

Visalia City Council Agenda

For the regular meeting of: Monday, March 5, 2007

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.

EMPLOYEE INTRODUCTION

Introduction of Melissa Holt, Office Assistant, by Paul Shepard, Parks and Recreation Department.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Public Comment on Work Session Items -

- 4:10 p.m. 1. Review and comment on a Concept Master Plan for "Plaza Drive Business Park", authorize initiation of its formal processing, and authorize the processing of a Conditional Use Permit for Fresno Pacific University.
- 4:40 p.m. 2. Authorization to prepare and submit a resolution recommending a preferred LAFCO Sphere of Influence Update for Visalia to the Local Agency Formation Commission. **Resolution 2007-21 required.**

** The time listed for each work session item is an estimate of the time the Council will address that portion of the agenda. Members of the public should be aware that the estimated times may vary. 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
(Subdivision (a) of Section 54956.9 GC)
Name of Case: Hettick v. City; TCSC Case No. 05-214421
4. *Item removed at the request of staff*

Adjourn as City Council and Convene Jointly as City Council and Redevelopment Agency

5. Conference with Real Property Negotiators (G.C. 54956.8)
Property: 3.75 acre portion of APN: 098-142-050 432 N. Ben Maddox Way
Under Negotiation: Authority to negotiate purchase price, terms and conditions
Negotiating Parties: Steve Salomon, Michael Olmos, Colleen Carlson, Bill DeLain,
Southern California Edison Company

Adjourn as Joint City Council and Redevelopment Agency and remain in closed session as the Redevelopment Agency

6. Conference with Real Property Negotiators (G.C. §54956.8.)
Property: 111 & 113 NW 5th (APN: 094-053-018,019)
Under Negotiation: Terms and conditions of purchase
Negotiating Parties: Steve Salomon, Michael Olmos, Colleen Carlson

Adjourn as the Redevelopment Agency and reconvene in Closed Session as the City Council

7. Conference with Real Property Negotiators (G.C. 54956.8)
Property: six parcels: 608, 620, 720, 800, 810 and 820 E. Center
Under Negotiation: Terms and conditions of acquisition of right of way or access rights
Negotiating Parties: Steve Salomon, Alex Peltzer, John Janda, Square 2 Properties LLC,
Bill Jordan, Don and Margaret Peterson, John Wilson, Ron Baker

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Steve Mainord, Family Life Church

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.

Adjourn as City Council and Convene as the Redevelopment Agency

8. RDA CONSENT CALENDAR
 - a) Request to amend the East Downtown Auto Mall – CC&R's and Architectural Design Standards, to amend Section 902(a) (1) Permitted Signage, to be consistent with underlying

Design District C sign standards and to authorize amended agreements to change the Auto Center – Conditions, Covenants and Restrictions, and Architectural Design Standards.

Adjourn as the Redevelopment Agency and reconvene as the City Council

9. **Public Hearing** for Village West Special Assessment Ballot and award of the project to Henderson Construction for \$71,475 if the assessment district is approved. **Resolutions Nos. 2007-22 and 2007-23 required. (two separate motions required)**

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

10. 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) Receive Planning Commission Action Agenda for the meeting of February 26, 2007.
 - c) Authorizing the Mayor to send a letter to the Tulare County Board of Supervisors, Chairman Allen Ishida, indicating the City of Visalia's willingness to cooperate on the future planning for Mooney Grove Park.
 - d) Accept the City of Visalia Cash and Investment Report for the second quarter ending December 31, 2006.
 - e) Issuance of written report describing measures being taken to alleviate the conditions which led to the adoption of Ordinance No. 2006-03, an interim ordinance establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan area.
 - f) Award a contract for the Main Street Storm Sewer Project to Bill Nelson General Engineering Construction, Inc. in the amount of \$75,440.00, Project No. 1222-8020.
 - g) Introduction of Ordinance No. 2007-05, adding Sections 10.04.040 and 10.04.050 to Chapter 10.04 of the Visalia Municipal Code Relating to Towing, Storage, Post storage Hearing, and Administrative Charge Collection Procedures.
 - h) Authorization to execute a final Certificate of Cancellation of Land Conservation Contract No. 10350 located on property owned by Joe Freitas, property owner (DBO Development Co., applicant). The site is located on the north and south sides of Cameron Avenue, approximately ¼ mile east of Mooney Boulevard (APN: 126-062-069{portion}, 126-730-015) **Resolution No. 2007-16 required.**
 - i) Introduction of Ordinance No. 2007-04, changing the title of Section 10.16.140 and adding Section 10.16.140 D regarding provisions for three hour parking limitations.
 - j) Resolution to authorize grant application submittal for State of California Workforce Housing Reward Program in the amount of \$181,000. **Resolution 2007-17 required.**

- k) Acknowledge the process for recruiting a new member of the Planning Commission to replace retiring Commissioner Victor Perez.
- l) Request by Councilmember Don Landers for support for the St. Patrick's Day Parade

Authorization to record final maps on the following:

- m) Authorize the Recordation of the Final Map for Ashley Grove No. 12, located at the southwest corner of Riggin Avenue and Mooney Blvd. (28 lots and a common area) and the Annexation to Landscape and Lighting District No. 05-17, Ashley Grove No. 10-13. **Resolution Nos. 2007-18 and 2007-19 required .**
11. Authorization for Mayor Gamboa to send a letter to Congressional Representatives requesting assistance in relocating Social Security Administration facilities to a site in Downtown Visalia and directing City staff to work with the General Services Administration on downtown relocation efforts.
 12. **Public Hearing** for Disestablishment of Agricultural Preserve No. 3503: a request by Joe Freitas, property owner (DBO Development Co., applicant) to cancel 34 acres of Agricultural Preserve No. 3503. The site is located on the north and south sides of Cameron Avenue, approximately ¼ mile east of Mooney Boulevard (APN: 126-062-069[portion], 126-730-015). **Resolution No. 2007-20 required.**
 13. *Item removed at the request of staff. Item will be rescheduled and re-noticed for a later date.*
Public Hearing to consider increasing the Transportation Impact Fees and to consider approval of proposed Transportation Impact Fee Schedule per Resolution.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, March 19, 2007 - City Hall Council Chambers

Monday, March 26, 2007 – Joint City Council/Planning Commission (4:00 p.m. Convention Center)

Monday, April 2, 2007 – City Hall Council Chambers

Monday, April 16, 2007 – City Hall Council Chambers

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: March 5, 2007

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording:

Review and comment on a Concept Master Plan for "Plaza Drive Business Park", authorize initiation of its formal processing, and authorize the processing of a Conditional Use Permit for Fresno Pacific University.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number: Fred Brusuelas 713-4364

Department Recommendation: It is recommended that City Council review and comment on a Concept Master Plan for "Plaza Drive Business Park", authorize initiation of its formal processing, and authorize the processing of a Conditional Use Permit Application for Fresno Pacific University Facility.

Summary/background: A request has been made by Fresno Pacific University and developers of proposed "Plaza Drive Business Park" to allow processing of a development permit to construct a new 3 acre Fresno Pacific University Facility at the northeast corner of Crowley Avenue and Neeley Street. The approximate 3 acre subject site for Fresno Pacific University is within a 29 acre area that is zoned Business Research Park (BRP).

The developers have indicated that they are prepared to submit applications for a Planned Development (Master Plan) on the total 29 acre Area and proceed with the formal review of the "Plaza Drive Business Park Project". They recognize the process to review a Master Plan project of this size and scope will take several months. However, they have been approached by Fresno Pacific University with a request to develop a two story University Facility on approximately 3 acres of land as soon as possible to accommodate high demand for educational services. The proposed Fresno Pacific University facility is shown on the Master Plan as Phase 1 at the northeast corner of Neeley Street and Crowley Avenue.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.) 20 min.

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

The University has indicated that their present 9,700 square foot educational facility on Cypress Avenue is overcrowded. They also indicated that the present facility will not fulfill needed future growth. The developers were in the process of preparing a Master Plan for the "Plaza Drive Business Project" when the need to develop the Fresno Pacific University Facility was brought to their attention. This circumstance has accelerated the developer effort to move forward with their 29 acre Master Planning. If authorization is given to proceed with a Conditional Use Permit for Fresno Pacific University the application will proceed ahead of the entire 29 acre Planned Development application.

Business Research Park Zone (BRP): The BRP Zone was created as a part of the 2020 General Plan. The purpose of the Business Research Park Zone is to accommodate large scale office developments and provide for business, scientific, educational and light industrial uses in a campus-type setting. Projects are to be planned and developed as integrated units via a Specific Plan or Master Plan. Developments in the BRP Zone are required to have coordinated architectural form and detailing. Shared vehicular access, parking, common open space and related amenities are to be integrated into the overall development. Processing the project requires a public hearing through the application of a Conditional Use Permit and Planned Development Permit. Land uses permitted in the BRP Zone include Financial Institutions, Catering, Eating Establishments, Packaging & Food Processing, Medical Laboratories, Professional/Administrative Offices (no medical offices), Pharmacy/Drug Store and limited Warehousing. A Conditional Use Permit is required for a University/College, Hotel/Motel, Retail Stores and Gasoline Service Station.

Need for Educational Facilities: The Tulare County region remains an area underserved by higher education facilities. The City of Visalia has supported and continues to support efforts to establish post College of Sequoias educational needs. Past efforts have included attempts at locating a University of California Campus, and establishing new Fresno State University programs. Institutions such as Chapman University and Phoenix University are examples of private colleges that have come to the area to serve increasing demands. Presently, Phoenix University is using space at the Visalia Convention Center for classrooms.

General Plan Policies: The BRP Zoning is consistent with the adopted General Plan Land Use Element and the submitted "Plaza Drive Business Park" Master Plan appears consistent with the purpose and intent of the BRP Zoning.

Consideration to support the Fresno Pacific University request may be found in the text of the 2020 General Plan. The 2020 General Plan has numerous goals, policies and objectives that promote, encourage, and support educational providers. General Plan implementation policies for education include the promotion of locating and developing colleges and universities, establishing vocational schools, encouraging post-secondary facilities, and promoting curriculum to increase graduate retention in the Visalia area.

Project Evaluation: The proposed Plaza Drive Business Park Project comprises 29 gross acres of land that is divided by Plaza Drive. The east campus is 17 acres in size and the west campus is 12 acres. The proposed land uses include a private university, hotels, administrative offices, restaurants, and gasoline service station. Total floor space on the 29 acres is 289,000 square feet with a building coverage of 26%. The submitted Master Plan is a campus setting consistent with the BRP Zoning. There are a total of twenty separate buildings. Five buildings are two stories in height, two buildings are three stories. The remaining buildings are single story. The first floor areas for the proposed twenty buildings comprise 204,000 square feet and the second and third floor areas total 85,000 square feet. Total proposed parking of 1,122 spaces is the minimum city parking standard for this type of project.

The submitted Concept Master Plan meets the intent and provisions of the BRP Zone by virtue of the campus like design, development standards and land uses. Further detailed review of the proposal will be made when the formal application is submitted for processing. The Site Plan Review Committee, Planning Commission and City Council will have opportunity to review, comment, and modify the Master Plan prior to final approval.

Environmental Review: All Business Research Projects require an environmental assessment and initial study. This will be conducted at the time of application submittal and processing. Apparent environmental issues will include potential impacts from traffic, air quality, Airport Land Use Compatibility and storm water.

Applicants Request: The applicants are requesting that the City Council accept their 29 acre Concept Master Plan for “Plaza Drive Business Park” as the basis to file entitlement applications and conduct public hearings. The applicants are also requesting that City Council authorize filing of a Conditional Use Permit for a 3 acre Fresno Pacific University site in advance of an approval for the 29 acre “Plaza Drive Business Park” Master Plan. Proposed development projects are typically granted concurrently with Master Plans or after the approval of Master Plans. In this case, staff is recommending that a Conditional Use permit for Fresno Pacific University be authorized to file on the basis of the submitted Concept Master Plan and that the 29 acre Master Plan be filed as a Planned Development Permit application.

Fresno Pacific University has indicated that they need to take action to initiate an effort to develop a new educational facility as soon as possible. They have indicated that the high demand for educational services has crowded their present facilities and that action needs to be taken to accommodate current needs and anticipated growth.

They have searched for available land and building's in the community upon which to establish their new facility. Their search has resulted in considering the subject property at Crowley Avenue and Neeley Street. The basis for their request is that processing time for the 29 acre Master Plan will take at least one year and additional time will be necessary for building construction. This anticipated timing is a longer period of time than they have available to them to meet their goals. According to developers for Fresno Pacific University, they will be forced to take other options that may be less desirable unless they can proceed with the Neeley Street, Crowley Avenue Site in an expeditious manner.

As a condition to allow the Fresno Pacific University project to move forward, the developers of the “Plaza Drive Business Park” will restrict all submittals, permits and development proposals on the balance of the 29 acre Master Plan site until such time that the Master Plan is approved by the city. They have also offered to submit an application for the 29 acre Master Plan concurrent with the Fresno Pacific University Conditional Use Permit.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: Do not accept the Concept Plan and do not authorize a Conditional Use Permit filing for Fresno Pacific College.

Attachments: Fresno Pacific University Correspondance2/20/07
Nine 8-1/2” x11” Planning and Architectural exhibits

Recommended Motion (and Alternative Motions if expected): I move that the City Council accept the “Plaza Drive Business Park - Concept Master Plan” as the basis for a 29 acre Planned Unit Development Application and authorize independent processing of a Conditional Use Permit for Fresno Pacific University at the Neeley Street, Crowley Avenue site.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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)*

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: March 5, 2007

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Authorization to submit a resolution recommending a preferred LAFCO Sphere of Influence Update for Visalia to the Local Agency Formation Commission. **Resolution 2007-21 required.**

Deadline for Action: None

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Brandon Smith, Associate Planner, 713-4636
Michael Olmos, Assistant City Manager, 713-4332

Department Recommendation and Summary:

Staff recommends that the City Council review the following information and then approve a resolution that acknowledges a preferred Sphere of Influence (SOI) for the City of Visalia to the Tulare County Local Agency Formation Commission. Staff recommends that the following changes be made to the existing Sphere of Influence:

- Add all areas within the 2020 Growth Boundary,
- Add Communities of Interest located along Hwy. 99 and adjacent to the Southeast Area and Industrial Park, and
- Remove areas in the SOI that are currently outside the 2020 Growth Boundary in Northeast Visalia.

These changes will allow LAFCO to acknowledge Visalia's 2020 Boundary as the City's planned boundary of urban expansion and service area for the next 20 years, and will protect Communities of Interest from competing interests that conflict with the City's vision for growth management. Staff has prepared maps that show the recommended location of the Sphere (Map "A") and an analytic map showing individual areas considered for addition to and removal from the current Sphere of Influence (Map "C"). The City's Sphere as it exists today is shown in Map "B".

Background

The Tulare County Local Agency Formation Commission (LAFCO) is in the process of reviewing and updating Spheres of Influence for its eight incorporated cities over the next year in keeping with a State mandate that calls for updates on a regular basis. Visalia is in the first group of cities to be considered for this update with its review period tentatively scheduled for the first half of 2007. LAFCO is initiating the amendments in accordance with its adopted policy and will be the lead agency for the purposes of CEQA review. Each city has an opportunity to submit a

For action by:

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

For placement on which agenda:

Work Session
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Consent Calendar
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Est. Time (Min.):_20_

Review:

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(Initials & date required)

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City Mgr _____
(Initials Required)

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proposed Sphere for their consideration, and staff recommends that the City Council submit the amendments discussed in this report and illustrated in Map “C”.

The LAFCO policy basically states that the Sphere of Influence should be the City’s 20-year Boundary along with any additional areas that are called “Communities of Interest”. Tulare County LAFCO defines Communities of Interest as agricultural buffer areas, publicly-owned facilities, noncontiguous subdivisions and development areas, key intersections, highways corridors, parcels of land associated with the affected community, and other similar areas.

Staff Analysis and Recommendation:

Map “C” shows areas recommended to be added and deleted from the sphere. Areas recommended for addition are grouped into two categories: areas inside the 2020 Boundary and Communities of Interest.

Areas inside 2020 Boundary

Using the above LAFCO policy as guideline, staff believes that the City’s 2020 (or 165,000 population) Boundary should be used as the 20-year boundary, and that the Sphere of Influence should be amended to include those areas within the 2020 Boundary (these areas are shown in orange on Map “C”).

Communities of Interest

There are certain areas outside the 2020 Boundary that staff believes can be considered as Communities of Interest. The current Sphere of Influence already includes several areas that are outside the 2020 Boundary. Staff believes that these areas have at least one attribute that is listed in LAFCO’s definition of Communities of Interest, and therefore these areas should be retained in the Sphere.

Staff believes however that an exception can be made to the areas outside the 2020 Boundary in Northeast Visalia labeled as areas “B” and “C” (shown as the cross-hatched areas on Map “C”), as these areas are not needed to help buffer the City from neighboring communities nor do they contain any essential resources for the City. While it is of the interest of the City to protect these areas located within the Urban Area Boundary as an open space buffer, a balance should be maintained between areas that are needed for growth expansion and communities of interest and areas that are not of immediate interest to the City at this time. Staff recommends that these areas be removed from the Sphere of Influence.

Staff recommends that some additional Communities of Interest be included in the Sphere of Influence (these areas are shown in green on Map “C”). The northwest corner of Hwy. 99 & Caldwell Ave. (labeled as area “I”) contains the City walnut orchard which is already in the City limits. The remaining three areas “G”, “H”, and “J” are areas that staff believes are critical to long-term City expansion and/or protection from the expansion of other communities such as Goshen or Tulare. These areas are generally described as follows:

- Area “G” (2,252 acres) – Area between Southeast Master Plan & County Tract 92 and southern limits of Urban Area Boundary (UAB).
- Area “H” (2,496 acres) – Highway 99 frontage between Caldwell Ave. and Avenue 268 alignment north of Tagus. While the Tagus area is included in Visalia’s UAB and the County’s UAB for Visalia, adding it to the Sphere has been and still remains a complex issue. Staff is therefore recommending that Tagus not be included in the amendment.
- Area “J” (1,881 acres) – Area east of Goshen and north of Industrial Park to the northern limits of the City UAB.

Based on LAFCO policy, staff believes that the inclusion of land in the Urban Area Boundary fits with policy, though LAFCO will be looking carefully at the Communities of Interest. The City will need to provide supporting rationale to if the City requests that LAFCO consider supporting these areas for inclusion in Visalia's Sphere.

Goshen

Staff does not recommend adding the community of Goshen in the Sphere of Influence at this time, even though it is within the City's 2020 Boundary. Policy 6.4.3 of the Land Use Element Update calls for the annexation of Goshen by the year 2000, however this has not been pursued. The City does provide transit services and wastewater treatment services to Goshen, and has mutual aid agreements for police and fire protection. If the City wishes to pursue placing Goshen in the Sphere of Influence, staff recommends that it be processed separately from this comprehensive amendment.

There is a portion of the current Sphere on the west side of Road 76 that overlaps into the Goshen Sphere of Influence and Community Services District. It is permissible to have such overlapping boundaries since both Visalia and Goshen don't provide the same services to this area, though the question has been posed whether these lines should be coterminous. Staff recommends that the current Sphere for Visalia remain on the basis that if the Road 76 right-of-way is in the SOI, then the industrial-designated property on both sides should also be in the SOI since development in these areas will affect carrying capacity on the road.

The staff-recommended Sphere of Influence amendment would mean a 32% increase in the size of the Sphere of Influence that was adopted in 1972, from 53.18 square miles to 70.46 square miles. By comparison, since 1972 Visalia's population has increased 268% from about 31,000 persons to about 114,000 persons. Visalia's incorporated area has increased 140% from 14.75 square miles to 35.36 square miles.

Background & State Law regarding Spheres of Influence:

The Cortese-Knox-Hertzburg Local Government Reorganization Act establishes the procedures for local government changes of organization, including city incorporations and annexations. This is the law that establishes Local Agency Formations Commissions, or LAFCOs, in each County. Since 1972 this law has required that LAFCOs establish what is known as a Sphere of Influence for each incorporated City. Every California city has a Sphere of Influence adopted for them by the LAFCO from their County. Spheres of Influence are not be confused with Urban Development Boundaries or Urban Area Boundaries, which some cities (including Visalia, other Tulare County cities, and some unincorporated communities) adopt as a part of a City General Plan.

A Sphere of Influence is defined as "a plan for the probable physical boundaries and service area of a local agency, as determined by the [Local Agency Formation] commission." The Sphere of Influence typically is defined by drawing a boundary around a City's incorporated area and planned unincorporated expansion area to identify the limits of urban services. This definition helps to differentiate Spheres of Influence from Urban Development Boundaries. UDBs are intended to be used as growth management tools, while Spheres of Influence are intended to show the areas that a certain local agency will provide its services to, those services being the governmental and utility services of that particular agency or city. (Police, fire protection, sewer collection and disposal, storm water drainage, planning and zoning, building inspections, street sweeping, etc. are all considered city services.)

A city cannot annex property that is not within its Sphere of Influence. Therefore, Spheres of Influence are used to resolve which cities or special districts have the ability to annex certain

areas. For example, when the Cities of Visalia and Tulare agreed upon Avenue 264 (Liberty Avenue) as the ultimate dividing line between the two cities in the early 1970's, Tulare County LAFCO followed up by adopting the Spheres of Influence for Tulare and Visalia to meet at Avenue 264. This ensured that one city would not have the ability to cross into another city's area. Because LAFCOs are charged with finding ways to protect prime farmland, Tulare County LAFCO has also utilized the Sphere of Influence as a way to control a City's outward growth and preserve farmland.

Local Policy on Spheres of Influence

In 2002, Tulare County LAFCO adopted a Procedure and Policy Manual, which includes a chapter for processing requests for Sphere of Influence amendments (attached as Exhibit "D"). These Policies affirm the procedures outlined in State law regarding SOIs, including conducting Sphere of Influence Amendments once every five years for Cities. These updates should reflect each City's 20-year growth projection, in which the Cities are responsible to provide LAFCO with this projection prior to its five year review.

While State law allows for Spheres of Influence to include social or economic Communities of Interest relevant to an agency (GC Section 56425(e)(4)), Tulare County LAFCO's policies expands the definition by citing several different scenarios of Communities of Interests, such as publicly-owned facilities and highway corridors (Procedure 5.1).

History of Visalia's Sphere of Influence:

Tulare County LAFCO originally adopted a Sphere of Influence for Visalia in 1972. The Sphere was amended once between 1972 and 2003 (this amendment was in 1988 and was done to exclude portions of Goshen from the Sphere). Since 2003 when the 129,000 UDB expansion was approved, the Council authorized two small piecemeal Sphere amendments for residential developments in the 129,000 UDB, and LAFCO has approved both of these amendments.

Next Steps:

Once the Council approves the resolution recommending areas to add to and remove from the amendment request, staff will then meet with County representatives as required by State law to discuss the proposed amendments, and then submit the requested Sphere of Influence boundary. The City Staff and LAFCO Staff have conducted preliminary meetings over the past several months to discuss boundary issues, processing, and currently adopted policies. The respective City and LAFCO Staff are informed on the various issues and policies affecting the SOI Amendment and will continue to communicate.

Committee/Commission Review and Actions: None.

Prior Council/Board Actions: On October 4, 2004, the City Council held a work session to review and discuss the LAFCO Sphere of Influence.

Committee/Commission Review and Actions: None

Attachments:

- Resolution
- Map A – Recommended new Sphere of Influence

- Map B – Existing Sphere of Influence
- Map C – Analysis Map
- Exhibit “D” – Tulare County LAFCO Procedure and Policy Manual for Spheres of Influence

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution No. 2007-21 recommending a LAFCO Sphere of Influence Amendment for Visalia be submitted to the Local Agency Formation Commission as shown in Map “C”.

Environmental Assessment Status

CEQA Review: Tulare County LAFCO will be the lead agency for the purposes of CEQA review for the Sphere of Influence Amendment.

NEPA Review: None.

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)*

Copies of this report have been provided to:

RESOLUTION NO. 2007-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA RECOMMENDING A PREFERRED LAFCO SPHERE OF INFLUENCE UPDATE FOR VISALIA TO THE LOCAL AGENCY FORMATION COMMISSION

WHEREAS, the Tulare County Local Agency Formation Commission (LAFCO) has initiated the review and updating of the Spheres of Influences for incorporated Cities in the County of Tulare, in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 mandates that mandates the review and update of said spheres not less than once every five years (Govt. Code Section 56425(f)); and

WHEREAS, the adopted Tulare County LAFCO Policy and Procedures Manual allows each incorporated city to submit a proposed amendment to its Sphere of influence to ensure that the Sphere of Influence is up to date; and

WHEREAS, the intent of the Sphere of Influence is to reflect a twenty-year growth area and reflect any additional areas considered as communities of interest to a city; and

WHEREAS, the 1991 Land Use Element Update of the Visalia General Plan has established a 2020 Growth Boundary that shall accommodate Visalia's growth through the year 2020 to a projected population of 165,000 persons; and

WHEREAS, the City Council of the City of Visalia finds that the adopted 2020 Growth Boundary best reflects a twenty-year growth area for the City of Visalia, and that the areas inside the 2020 Growth Boundary should therefore be reflected in the Sphere of Influence for the City of Visalia; and

WHEREAS, the City Council of the City of Visalia finds that there are certain communities of interest that are not included in the City's twenty-year growth area but represent areas that are of particular social and/or economic interest to the City of Visalia, and that these areas should therefore be reflected in the Sphere of Influence for the City of Visalia.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia hereby recommends that the Sphere of Influence shall be amended as shown in the attached Map "C". Specifically, the amendment shall include:

- the removal of Areas 'B' and 'C' which are outside Visalia's 2020 Growth Boundary,
- the additions of Areas 'D', 'E' and 'F' which are inside Visalia's 2020 Growth Boundary, and
- the additions of Areas 'G', 'H', 'I', and 'J' which are considered as Communities of Interest for the City of Visalia

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby authorizes staff to request a Sphere of Influence Amendment to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, to include territory as illustrated in the attached Map "C".

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 5, 2007

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

Agenda Item Wording:

Request to amend the East Downtown Auto Mall – CC&R's and Architectural Design Standards, to amend Section 902(a) (1) Permitted Signage, to be consistent with underlying Design District C sign standards.

a) Authorization to sign amended agreements to change the Auto Center – Conditions, Covenants and Restrictions, and Architectural Design Standards.

Deadline for Action: None

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Andrew Chamberlain, AICP 713-4003
Fred Brusuelas, AICP 713-4364

Department Recommendation: The Community Development Department recommends approval of a request filed by Don Groppetti to amend sign standards in the East Downtown Auto Mall to be consistent with underlying Design District C standards and with sign standards for auto dealers along Ben Maddox south of State Highway 198.

If approved, this action would provide the authority for the Executive Director to sign amended development agreements with property owners related to the specific action noted below.

Section 902(a) (1) of the CC&R's for the East Downtown Auto Mall would be amended to read as follows:

1. Free Standing Monument Signs. One free standing monument sign is permitted for each site. Such sign shall be ground-mounted, containing the dealership name and the principal makes of the new automobiles sold on site. The maximum height, length and total illuminated sign face shall comply with Design District C Standards. Such sign may be placed in the front landscape strip, but shall not be closer to the right of way than five (5) feet.

This recommendation is based upon the following:

- The amendment is consistent with the CC&R's and Architectural Design Standards of the South Ben Maddox Auto Center.

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

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

- The amendment would provide signage opportunities to the East Downtown Auto Mall consistent with the current underlying Design District C standards.

Summary/background: Recently Groppetti Automotive requested that the City of Visalia review and consider changing the sign standards currently in place at the East Downtown Auto Mall located on Ben Maddox Way between Mineral King and East Main Street. Currently the standards call for a maximum sign height of five (5) feet, a maximum length of eight (8) feet, and a maximum sign face area of 35 square feet for monument signs. Mr. Groppetti is requesting an amendment to the sign standards to provide consistency with sign standards for dealerships south of Highway 198 and with underlying design district standards. This change would allow the height restrictions for signage up to ten (10) feet, the elimination of a length restriction, and similar sign face area (35 square feet per face on a two sided sign). This change would be consistent with the Architectural Design Standards of the South Ben Maddox Auto Center located between Tulare Avenue and Noble Avenue. It would also be consistent with sign standards of the underlying Design District “C” for the East Downtown Auto Mall. The existing CC&R sign standards and proposed change is provided in the attached Exhibit.

The attached letter from Don Groppetti outlines the request and some general standards over other auto dealerships within the City of Visalia. The request is to provide parity with the other sites as permitted within the City of Visalia. The request is to amend the permitted signage, of The Auto Center CC&R’s– Architectural Design Standards.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: No other committee or Commission reviews are required for this minor amendment to the guidelines and standards.

Alternatives:

1. Leave current sign standards in place.

Attachments:

- Exhibit and location sketch
- Letter from Groppetti Automotive, represented by Don Groppetti
- Design District C standards
- Design District C Location Map

Recommended Motion (and Alternative Motions if expected): I move to approve an amendment to the Visalia Auto Plaza – Architectural Design Guidelines for signs section 902(a) (1), and authorize the Executive Director to sign amended development agreements with property owners.

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, the Amendment would become effective immediately since it is a minor change in standards which were adopted and applied through a Conditional Zoning Agreement.

EXHIBIT

The current language in the Auto Mall CC&R's

902 PERMITTED SIGNAGE

A) Each dealership shall be entitled to the following signs:

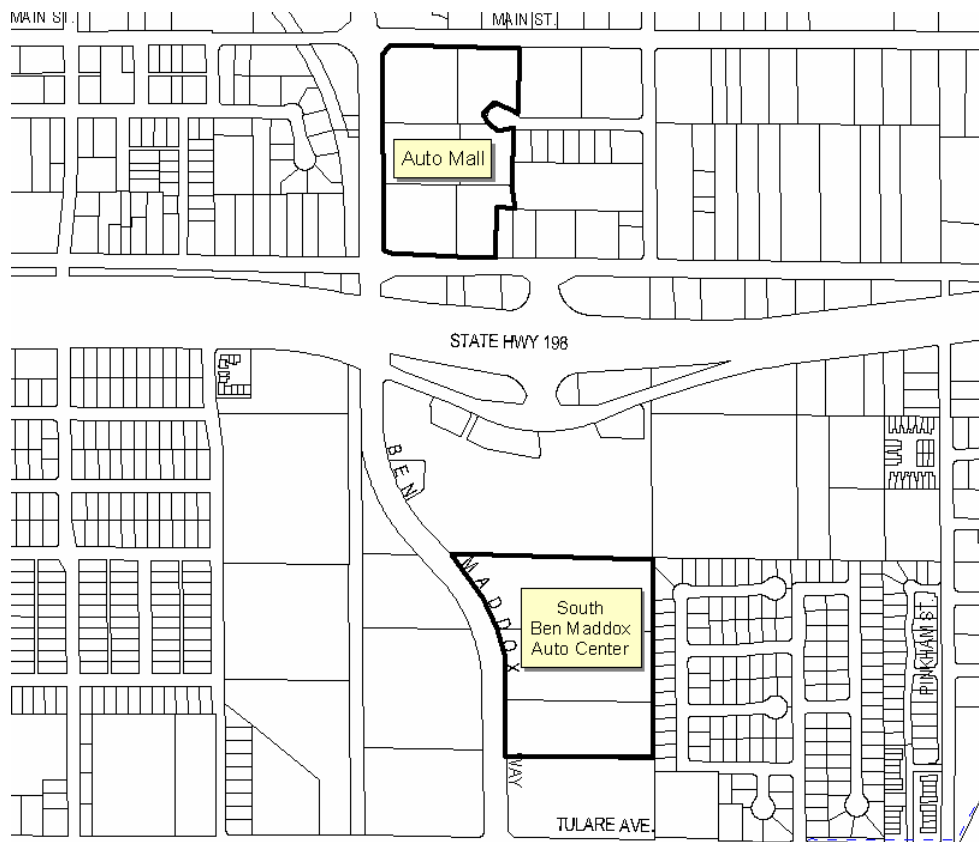
1. Free Standing Monument Signs. One freestanding monument sign is permitted for each site. Such sign shall be ground mounted containing the dealership name and the principal makes of the new automobiles sold on the site. The maximum height of the monument sign shall not exceed (60) inches, with the maximum length no exceeding (96) inches. The total illuminated sign face shall not exceed thirty-five square feet. Such sign may be placed in the front landscape strip, but shall not be closed to the right-of-way than five (5) feet.

The current language in the South Ben Maddox Way Auto Center CC&R's which would be used for the East Main Street Auto Mall

902 PERMITTED SIGNAGE

A) Each dealership shall be entitled to the following signs:

1. Free Standing Monument Signs. One free standing monument sign is permitted for each site. Such sign shall be ground-mounted, containing the dealership name and the principle makes of the new automobiles sold on site. The maximum height, length and total illuminated sign face shall comply with Design District C Standards. Such sign may be placed in the front landscape strip, but shall not be closer to the right of way than five (5) feet.





February 1, 2007

Visalia City Council
425 E. Oak Avenue, Suite 301
Visalia, CA 93291

Council Members:

I am writing this letter to formally request that the City of Visalia review and change sign restrictions that are currently in place under the Conditions, Covenant and Restrictions and Architectural Design Standard for The Auto Center located on Ben Maddox Way between Mineral King and East Main Street. Section 902(a)(1) of these standards call for a maximum height of 60 inches, this is far too restrictive to allow for even the smallest monument size provided by our vehicle manufacturers.

I am requesting that the standard for The Auto Center be amended to provide parity with the other sites when new vehicle auto sales are permitted in Visalia. Currently the standards for auto dealerships in the South Ben Maddox Auto Center allow for signage not to exceed ten (10) feet; I believe this is the same for the west side auto center project. I respectfully request that the standards for The Auto Center be amended to reflect the maximum height of ten (10) feet.

Should you have any questions, please feel free to contact me; I look forward to the City's expedient handling of this situation.

Respectfully,

Don Groppetti

DG:ps

District C Sign Standards

17.48.080 Sign regulations for design districts.

A. The following regulations apply to uses in design districts A, B, C, D, E, and F with the exception of those zones specifically identified in Section 17.48.070. The signs within the downtown retail design district are subject to the provisions of Chapter 17.58.

1. Signs Permitted.

- a. Building signs as specified in Section 17.48.070(A) (2);
- b. One pedestrian oriented sign per occupancy;
- c. One freestanding sign per commercial site.

2. Building Signs.

a. Permitted Sign Area. Two square feet of sign area is permitted for each foot of linear occupancy frontage to a maximum area of one hundred fifty (150) square feet. A building sign may not exceed the height of the roof line or parapet wall upon which it is mounted. Building signs may not exceed eighty (80) percent of the surface upon which it is mounted.

b. Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The building signs, however, shall be mounted on the building used to calculate the permitted sign area.

c. Additional signs of a maximum twenty-five (25) percent of the sign area as calculated in Section 17.48.080(A)(2)(b) shall be allowed for each remaining exterior wall provided that the sign area for any given wall does not exceed two square feet per linear foot of the wall length.

d. Commercial buildings which occupy the entire depth of a city block shall be eligible to apply for signing on each of the street exposures.

e. Commercial buildings which have alley access shall be eligible to apply for signing on both the street and the alley frontages.

f. Building signs shall be mounted flush against or be oriented parallel to the wall of the structure on which it is located. No part of the sign shall extend more than eighteen inches (18) from the surface of the structure except in those cases as specified in Section 17.48.040(C).

g. Signs may be mounted on a mansard or angled roof. The sign shall not, however, extend higher than the peak of the roof.

h. The sign area as calculated for the occupancy frontage may be used on the occupancy frontage or may be divided between the occupancy frontage and any other exterior walls; provided, that the total sign area does not exceed that as calculated for the occupancy frontage or that the sign area on any exterior wall does not exceed two square feet per one foot of linear occupancy frontage.

i. Each building of shopping center may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business or the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area may be calculated, the sign area used for the reader board shall be deducted from the total permitted for that occupancy.

j. Reader boards shall be designed as one sign with each copy panel consisting of similar materials and design. Permits for reader boards shall not be issued without consent of the property owner.

3. Freestanding Sign.

a. Each commercial site, excluding highway commercial uses along Highway 198 and Highway 99 is permitted one double-faced freestanding sign, not exceeding an area of thirty-five (35) square feet of sign copy per face. The total area of the aggregate surface of the sign face and the sign structure, as viewed from one side, may not exceed seventy square feet. The freestanding sign shall not exceed a height of ten feet.

b. The total area of the sign faces of a multi-sided freestanding sign shall not exceed seventy (70) square feet, and the total area of the aggregate surface of the sign faces and the sign structure shall not exceed one hundred forty (140) square feet.

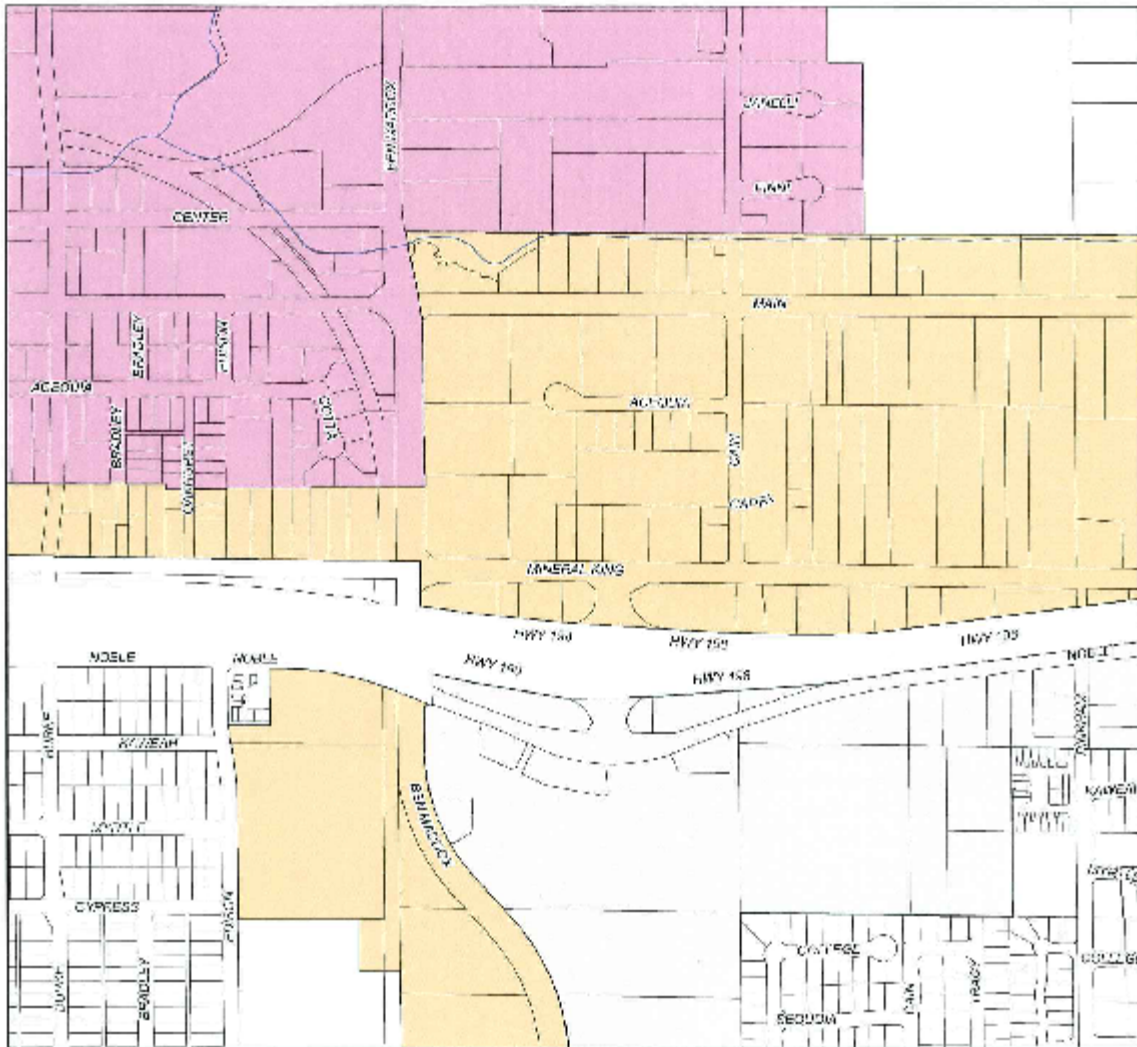
c. Freestanding signs may be located within the required setback areas without the required variance procedure as long as all parts of the freestanding sign are located more than five feet from the front property line and public or private right-of-way line, except in design districts E and D in which signs may be located up to the property line upon approval of the planning department.

d. A freestanding sign shall be set back a minimum of twenty (20) feet from any interior side property line. Encroachment into the twenty (20) foot setback may be approved by the planning department where the location of existing improvements presents a functional hardship to compliance with the required setback.

e. Highway commercial uses along Highway 198 and Highway 99 are permitted one double-faced freestanding sign per commercial site not exceeding a sign area of seventy (70) square feet per face or a height of twenty (20) feet.

f. Freestanding signs ten feet or less in height shall be mounted on a base, the width of which is not less than fifty (50) percent of the width of the widest part of the sign.

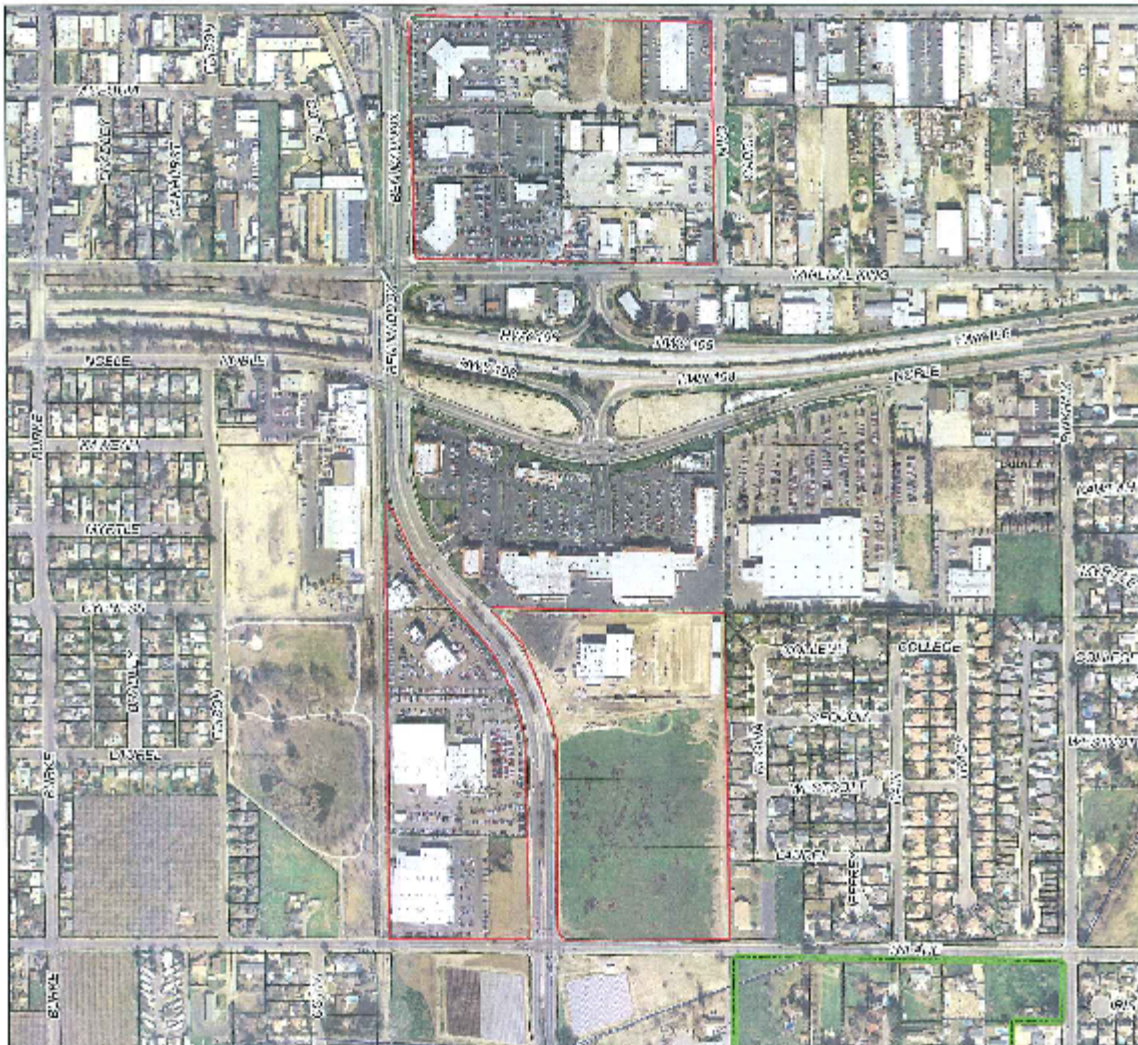
DESIGN DISTRICTS



1 inch equals 175 yards



AUTO MALLS



1 inch equals 160 yards



**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 5, 2007

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Public Hearing for Village West Special Assessment Ballot and award of the project to Henderson Construction for \$71,475 is the assessment district is approved.

Deadline for Action: March 5, 2007

Submitting Department: Community Development and Administrative Services

Contact Name and Phone Number: Eric Frost, x4474; Jim Funk, x4540

Department Recommendation: That the following actions take place:

1. Mayor opens the public hearing.
2. Mayor requests staff report:
 - (a) City Staff makes report regarding construction bids, scope of the project, number of written protests, etc.;
 - (b) Bond Counsel makes report as to the jurisdiction of the Council to hold the hearing and election and the legal requirements that have to be met to go forward.
3. Mayor requests any protest communications from owners and other interested parties.
4. Mayor closes the public hearing and requests the Clerk to open and count the ballots.
5. The Clerk reports on the results of the election.
6. If there is not a majority protest filed (the "yes" votes are more than the "no" votes), Bond Counsel is requested to present and explain the following resolutions to be considered for adoption:
 - (a) A Resolution of the City Council of the City of Visalia of Award of Contract; and,

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.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

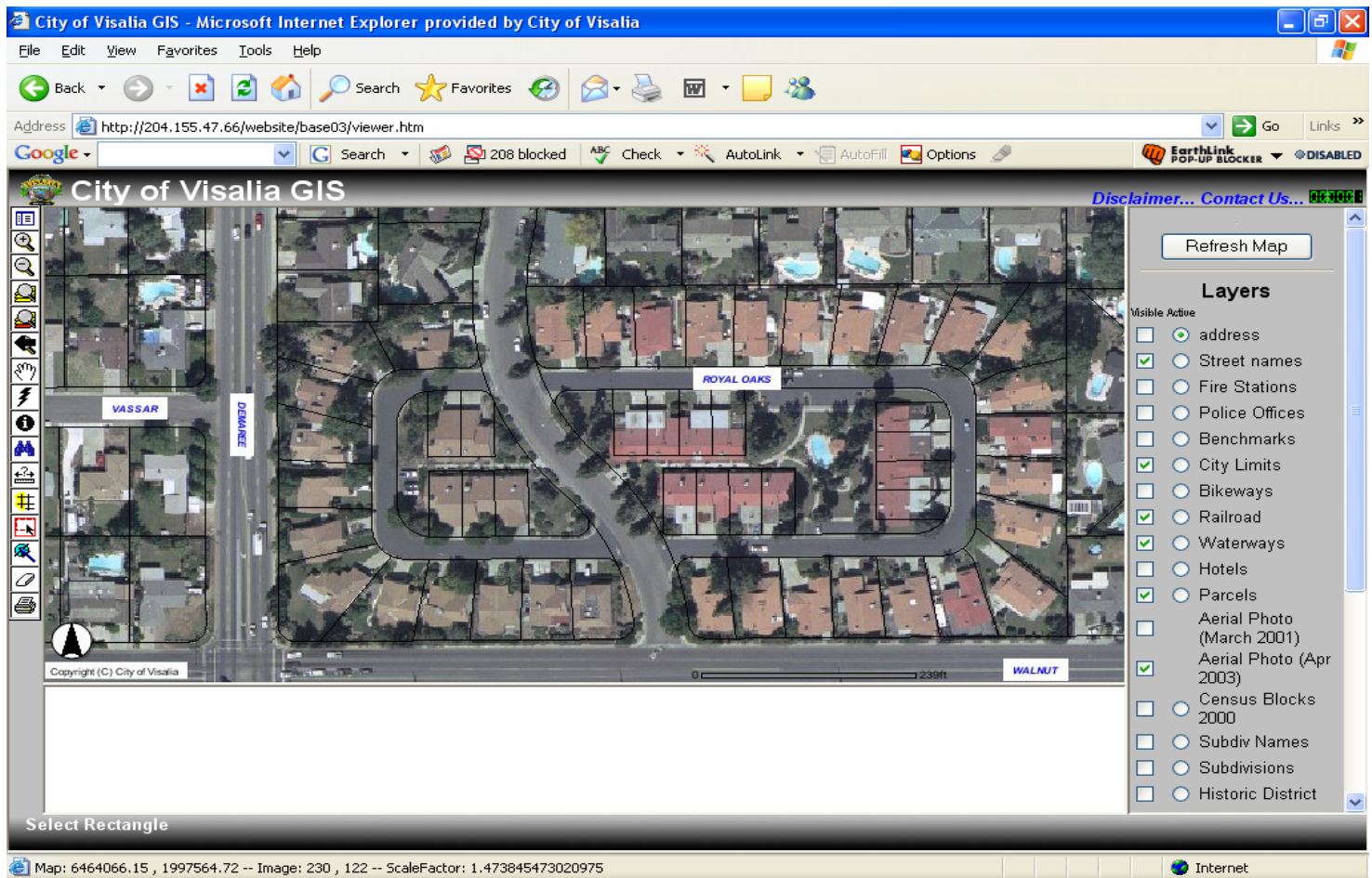
If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

(b) A Resolution of the City Council of the City of Visalia Adopting Engineer's Revised Report, Confirming the Assessment, Ordering the Work and Acquisitions and Directing Actions With Respect thereto

Summary/background:

Village West is a subdivision built in the early 1970s with a private street, accessible to the public. The subdivision is located to the Northeast of the Walnut and Demaree intersection. The subdivision's private street, Royal Oaks Drive, provides a loop to the local residents. The City's street, also Royal Oaks Drive, intersects the loop as shown on Picture I, Village West Aerial Map. (The aerial map marks the private road as Royal Oaks. This street is Royal Oaks Drive; the intersecting private street is also called Royal Oaks Drive.) The private street was not built to City standards nor was the street ever accepted by the City. However, the street is open to the public.

Picture I
Village West Aerial Map



Over time, the street has deteriorated to the point it needs to be substantially improved. The residents of the subdivision approached the City, asking for assistance to repave their street. The homeowners' major problem is that a number of the homeowners are on fixed incomes and

would find a \$2,500 assessment difficult to pay. Essentially, the homeowners asked if there was some way to have the City finance the project.

The project qualified under the laws which govern street assessments and the City formed an assessment district based upon petitions from over 80% of the property owners.

To assist the homeowners in this process, the City prepared the preliminary petition including the district boundaries and scope of work without cost to the homeowners. The homeowners circulated the petition and presented the petitions to the City Clerk in sufficient numbers to qualify for the creation of a special assessment district. To proceed forward, the City prepared a ballot to be sent to each of the property owners. Each assessment, if charged equally to each property owner, would have equal weight; one assessment is equal to one vote.

The City's engineers have designed an overlay project for Royal Oaks. The homeowners reviewed the plan and Engineering has bid the project. The results of the bid process are reported in Mr. Jim Funk's attached staff report. The recommended bid award is Henderson Construction Co. from Fresno at a bid price of \$71,475. This amount is substantially below the circulated ballot measure of \$97,768.

The City is holding tonight's public hearing to receive the votes on this special assessment project. If the assessment is approved, the City would advance the amounts necessary to construct the project, which advance would be prepaid by the property owners at 6% interest and be secured by the assessment lien recorded on each property in the district. The proposed budget has been revised to reflect the proposed bid award on the following page, Table I, Village West Street Bonds.

Table I
Village West Street Bonds

Homes:	50	
Term (yrs):	15	
Rate	6%	
<u>Annual Assessment</u>		
- Total District	10,090	
- Per Lot	202	
<u>Project Cost</u>		
Construction		82,000
<u>Incidental</u>		
Legal	10,500	
City Engineering	2,500	
City Admin	2,000	
Publication, Misc.	1,000	
		16,000
Revised Budget		<u>98,000</u>

In regards to the budget, the construction budget is more than the award to allow for a contingency and to pay for soils testing and other construction costs to complete the project. Further, the legal cost was set prior to beginning the process if the district proceeded forward. To the extent of the remaining costs are still estimates and the final costs are less than budgeted, monies will be reapplied to all the assessment bonds, further reducing the assessments to each of the property owners. At the same time it is noteworthy that the budgeted assessment was \$2,275 a parcel and is now \$1,960 in the revised Engineer's Report.

The actions for tonight are to conduct a public hearing, open ballots and, if the vote supports the special assessment, confirm the engineer's report, authorize the award of the proposed street contract and authorize the recordation of an assessment lien upon each assessed parcel.

Prior Council/Board Actions: Council has conducted meetings on August 7, 2006, December 18, 2006 and January 8, 2007 on this matter.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Revised Engineer's Report (Assessments have been reduced to reflect favorable construction bid.)

Recommended Motion (and Alternative Motions if expected):

If the ballot supports the special assessment, the following action would be appropriate:

- 1) Move approval of resolution 2007-22 adopting the revised engineer's report, confirming the assessment, ordering the work and acquisitions and directing actions with respect to the Village West Improvement Project; and,
- 2) Move approval of resolution 2007-23 awarding the Village West Improvement Project to Henderson Construction of Fresno for \$71,475.00.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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)*

Copies of this report have been provided to: The Homeowners Association of Village West

REVISED ENGINEER'S REPORT
VILLAGE WEST STREET ASSESSMENT DISTRICT

The undersigned respectfully submits the enclosed report as directed by the City Council.

DATED: March 5, 2007

ANDREW J. BENELLI

Public Works Director, Engineer of Work

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the December 13, 2006.

LESLIE CAVILGIA, Deputy City Clerk, City of Visalia, Tulare County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Visalia, Tulare County, California, on the _____ day of _____, 2007.

LESLIE CAVILGIA, Deputy City Clerk, City of Visalia, Tulare County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was recorded in my office on the _____ day of _____, 2007.

ANDREW J. BENELLI

Public Works Director, City of Visalia, Tulare County, California

By _____

EXHIBIT A
PLANS AND SPECIFICATIONS
PLANS ARE A PART OF THIS REPORT WHETHER OR NOT SEPARATELY BOUND

Project layout plan and standard plans and specifications are available in the City Engineer's Office

EXHIBIT B
ENGINEER'S COST ESTIMATE
VILLAGE WEST STREET ASSESSMENT DISTRICT

1.	Construction Costs		\$ 82,000
2.	Incidental Costs		
	a)	Design and Construction Engineering	\$ 2,500
	b)	Legal Fee	\$ 10,000
	d)	Bond Counsel out of pocket	\$ 500
	e)	City Administration Costs	\$ 2,000
	f)	Publication, Auditor's Record	\$ <u>1,000</u>
	Total Incidental Costs		\$ <u>16,000</u>
	Total Estimated Cost of Project		\$ 98,000
	Balance to Assessment		\$ 98,000

EXHIBIT C

VILLAGE WEST STREET ASSESSMENT DISTRICT
ASSESSMENT ROLL

Assessment No.	Assessment Parcel No .	Assessment Amount
1	095-242-029	\$ 1,960.00
2	095-242-030	\$ 1,960.00
3	095-242-031	\$ 1,960.00
4	095-242-032	\$ 1,960.00
5	095-242-033	\$ 1,960.00
6	095-242-034	\$ 1,960.00
7	095-242-035	\$ 1,960.00
8	095-242-036	\$ 1,960.00
9	095-242-037	\$ 1,960.00
10	095-242-038	\$ 1,960.00
11	095-241-002	\$ 1,960.00
12	095-241-003	\$ 1,960.00
13	095-241-004	\$ 1,960.00
14	095-242-028	\$ 1,960.00
15	095-242-042	\$ 1,960.00
16	095-242-041	\$ 1,960.00
17	095-242-040	\$ 1,960.00
18	095-242-039	\$ 1,960.00
19	095-241-019	\$ 1,960.00
20	095-241-018	\$ 1,960.00
21	095-242-043	\$ 1,960.00
22	095-241-005	\$ 1,960.00
23	095-242-027	\$ 1,960.00
24	095-242-044	\$ 1,960.00
25	095-242-026	\$ 1,960.00
26	095-241-006	\$ 1,960.00

Assessment No.	Assessment Parcel No	Assessment Amount
27	095-242-045	\$ 1,960.00
28	095-242-047	\$ 1,960.00
29	095-242-048	\$ 1,960.00
30	095-242-049	\$ 1,960.00
31	095-242-050	\$ 1,960.00
32	095-241-014	\$ 1,960.00
33	095-241-015	\$ 1,960.00
34	095-241-016	\$ 1,960.00
35	095-242-046	\$ 1,960.00
36	095-242-025	\$ 1,960.00
37	095-241-007	\$ 1,960.00
38	095-242-024	\$ 1,960.00
39	095-241-008	\$ 1,960.00
40	095-242-023	\$ 1,960.00
41	095-242-022	\$ 1,960.00
42	095-241-009	\$ 1,960.00
43	095-242-021	\$ 1,960.00
44	095-242-020	\$ 1,960.00
45	095-242-019	\$ 1,960.00
46	095-242-018	\$ 1,960.00
47	095-241-013	\$ 1,960.00
48	095-241-012	\$ 1,960.00
49	095-241-011	\$ 1,960.00
50	095-241-010	\$ 1,960.00

EXHIBIT D
VILLAGE WEST STREET ASSESSMENT DISTRICT

Proposed Rules for Spread of Assessment

1. Assessments shall be determined on the basis of number of units. The estimated construction cost, plus incidental costs will be spread equally to each of the benefiting parcels.
2. Street construction costs, including curb and gutter improvements, and miscellaneous construction items along with incidentals shall be spread equally to the individual parcels in proportion to the number of the parcel.
3. Incidentals shall be spread for each parcel on the unit cost basis.

EXHIBIT E

VILLAGE WEST STREET ASSESSMENT DISTRICT

LIST OF PROPERTY OWNERS

<u>Assessment Number</u>	<u>Owner</u>	<u>Address</u>
1	Bookout, Ralph W. & Betty	5617 W. Grove Ct., Visalia
2	Miller, George & Rosalie (TRS)	125 Victor Ct., Visalia
3	Russ, Gene R. & Judith M.	1846 Royal Oaks Dr., Visalia
4	Rocha, Georgia R. (TR)	1844 Royal Oaks Dr., Visalia
5	Cox, James P. & Edna F. (TRS)	1842 Royal Oaks Dr., Visalia
6	Givan, Carolyn (TR)	2615 S. Stevenson St., Visalia
7	Rugeroni, David & Joyce A.	1838 Royal Oaks Dr., Visalia
8	Cross, Robert	1836 S. Royal Oaks Dr., Visalia
9	Maloy, Lily D.	1834 Royal Oaks Dr., Visalia
10	Daguerre, Dave	2719 E. Feemster, Visalia
11	Dally, Deanna R.	1831 S. Royal Oaks Ave., Visalia
12	Scott, Gail A. (TR)	1835 Royal Oaks Dr., Visalia
13	Marquez, Monica	1909 S. Royal Oaks Dr., Visalia
14	Brumit, Philip D.	P.O. Box 3185, Visalia
15	Adams, Sharon Louise	1906 Royal Oaks Dr., Visalia
16	Walker, Steven C.	1904 Royal Oaks Dr., Visalia
17	Ediger, Gladys F.	1902 Royal Oaks Dr., Visalia
18	Lenox, Doris	1900 Royal Oaks Dr., Visalia
19	Mosley, Lloyd H. & Leslie A.	3501 S. Willis St., Visalia
20	Cox, Brian K. & Patricia L.	P.O. Box 3544, Visalia
21	Rorax, Ola H. (TR)	1238 S. Sowell, Visalia
22	Crouse, Everett C. & Eufemia	1915 S. Royal Oaks Dr., Visalia
23	Tyler, Russell W. & Judith (TRS)	1912 Royal Oaks Dr., Visalia
24	Jordan, Bill R.	1809 W. Main St., Suite A, Visalia
25	Tweed, Kathleen B. (TR)	1918 S. Royal Oaks, Visalia
26	McCormick, Jack R. (TR)	3434 Fairmont Ct., Visalia
27	Dehore, Bradley C.	1916 Royal Oaks Dr., Visalia
28	Fisher, Allen	1934 Royal Oaks Dr., Visalia

29	Hanhauser, Thomas J. & Adrienne	530 Elvis Dr., San Jose
30	Salas, Enrique Jr.	1940 S. Royal Oaks, Visalia
31	Manuele, Candyce E.	1942 Royal Oaks, Visalia
32	Kampen, Clara G.	1939 Royal Oaks Dr., Visalia
33	Mosley, Lloyd H. & Leslie A.	3501 S. Willis Ct., Visalia
34	Schmid, Leslie J (TR)	1931 S. Royal Oaks Ave., Visalia
35	Mata, Carmen	1920 Royal Oaks Dr., Visalia
36	Shuman, Melissa & Brian	1922 S. Royal Oaks Dr., Visalia
37	Morrice, Edna (TR)	1923 Royal Oaks Dr., Visalia
38	De La O, Francis D.	1924 Royal Oaks Dr., Visalia
39	Esbenshade, Phillip W. & Laura M.	1925 S. Royal Oaks Dr., Visalia
40	Allen, Jack N. & Shirley A.	1926 Royal Oaks Dr., Visalia
41	Sutton, Marion O. (TR)	1928 Royal Oaks Dr., Visalia
42	Krammer, Judith Ann	1929 S. Royal Oaks Dr., Visalia
43	Walters, Kenneth Dale	1930 Royal Oaks Dr., Visalia
44	Davis, Barbara L.	1932 S. Royal Oaks Dr., Visalia
45	Bookout, Ralph W. & Betty	5617 W. Grove Ct., Visalia
46	Powell, John & Pamela K.	1944 S. Royal Oaks Dr., Visalia
47	Black, Blaine G. & Tamara A.	1943 Royal Oaks Dr., Visalia
48	Bardone, Alfredo & Kathryn (TRS)	1941 S. Royal Oaks, Visalia
49	Simoës, Michelle	13260 Rd. 136, Tipton
50	Hubbard, John D. & Pam J. (TRS)	1933 S. Royal Oaks Dr., Visalia

EXHIBIT F

ASSESSMENT DIAGRAM

Previously Provided. Available with Public Works.

EXHIBIT G
PROPOSED MAXIMUM ANNUAL ASSESSMENT PER PARCEL FOR CURRENT
COSTS AND EXPENSES
VILLAGE WEST STREET ASSESSMENT DISTRICT

Pursuant to Section 10204 (f) of the California Streets and Highways Code, the City Council intends to impose an annual assessment upon each of the several parcels of land in this assessment district to pay a portion of the cost and expense incurred by the City and not otherwise reimbursed, which results from the administration and collection of assessments or from the administration or registration of the associated 1915 Act bonds and the related reserve fund, bond redemption fund and any other related funds. The maximum amount of such annual assessment shall be calculated as 2% of the total assessment levied upon each such parcel of land.

RESOLUTION NO. 2007-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA OF
AWARD OF CONTRACT

VILLAGE WEST IMPROVEMENT PROJECT

WHEREAS, the City Clerk of the City of Visalia pursuant to Resolution No. _____ did, on March 5, 2007, publicly open, examine, and declare all sealed proposals or bids for the work to be done and improvements to be made, as described and specified in Resolution No. _____ adopted by said City Council on January 8, 2007.

NOW, THEREFORE, IT IS ORDERED as follows:

1. That said Council hereby rejects all of said proposals or bids except as hereinafter mentioned, and hereby awards the contract for doing the work and improvements and furnishing the materials, supplies and equipment necessary therefore, to the lowest bidder to wit: Henderson Construction Co. of Fresno at the unit prices named in its bid.

2. That the City Manager is hereby authorized to approve a written contract made and entered into by and between the City and said successful bidder, and to receive and approve all bonds in connection therewith, and the City Clerk, or a duly appointed Deputy City Clerk, is hereby direct to attest her signature and affix thereto the official seal of said City.

PASSED AND ADOPTED by the City Council of the City of Visalia, State of California, this 5th day of March 2007, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

Mayor

ATTEST: _____
City Clerk

RESOLUTION NO. 2007-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA ADOPTING
ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT, ORDERING THE WORK
AND ACQUISITIONS AND DIRECTING ACTIONS WITH RESPECT THERETO

VILLAGE WEST IMPROVEMENT PROJECT

RESOLVED by the City Council (the "Council") of the City of Visalia (the "City"), that:

WHEREAS, on August 7, 2006, this Council adopted Resolution No. 2006-64, A Resolution of the City of Visalia of Intention to Provide a Loan and Cause the Construction of Improvements Pursuant to the Streets and Highways Code, and in it directed the Engineer of Work to make and file a report in writing in accordance with and pursuant to the Municipal Improvement Act of 1913 (the "Act") in and for the City's proposed Village West Improvement Project (the "Improvement Project").

WHEREAS, the report was made and filed, and considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the Resolution of Intention, and Monday, March 5, 2007 at the hour of 7:00 p.m., in the meeting place of the City Council, Council Chambers, 707 West Acequia Avenue, Visalia, California, 93291, were the time and place for a public hearing to take testimony and for hearing protests in relation to the proposed improvements, for tabulation of assessment ballots and final action upon the Engineer's Report, notices of which hearing, including assessment ballots, were mailed as required by law; and

WHEREAS, the hearing was held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the improvements were fully heard and considered by this Council, and any protests, both written and oral, were duly heard, considered, and all assessment ballots submitted by property owners were received and tabulated;

NOW, THEREFORE, IT IS ORDERED as follows:

1. No Majority Protest; Protests Overruled. It is hereby determined that, upon the conclusion of the public hearing, and after tabulation of the assessment ballots submitted, no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots were weighted according to the proportional financial obligation of the affected properties. The protests against the proposed improvements or the grades at which the work is proposed to be done, as a whole or as to any part thereof, or against the Improvement Project or the extent thereof to be assessed for the costs and expenses of the improvements, as a whole or as to any part thereof, or against the engineer's estimate of costs and expenses, in whole or in part, or against the maps and descriptions, in whole or in part, or against the diagram or the assessment to pay for the costs and expenses thereof, in whole or in part, written and oral, are hereby overruled.

2. Public Interest. The public interest, convenience and necessity require that the improvements be made and that the Improvement Project be created.
3. Improvement Project Described. The Improvement Project benefited by the improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.
4. Engineer's Report Approved. The Engineer's Report (the "Engineer's Report") in the form on file in the office of the City Clerk and to which reference is hereby made for further particulars, including the estimates of costs and expenses, the apportionment of assessments and the assessment diagram contained in the Engineer's Report, is hereby approved and confirmed and shall stand as the Engineer's Report for these and all future proceedings for the Improvement Project.
5. Benefits Determined. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, this Council expressly finds and determines that:
 - (a) each of the several subdivisions of land in the Improvement Project will be specially benefited by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the subdivisions of land, respectively; and
 - (b) there is evidence to support, and the weight of the evidence preponderates in favor of, the finding and determination as to special benefits.
6. Improvements Ordered, Improvement Project Formed and Assessments Confirmed. This Council hereby orders that the improvements described in the Resolution of Intention be made, the Improvement Project be formed and that the assessment to pay the costs and expenses thereof be confirmed and are hereby levied. For further particulars pursuant to the provisions of the Act, reference is hereby made to the Resolution of Intention and Engineer's Report.
7. Recording Ordered. The City Clerk shall forthwith:
 - (a) deliver to the City Engineer the assessment as contained in the Engineer's Report together with the assessment diagram, as approved and confirmed by this Council, with a certificate of such confirmation and of the date thereof, executed by the City Clerk, attached thereto. The City Engineer shall record the assessment and diagram in a suitable book to be kept for that purpose, and append thereto a certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein; and,
 - (b) cause a copy of the assessment diagram and a notice of assessment, substantially the form provided in Section 3114 of the Streets and Highways Code of California, executed by the City Clerk, to be filed and recorded, respectively, in the office of the County Recorder of the County of Tulare.

From the date of recording of the notice of assessment, all persons shall be deemed to have notice of the contents of such assessment, and each of such assessments shall thereupon be a lien upon the property against which it is made, and unless sooner discharged such liens shall so continue for the period of ten (10) years from the date of the recordation, or in the event bonds are issued to represent the assessments, then such liens shall continue until the expiration of four (4) years after the due date of the last installment upon the bonds or of the last installment of principal of the bonds. The appropriate officer or officers of the City are hereby authorized to take all actions and to pay any and all fees required by law in connection with the above.

8. That said City Engineer, upon recording of said diagram and assessment, shall mail, or cause to be mailed, to each owner of real property within the Improvement Project at his or her last known address as the same appear on the tax rolls of the City or on file in the Office of the City Clerk, or to both addresses if said address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds may be issued on the unpaid assessments pursuant to the Improvement Bond Act of 1915.
9. That said City Engineer shall also give notice by publishing a Notice to Pay Assessments by two successive insertions in a newspaper published and circulated in said City, that said assessment has been recorded in his office, and that all sums assessed thereon are due and payable immediately, and that the payment of said sums is to be made thirty (30) days after the date of recording said assessment, which date shall be stated in said notice, and of the fact that bonds may be issued upon unpaid assessments as above provided.

10. Effective Date. This resolution shall be effective upon the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Visalia, State of California, this 5th day of March 2007, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

Mayor

ATTEST:

City Clerk

Attachment #1

City of Visalia Agenda Item Transmittal

Meeting Date: March 5, 2007

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Award a contract for the Village West Street Reconstruction Project to Henderson Construction Co. in the amount of \$71,475.00; Project No. 8006-2006.

Deadline for Action: March 19, 2007 (30 days after bid opening)

Submitting Department: Public Works / Engineering Design

Contact Name and Phone Number:

Jim Funk 713-4540;

Department Recommendation:

Staff recommends that the City Council award a contract to Henderson Construction Co. of Fresno, Ca., in the amount of \$71,475.00 for the Village West Street Reconstruction Project; Project No. 8006-2006.

Discussion:

Village West Subdivision is a private subdivision in which the streets were originally constructed in the 1970's. Currently, due to the age of the asphalt the road section is broken and needs reconstruction. The Homeowner's Association is voting on a ballot for a special assessment to pay for the road improvements. Improvements include pulverizing the existing asphalt pavement and aggregate base rock, grading the material and laying a new two-inch asphalt mat over the material. The contractor will also replace a damaged section of curb and gutter with new concrete curb and gutter.

On February 15, 2007 Engineering Staff opened seven (7) bids submitted for the Village West Street Reconstruction Project. The results of the bid opening are as follows:

1. Henderson Construction Co.	Fresno	\$ 71,475.00
2. Central Valley Asphalt (CVA)	Lindsay	\$ 79,460.00
3. Don Berry Construction, Inc.	Selma	\$ 87,750.00
4. Lee's Paving, Inc.	Visalia	\$ 88,075.00
5. Garcia Paving Company Inc.	Fresno	\$ 89,648.00
6. R.J. Berry Jr., Inc.	Selma	\$ 96,250.00
7. Dunn's Sand Inc.	Visalia	\$123,000.00

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

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

The Engineer's Estimate for the construction contract is \$97,775.00. Based on the bid results the estimated budget amount for the project is \$82,000 and includes the construction cost of the project plus construction management, inspections, surveying and testing.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to award a contract for the Village West Street Reconstruction Project to Henderson Construction Co. in the amount of \$71,475.00.

Financial Impact

Funding Source:

Account Number: 8006

Budget Recap:

Total Estimated cost: \$ 97,775.00	New Revenue: \$
Amount Budgeted: \$ 0.00	Lost Revenue: \$
New funding required: \$ 0.00	New Personnel: \$
Council Policy Change: Yes ___ No <u>X</u>	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No X

Review and Action: Prior: Required: This project is considered routine maintenance of an existing facility.

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)

City of Visalia Agenda Item Transmittal

Meeting Date: March 5, 2007

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

Agenda Item Wording: Authorize the Mayor to send a letter to Tulare County Board of Supervisors, Chairman Allen Ishida, indicating the City of Visalia's willingness to cooperate on the future planning for Mooney Grove Park.

Deadline for Action:

Submitting Department: Administration

Contact Name and Phone Number:

Steve Salomon (559) 713-4312

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:

Authorize the Mayor to send a letter to the Chairman Allen Ishida, indicating the City of Visalia's willingness to cooperate on planning for the future of Mooney Grove Park.

Background:

The land for what is now Mooney Grove Park was donated to the County in the early 1900's. At that time, the city limits for Visalia were a number of miles away. Today, the park is actually within the city limits. Historically, the County and the City have not done any joint planning for the future of the park.

Chairman Ishida has initiated some discussions concerning the concept for joint planning. The County hopes to upgrade and improve the museum facilities in the park. In addition, there has been significant growth in both the city and the region since the park was established.

In the future, it is conceivable that the right-a-way for a light rail line will go near the park. In addition, the cities of Tulare and Visalia are hoping to link their trail systems, which will occur in or near the park. The City of Visalia also has a trail system along Cameron Creek in the city limits. Cameron Creek is also in Mooney Grove Park. Thus, there are a number of reasons why it would be beneficial for the City and the County to work together.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Council authorizes the Mayor to send a letter to the Tulare County Board of Supervisors Chairman Allen Ishida, indicating the City of Visalia's willingness to cooperate on the future planning for Mooney Grove Park.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: February 20, 2007

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Accept the City of Visalia Cash and Investment Report for the second quarter ending December 31, 2006.

Deadline for Action: None

Submitting Department: Administration - Finance

Contact Name and Phone Number: Eric Frost 713-4474, Cass Cook 713-4425

Department Recommendation: It is recommended that Council accept the City of Visalia Cash and Investment Report for the quarter ending December 31, 2006.

Economic Outlook

The Federal Open Market Committee (FOMC) did not raise the Fed Funds rate at its last meeting. The Fed Funds rate greatly influences short-term interest rates and over time influences long-term interest rates. At the FOMC's last meeting, the Federal Reserve Board of Governors said, "Recent indicators have suggested somewhat firmer economic growth, and some tentative signs of stabilization have appeared in the housing market. Overall, the economy seems likely to expand at a moderate pace over coming quarters. "

(Federal Reserve)

<http://www.federalreserve.gov/boarddocs/press/monetary/2007/20070131/default.htm>

The growing consensus among economists is that the economy is now headed for a soft landing and that moderate economic growth is expected over the next year. Corporate earnings are up, unemployment remains low, and despite the downturn in the housing market the economy continues to expand. Staff believes the Fed Funds rate will remain at 5.25% at least through June.

Portfolio Performance

The December, 2006 investment report had a managed balance of \$101.43 million. This is a decrease of \$13.46 million in the portfolio balance since the end of September 2006. The decrease in the balance is attributed to the increase in expenditures for capital projects. From October to December, approximately \$10.45 has been expended on the following capital projects:

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

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

- Parking Structure
- Sports Park
- Transit Maintenance Facility
- Police Precincts
- CNG Fueling Station
- Northwest Fire Station

The monthly portfolio earnings rate came to 4.29%. The year-to-date rate for 2006-07 (July-September) averaged 4.06%. Key benchmarks and performance statistics for the City's portfolio are shown below in Table 1, Managed Portfolio Performance Statistics.

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

Quarter Ending	Portfolio Balance	City Monthly Portfolio Rate	LAIF Balance	LAIF Rate	2 YR Treasury	Weighted Average Maturity (WAM)
September, 2006	\$114.89	4.40%	\$5.94	5.09%	4.71%	1.82 years
December, 2006	\$101.43	4.29%	\$3.23	5.12%	4.81%	1.83 years
Year-To-Date Rate for 2006-2007		4.06%		5.00%	4.75%	

LAIF Rate v. Visalia Portfolio Rate

Through September of 2006 the City had typically been purchasing \$2-5 million worth of securities each month which matured in three to five years. Staff had followed this plan to increase the weighted average maturity of the investment portfolio and attempt to take advantage of the rate environment. As a result the weighted average maturity (WAM), rose from 1.26 years in September of 2005 to 1.82 years in September of 2006. Conversely LAIF had been purchasing securities with shorter maturities. LAIF's WAM has averaged 5 to 6 months. From September of 2005 to September of 2006 Treasuries maturing in 5 years increased by only 39 basis points while Treasuries maturing in 6 months increased by 108 basis points. Because the City purchased securities with longer maturities, the portfolio rate did not rise as fast as if securities with shorter maturities were purchased. Consequently the City's portfolio rate has lagged the LAIF rate.

Future Management

The City manages the portfolio partly by considering the weighted average maturity (WAM) based upon management's expectations for rising, neutral or declining interest rates. Usually, the longer an investment's maturity, the higher the interest rate will be. However, the longer the maturity, the more at risk the portfolio is to market gains or losses due interest rate changes. As a result, the City has a target WAM based upon expected interest rate environments as shown on Table II, Target Weighted Average Maturity (WAM) Based on Interest Rate Expectations.

Table II

Target Weighted Average Maturity (WAM)
Based Upon Interest Rate Expectations

Forecasted Interest Rate Environment	Target WAM (Years)
Rising	1.00
Neutral	2.00
Declining	3.00

The Fed Funds rate is projected to remain unchanged at 5.25% through June of 2007 and possibly through December. Normally under neutral conditions the City goals would be to have a weighted average maturity of 2.0 years. The WAM through December was 1.8 years. This would suggest that the City should purchase investments with longer maturities. Yet the greatest yields are at the shorter end of the curve. With projected stable economic growth, the yields at the short end of the curve should remain steady.

With steady rates the City will keep enough funds in LAIF to meet liquidity needs, while pursuing investments with longer maturities and yields greater than LAIF. If rates start to decline, the City will purchase investments with longer maturities. If rates begin to rise, the LAIF balance will be increased.

Cash Summary

The City's cash and investments consist of the following as shown on Table III: Cash Summary at Par Value (in millions) as of 12/31/06.

Table III: Cash Summary at Par Value, 12/31/06

Investment Type	Amount (in millions)
Managed Portfolio	
LAIF	\$3.23
CD's	\$0.20
Agencies	\$89.00
Medium Term Notes	\$7.00
Treasury Notes	\$2.00
Total Managed Portfolio	\$101.43
Trustee Cash and Investments	\$7.39
Banks & Depositories	\$1.98
Total Cash & Investments	\$110.80

This information is taken from the two report attachments: 1) City of Visalia Cash and Investments Summary as of December, 2006, attachment #1; and, 2) City of Visalia Managed Portfolio as of 12/31/2006, attachment #2.

The City's investments are diversified by the various maturities, call structures, and credit types in the above categories which are allowed by the City's Investment Policy and California

Government Code Section 53600 et seq. LAIF funds are highly liquid to meet the City's daily cash flow requirements while maintaining a high degree of safety and a higher rate of return over other suitable liquid investments.

CD Program

In January the City placed \$1 million of the investment portfolio with the Bank of Sierra in their new CD program. Previously the only way to receive FDIC insurance on deposits over \$100,000 was to open and maintain accounts with multiple banks. California law was recently changed to allow Cities to invest funds in banks that cooperatively exchange deposit so as to meet the FDIC requirements for multiple bank deposits. This allows the City to invest funds locally while maintaining FDIC insurance on the entire investment. Currently the Bank of Sierra and Citizens Business Bank are the two banks in the City participating in the new CD program.

Prior Council/Board Actions:

Approved 2006 First Quarter Investment Report
Authority for Administrative Services Director/Treasurer or his delegate to invest funds of the City approved in June 2006.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Attachment #1, City of Visalia's Portfolio from December 31, 2006
Attachment #2, City of Visalia Cash and Investment Summary

Recommended Motion (and Alternative Motions if expected):

Environmental Assessment Status

CEQA Review:

NEPA Review:

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)*

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: March 5, 2007

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

Agenda Item Wording: Issuance of written report describing measures being taken to alleviate the conditions which led to the adoption of Ordinance No. 2006-03, an interim ordinance establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan area.

Deadline for Action: March 5, 2007

Submitting Department: Community Development

Contact Name and Phone Number:

Michael Olmos, Assistant City Manager, 713-4332
Sharon Sheltzer, Project Manager, 713-4414

Department Recommendation:

Staff recommends that Council accept and issue the report entitled Written Report for Ordinance 2006-03 (dated March 5, 2007) describing the measures being taken to alleviate the conditions that led to the adoption of the Interim Ordinance establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan area.

Summary/background:

On March 20, 2006, Council adopted Ordinance No. 2006-03 establishing temporary standards for a portion of the East Downtown Strategic Plan area (Zone 1 on attached map). This ordinance was adopted as an interim measure to implement the concepts contained in the Strategic Plan that was approved by Council in late 2005. The interim ordinance was adopted pursuant to State Government Code Section 65858 and had an initial life of 45 days from the date of adoption. A noticed public hearing was conducted on May 1, 2006 to extend the interim ordinance for a period of 10 months and 15 days. It was extended until March 20, 2007 and can be extended an additional year provided the following measures are taken:

State law requires that at least 10 days prior to the expiration or extension of an interim ordinance, the City Council must issue a written report describing measures being taken to alleviate the conditions that led to the adoption of the interim ordinance. The necessary written report is enclosed. The report states that the City is proceeding with development of amendments to the General Plan, ordinances and development standards to implement the concepts contained in the Strategic Plan. The City contracted with Crawford, Multari and Clarke

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

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Associates on August 22, 2006 and TPG Consulting on September 20, 2006 to prepare these revisions.

The work to draft permanent General Plan and code revisions, review the draft revisions with interested parties, prepare the required environmental finding, and conduct public hearings for adoption, will take approximately 1 year. The work is presently on schedule as it is approximately half completed at this time. As such, the interim ordinance will need to be continued for the final year. The public hearing for the second extension is scheduled for the March 19, 2007 Council agenda.

Prior Council/Board Actions:

Council introduced Ordinance 2006-03 on March 6, 2006, adopted said ordinance on March 20, 2006, accepted a written report on April 17, 2006, and extended the interim ordinance for 10 months and 15 days on May 1, 2006

Committee/Commission Review and Actions: NA

Alternatives: None recommended. Written report required by State law.

Attachments: Written report for Interim Ordinance 2006-03
Interim area Zone 1 map

Recommended Motion (and Alternative Motions if expected):

Move to accept and issue the written report for Ordinance 2006-03 dated March 5, 2007.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

Tracking Information: Public hearing scheduled for March 19, 2007

Copies of this report have been provided to:

Written Report

This written report will satisfy the requirements of the State of California Government Code, Section 65868, regarding City of Visalia Ordinance No. 2006-03, an interim ordinance establishing prohibited uses and permitted uses and development standards for a portion of the East Downtown Strategic Plan area. Ordinance No. 2006-03 was adopted on March 20, 2006 under the provisions of Government Code Section 65858 and was extended to March 20, 2007 by Council action after issuance of a written report on April 17, 2006 and a Public Hearing was conducted on May 1, 2006.

Ordinance No. 2006-03 establishes interim zoning provisions and development standards to implement the East Downtown Strategic Plan which was approved by the Visalia City Council on December 19, 2005. The purpose of the interim ordinance is to prohibit land uses that are in conflict with the approved strategic plan. In addition, the interim ordinance temporarily establishes certain permitted land uses and development standards to implement the provisions of the Strategic Plan.

These interim measures are intended to be in place while the City undertakes revisions to its General Plan, zoning ordinance, design standards, and other related codes and regulations that will permanently implement the provisions of the Strategic Plan. To date, the City staff has determined the necessary regulatory measures that must be completed to permanently implement the Strategic Plan, and is preparing General Plan and code revisions along with associated environmental analysis. Next steps in the adoption process will include community outreach regarding form based codes being prepared for East Downtown, completing environmental analysis, and completion of public hearings and adoption process.

The estimated time period to prepare and process the necessary regulatory changes is one (1) year. To provide sufficient time to process and adopt the implementing permanent measures, on March 19, 2007, the City Council will be requested to conduct a public hearing to consider extending the interim ordinance for an additional year to March 20, 2008 as authorized by Government Code Section 65858.

Issuance Date: March 5, 2007

City of Visalia Agenda Item Transmittal

Meeting Date: March 5, 2007

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

Agenda Item Wording: Award a contract for the Main Street Storm Sewer Project to Bill Nelson General Engineering Construction, Inc. in the amount of \$75,440.00; Project No. 1222-8020.

Deadline for Action: March 19, 2007 (30 days after bid opening)

Submitting Department: Public Works / Engineering Design

Contact Name and Phone Number:

Jim Funk 713-4540;

Department Recommendation:

Staff recommends that the City Council award a contract to Bill Nelson General Engineering Construction, Inc. of Fresno, Ca., in the amount of \$75,440.00 for the Main Street Storm Sewer Project; Project No. 1222-8020.

Discussion:

The Project includes the installation of a ten-inch (10") diameter storm sewer line in Main Street from a storm drain inlet in front of Redwood High School's recently constructed handicap parking area to an existing storm sewer line in Conyer Street. The original storm sewer pipe material failed several years ago and recently Visalia Unified School District installed a dry well on site to keep the handicap parking stall from flooding in rain events.

On February 27, 2007 Engineering Staff opened four (4) bids submitted for the Main Street Storm Sewer Project. The results of the bid opening are as follows:

1. Bill Nelson General Engineering Construction, Inc.	<i>Fresno</i>	\$ 75,440.00
2. <i>American Incorporated</i>	<i>Visalia</i>	\$ 76,104.08
3. <i>Dawson-Mauldin</i>	<i>Huntington Beach</i>	\$ 86,460.00
4. <i>Rising Sun Co. Inc.</i>	<i>Exeter</i>	\$127,920.00

The Engineer's Estimate for the construction contract is \$97,775.00. Based on the bid results the estimated budget amount for the project is \$82,000 and includes the construction cost of the project plus construction management, inspections, surveying and testing.

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

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

At the Council's February 5, 2007 City Council meeting, Council approved allocating \$125,000 from the Storm Sewer Deficiency Fund to pay for the improvements. The money collected in the fund is derived from month storm sewer user fees.

Over the past few years, Bill Nelson General Engineering Construction, Inc. has successfully completed several projects for the City of Visalia as General Contractor including the North Sanitary Sewer Trunk Line project, installation of sanitary sewer lines in annexed islands (Mary, Laura, Leslie, Watson and Wren streets) and has been a sub-contractor extending underground utilities as part of the Riggan Avenue Extension project east of Dinuba Boulevard and installing underground utilities as part of the Off-Site Sports Park project in Giddings Avenue and Shannon Parkway. Staff feels Bill Nelson General Engineering Construction, Inc. has the experience, equipment and knowledge needed to complete the Main Street Storm Sewer project on time and within budget.

On February 28, 2007 Staff received a facsimile protest to Bill Nelson General Engineering Construction, Inc's bid. The protest was raised by American Incorporated and questioned specific items included in the bid sub-contractor's list. Specifically, Nelson's bid included a sub-contractor listing for "Surveying" (which was not a bid requirement) and there was no listing for a contractor to perform seamless trench repair. The listing of a surveying sub-contractor was a mistake on the part of Nelson in that the surveying will be provided by the City and not the contractor. This error is minor and did not affect the bid cost provided by Nelson in any way. With regards to seamless trench repair requirements noted in the project specifications, Nelson, the Contractor, did not include a named sub-contractor at the time of the bid; however, Nelson's bid included the cost for seamless trench repair. After the bid opening, Staff requested and received the name of the proposed sub-contractor, Infrared Technologies, for Nelson that will perform the seamless trench repair. The omission of this sub-contractor, which has been corrected, does not appear to have given Bill Nelson General Engineering Construction, Inc., a competitive advantage in the bidding process. Staff therefore has concluded that the bid issues raised by American Incorporated are not material and did not affect the competitive bidding process, and recommends awarding the contract to the lowest qualified bidder, Bill Nelson General Engineering Construction, Inc.

Alternatives: Reject bids and re-bid project

Attachments: Location Map, Summary of bid results; correspondence regarding bid protest (facsimile from American Incorporated, request for information from City of Visalia to Bill Nelson G.E.C., Inc. and responses from Nelson to request for information)

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to award a contract for the Main Street Storm Sewer Project to Bill Nelson General Engineering Construction, Inc. in the amount of \$75,440.00.

Financial Impact

Funding Source:

Account Number: 1222-8020

Budget Recap:

Total Estimated cost: \$ 125,000.00	New Revenue: \$
Amount Budgeted: \$ 0.00	Lost Revenue: \$
New funding required: \$ 0.00	New Personnel: \$
Council Policy Change: Yes _____ No <u>X</u>	

Copies of this report have been provided to:
City Attorney's Office

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 to Execute contracts once contractor has completed requirements

Environmental Assessment Status

CEQA Review:

Required? Yes X No

Review and Action: Prior: Required: Cat-Exempt - This project is considered routine maintenance of an existing facility.

NEPA Review:

Required? Yes No X

Review and Action: Prior: Required:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 5, 2007

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

Agenda Item Wording: Introduction of Ordinance No. 2007-05: Towing, Storage, Poststorage Hearing, and Administrative Charge Collection Procedure

Deadline for Action:

Submitting Department: Police Department / City Attorney

Contact Name and Phone Number:

Lt. Steve Puder - 713-4215 or Alex Peltzer - 636-0200

Department Recommendation / Summary: The Visalia Police Department & City Attorney's Office recommend introduction of the attached ordinance making additions to the Municipal Code. The Ordinance will need to be returned to the Council for a second and final adoption. Adoption of the attached ordinance does not require a public hearing.

The California Vehicle Code, as well as the City's own charter and Municipal Code, provide authority for the City of Visalia to impose administrative fees for the removal, impound, storage, or release of properly impounded vehicles, provided a City regulation, ordinance, or resolution establishes such a procedure. Presently, no such procedure exists, the proposed Ordinance confers such a procedure.

In addition, it is not clear that the City's current laws authorize it to require payment of fees from a vehicle's registered or legal owner(s) before the City releases a properly impounded vehicle to such owner(s). The proposed Ordinance also addresses this issue and furnishes the City authority to require payment before a properly impounded vehicle is released.

At the second reading of the proposed Ordinance, staff will present for Council approval a resolution amending the current Rates and Fees Schedule, pursuant to Visalia Municipal Code Section 8.60.010, to specify recoverable costs related to conducting poststorage hearings.

The Visalia Police Department currently has a hearing procedure in place to evaluate the validity of a stored or impounded vehicle. Any relevant evidence may be submitted and reviewed by the hearing officer to determine if the vehicle in question was lawfully stored or impounded, in accordance with Visalia Police Department policies and procedures. There is no charge for recovered stolen vehicles. In

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.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

addition, the Visalia Police Department has procedures now in place to allow for the authorization to release a vehicle during evening and weekend hours.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Ordinance No. 2007-05

Recommended Motion (and Alternative Motions if expected):

I move that Visalia City Council introduce Ordinance No. 2007 - 05

Environmental Assessment Status

CEQA Review:

NEPA Review:

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)*

Copies of this report have been provided to:

ORDINANCE NUMBER 2007 -- 05

ADDING SECTIONS 10.04.040 and 10.04.050 TO CHAPTER 10.04 OF THE VISALIA MUNICIPAL CODE RELATING TO FEES FOR IMPOUNDED VEHICLES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, and as additionally authorized by the California Vehicle Code, the City of Visalia is authorized to adopt procedures detailing the release of properly impounded or stored vehicles and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, and release of such vehicles. Therefore, the City Council of the City of Visalia recommends the following addition to the Municipal Code.

Section 2: Sections 10.04.040 and 10.04.050 are added to the Visalia Municipal Code to read as follows:

10.04.040 Authority to impose fees for removal, impound, storage, and release of properly impounded vehicles.

A. An administrative fee to recover the city's administrative costs for removal, impound, storage, and release of a properly impounded vehicle, whether pursuant to the Visalia Municipal Code or pursuant to the California Vehicle Code, shall be imposed upon the registered or legal owner of the subject vehicle.

B. Pursuant to Section 8.60.010 of chapter 8.60, the administrative fees charged for the removal, impound, storage, and release of properly impounded vehicles shall be established from time to time.

10.04.050 Procedures for vehicle disposition; collection of fees.

A. All fees relating to the removal, impound, storage, and release of a vehicle shall be paid by the vehicle's registered owner prior to the disposition of a properly impounded vehicle, subject to the exception provided in Section 10.04.050(B).

B. Once a registered or legal owner has requested a hearing to challenge the validity of the impoundment, he or she may pay the fees then due and the vehicle shall be released. Paying the fees prior to the hearing shall not be deemed a waiver of the registered or legal owner's rights under the hearing. If it is determined at the hearing the vehicle was not properly impounded, the fees shall be reimbursed to the registered or legal owner. If it is determined at the hearing the vehicle was properly impounded, the registered or legal owner shall also be responsible for payment of fees associated with conducting the hearing.

Section 3: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact

that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4: Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 5: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 6: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

Jesus Gamboa, Mayor

ATTEST:

Steven M. Salomon, City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

Alex M. Peltzer, City Attorney

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 5, 2007

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

Agenda Item Wording:

Authorization to execute a final Certificate of Cancellation of Land Conservation Contract No. 10350 located on property owned by Joe Freitas, property owner (DBO Development Co., applicant). The site is located on the north and south sides of Cameron Avenue, approximately ¼ mile east of Mooney Blvd. (APN: 126-062-069[portion], 126-730-015) **Resolution No. 2007-16 required.**

Deadline for Action: None

Submitting Department: Community Development - Planning

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

Recommendation and Summary: Staff recommends that the Council authorize the City Manager to take the ministerial action to execute and record the final Certificate of Cancellation for Williamson Act Contract No. 10350, encompassing property on the site where the second phase of the Packwood Creek Commercial Center (anchored by CostCo Wholesale) is planned.

On October 24, 2005, the City Council, in accordance with the procedures set up in the Williamson Act, held a public hearing and made findings to approve tentative cancellation of the Contract subject to conditions that include the payment of a penalty fee for ending the contract.

As of January 30, 2007, the applicants have fulfilled these conditions required by the Certificate of Tentative Cancellation, including the payment of a penalty fee of \$518,750 for early cancellation.

The authorization to record a final Certificate of Cancellation is a ministerial action that acknowledges findings have been made on the Cancellation and that conditions directed by Council on October 24, 2005 have been fulfilled. This action will complete the cancellation process for the Conservation Contract. The final Williamson Act action required after this Cancellation is a public hearing for the disestablishment of the Agricultural Preserve, scheduled on the regular agenda for March 5, 2007.

This Contract Cancellation was not approved with a requirement that the penalty fee be used towards the purchase of a permanent conservation easement. The City Council made this a requirement for the first time with the Contract Cancellation for the Everett Hughes property at Dinuba/Riggin, processed in October 2006.

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_

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

The conditions that have been met for Contract No. 10350 are:

1. The applicant shall make full payment to the Tulare County Treasurer for the amount of the cancellation fee, which is \$518,750 (12.50 % of the land's current fair market value of \$4,150,000).

Staff has received a copy of a receipt verifying that this fee was paid in full on January 30, 2007. A copy of the receipt is attached.

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.

As stated in 1), the cancellation fee was paid in full on January 30, 2007, exactly one year from the date of the recording of the certificate of tentative cancellation.

3. The applicant shall file an application and pay application fees for the diminishment of Agricultural Preserve No. 3430.

The applicant has filed a request for diminishment. The public hearing regarding this request is scheduled on the March 5, 2007 agenda.

In 2005, the applicant filed the discretionary permits (Parcel Map and Conditional Use Permit) needed for the site's alternative land use specified by the agent. The alternative land use will be Phase 2 of the Packwood Creek Commercial Center anchored by a CostCo Wholesale store. The Planning Commission approved the Parcel Map and Conditional Use Permit on September 12, 2005, in which the approval was conditioned on the successful removal of the contract. In January 2007, a reconfigured development plan which places the CostCo building oriented towards Visalia Pkwy. and Mooney Blvd. was submitted by the applicant to the Site Plan Review Committee. The plans are expected to return to Planning Commission again in May 2007 to consider approval of a reconfigured Parcel Map and amended Conditional Use Permit.

Committee/Commission Review and Actions:

On September 10, 2005, the Planning Commission approved Tentative Parcel Map No. 2005-19 and Conditional Use Permit No. 2005-29 subject to completion of the Williamson Act contract cancellation and agricultural preserve disestablishment.

Prior Council/Board Actions:

On October 24, 2005, after holding a public hearing, the City Council approved the tentative cancellation of the land conservation contract. The conditions of the tentative cancellation have now been met.

Alternatives:

None recommended.

Attachments:

- Resolution
- Recorded Certificate of Tentative Cancellation
- Receipt of payment of Cancellation fees
- Map showing area to be removed from contract
- City Council Staff Report from October 24, 2005
- Location Sketch

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution No. 2007-16, authorizing Staff to execute and record the final Certificate of Cancellation for Land Conservation Contract No. 10350.

Environmental Assessment Status

CEQA Review: The Council previously certified the EIR for the South Packwood Creek Specific Plan and Phase I Regional Retail Development. This EIR is being used for this project.

NEPA Review: None.

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)*

Copies of this report have been provided to:

RESOLUTION NO. 2007-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING THE EXECUTION OF CERTIFICATE OF CANCELLATION OF LAND CONSERVATION NO. 10350 LOCATED ON THE NORTH AND SOUTH SIDES OF CAMERON AVENUE, APPROXIMATELY ¼ MILE EAST OF MOONEY BLVD.. JOE FREITAS, PROPERTY OWNER; DBO DEVELOPEMNT, AGENT

WHEREAS, a request was made for the cancellation 34 acres of Williamson Act Land Conservation Contract No. 10350 within Agricultural Preserve No. 3503, located on the north and south sides of Cameron Avenue, approximately ¼ mile east of Mooney Blvd. (APN: 126-062-069[portion], 126-730-015). The request was made by property owner Joe Freitas, represented by DBO Development; and

WHEREAS, the property owner had served a Notice of Nonrenewal for the entire area contained under said Contract, and the notice was recorded as Document No. 2005-0024632 at the Tulare County Recorder on March 8, 2005; and

WHEREAS, the Director of the State Department of Conservation, in a written correspondence to the City dated September 22, 2005, did not find evidence against making the consistency findings for the cancellation of the contract, and therefore determined that the Visalia City Council has an adequate basis to support the findings required to cancel said contract; and

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice held a public hearing before said Council on October 24, 2005; and

WHEREAS, the City Council of the City of Visalia found that the findings required by State law by which said contract may be tentatively canceled were made, and that the Contract Cancellation was carried out in accordance with procedures for tentative cancellation of contracts outlined in State law; and

WHEREAS, the City Council has previously certified the Environmental Impact Report (EIR) for the South Packwood Creek Specific Plan and the development of Phase I of the specific plan, consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines; and

WHEREAS, the City Council of the City of Visalia approved the Tentative Cancellation of Land Conservation Contract No. 10350 on October 24, 2005 based on certain findings and conditions; and

WHEREAS; evidence has now been presented that all conditions of said tentative cancellation have been met.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia finds that the EIR adequately evaluates the potential impacts of the project..

BE IT FURTHER RESOLVED that the City Council of the City of Visalia authorizes the execution of a Certificate of Cancellation for Land Conservation Contract No. 10350, in accordance with the terms of this resolution under the provisions of Sections 51280 through 51287 of the State Government Code.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 5, 2007

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

Agenda Item Wording: Introduction of Ordinance No. 2007-04, changing the title of Section 10.16.140 and adding Section 10.16.140 D. regarding provisions for 3 hour parking limitations.

Deadline for Action: March 5, 2007

Submitting Department: Administration

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

Department Recommendation:

Staff recommends that City Council introduce Ordinance No. 2006-_____, changing the title of Section 10.16.140 and adding Section 10.16.140 D. regarding provisions for 3 hour parking limitations.

Summary/background:

The municipal code currently includes provisions for 1 hour, 2 hour and 4 hour parking limitations. This ordinance would provide the ability to limit parking to 3 hours if it is considered appropriate.

Currently, there are 2 hour parking limitations along many streets in the downtown, including Main St., and in some downtown parking lots. This ordinance would provide the opportunity to establish areas, such as the new West Acequia Parking Structure, for 3 hour parking. Staff has met with the PBID Parking Committee, which is recommending that there be the ability for a 3 hour limitation to accommodate a wider range of activities that can be handled in 2 hours, such as a meal along with shopping or a business meeting.

This ordinance would provide for the opportunity to set parking limits to 3 hours. This ordinance does not require that any on-street or off-street parking limits be changed or establish where any 3 hour parking lots or areas might be located.

Prior Council/Board Actions:

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.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Committee/Commission Review and Actions:

Alternatives: City Council can choose to not introduce the ordinance.

Attachments: Ordinance No. 2007- (changes shown in italics)

Recommended Motion (and Alternative Motions if expected):

I recommend that Council introduce Ordinance No. 2007-04, changing the title of Section 10.16.140 and adding Section 10.16.140 D. regarding provisions for 3 hour parking limitations.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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*)

Copies of this report have been provided to:

Ordinance No. 2007-04

An Ordinance of the City of Visalia
Amending the Title of Section 10.16.140 and
Adding Section 10.16.140 D. to provide for 3 hour Parking Limitations

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

Section 1: The municipal code currently provides for public parking limitations in one, two and four increments and this ordinance would enable the city to apply public parking limitations in three hour increments where deemed appropriate.

Section 2. Section 10.16.140 is hereby amended to read as follows (changes shown in italics):

10.16.140 One hour, two hour, *three hour* and four hour parking.

- A. When authorized signs have been determined by the city manager to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of eight a.m. and five p.m. of any day except Sundays and holidays for a period of time longer than one hour.
- B. When authorized signs have been determined by the city manager to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of eight a.m. and five p.m. of any day except Saturday(s), Sunday(s), and holidays for a period of time longer than two hours.
- C. When authorized signs have been determined by the city manager to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of eight a.m. and five p.m. of any day except Saturday(s), Sunday(s), and holidays for a period of time longer than four hours.
- D. *When authorized signs have been determined by the city manager to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of eight a.m. and five p.m. of any day except Saturday(s), Sunday(s), and holidays for a period of time longer than three hours.*

Section 3: This ordinance shall be effective thirty (30) days after its passage.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 5, 2007

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

Agenda Item Wording: Resolution to authorize grant application submittal for State of California Workforce Housing Reward Program in the amount of \$181, 000.

Deadline for Action: March 5, 2007

Submitting Department: Community Development

Contact Name and Phone Number: Fred Brusuelas 713-4364

Department Recommendation: That the City Council approve Resolution 2007-17 authorizing submittal of a Workforce Housing Reward Program Grant Application for requesting \$181,000 in grant funds to benefit the approved Mill Creek Parkway project.

Summary/background: The State of California Workforce Housing Reward Program awards funding to new residential projects that provide housing for low and very low income households. The Tulare County Housing Authority is constructing a 70 unit affordable multiple family residential development known as the Mill Creek Parkway Project. This project, based upon the grant funding criteria, is eligible to receive grant funds due to the affordability of these housing units . The City of Visalia in conjunction with the Tulare County Housing Authority has prepared a State of California Workforce Housing Reward Program grant application in the amount of \$181,000. The grant funds, if approved, will be used to offset development impact fees for the Mill Creek Parkway project. The site is located at the south west corner of Mill Creek Parkway and Manzanita Drive. This project was reviewed and approved by the Site Plan Review Committee on February 11, 2004. Building permits for the project were issued in June 2006 and the project is presently under construction.

The Workforce Housing Reward Program is a State of California funding program administered by the Department of Housing and Community Development. The funding program allows grant funding on a per-bedroom basis for each residential unit affordable to very low-and low-income households. The Mill Creek Parkway project comprises two bedroom dwelling units of which 7 units are for very low income and 63 are for low income.

Submittal of the grant application and use of the grant funds for the Mill Creek Parkway project is consistent with City's General Plan Housing Element implementation.

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.

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None.

Alternatives: None

Attachments: City Council Resolution no. 2007- 17.

Recommended Motion (and Alternative Motions if expected): I move to approve Resolution no. 2007-17 authorizing the submittal of a Workforce Housing grant application.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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)*

Copies of this report have been provided to:

RESOLUTION NO. 2007-17

**RESOLUTION OF THE VISALIA CITY COUNCIL
AUTHORIZING APPLICATION FOR WORKPLACE HOUSING REWARD GRANT**

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

WHEREAS:

- A. The State of California, Department of Housing and Community Development (the "Department") has issued a Notice of Funding Availability dated May, 2006 (the "NOFA"), under its Workforce Housing Reward (WFH) Program.
- B. The City of Visalia ("Applicant") desires to apply for a WFH grant and submit the Application Package released December 2006 by the Department for the WFH Program.
- C. The Department is authorized to approve funding allocations for the WFH Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement.

THEREFORE, IT IS RESOLVED THAT:

1. Applicant is hereby authorized and directed to apply for and submit to the Department the WFH Application Package released December 2006 for the 2006 Program Year. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (the "Standard Agreement"), and any and all other documents required or deemed necessary or appropriate to secure the WFH Grant from the Department, and all amendments thereto (collectively, the "WFH Grant Documents").
2. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in **Exhibit A** of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.
3. That **Fred Brusuelas, Community Development Assistant Director**, is authorized to execute in the name of Applicant the Application Package and the WFH Grant Documents as required by the Department for participation in the WFH Program.

PASSED AND ADOPTED this 5th Day of **March 2007**, by the following vote:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

The undersigned **Donjia Huffman, Deputy City Clerk**, of the Applicant herebefore named does hereby attest and certify that the forgoing is a true and full copy of a resolution of the *City Council* adopted at a duly convened meeting on the date above-mentioned, which has not been altered, amended or repealed.

Signature: _____

Date: _____

City of Visalia
Agenda Item Transmittal

Meeting Date: March 5, 2007

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Acknowledge the process for recruiting a new member of the Planning Commission to replace retiring Commissioner Victor Perez.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Leslie Caviglia, 713-4317, Donjia Huffmon, 713-4512

Department Recommendation

It is recommended that the Visalia City Council authorize staff to begin a recruitment process to replace Victor Perez on the Planning Commission. His second term on the Commission will expire on June 30.

Department Discussion

A selection process is outlined in this memo. Following this process would result in a Commissioner being appointed on April 17 or May 7, which would give the new appointee a couple of months to become familiar with the current issues, policies and guidelines associated with the position prior to assuming office.

Generally, Commission and Committee members are limited to two full terms and therefore Mr. Perez is not eligible for another term. In the case where someone is appointed to fill an unexpired term, if they serve more than half the unexpired term, they are eligible for only one additional term. There have been extenuating circumstances where the Council has chosen to ask a Committee Member or Commissioner to serve more than two terms, such as when there have been several new members on the Committee or Commission and it was felt that someone with experience would be beneficial, or when there is a particular project or commitment that the member wishes to complete. In this case, there are no extenuating circumstances, and Mr. Perez has indicated that he is ready to step down after eight years on the Commission.

In addition, the Council could choose to appoint an alternate as they have done previously in some instances. Usually, the alternate is designated as a possible candidate that the Council could consider if a vacancy occurs within a year. There is no current alternate. The last alternate, Adam Peck, was selected in 2005 and later appointed to the Commission.

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.): _____

Review:

Dept. Head LBC 22807

Finance

City Atty

City Mgr

Notices of the selection process will be sent to the media, to other Committee and Commission members, and to many ancillary community groups, in an effort to ensure there is broad knowledge about the vacancy.

Proposed Planning Commission Recruitment Timeline

Open Recruitment	Tuesday, March 6
Close Recruitment	Friday, March 23, 5 p.m.
List of interviewees announced:	By Friday, March 30
First Interviews:	The week on April 3
Second Interviews (optional):	The week of April 10
Appointment:	April 17 or May 7

This is a suggested timeline. There could be circumstances that arise that would necessitate a change to some of these target dates. If that should occur, the Council and the applicants will be notified, and public notices will also be released.

Depending on the number of applications received, the Mayor may choose to ask the Council to interview the candidates in subcommittees in order to expedite the interview process. That determination will be made after the recruitment period has closed and the number of applicants is known. The subcommittee process was successfully used in the last recruitment when Larry Segrue was appointed to the Commission and Adam Peck was selected as an alternate, and then subsequently appointed to the Commission when a vacancy occurred.

Prior Council/Board Actions:

The Council has appointed the following Commissioners whose terms end on June 30 in the years indicated:

Sam Logan	June 2008 (Appointed in 2002 and 2004)
Vincent Salinas	June 2009 (Appointed 2003 and 2005)
Adam Peck	June 2010 (Appointed in 2005 and 2006)
Larry Segrue	June 2009 (Appointed in 2005)

Committee/Commission Review and Actions:

N/A

Alternatives:

The Council could direct staff to conduct a different process

Attachments:

Application

Recommended Motion (and Alternative Motions if expected):

I move to approve the Planning Commission recruitment process as outlined by staff.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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: March 5, 2007

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Request by Councilmember Don Landers for support for the St. Patrick's Day Parade.

Deadline for Action: March 5, 2007

Submitting Department: Administration

Contact Name and Phone Number: Steve Salomon, 713-4312; Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that the City Council continue their current practice of using their discretionary funds to support non-profit fund raising events in the community. If the Council wishes to provide support for community events, staff recommends that Council direct staff to come back with a specific budget amount and process for considering and approving special event support requests.

Department Discussion

At the February 18 City Council meeting, Council Member Don Landers asked to have a request to support the St. Patrick's Day event brought back to the Council for consideration at the March 5 meeting.

The St. Patrick's Day parade has been in existence for more than 15 years. It began as a promotional event for the Vintage Press and has evolved over time into a popular community event that is organized by a volunteer committee in conjunction with a non-profit that the committee selects every year. This year, the event is a benefit for Arts Visalia. The Boys and Girls Club and Imagine U Children's Museum are other organizations that have been the beneficiary in the past.

One of the organizers, Bruce McDermott, contacted staff several weeks ago requesting support for the event. He indicated at the time that it cost between \$4,000 and \$5,000 to cover the direct costs for the event, excluding any profit for the non-profit. He mentioned that the costs associated with the City services requested for the event were approximately \$1,000 - \$1,250.

Staff forwarded the support request to the City Council to ascertain if any of the Council wanted to use their discretionary funds for this event. (Description follows) Each Council member has \$2,000 in discretionary funds that they can ask to have sent to a variety of non-profit organizations. Two Council members, Bob Link (\$200) and Jesus Gamboa (\$100) indicated they were willing to support the event with their discretionary funds for a total of \$300.

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.): _____

Review:

Dept. Head LBC 3207

Finance

City Atty

City Mgr

The Council currently has set up several methods by which they have authorized money for non-profits for specific contracted services, or for programs and projects that benefit the community.

Community Arts Grants – For many years, the City has administered an annual \$10,000 cultural event grant program. Non-profit groups can submit a simple grant request that is considered by a committee who awards the grants to groups that are either starting a new event (up to \$1,500) or for continuing events (up to \$500) Arts Visalia, the Arts Consortium, and the Enchanted Playhouse are some of the organizations funded through this program.

Youth Program Grants – The Council has authorized \$167,330 to fund programs and projects that benefit the youth in the community, with 25% of the funds targeted for gang prevention efforts. The Citizen’s Advisory Committee conducts the grant request and review process and makes a recommendation to Council. Letters soliciting applications for this program for the coming fiscal year were sent out this week. Groups that have been funded through this program in the past include Pro-Youth, the Boys and Girls Club and the North Visalia Boxing Club.

Gang Prevention Task Force – The Council has authorized \$100,000 in this fiscal year to go towards gang prevention programs. The Mayor and Police Chief are finalizing a recommendation to come back to the Council regarding expenditure of these funds.

Council Discretionary Funds – Each Council member has \$2,000 (\$10,000 in total) in discretionary funds that they can use to assist non-profits who are raising money for various causes. When a request for support is received, the Council is notified of the request. Council member individually decide if they want to support the request, and at what level. Generally, a very diverse and broad based group of organizations are supported annually with these funds. In the past, the Veterans Mural program, Latino Peace Officers, Food Link and the Relay for Life are some of the organizations that have benefited from this program.

Fee for Service – There are several non-profits that provide specific services under contract with the City. These contracts replace services that might otherwise be provided by City staff. The Council approves these budget amounts. Parameters, performance measures, insurance requirements and other standard provisions are included in the contracts. Currently, Able Industries, Proteus, and First Arts are some of the non-profits that have contracts with the City.

In addition, the City Council has helped a number of non-profits become more self-sufficient through a one-time capital investment which has enabled them to purchase property, thereby building equity and controlling costs. Visalia Emergency Aid, C-Set and Arts Visalia have all benefited from this type of assistance from the City.

Similarly, the City also assists several non-profits by leasing them facilities at a very low cost, providing they assume the improvements, maintenance and upkeep. In most instances, these facilities have

Visalia is blessed to have a wide range of events and activities. In any given week, the local newspapers contain a long list of upcoming events that people can enjoy. Some events are organized as part of an organization’s fund raising endeavors, like the recent Mardi Gras children’s festival and the upcoming Lions Club car show. Other events are associated with a particular hobby or interest, like the upcoming Quad Knopf Sequoia Cycling Classic and the Renaissance Faire. Other events are organized as promotional events, such as the Christmas Parade and the upcoming Ag Fest. All these events attract people, and provide a free or low

cost, fun, and interesting activity for the community to enjoy, while at the same time creating a sense of pride and vitality in the community.

The difficulty lies in the number of worthwhile events and activities, and determining which should be supported with city funds, under what circumstances and at what level.

Staff recommends that the Council continue with the practice of using their discretionary funds when they receive specific requests to support non-profit fund raisers.

If Council wishes to implement a different process to fund special events, then staff recommends that Council direct staff to come back with a recommended funding level, criteria for such grants, and a process by which to solicit, review and award those funds.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives:

Council could choose to support the St. Patrick's Day event at a specific level

Attachments: N/A

Recommended Motion (and Alternative Motions if expected):

I move to approve the staff recommendation that Council continue to use their discretionary funds to fund non-profit special events.

Or

I move to approve that the Council direct staff to develop a special event funding process and come back with the program for Council review

Or

I move that the Council approve _____ to fund the upcoming St. Patrick's Day event.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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: March 5, 2007

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

Agenda Item Wording: Authorize the Recordation of the Final Map for Ashley Grove No. 12, located at the southwest corner of Riggins Avenue and Mooney Blvd. (28 lots and a common area) and the Annexation to Landscape and Lighting District No. 05-17, Ashley Grove No. 10-13.

Resolution Nos. 07-18 and 07-19 required

APN: 089-420-011

Deadline for Action: March 19, 2007

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340

Greg Dais 713-4164

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for Ashley Grove No. 12 containing 28 multi-family lots (118 units) with one common area. 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 \$659,558.80 and Labor and Material Bond in the amount of \$329,779.40; 3) cash payment of \$334,982.94 distributed to various accounts; and 4) Final Map. The developer on this project is Porterville SM, LLC and VIC-NIC IV, LLC.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. 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

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

Review:

Dept. Head _____
(Initials & date required)

Finance N/A
City Atty N/A
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City

inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along North Mooney Blvd. (Collector) and Riggin Avenue (Arterial). The City will be reimbursing approximately \$472,038 to the developer (Porterville SM, LLC and VIC-NIC IV, LLC) by giving a combination of fee credits for Transportation Impact Fees and cash payment.

Landscape & Lighting

Staff recommends that City Council: adopt Resolution No. 07-18 Initiating Proceedings for Annexation to Assessment District No. 05-17, Ashley Grove No. 10-13; adopt Engineer's Report as submitted; and adopt Resolution No. 07-19 confirming Engineer's Report, ordering improvements and levying annual assessments. The assessment for District 05-17 has been computed to be \$328.46 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.

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.

On December 19, 2005, City Council approved the annexation of Ashley Grove No. 11 Subdivision into Landscape and Lighting District No. 05-17.

On August 7, 2006, City Council approved the annexation of Ashley Grove No. 13 Subdivision into Landscape and Lighting District No. 05-17.

Committee/Commission Review and Actions: The tentative subdivision map for Ashley Grove No. 12 subdivision was approved by the Planning Commission on February 27, 2006. The tentative map will expire on February 27, 2008.

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. 12 and I move to adopt Resolution No. 07-18 Initiating Proceedings for Annexation to Assessment District No. 05-17 "Ashley Grove No. 10-13" and adopt Resolution No. 07-19 Ordering the Improvements for Assessment District No. 05-17 "Ashley Grove No. 10-13."

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

RESOLUTION NO. 07-18

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 05-17
ASHLEY GROVE NO. 10-13
(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. 10-13".
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. 10-13
(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 5th day of March, 2007 by its Resolution No. 07-_____

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

RESOLUTION NO. 07-19

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-17
ASHLEY GROVE NO. 10-13
(Pursuant to the Landscape & Lighting Act of 1972)

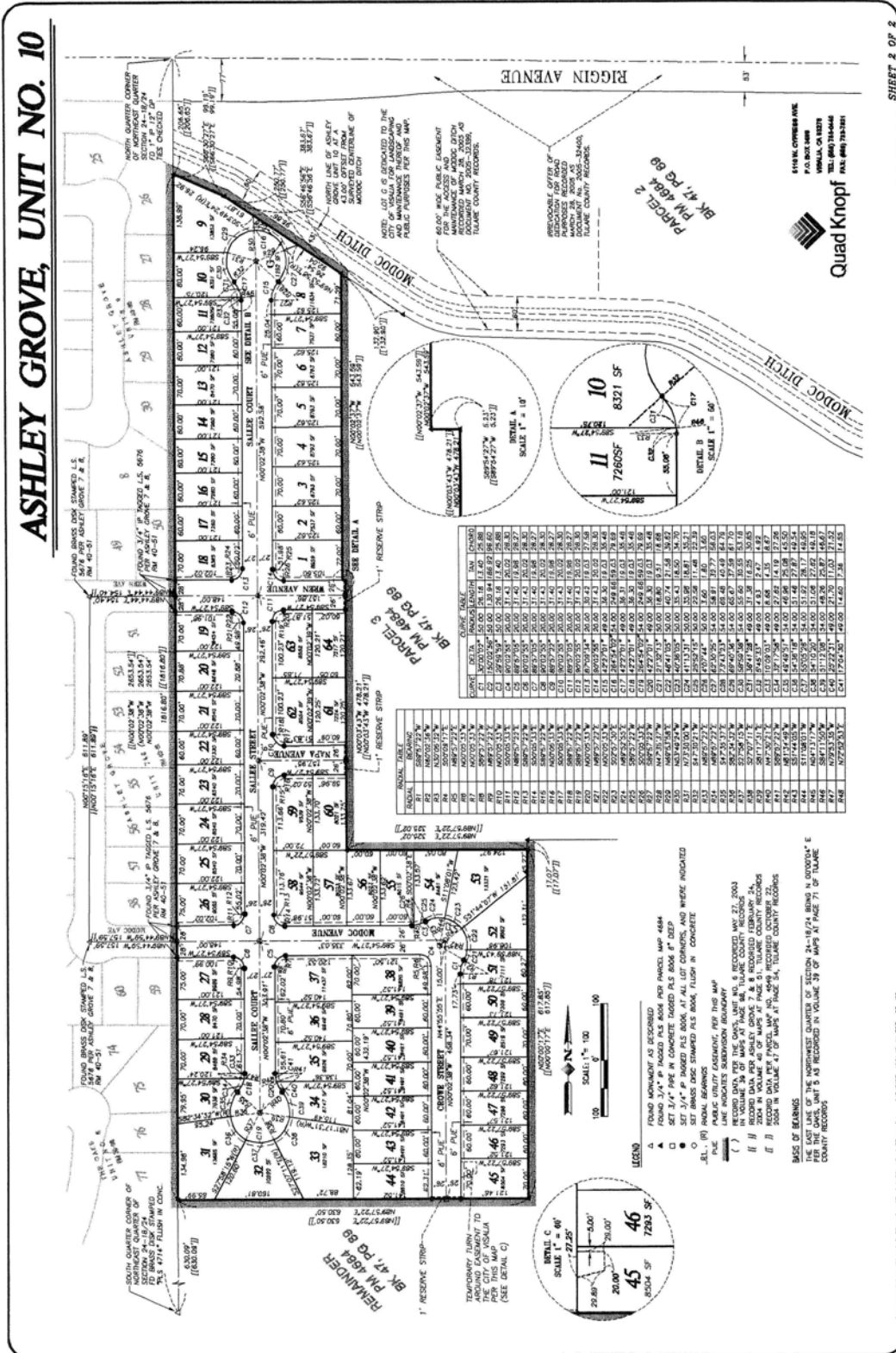
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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 2007-08.
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



ASHLEY GROVE, UNIT NO. 10

Quad Knopf
5114 N. COTTEMAN AVE.
P.O. BOX 1889
VISALIA, CA 93278
TEL: (559) 734-8846
FAX: (559) 734-8101

SHEET 2 OF 2

Exhibit "A"

Assessment Diagram
Assessment District No. 05-17
City of Visalia, Tulare County, California

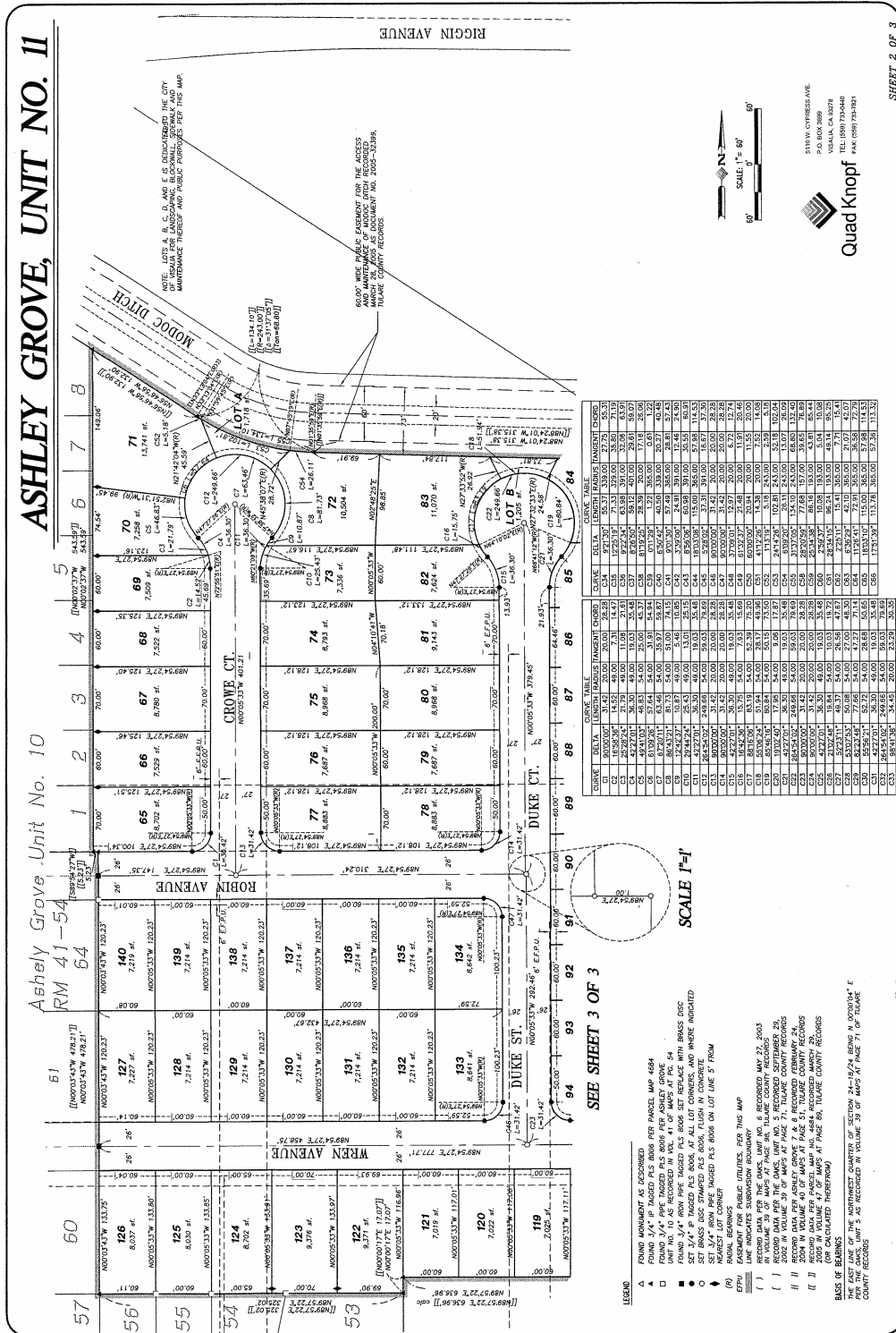


Exhibit "A"

Assessment Diagram Assessment District No. 05-17 City of Visalia, Tulare County, California

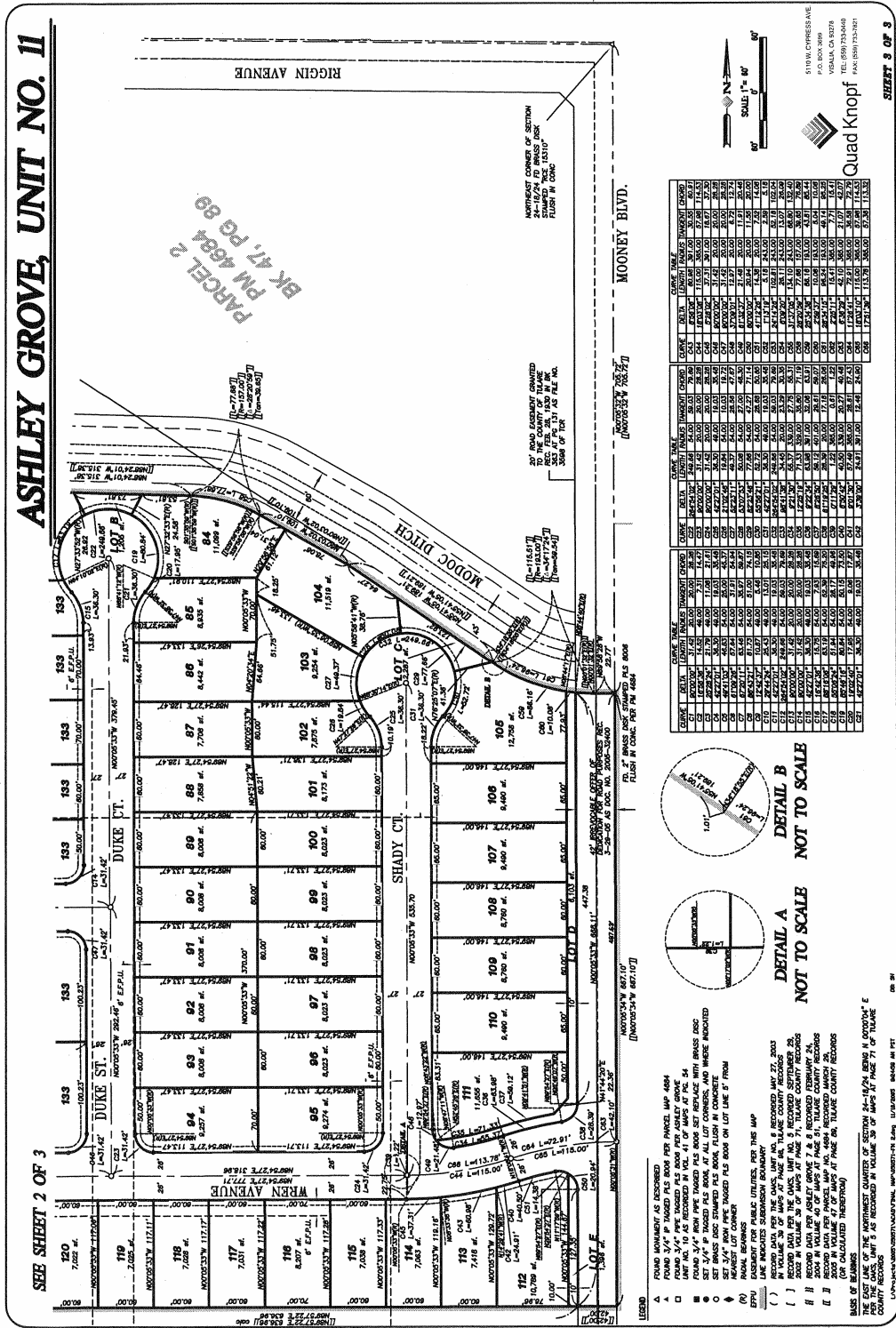
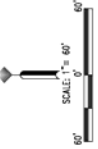
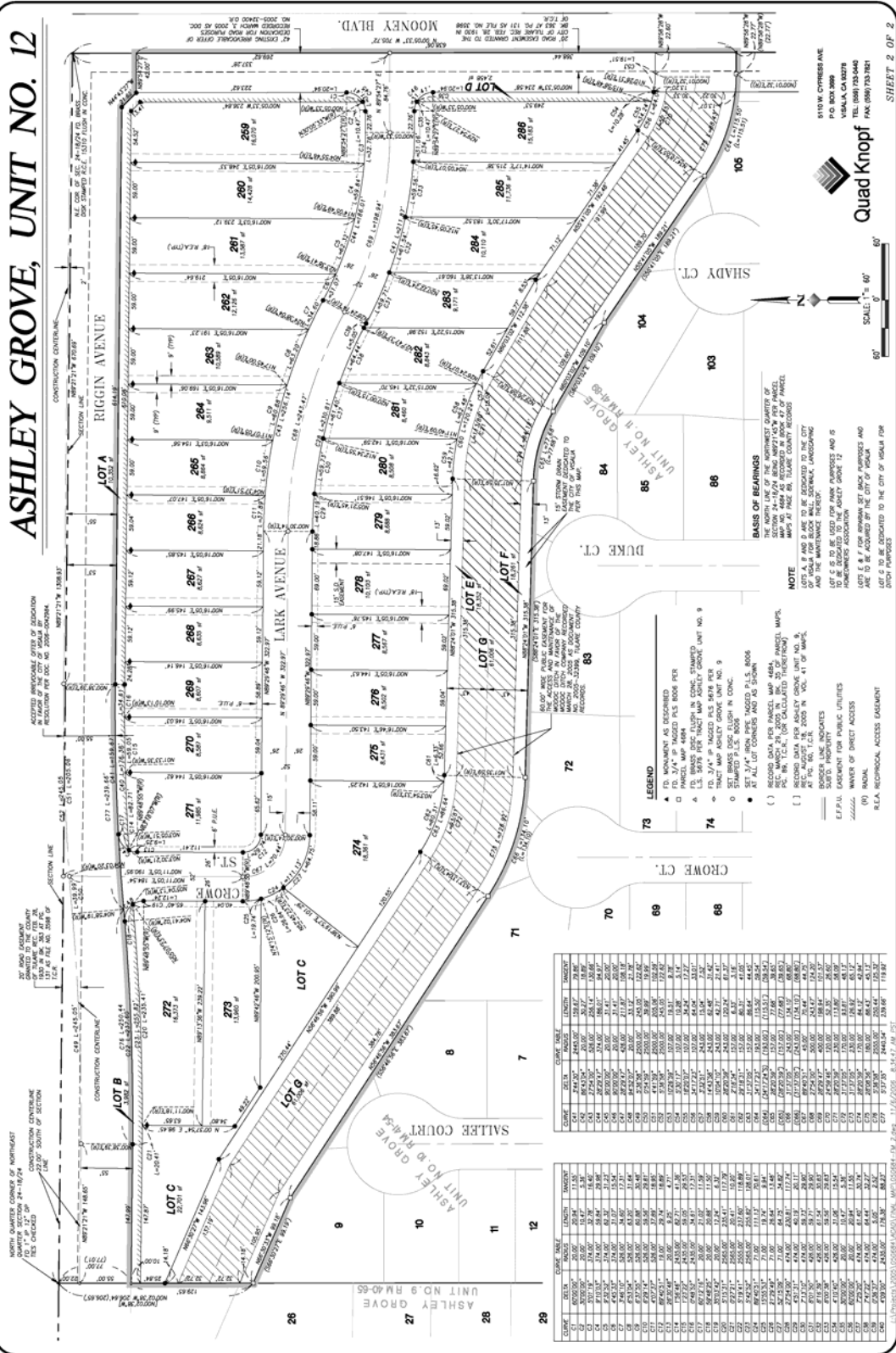


Exhibit "A"

Assessment Diagram Assessment District No. 05-17 City of Visalia, Tulare County, California

ASHLEY GROVE, UNIT NO. 12



NOTE

THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 26, T4S, R11E, S4M, AS SHOWN IN BOOK 47 OF PARCEL MAP NO. 4489 AS RECORDED IN BOOK 47 OF PARCEL MAP NO. 4489, IS TO BE ADJUSTED TO THE CITY OF VISALIA FOR BOOK WALL SURVEALS, LANDSCAPING AND THE MAINTENANCE THEREOF.

THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 26, T4S, R11E, S4M, AS SHOWN IN BOOK 47 OF PARCEL MAP NO. 4489, IS TO BE ADJUSTED TO THE CITY OF VISALIA FOR BOOK WALL SURVEALS, LANDSCAPING AND THE MAINTENANCE THEREOF.

SET IRON ROD CORNERS AND IS TO BE ADJUSTED TO THE CITY OF VISALIA FOR BOOK WALL SURVEALS, LANDSCAPING AND THE MAINTENANCE THEREOF.

RELA. RETROCLINAL ACCESS EASIMENT

LEGEND

- () TO MONUMENT AS DESCRIBED
- D TO 2 1/4" IP TAGGED PLS BOOK PER
- A U.S. 5079 FOR TRACT MAP ASHLEY GROVE UNIT NO. 9
- () TRACT MAP ASHLEY GROVE UNIT NO. 9
- O SET IRON ROD FLUSH IN CONC.
- SET 1/4" IRON PIPE TAGGED P.L.S. BOOK
- SET ALL LOT CORNERS AND AS SHOWN

NOTE

THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 26, T4S, R11E, S4M, AS SHOWN IN BOOK 47 OF PARCEL MAP NO. 4489 AS RECORDED IN BOOK 47 OF PARCEL MAP NO. 4489, IS TO BE ADJUSTED TO THE CITY OF VISALIA FOR BOOK WALL SURVEALS, LANDSCAPING AND THE MAINTENANCE THEREOF.

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SET IRON ROD CORNERS AND IS TO BE ADJUSTED TO THE CITY OF VISALIA FOR BOOK WALL SURVEALS, LANDSCAPING AND THE MAINTENANCE THEREOF.

RELA. RETROCLINAL ACCESS EASIMENT

COMP. DATA	AREA	LENGTH	WIDTH	PERCENT	REMARKS
C1	200.00	100.00	2.00	0.05	
C2	200.00	100.00	2.00	0.05	
C3	200.00	100.00	2.00	0.05	
C4	200.00	100.00	2.00	0.05	
C5	200.00	100.00	2.00	0.05	
C6	200.00	100.00	2.00	0.05	
C7	200.00	100.00	2.00	0.05	
C8	200.00	100.00	2.00	0.05	
C9	200.00	100.00	2.00	0.05	
C10	200.00	100.00	2.00	0.05	
C11	200.00	100.00	2.00	0.05	
C12	200.00	100.00	2.00	0.05	
C13	200.00	100.00	2.00	0.05	
C14	200.00	100.00	2.00	0.05	
C15	200.00	100.00	2.00	0.05	
C16	200.00	100.00	2.00	0.05	
C17	200.00	100.00	2.00	0.05	
C18	200.00	100.00	2.00	0.05	
C19	200.00	100.00	2.00	0.05	
C20	200.00	100.00	2.00	0.05	
C21	200.00	100.00	2.00	0.05	
C22	200.00	100.00	2.00	0.05	
C23	200.00	100.00	2.00	0.05	
C24	200.00	100.00	2.00	0.05	
C25	200.00	100.00	2.00	0.05	
C26	200.00	100.00	2.00	0.05	
C27	200.00	100.00	2.00	0.05	
C28	200.00	100.00	2.00	0.05	
C29	200.00	100.00	2.00	0.05	
C30	200.00	100.00	2.00	0.05	
C31	200.00	100.00	2.00	0.05	
C32	200.00	100.00	2.00	0.05	
C33	200.00	100.00	2.00	0.05	
C34	200.00	100.00	2.00	0.05	
C35	200.00	100.00	2.00	0.05	
C36	200.00	100.00	2.00	0.05	
C37	200.00	100.00	2.00	0.05	
C38	200.00	100.00	2.00	0.05	
C39	200.00	100.00	2.00	0.05	
C40	200.00	100.00	2.00	0.05	

Exhibit "B"

Landscape Location Diagram Ashley Grove No. 10-13

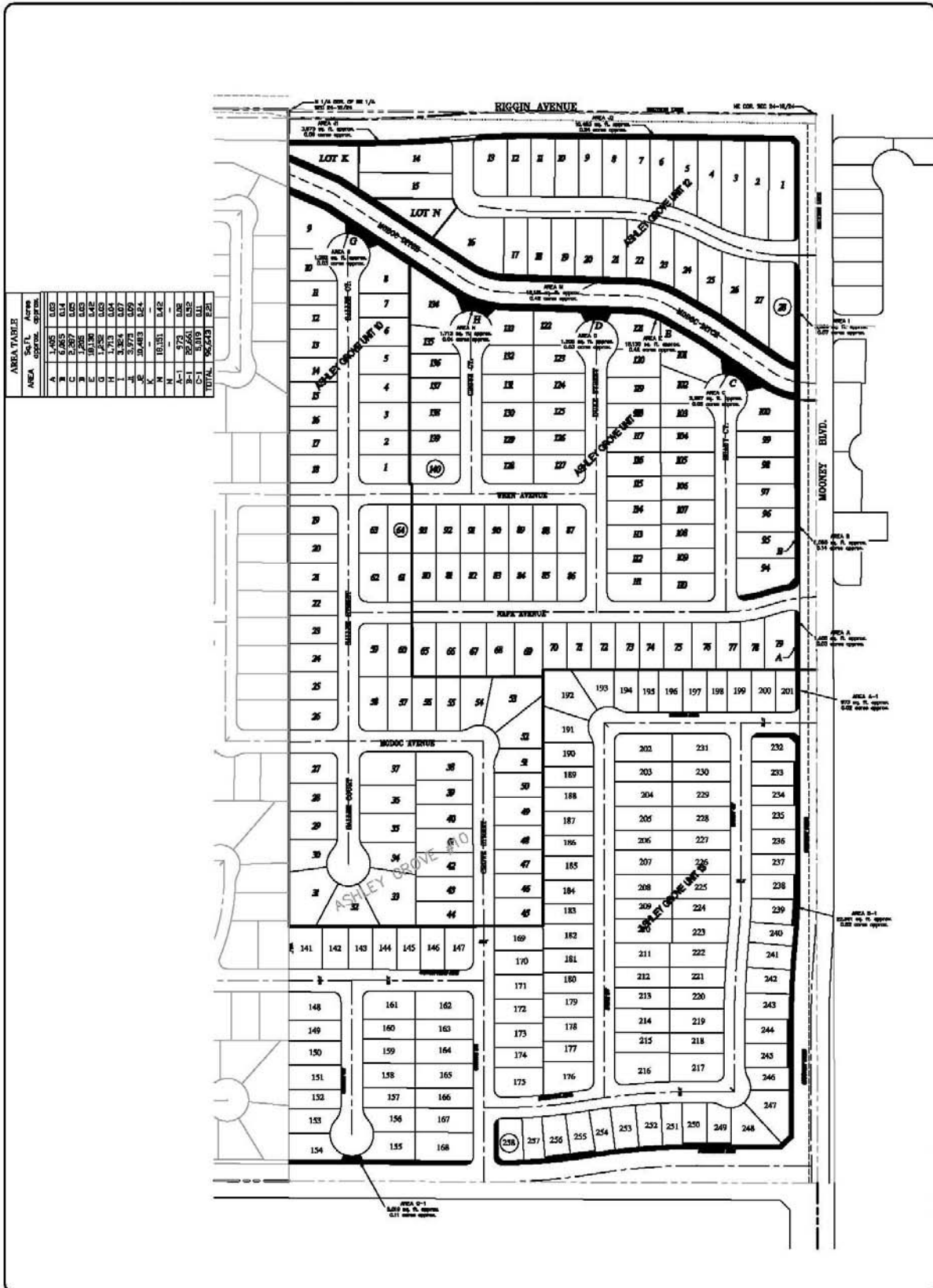


Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-13
Fiscal Year 2007-08

<u>APN #</u>		<u>Lot #</u>	<u>District</u>
089-043-001	\$328.46	05-1701	Ashley Grove No. 10
089-043-002	\$328.46	05-1702	Ashley Grove No. 10
089-043-003	\$328.46	05-1703	Ashley Grove No. 10
089-043-004	\$328.46	05-1704	Ashley Grove No. 10
089-042-001	\$328.46	05-1705	Ashley Grove No. 10
089-042-002	\$328.46	05-1706	Ashley Grove No. 10
089-042-003	\$328.46	05-1707	Ashley Grove No. 10
089-042-004	\$328.46	05-1708	Ashley Grove No. 10
089-042-005	\$328.46	05-1709	Ashley Grove No. 10
089-042-006	\$328.46	05-1710	Ashley Grove No. 10
089-042-007	\$328.46	05-1711	Ashley Grove No. 10
089-042-008	\$328.46	05-1712	Ashley Grove No. 10
089-042-009	\$328.46	05-1713	Ashley Grove No. 10
089-042-010	\$328.46	05-1714	Ashley Grove No. 10
089-043-005	\$328.46	05-1715	Ashley Grove No. 10
089-043-006	\$328.46	05-1716	Ashley Grove No. 10
089-043-007	\$328.46	05-1717	Ashley Grove No. 10
089-043-008	\$328.46	05-1718	Ashley Grove No. 10
089-043-009	\$328.46	05-1719	Ashley Grove No. 10
089-043-010	\$328.46	05-1720	Ashley Grove No. 10
089-043-011	\$328.46	05-1721	Ashley Grove No. 10
089-043-012	\$328.46	05-1722	Ashley Grove No. 10
089-043-013	\$328.46	05-1723	Ashley Grove No. 10
089-044-001	\$328.46	05-1724	Ashley Grove No. 10
089-044-002	\$328.46	05-1725	Ashley Grove No. 10
089-044-003	\$328.46	05-1726	Ashley Grove No. 10
089-044-004	\$328.46	05-1727	Ashley Grove No. 10
089-044-005	\$328.46	05-1728	Ashley Grove No. 10
089-044-006	\$328.46	05-1729	Ashley Grove No. 10
089-044-007	\$328.46	05-1730	Ashley Grove No. 10
089-044-008	\$328.46	05-1731	Ashley Grove No. 10
089-044-009	\$328.46	05-1732	Ashley Grove No. 10
089-044-010	\$328.46	05-1733	Ashley Grove No. 10
089-044-011	\$328.46	05-1734	Ashley Grove No. 10
089-044-012	\$328.46	05-1735	Ashley Grove No. 10
089-044-013	\$328.46	05-1736	Ashley Grove No. 10
089-044-014	\$328.46	05-1737	Ashley Grove No. 10
089-044-015	\$328.46	05-1738	Ashley Grove No. 10
089-044-016	\$328.46	05-1739	Ashley Grove No. 10
089-044-017	\$328.46	05-1740	Ashley Grove No. 10
089-044-018	\$328.46	05-1741	Ashley Grove No. 10
089-044-019	\$328.46	05-1742	Ashley Grove No. 10
089-044-020	\$328.46	05-1743	Ashley Grove No. 10
089-044-021	\$328.46	05-1744	Ashley Grove No. 10

Exhibit "C"

Tax Roll Assessment Ashley Grove No. 10-13 Fiscal Year 2007-08

089-044-022	\$328.46	05-1745	Ashley Grove No. 10
089-044-023	\$328.46	05-1746	Ashley Grove No. 10
089-044-024	\$328.46	05-1747	Ashley Grove No. 10
089-044-025	\$328.46	05-1748	Ashley Grove No. 10
089-044-026	\$328.46	05-1749	Ashley Grove No. 10
089-044-027	\$328.46	05-1750	Ashley Grove No. 10
089-044-028	\$328.46	05-1751	Ashley Grove No. 10
089-044-029	\$328.46	05-1752	Ashley Grove No. 10
089-044-030	\$328.46	05-1753	Ashley Grove No. 10
089-044-031	\$328.46	05-1754	Ashley Grove No. 10
089-044-032	\$328.46	05-1755	Ashley Grove No. 10
089-044-033	\$328.46	05-1756	Ashley Grove No. 10
089-044-034	\$328.46	05-1757	Ashley Grove No. 10
089-044-035	\$328.46	05-1758	Ashley Grove No. 10
089-043-014	\$328.46	05-1759	Ashley Grove No. 10
089-043-015	\$328.46	05-1760	Ashley Grove No. 10
089-043-016	\$328.46	05-1761	Ashley Grove No. 10
089-043-017	\$328.46	05-1762	Ashley Grove No. 10
089-043-018	\$328.46	05-1763	Ashley Grove No. 10
089-043-019	\$328.46	05-1764	Ashley Grove No. 10
089-043-020	\$328.46	05-1765	Ashley Grove No. 11
089-043-021	\$328.46	05-1766	Ashley Grove No. 11
089-043-022	\$328.46	05-1767	Ashley Grove No. 11
089-043-023	\$328.46	05-1768	Ashley Grove No. 11
089-042-012	\$328.46	05-1769	Ashley Grove No. 11
089-042-013	\$328.46	05-1770	Ashley Grove No. 11
089-042-014	\$328.46	05-1771	Ashley Grove No. 11
089-042-015	\$328.46	05-1772	Ashley Grove No. 11
089-042-016	\$328.46	05-1773	Ashley Grove No. 11
089-043-024	\$328.46	05-1774	Ashley Grove No. 11
089-043-025	\$328.46	05-1775	Ashley Grove No. 11
089-043-026	\$328.46	05-1776	Ashley Grove No. 11
089-043-027	\$328.46	05-1777	Ashley Grove No. 11
089-043-028	\$328.46	05-1778	Ashley Grove No. 11
089-043-029	\$328.46	05-1779	Ashley Grove No. 11
089-043-030	\$328.46	05-1780	Ashley Grove No. 11
089-043-031	\$328.46	05-1781	Ashley Grove No. 11
089-042-017	\$328.46	05-1782	Ashley Grove No. 11
089-042-018	\$328.46	05-1783	Ashley Grove No. 11
089-042-019	\$328.46	05-1784	Ashley Grove No. 11
089-042-020	\$328.46	05-1785	Ashley Grove No. 11
089-043-032	\$328.46	05-1786	Ashley Grove No. 11
089-043-033	\$328.46	05-1787	Ashley Grove No. 11
089-043-034	\$328.46	05-1788	Ashley Grove No. 11

Exhibit "C"

Tax Roll Assessment Ashley Grove No. 10-13 Fiscal Year 2007-08

089-043-035	\$328.46	05-1789	Ashley Grove No. 11
089-043-036	\$328.46	05-1790	Ashley Grove No. 11
089-043-037	\$328.46	05-1791	Ashley Grove No. 11
089-043-038	\$328.46	05-1792	Ashley Grove No. 11
089-043-039	\$328.46	05-1793	Ashley Grove No. 11
089-043-040	\$328.46	05-1794	Ashley Grove No. 11
089-043-041	\$328.46	05-1795	Ashley Grove No. 11
089-043-042	\$328.46	05-1796	Ashley Grove No. 11
089-043-043	\$328.46	05-1797	Ashley Grove No. 11
089-043-044	\$328.46	05-1798	Ashley Grove No. 11
089-043-045	\$328.46	05-1799	Ashley Grove No. 11
089-043-046	\$328.46	05-17100	Ashley Grove No. 11
089-043-047	\$328.46	05-17101	Ashley Grove No. 11
089-043-048	\$328.46	05-17102	Ashley Grove No. 11
089-043-049	\$328.46	05-17103	Ashley Grove No. 11
089-042-021	\$328.46	05-17104	Ashley Grove No. 11
089-043-050	\$328.46	05-17105	Ashley Grove No. 11
089-043-051	\$328.46	05-17106	Ashley Grove No. 11
089-043-052	\$328.46	05-17107	Ashley Grove No. 11
089-043-053	\$328.46	05-17108	Ashley Grove No. 11
089-043-054	\$328.46	05-17109	Ashley Grove No. 11
089-043-055	\$328.46	05-17110	Ashley Grove No. 11
089-043-056	\$328.46	05-17111	Ashley Grove No. 11
089-043-057	\$328.46	05-17112	Ashley Grove No. 11
089-043-058	\$328.46	05-17113	Ashley Grove No. 11
089-043-059	\$328.46	05-17114	Ashley Grove No. 11
089-043-060	\$328.46	05-17115	Ashley Grove No. 11
089-043-061	\$328.46	05-17116	Ashley Grove No. 11
089-043-062	\$328.46	05-17117	Ashley Grove No. 11
089-043-063	\$328.46	05-17118	Ashley Grove No. 11
089-043-064	\$328.46	05-17119	Ashley Grove No. 11
089-043-065	\$328.46	05-17120	Ashley Grove No. 11
089-043-066	\$328.46	05-17121	Ashley Grove No. 11
089-043-067	\$328.46	05-17122	Ashley Grove No. 11
089-043-068	\$328.46	05-17123	Ashley Grove No. 11
089-043-069	\$328.46	05-17124	Ashley Grove No. 11
089-043-070	\$328.46	05-17125	Ashley Grove No. 11
089-043-071	\$328.46	05-17126	Ashley Grove No. 11
089-043-072	\$328.46	05-17127	Ashley Grove No. 11
089-043-073	\$328.46	05-17128	Ashley Grove No. 11
089-043-074	\$328.46	05-17129	Ashley Grove No. 11
089-043-075	\$328.46	05-17130	Ashley Grove No. 11
089-043-076	\$328.46	05-17131	Ashley Grove No. 11
089-043-077	\$328.46	05-17132	Ashley Grove No. 11
089-043-078	\$328.46	05-17133	Ashley Grove No. 11

Exhibit "C"

Tax Roll Assessment Ashley Grove No. 10-13 Fiscal Year 2007-08

089-043-079	\$328.46	05-17134	Ashley Grove No. 11
089-043-080	\$328.46	05-17135	Ashley Grove No. 11
089-043-081	\$328.46	05-17136	Ashley Grove No. 11
089-043-082	\$328.46	05-17137	Ashley Grove No. 11
089-043-083	\$328.46	05-17138	Ashley Grove No. 11
089-043-084	\$328.46	05-17139	Ashley Grove No. 11
089-043-085	\$328.46	05-17140	Ashley Grove No. 11
089-059-001	\$328.46	05-17141	Ashley Grove No. 13
089-059-002	\$328.46	05-17142	Ashley Grove No. 13
089-059-003	\$328.46	05-17143	Ashley Grove No. 13
089-059-004	\$328.46	05-17144	Ashley Grove No. 13
089-059-005	\$328.46	05-17145	Ashley Grove No. 13
089-059-006	\$328.46	05-17146	Ashley Grove No. 13
089-059-007	\$328.46	05-17147	Ashley Grove No. 13
089-059-008	\$328.46	05-17148	Ashley Grove No. 13
089-059-009	\$328.46	05-17149	Ashley Grove No. 13
089-059-010	\$328.46	05-17150	Ashley Grove No. 13
089-059-011	\$328.46	05-17151	Ashley Grove No. 13
089-059-012	\$328.46	05-17152	Ashley Grove No. 13
089-059-013	\$328.46	05-17153	Ashley Grove No. 13
089-059-014	\$328.46	05-17154	Ashley Grove No. 13
089-059-015	\$328.46	05-17155	Ashley Grove No. 13
089-059-016	\$328.46	05-17156	Ashley Grove No. 13
089-059-017	\$328.46	05-17157	Ashley Grove No. 13
089-059-018	\$328.46	05-17158	Ashley Grove No. 13
089-059-019	\$328.46	05-17159	Ashley Grove No. 13
089-059-020	\$328.46	05-17160	Ashley Grove No. 13
089-059-021	\$328.46	05-17161	Ashley Grove No. 13
089-059-022	\$328.46	05-17162	Ashley Grove No. 13
089-059-023	\$328.46	05-17163	Ashley Grove No. 13
089-059-024	\$328.46	05-17164	Ashley Grove No. 13
089-059-025	\$328.46	05-17165	Ashley Grove No. 13
089-059-026	\$328.46	05-17166	Ashley Grove No. 13
089-059-027	\$328.46	05-17167	Ashley Grove No. 13
089-059-028	\$328.46	05-17168	Ashley Grove No. 13
089-059-029	\$328.46	05-17169	Ashley Grove No. 13
089-059-030	\$328.46	05-17170	Ashley Grove No. 13
089-059-031	\$328.46	05-17171	Ashley Grove No. 13
089-059-032	\$328.46	05-17172	Ashley Grove No. 13
089-059-033	\$328.46	05-17173	Ashley Grove No. 13
089-059-034	\$328.46	05-17174	Ashley Grove No. 13
089-059-035	\$328.46	05-17175	Ashley Grove No. 13
089-059-036	\$328.46	05-17176	Ashley Grove No. 13
089-059-037	\$328.46	05-17177	Ashley Grove No. 13

Exhibit "C"

Tax Roll Assessment Ashley Grove No. 10-13 Fiscal Year 2007-08

089-059-038	\$328.46	05-17178	Ashley Grove No. 13
089-059-039	\$328.46	05-17179	Ashley Grove No. 13
089-059-040	\$328.46	05-17180	Ashley Grove No. 13
089-059-041	\$328.46	05-17181	Ashley Grove No. 13
089-059-042	\$328.46	05-17182	Ashley Grove No. 13
089-044-036	\$328.46	05-17183	Ashley Grove No. 13
089-044-037	\$328.46	05-17184	Ashley Grove No. 13
089-044-038	\$328.46	05-17185	Ashley Grove No. 13
089-044-039	\$328.46	05-17186	Ashley Grove No. 13
089-044-040	\$328.46	05-17187	Ashley Grove No. 13
089-044-041	\$328.46	05-17188	Ashley Grove No. 13
089-044-042	\$328.46	05-17189	Ashley Grove No. 13
089-044-043	\$328.46	05-17190	Ashley Grove No. 13
089-044-044	\$328.46	05-17191	Ashley Grove No. 13
089-044-045	\$328.46	05-17192	Ashley Grove No. 13
089-044-046	\$328.46	05-17193	Ashley Grove No. 13
089-044-047	\$328.46	05-17194	Ashley Grove No. 13
089-044-048	\$328.46	05-17195	Ashley Grove No. 13
089-044-049	\$328.46	05-17196	Ashley Grove No. 13
089-044-050	\$328.46	05-17197	Ashley Grove No. 13
089-044-051	\$328.46	05-17198	Ashley Grove No. 13
089-044-052	\$328.46	05-17199	Ashley Grove No. 13
089-044-053	\$328.46	05-17200	Ashley Grove No. 13
089-044-054	\$328.46	05-17201	Ashley Grove No. 13
089-044-055	\$328.46	05-17202	Ashley Grove No. 13
089-044-056	\$328.46	05-17203	Ashley Grove No. 13
089-044-057	\$328.46	05-17204	Ashley Grove No. 13
089-044-058	\$328.46	05-17205	Ashley Grove No. 13
089-044-059	\$328.46	05-17206	Ashley Grove No. 13
089-044-060	\$328.46	05-17207	Ashley Grove No. 13
089-044-061	\$328.46	05-17208	Ashley Grove No. 13
089-044-062	\$328.46	05-17209	Ashley Grove No. 13
089-059-043	\$328.46	05-17210	Ashley Grove No. 13
089-059-044	\$328.46	05-17211	Ashley Grove No. 13
089-059-045	\$328.46	05-17212	Ashley Grove No. 13
089-059-046	\$328.46	05-17213	Ashley Grove No. 13
089-059-047	\$328.46	05-17214	Ashley Grove No. 13
089-059-048	\$328.46	05-17215	Ashley Grove No. 13
089-059-049	\$328.46	05-17216	Ashley Grove No. 13
089-059-050	\$328.46	05-17217	Ashley Grove No. 13
089-059-051	\$328.46	05-17218	Ashley Grove No. 13
089-059-052	\$328.46	05-17219	Ashley Grove No. 13
089-059-053	\$328.46	05-17220	Ashley Grove No. 13
089-059-054	\$328.46	05-17221	Ashley Grove No. 13
089-059-055	\$328.46	05-17222	Ashley Grove No. 13

Exhibit "C"

Tax Roll Assessment
Ashley Grove No. 10-13
Fiscal Year 2007-08

089-059-056	\$328.46	05-17223	Ashley Grove No. 13
089-044-063	\$328.46	05-17224	Ashley Grove No. 13
089-044-064	\$328.46	05-17225	Ashley Grove No. 13
089-044-065	\$328.46	05-17226	Ashley Grove No. 13
089-044-066	\$328.46	05-17227	Ashley Grove No. 13
089-044-067	\$328.46	05-17228	Ashley Grove No. 13
089-044-068	\$328.46	05-17229	Ashley Grove No. 13
089-044-069	\$328.46	05-17230	Ashley Grove No. 13
089-044-070	\$328.46	05-17231	Ashley Grove No. 13
089-044-071	\$328.46	05-17232	Ashley Grove No. 13
089-044-072	\$328.46	05-17233	Ashley Grove No. 13
089-044-073	\$328.46	05-17234	Ashley Grove No. 13
089-044-074	\$328.46	05-17235	Ashley Grove No. 13
089-044-075	\$328.46	05-17236	Ashley Grove No. 13
089-044-076	\$328.46	05-17237	Ashley Grove No. 13
089-044-077	\$328.46	05-17238	Ashley Grove No. 13
089-044-078	\$328.46	05-17239	Ashley Grove No. 13
089-059-057	\$328.46	05-17240	Ashley Grove No. 13
089-059-058	\$328.46	05-17241	Ashley Grove No. 13
089-059-059	\$328.46	05-17242	Ashley Grove No. 13
089-059-060	\$328.46	05-17243	Ashley Grove No. 13
089-059-061	\$328.46	05-17244	Ashley Grove No. 13
089-059-062	\$328.46	05-17245	Ashley Grove No. 13
089-059-063	\$328.46	05-17246	Ashley Grove No. 13
089-059-064	\$328.46	05-17247	Ashley Grove No. 13
089-059-065	\$328.46	05-17248	Ashley Grove No. 13
089-059-066	\$328.46	05-17249	Ashley Grove No. 13
089-059-067	\$328.46	05-17250	Ashley Grove No. 13
089-059-068	\$328.46	05-17251	Ashley Grove No. 13
089-059-069	\$328.46	05-17252	Ashley Grove No. 13
089-059-070	\$328.46	05-17253	Ashley Grove No. 13
089-059-071	\$328.46	05-17254	Ashley Grove No. 13
089-059-072	\$328.46	05-17255	Ashley Grove No. 13
089-059-073	\$328.46	05-17256	Ashley Grove No. 13
089-059-074	\$328.46	05-17257	Ashley Grove No. 13
089-059-075	\$328.46	05-17258	Ashley Grove No. 13

	Multi - Family	Units	328.46 per unit	
To be determined	\$1,970.76	6	05-17259	Ashley Grove No. 12
To be determined	\$1,970.76	6	05-17260	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17261	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17262	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17263	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17264	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17265	Ashley Grove No. 12

Exhibit "C"

Tax Roll Assessment Ashley Grove No. 10-13 Fiscal Year 2007-08

To be determined	\$1,313.84	4	05-17266	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17267	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17268	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17269	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17270	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17271	Ashley Grove No. 12
To be determined	\$1,970.76	6	05-17272	Ashley Grove No. 12
To be determined	\$1,970.76	6	05-17273	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17274	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17275	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17276	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17277	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17278	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17279	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17280	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17281	Ashley Grove No. 12
To be determined	\$656.92	2	05-17282	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17283	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17284	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17285	Ashley Grove No. 12
To be determined	\$1,313.84	4	05-17286	Ashley Grove No. 12

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-17
Ashley Grove No. 10-13
Fiscal Year 2007-08

General Description

This Assessment District (District) is located on the west side of Mooney Blvd. between Riggin Avenue and Ferguson Avenue. 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. 10-13
Fiscal Year 2007-08

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	Sq. Ft.	19,450	\$0.180	\$3,501.00
Shrub Area	Sq. Ft.	163,470	\$0.180	\$29,424.60
Water	Sq. Ft.	182,920	\$0.050	\$9,146.00
Electricity	Sq. Ft.	182,920	\$0.008	\$1,463.36
Trees In Landscape Lots	Each	405	\$25.00	\$10,125.00
Trees In Local Street Parkways	Each	458	\$25.00	\$11,450.00
Street Lights	Each	44	\$105.00	\$4,620.00
Chip Seal (15 year cycle)	Sq. Ft.	321,927	\$0.190	\$4,077.74
Crack Seal (8 year cycle)	Sq. Ft.	321,927	\$0.02933	\$1,180.39
Reclamite (6 year cycle)	Sq. Ft.	321,927	\$0.0211110	\$1,132.70
Overlays (10 year cycle)	Sq. Ft.	321,927	\$0.65	\$20,925.26
Project Management Costs	Lots	279	\$18.00	\$5,022.00
TOTAL				\$102,068.04
10% Reserve Fund				\$10,206.80
10% for estimated quantities				\$11,227.48
GRAND TOTAL				\$123,502.33
Total Lots and Units		376		
COST PER LOT (258 single family lots)				\$328.46
COST PER UNIT (118 MF Units)				\$328.46

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:

$$A_{max} \text{ for any given year "n"} = (\$123,502.33) (1.05)^{(n-1)}$$

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

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-17
Ashley Grove No. 10-13
Fiscal Year 2007-08

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

Example 1. The estimated year four cost of maintaining the improvements in the district is \$134,617.54 [a 9% increase over the base year estimated cost of \$123,502.33]. The maximum annual assessment for year four is \$142,969.38 [$A_{\max} = (\$123,502.33) (1.05)^{(4-1)}$]. The assessment will be set at \$134,617.54 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 \$139,557.63 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$123,502.33]. 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 \$2,791.15 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 \$142,969.38 [$A_{\max} = (\$123,502.33) (1.05)^{(4-1)}$]. The year four assessment will be set at \$139,557.63 plus the deficit amount of \$2,791.15 which equals \$142,348.78 [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 \$134,617.54 [a 9% increase over the base year assessment of \$123,502.33] and damage occurred to the masonry wall raising the year five expenses to \$150,672.84 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$148,079.29 (a 10% increase over the previous year) and below the maximum annual assessment of \$150,117.85 [$A_{\max} = (\$123,502.33) (1.05)^{(5-1)}$]. The difference of \$2,593.55 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-17
Ashley Grove No. 10-13
Fiscal Year 2007-08

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
Public Works Director

RCE 50022

Date

City of Visalia
Agenda Item Transmittal

Meeting Date: March 5, 2007

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Authorization for Mayor Gamboa to send a letter to Congressional Representatives requesting assistance in relocating Social Security Administration facilities to a site in Downtown Visalia and directing City staff to work with the General Services Administration on downtown relocation efforts.

Deadline for Action: March 5, 2007

Submitting Department: Administration

Contact Name and Phone Number:

Steve Salomon 713-4312
Mike Olmos 713-4332

Department Recommendation:

Staff recommends that Council authorize Mayor Gamboa to submit a letter to Congressional Representatives requesting assistance in efforts to locate the new Social Security Administration (SSA) building to a site in Downtown Visalia; authorize staff to work with congressional staff and the General Services Administration in this effort.

Summary/background:

The Social Security Administration is considering relocating to a new building on a site located on the west side of Lovers Lane, south of Tulare Avenue. As a result, residents from this neighborhood appeared at the City Council meeting on February 20 and Planning Commission meeting on February 26 to express opposition to the relocation of SSA to this residential area.

City staff has contacted representatives of the Lovers Lane property owner and been informed that negotiations are underway to place a new SSA facility at that site. Staff has informed the property owners that a lease to a public agency at the Lovers Lane location will require a Conditional Use Permit (CUP). However, the CUP 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.): 10

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

only applies to property leased by the Federal Government from a private landowner. The City cannot enforce CUP regulations on property owned by the Federal Government.

The City became aware about a year ago that SSA was considering relocating to another site with an expanded facility. At that time, staff expressed to SSA officials the City's strong preference for SSA to relocate its facilities to a downtown site. Toward this end, City staff offered assistance in relocating SSA to a downtown site in a multi-story urban style facility.

A downtown location would provide several advantages to SSA and its clients. First, it would place the SSA facility close to bus transit locations that can be accessed from all areas of Visalia and Tulare, and from outlying cities and unincorporated communities via the Tulare County bus system. The downtown also provides proximity to other services that can be utilized by SSA clients, including Kaweah Delta Hospital, Tulare County facilities (Courts, Assessor, etc.), and medical and professional services. Further, SSA employees would enjoy a downtown location with easy access to shopping, restaurants, and other services.

The Federal General Services Administration is the instrument by which the Federal Government obtains facilities for its other entities. It is our understanding that the General Services Administration solicited proposals for a downtown location where the Social Security Administration would have been one tenant in a larger multi-story building. They did not receive any proposals. As a result, they solicited proposals citywide which has led to the proposed Lovers Lane location.

The staff continues to believe that a downtown location would be the best for the Social Security Administration. In that regard, we are requesting Council authority for the following: 1) To indicate in writing to the Lovers Lane site property owner, the Social Security Administration, and the General Services Administration that a Conditional Use Permit is required for the leased use that is proposed on Lovers Lane; 2) that the Council indicate flexibility in the potential design for a building in the downtown which could be one-story; 3) that a letter be sent to our congressional delegation asking for their support in directing the General Services Administration to re-solicit proposals restricted to the downtown and that the City be able to provide input to the General Services Administration so that viable proposals will be received; 4) that the City position itself so that potential city-owned sites in the downtown would be available during a new solicitation period; 5) that the City work closely with private developers of office space in the downtown to ensure that they are aware of any solicitation that occurs in the near future.

Prior Council/Board Actions: NA

Committee/Commission Review and Actions: NA

Alternatives: None recommended.

Attachments: NA

Recommended Motion (and Alternative Motions if expected): Move to authorize Mayor Gamboa to send a letter to Congressional Representatives requesting assistance in efforts to relocate SSA facilities to Downtown Visalia and authorize staff to work with Congressional, SSA and GSA representatives in this effort, and to move forward with other recommendations outlined in the staff report.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 5, 2007

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording:

Public Hearing for Disestablishment of Agricultural Preserve No. 3503: a request by Joe Freitas, property owner (DBO Development Co., applicant) to cancel 34 acres of Agricultural Preserve No. 3503. The site is located on the north and south sides of Cameron Avenue, approximately ¼ mile east of Mooney Blvd. (APN: 126-062-069[portion], 126-730-015) **Resolution No. 2007-20 required.**

Deadline for Action: None

Submitting Department: Community Development – Planning

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

Recommendation and Summary: Staff recommends that the Council hold a public hearing and then approve the attached resolution to disestablish the 34-acre Agricultural Preserve No. 3503.

The hearing to consider disestablishment of Agricultural Preserve No. 3503 is the last step in the request for removing all Williamson Act restrictions on the property designated as Phase 2 of the Packwood Creek Commercial Center before any maps facilitating commercial development can be recorded. On October 24, 2005, the City Council made findings in accordance with the Williamson Act to cancel the Conservation Contract on the site, subject to conditions that include the payment of a penalty fee for ending the contract and filing a request for the disestablishment of the Agricultural Preserve on the site. These conditions were fulfilled by the applicant in January 2007, and an authorization to file a Final Certificate of Cancellation has been brought before the Council as a Consent Calendar item on the March 5, 2007 agenda.

Background

The Williamson Act is the State law that establishes the procedures for agricultural preserves. The agricultural preserve process has two steps. First, the law allows a County or City to establish land that is being used for agriculture as an Agricultural Preserve. Once the land is so designated, property owners within the Preserve may then sign a contract with the City or County to keep the land in exclusive agricultural use for a period of at least 10 years. In exchange for this contract, the property owner's property tax bill is reduced to reflect the fact that the property may only be used for agriculture. Once all contracts have been dissolved in a

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.):_10_

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

preserve, then the preserve may be disestablished. The Williamson Act does not explicitly outline a procedure for the disestablishment, diminishment, or enlargement of agriculture preserves, but rather states that the procedure shall be the same that is used to establish a preserve (Govt. Code 51231). Therefore, consistent with the Williamson Act, a public hearing shall be held before the Council takes action to authorize the disestablishment of the preserve.

In the case of the subject property owned by Joe Freitas, the County established Agricultural Preserve No. 3503 on the property in 1977. The contract was automatically renewed annually until a notice of non-renewal went into effect in 2005 at the request of the property owner.

In 2005, the land was annexed into the City limits. On October 24, 2005, the City Council, in accordance with the procedures contained in the Williamson Act, approved a tentative cancellation for the 34-acre contract, subject to certain conditions including the payment of a penalty fee for ending the contract. Those conditions required the applicant to pay the State-mandated cancellation penalty fee to the County Tax Collector and to request application for the disestablishment of the agricultural preserve. All conditions have now been met. A related item on the March 5 agenda requests that Council find that the conditions have been met and that the contract cancellation shall be finalized. Following the contract cancellation, the agricultural preserve must be disestablished to eliminate all remaining Williamson Act restrictions on the subject 34 acres of the Freitas property.

When Agricultural Preserve No. 3503 was established in 1977, the City's adopted Urban Development Boundary did not allow urban development south of Packwood Creek. Thus, at that time, designation of the site as an agricultural preserve by the County Board of Supervisors was appropriate. Development was not permitted south of Packwood Creek until certain findings regarding regional development along Mooney Blvd. (outlined in Land Use Element Policy 3.5.10) were met. These findings were made in 2002, and development ensued in the vicinity of the site. Today, the site is bordered on the west by regional retail development and within ¼ mile of development to the east and north. Given the changes in land uses that have occurred during this time, staff believes that it is appropriate to disestablish the preserve as requested by the applicant. The disestablishment will eliminate the restriction of the site to agricultural uses only, and will allow for Phase 2 of the Packwood Creek Commercial Center as the alternative use for the site proposed by the applicant to proceed.

Committee/Commission Review and Actions:

On September 10, 2005, the Planning Commission approved Tentative Parcel Map No. 2005-19 and Conditional Use Permit No. 2005-29 subject to completion of the Williamson Act contract cancellation and agricultural preserve disestablishment.

Prior Council/Board Actions:

On October 24, 2005, after holding a public hearing, the City Council approved the tentative cancellation of the land conservation contract. The conditions of the tentative cancellation have now been met.

The Council is also requested on the March 5, 2007 agenda to authorize execution of a final Cancellation of Land Conservation Contract No. 10350. This must be done prior to disestablishment of the preserve, but can be done at the same meeting.

Alternatives:

None recommended.

Attachments:

- Resolution
- City Council Staff Report from October 24, 2005
- Map showing area to be removed from agricultural preserve
- Location Sketch

Recommended Motion (and Alternative Motions if expected): I move to adopt Resolution No. 2007-20, approving the disestablishment of Agricultural Preserve No. 3503.

Environmental Assessment Status

CEQA Review: The Council previously certified the EIR for the South Packwood Creek Specific Plan and Phase I Regional Retail Development. This EIR is being used for this project.

NEPA Review: None.

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)*

Copies of this report have been provided to:

RESOLUTION NO. 2007-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA DISESTABLISHING AGRICULTURAL PRESERVE NO. 3503 LOCATED ON THE NORTH AND SOUTH SIDES OF CAMERON AVENUE, APPROXIMATELY ¼ MILE EAST OF MOONEY BLVD.. JOE FREITAS, PROPERTY OWNER; DBO DEVELOPEMNT, AGENT

WHEREAS, Agricultural Preserve No. 3503 and Land Conservation Contract No. 10350, located on the north and south sides of Cameron Avenue, approximately ¼ mile east of Mooney Blvd. (APN: 126-062-069[portion], 126-730-015) were established and entered into between the County of Tulare and the property owner in 1977 pursuant to the Williamson Act (California Government Code Section 51200 et seq.); and

WHEREAS, the subject site was annexed to the City of Visalia on October 12, 2005; and

WHEREAS, the applicant has filed an application for disestablishment of the 34-acre Agricultural Preserve No. 3503 and the cancellation of Land Conservation Contract No. 10350 in accordance with the provisions of the Williamson Act; and

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice held a public hearing before said Council on October 24, 2005; and

WHEREAS, the City Council of the City of Visalia approved the Tentative Cancellation of Land Conservation Contract No. 10350 on October 24, 2005 based on certain findings and conditions; and

WHEREAS; evidence has now been presented that all conditions of said tentative cancellation have been met, and that the City Council of the City of Visalia has authorized the recording of a Certificate of Cancellation of Land Conservation Contract No. 10350; and

WHEREAS, the City Council has previously certified the Environmental Impact Report (EIR) for the South Packwood Creek Specific Plan and the development of Phase I of the specific plan, consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines; and

WHEREAS, the City Council held a public hearing to review the proposed disestablishment on March 5, 2007.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia finds that the EIR adequately evaluates the potential impacts of the project..

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby disestablishes Agricultural Preserve No. 3503.