the dates of scheduled events. (English and Spanish)
- A mailer in the City's Park and Recreation Guide that is mailed quarterly to Visalia residents with information on how to license your dog or cat and scheduled dates of events. (English and Spanish)
- Include information on the City of Visalia web page and the intranet about why it is important to license your dog or cat and how to license them.
- Discussions with local veterinarians, groomers and pet stores will continue in order to determine if any joint programs can be implemented. It should be noted there are privacy and accounting issues that need to be considered in these option.

- Discussions with local veterinarians, groomers and pet stores will continue in order to determine if any joint programs can be implemented. It should be noted there are privacy and accounting issues that need to be considered in these option.

These programs will be monitored during the year to ascertain the impact on new licensing and the new revenue generated.

Last year 164 citations were issued. If the fee is increased and enforcement enhanced then this revenue will increase and more complaints will be handled. With the addition of the new officer more attention can be paid to such calls as barking, deceased, owner won't confine, enforcing the leash laws and patrolling of problem area etc.. This process along with other city code enforcement violations processes is currently being evaluated by the City Attorney's office. The goal is to develop a more comprehensive and efficient system to process violations. Staff will submit a report to Council in March after the evaluation has been completed that will outline specific procedures in processing the citations and recommendations regarding increasing the fines.

In addition, Valley Oak SPCA has implemented the following community outreach programs to try to assist pet owners in getting their animals licensed, vaccinated, chip implantation for identification, spayed/neutered and in adopting pets.

- A new program titled "6/60" has been implemented to assist seniors over sixty years of age adopting a pet that is over 6 years old. The adoption cost is significantly decreased to find a home for older animals and for senior citizens. The current adoption rate is \$95 for dogs and \$65 for cats. This program allows a special adoption rate of \$20 for dogs and \$15 for cats.
- Until January 1, 2005, a special 20% discount is in place for cat adoptions.
- Groomingdale's grooming works with VOSPCA in maintaining a number of cats available for adoption. PetSmart also works with Valley Oak in adoptions and animals are available for adoption off site at the Farmers Market.
- Information regarding VOSPCA services is available on the website, www.VOSPCA.org, Times Delta Fresno Bee, Foothill Gazette and TV Channel 30.

All of these programs aim to increase the number of pets licensed, promote healthy animals and provide homes for them to live in.

An additional item that was discussed at the August 15, 2005, Council Meeting was the new SPCA Complex. This item will be brought back at a future time for discussion regarding the City's participation in the planning and financing of the project.

History:

Valley Oak SPCA was formed in 1992 as a non-profit to promote the humane treatment of animals, educate the community on responsible pet care, reduce pet overpopulation through an aggressive spay/neuter program and celebrate the humane/animal bond.

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

The City of Visalia began contracting for animal control services with Valley Oak SPCA in 1993. Prior to that time the City of Visalia provided animal control services to the community through the Police Department. In FY 2000-01 the City commenced a *five (5) year* contract with Valley Oak SPCA in the amount of \$740,708 (\$186,000 current annual funding) . The contract included \$16,000 for the purchase of 10 new kennels, and \$12,000 annually for fuel. In 2000, Valley Oak SPCA only had 1.5 animal control officers. In order to address the continuing increase in calls for service the City added one (1) additional animal control officer in FY 2000-01 and one (1) additional animal control officer in 2001-02. They have had no increase in animal control officers since that date. The City provided vehicles for the officers through the City fleet.

The City also provided a loan to Valley Oak SPCA in the amount of \$60,000 for the purchase of a crematorium which is now installed and being utilized for cremations. The note is for 10 years and payments are being made timely. The original intent for installing the crematorium was for Valley Oak to be able to dispose of their own deceased animals, thereby saving an operational expense of \$1,100 monthly for a service to pick up the animals. In addition Valley Oak would seek to contract with veterinarians in the area to dispose of other deceased animals. Other contracts that could be considered are with law enforcement agencies for the disposal of narcotics and weapons.

The crematorium was installed and first used in late January 2005. Valley Oak has been evaluating the total cost of utilizing the crematorium for disposal and the number of hours of operation for Valley Oak's needs. They are currently working with the Visalia Police Department to dispose of narcotics and weapons at an hourly rate of \$175.00 and to ascertain if the service is acceptable to both parties. Valley Oak is requesting a six (6) month evaluation period to be able to determine all the costs and potential revenue from outside contracts for use of the crematorium. They will have a better proposal and response for City Council after that time as to the revenue producing capabilities of the crematorium.

Contracting with Valley Oak SPCA has alleviated the need for the City to provide these specialized services in house. The day to day operations of the kennel in addition to the animal control operations are a high maintenance service. Valley Oak SPCA is able to provide this specialized service at a lower cost than the City can provide the service for.. As with other city services, operational costs have continued to increase as have calls for service. If the City were to resume providing animal control services internally the cost would well exceed \$500,000. The current annual contract for services with Valley Oak SPCA is **\$186,000**. Even with the recommended increase of, **\$121,583** Valley Oak SPCA can still provide the service at a lesser cost than the City.

Current Needs:

The current contract with Valley Oak SPCA provides for legal mandates such as licensing, euthanasia, rabies control and prevention, impoundment, pick up and processing of dangerous and vicious animals. It should be remembered, however, Valley Oak SPCA is a non-profit organization to promote the humane treatment of animals. The animal control contract with the City of Visalia is a separate service they provide and is a separate program from the non-profit services and their fundraising.

Over the past 5 year contract period the calls for service have increased from 3430 calls in 1999 to 4473 calls in 2004. This is an approximate 30% increase in calls for service. In the first six months of 2005, 2767 calls for service have been handled. Calls for service are projected to

continue to increase as more residential areas are occupied and the general population of the city increases.

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

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

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

The overall cost of animal control operations has increased approximately 32% over the five year contract. The average shortfall annually between revenues and expenditures was approximately \$58,000 since FY 2000-01 and Valley Oak has expended this shortfall from their non-profit revenues. They should not be expected to cover the loss and the annual deficit has been calculated into the new proposed contract.

Staff is recommending that the budget be increased from **\$186,000** annually to **\$307,583 (\$121,583 increase)**. This includes adding one (1) full time animal control officer at \$26,332 and an additional \$13,000 annually for a part-time animal control officer to allow for increased service on Sundays. Currently the limited service provided on Sundays is through call back and overtime. Increasing an additional part-time officer would allow more hours of service to be provided at a lesser cost on the weekends. A licensing software upgrade is also needed at a cost of \$5,250. This would be one time capital expense.

The additional increase is to address the new and increased employee costs (workers compensation, cost of living increases, insurance, uniforms, field supplies etc.\$9,418 increase), sick and injured fees (\$4,000 increase), crematorium expenses (\$19,000 increase), fuel/oil \$2,300 increase) and answering service (\$4,700 increase).

Licensing

The annual revenue from licensing is approximately \$135,700. Valley Oaks had requested to increase licensing fees. The increase would help bring fees more in line with the cost of providing the service and offset expenses as costs and calls for service continue to increase.

Over the past 5 years approximately 50,158 animals have been licensed. For the current year 8,529 animals have been licensed.. The fee has only been increased once during the past five years.

FY 02-03 Fee		FY 03-04 Fee
Dog-unaltered	\$20.00	\$25.00
Dog-spay/neutered	8.00	10.00
Cat-unaltered	6.00	10.00

Cat-spay/neutered 3.00

5.00

(This increase was a 25% increase in dog licenses and a 66.7% increase in cat licenses).

Valley Oak strongly believes the current fees are too low and do not adequately reflect the amount of time, effort and costs that go into the licensing program. Fees have been historically low and have not been increased in a timely fashion.

NEW FACILITY-The Charles Hoey Adoption Center

Valley Oak SPCA has been working on plans for a new facility. They currently have architectural plans and preliminary cost estimates. They have been diligently developing a fund raising campaign to assist in the financing of the construction. In addition they are trying to raise fees and charges to more accurately reflect the cost of providing both the non-profit services and the animal control services. Historically the organization has tried to survive on donations and fund raising. However, they have grown significantly in the past 5 years to the point that it is critical they operate as a business with financial guidelines that address revenues and expenditures.

They will keep the City informed as to the progress of the facility plans and financing efforts. City staff will continue to work with the Valley Oak SPCA Director and Board of Directors in monitoring the animal control contract and in developing plans for the new facility.

Prior Council/Board Actions:

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

Committee/Commission Review and Actions:

n/a

Alternatives:

contract with another SPCA Agency
provide animal control services internally
decrease level of animal control services

Attachments:

FY 200506 Valley Oaks Animal Control Budget
Licensing Statistics
APPMA population statistics
Animal Control Vehicle

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move the City Council authorize the City Manager to enter into a one (1) year service agreement (with an additional 2 year agreement option) with Valley Oak SPCA for animal control services in the amount of \$307,583 annually and \$78,000 for two (2) animal control pickup trucks with cages. and \$5,250 for licensing software and increase the Late or No License fee for dogs and cats from \$10 to \$20.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others: