

# Visalia City Council Agenda

For the regular meeting of: MONDAY, August 4, 2008

Location: City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291

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

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

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**4:00 p.m.**

## **NEW EMPLOYEE INTRODUCTIONS**

Michael Allen will introduce new employees to the IS Division - Bob Craine and John Howison, Office Systems Analysts

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

### **Public Comment on Work Session and Closed Session Items**

- 4:05 p.m. 1. Youth presentation on teen pregnancy and teen violence (Jason Lefaive, 1<sup>st</sup> Assembly of God Church).
- 4:15 p.m. 2. Presentation from students who have returned from Miki City Sister City.
- 4:30 p.m. 3. Presentation by the San Joaquin Valley Air Pollution Control District regarding proposed green waste regulations and a general update on District activities.
- 4:45 p.m. 4. Presentation and discussion of Alternate Sites for the new SPCA Facility and referral to Committee to make recommendations on the preferred location.
- 5:15 p.m. 5. Status report on Civic Center area planning

*Convene as Visalia City Council and Redevelopment Agency*

6. RDA CONSENT CALENDAR -  
Authorization to amend agreement with AmeriNational Community Services, Inc. to include loan servicing and loan underwriting services in relation to the new Redevelopment funded Lincoln Oval Washington School Neighborhood Program loans for five (5) years.

*Adjourn as City Council and Redevelopment Agency and remain seated as Visalia City Council*

*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)**

7. Conference with Real Property Negotiators (G.C. §54956.8)  
Property: 313-315 Giddings (APN: 093-263-006; 093-263-005)  
Under Negotiation: Status of negotiations; terms and conditions of purchase  
Negotiating Parties for City: Steve Salomon, Michael Olmos, Ricardo Noguera, Colleen Carlson  
Negotiating Parties for Seller: Jim Phillips, Mike Bishop
8. Conference with Real Property Negotiators (G.C. §54956.8)  
Property: 500 S. Santa Fe (APN:097-121-019)  
Under Negotiation: Price, terms and conditions of potential purchase, update re previously authorized negotiations  
Negotiating Parties: Steve Salomon, Andrew Benelli, Colleen Carlson; Magdy Maksy and Nagwa Maksy Co-Trustees
9. Conference with Real Property Negotiators (G.C. §54956.8)  
Property: 220 N. Santa Fe (APN: 094-204-040)  
Under Negotiation: terms and conditions  
Negotiating Parties for City: Steve Salomon, Michael Olmos, Leslie Caviglia  
Negotiating Parties for Owner: Connie Kautz
10. Conference with Real Property Negotiators (G.C. §54956.8)  
Property: 320 N. Tipton (APN: 094-240-026)  
Under Negotiation: Price, terms and conditions of potential purchase  
Negotiating Parties for Seller: Southern California Gas Company  
Negotiating Parties for Buyer: Steve Salomon, Michael Olmos, Colleen Carlson
11. Conference with Real Property Negotiators (G.C. §54956.8)  
Property: 139 N. Cain Street  
Under Negotiation: Authority to negotiate price, terms and conditions of purchase or lease  
Negotiating Parties: Steve Salomon, Andrew Benelli; Johnny and Debra McElree (Trs) and Robert and Barbara McElree (Trs)

## **REGULAR SESSION**

**7:00 p.m.**

### **PLEDGE OF ALLEGIANCE**

**INVOCATION** – Reverend Tim Ramage, Merge Visalia

### **SPECIAL PRESENTATIONS/RECOGNITION**

**CITIZENS REQUESTS** - This is the time for members of the public to comment on any matter within the jurisdiction of the Visalia City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item for discussion purposes. Comments related to Regular or Public Hearing Items listed on this agenda will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or

take official action on citizen request items that are introduced tonight. In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (speaker timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your street name and city.

12. INFORMATION ONLY - Receive Planning Commission Action Agenda of July 28, 2008.

### **CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION**

13. 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) Second reading and adoption of Ordinance for Change of Zone No. 2007-10: A request by Jeff Manquen (Jesus Gutierrez, agent) to change the zoning designation on 0.21 acres from R-1-6 (Single-Family Residential, 6,000 sq. ft. minimum lot size) to PA (Professional Administrative/Office) and add 0.21 acres to Design District C. The site is located at 501 South Court Street, on the southwest corner of Court Street and Olive Avenue. (APN: 097-033-002) **Ordinance 2008-05 required.**

c) Second reading and adoption of Ordinance amending Section 17.30.045 A and B regarding the Parking In-lieu Fee Program which would replace the existing five (5) year payment program with a ten (10) year payment program for Parking In-lieu Fees in the Central Business District. **Ordinance 2008-06 required.**

d) Second reading and adoption of Ordinances extending the duration of the East Visalia and Mooney Boulevard Redevelopment Project Areas. **Ordinances 2008-07, 08, 09, and 10 required.**

e) Appointment of Karen Cooper to serve as the City of Visalia's representative on Measure R Citizen's Oversight Committee

f) 1. Withdrawal of Change of Zone No. 2004-14 by the Plaza Land Company LLC, the action was to change the zone from Business Research Park to Professional Administrative Office; and

2. Initiation of General Plan Amendment to change the land use designation from Professional Administrative Office to Business Research Park for property located on the northeast corner of Highway 198 and Plaza Drive. APN 081-020-036.

g) Initiation of an Amendment to the General Plan Circulation Element pertaining to the addition of Burke Street from Houston Avenue continuing south to Tulare Avenue as a collector status street.

h) Authorization to apply for a \$32,000 grant from the San Joaquin Valley Air Pollution Control District (SJVAPCD) REMOVE II program for the painting of bike lanes on Woodland St. between W. Main St. and the Evans Ditch and authorize the City Manager to execute the necessary agreement. (Project No. 3011-00000-720000-0-9923)

- i) Authorize the release of Request for Qualifications (RFQs) for architectural and construction management services for the new public safety facility.
- j) Notice of Completion for Oakwood Ranch subdivision located at the southeast corner of Chinowth Street and Houston Avenue containing 11 Multi-family lots (42 Units)
- k) Notice of Completion for Walnut Village, containing 11 lots and one common lot, located on the south side of Walnut Avenue between Chinowth Street and Linwood Street.
- l) Partial Notice of Completion for Luisi Acres Phase 1, containing 37 lots, located at the northwest corner of the Giddings Street and Ferguson Avenue intersection
- m) *Item removed at the request of staff*
- n) Authorization for the City Manager to continue a consulting contract with Bruce McDermott for \$2,000 a month, and authorization to waive the standard consultant insurance requirements.
- o) Support for Assembly Bills 31, 2176, 2262, 2594, 1033, 2151 and Senate Bill 1357; and opposition to Assembly Bills 983 and 2716.
- p) Adoption of Resolution expressing opposition to state budget decisions which would "borrow" local government, redevelopment, and transportation funds. **Resolution 2008-42 required.**

Hearing  
7:30 p.m.

- 14. Hearing to Consider Adoption of Resolution of Necessity to Acquire Real Property by Eminent Domain for property located at 500 Santa Fe Avenue APN 096-121-019 owned by Magdy Maksy and Nagwa Maksy Revocable Trust. **Resolution 2008-43 required.**
- 15. Consider supplemental annexation policies for the City of Visalia; consider a policy pertaining to increasing densities for approved residential subdivision maps.

#### REPORT ON ACTIONS TAKEN IN CLOSED SESSION

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

##### Upcoming Council Meetings

- Monday, August 18, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia
- Tuesday, September 2, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia
- Monday, September 15, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia

*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.*

*Any written materials relating to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291, during normal business hours.*



## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 3

**Agenda Item Wording:** Presentation by the San Joaquin Valley Air Pollution Control District regarding proposed green waste regulations, and a general update on District activities.

**Deadline for Action:** N/A

**Submitting Department:** Administration

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

### Department Recommendation

It is recommended that the Council hear the update regarding the proposed green waste activities and direct staff to continue to monitor and be involved with the regulation development process, and advocate for regulations that will not inhibit the processing of green waste.

### Department Discussion:

The San Joaquin Valley is a non-attainment area for smog and specifically the health-based 8-hour ozone standard. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is under a federal mandate to develop an ozone plan that will reduce smog levels in the Valley and meet the 8-hour standard.

Green waste composting is one of the 33 "source categories" that the District is addressing as part of the plan. According to the District, green waste produces Volatile Organic Compounds (VOCs). VOCs are one of the compounds that form smog.

The City of Visalia has been very successful in using a green waste diversion program to meet the state recycling/diversion mandates. The Solid Waste Division estimates that 22 percent of the City's waste stream is attributed to green waste diversion. Key to the success of this program is having financially feasible processing alternatives.

In addition, a significant portion of Tulare County's waste diversion is a result of agriculture green waste processing. The City and the County are both part of the Consolidated Waste Management Joint Powers Authority and must jointly meet the 50 percent waste reduction mandate. Therefore, it is very important that there continue to be viable green waste processing options.

### 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 73008  
**Finance**

**City Atty**

**City Mgr**

When the initial composting regulations were released by the SJVAPCD in January, both of the companies that process the City's green waste, Tulare County Compost and Biomass and Wood Industries Company, expressed concern that the regulations would result in unrealistic restrictions regarding placing tarps or other covers on green waste that isn't processed with a few hours of receipt, and the costs associated with the mitigation measures that could make green waste processing financially unfeasible. The City sent a letter expressing concern about the proposed regulations. (Copy attached).

Since that time, the District has formed a technical workgroup to help determine the effectiveness of the proposed work practices, is conducting further analysis to evaluate potential environmental impacts of the rule, the cost effectiveness and socioeconomic impact of the proposed rule, including whether the costs associated with the proposed rule would impact the diversion of green waste from the landfill.

The District has a work plan that indicates the proposed regulation will be reviewed and assessed through the fall, with a proposed rule slated to be proposed to the District Governing Board in the first quarter of 2009. It is recommended that the Council direct staff to continue to monitor the development of the regulation and come back to Council with an update prior to the proposed rule being presented to the Governing Board.

**Prior Council/Board Actions:** N/A

**Committee/Commission Review and Actions:** N/A

**Alternatives:** Direct staff to support or oppose the proposed regulations.

**Attachments:**

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

I move to direct staff to continue to work with the San Joaquin Valley Air Pollution Control District and the composting companies regarding the proposed regulations.

***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:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 4

**Agenda Item Wording:** Presentation and discussion of Alternate Sites for the new SPCA Facility and City Council direction on the preferred location.

**Deadline for Action:** None

**Submitting Department:** Public Works Department

**Contact Name and Phone Number:**

Mike Olmos, Assistant City Manager 713-4332  
Adam Ennis, PE, Senior Civil Engineer 713-4323  
Paul Scheibel, AICP, Principal Planner 713-4369  
Rebecca Keenan, PE, Civil Engineer 713-4541

**Department Recommendation**

The City Council is requested to review the proposed sites, provide comments and a recommendation, and send the Staff Report to the SPCA Committee for final review on which site to pursue for the preliminary design of the new SPCA facility.

**Background**

A consultant was hired to complete a Needs Assessment, Feasibility, and Building Program Study for the City of Visalia and Valley Oak SPCA. The Study was completed in March 2008, and recommends a new shelter of approximately 25,000 square feet with a center courtyard design. The facility would include the following features: 1) Public reception and sales of pet supplies 2) administrative areas, including private offices 3) public education classroom/meeting room 4) animal receiving, including examinations and grooming 5) animal kennels for strays and adoptions 6) animal kennels for quarantine and observation 7) support spaces, such as laundry, kitchen 8) clinic for shelter animal care, emergencies, spay/neuter and euthanasia space. The structure would be a slab on grade, single story building, with a warm, open, welcoming look.

Based on the information collected by the SPCA Committee, the southwest corner of the intersection of Walnut Avenue and Aviation Drive was selected as the optimal site for the new facility. Since then, four additional sites near the Airport, and four additional sites around town have also been identified as potential choices. These are presented here for the City Council's consideration.

**For action by:**

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

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.):\_45\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**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 Attorney Review.

## **Summary**

The potential areas and specific properties that might serve as the site for the new SPCA facility location are presented here in the two category areas:

1. Airport Area Locations
2. Non-Airport Area Locations

These category areas are discussed separately, below:

### **1. Airport Area Locations:**

(See Attachment 3 for Location Map)

Five sites near the existing SPCA have been identified as potential locations for the future SPCA facility. All of the sites are on, or near the airport property, and are relatively close to the current SPCA location. Most of the area surrounding the airport is currently in the 100-year floodplain. However, FEMA is working on updating the floodplain maps, and most of the sites are out of the floodplain in the revised maps. The green areas on the attached aerial photo are within the new 100-year floodplain. Fill material would have to be imported to the sites that are within the floodplain before a structure could be built. It appears that less than two feet of material would be needed to raise the sites out of the floodplain.

All five sites on/near the Airport property will require the added step of obtaining a review for consistency with the Visalia Airport Master Plan (VAMP) by the Tulare County Airport Land Use Commission (TCALUC). This is due to the circumstance that the VAMP has not been approved by the TCALUC. Further, the current Airport Zoning text (VMC Chapter 17.50) has not been updated to reflect adoption of the current Visalia Airport Master Plan (June 2004). Although this would be an added step in the review and entitlement process, it is a fairly routine process that has been used by the City and by private development applicants on at least six occasions since 2004. It is anticipated that TCALUC review would add approximately 45 to 60 days to the City's review and entitlement timeline. Bringing the VAMP and Airport Zoning text into full conformance with the County airport plan is included in the list of the City's long range Planning projects, but is presently unfunded.

### **2. Non-Airport Area Locations:**

(See Attachment 4 for Location Map)

There are advantages and disadvantages to locating an animal shelter outside of the Airport Area, and as close to the developed parts of town as practical. There are four sites that are considered part of the Non-Airport Area Locations. (see Attachment 2).

The advantages are primarily shorter response and transport distances for animal control staff and for the general public, who may have occasion to go to the facility. Of even greater positive effect, studies have shown that pet adoptions increase when the facility is in a prominent, visible location that is easily accessible to the general public. This situation conditions the public to make a positive association with the facility and its pet adoption aspect. This is much like commercial establishments that seek to locate at prominent intersections on the premise that drive-by traffic will eventually stop and inquire into what the business has to offer.

The disadvantages are that there could be significant organized opposition to the facility by nearby residents and businesses. This would be in reaction to the real or perceived nuisance effects of barking noise, health and odor concerns, illegal after-hours animal dumping, and a visible crematory tower.

The City's consultant has indicated that nuisance concerns can be largely overcome through the modern design of their facilities. Modern design features include kennels that face inward to an

interior court to minimize barking noise travel, automated cleaning and ventilation systems that ensure for a healthy and pleasant facility, security and monitoring equipment in use after hours, and architectural screening of the crematory tower.

There are three zone districts that allow animal shelters. These zones are the Light (IL) and Heavy (IH) industrial zone districts and the Q-P (Quasi-Public) zone district. Animal Shelters/Humane Societies (Zoning Matrix Line 31) are conditionally allowed uses in the standard industrial zones (but not in the BRP zone). The use is not specifically listed in the Q-P zone, but by Planning staff's analysis, is similar to other conditionally allowed public service uses listed in VMC Section 17.52.030, and could be permitted by granting a conditional use permit (CUP).

Kennels (Zoning Matrix Line 286) are the closest commercial equivalent to an SPCA-type facility. These are conditionally allowed only in the C-S (Service Commercial) and IL zones. There is a minimum 500-foot minimum separation requirement from residentially zoned lands, presumably to preclude nuisance impacts on existing and future residents. If the facility is to be located in any of the potentially allowed zones (Q-P, IL, HL, or CS), staff recommends some separation from residential zones be factored into the site selection criteria.

Adhering to the full 500-foot separation requirement is the least-risky course of action for avoiding potential opposition to the facility, wherever it is ultimately located. Only two of the potential Non-Airport Area locations can meet this optimum separation requirement (the Sports Park and Road 148 at Mineral King sites). However, there are numerous examples of other cities- particularly those in more urbanized metropolitan areas that maintain a 200 or 300-foot minimum separation requirement from residential zones.

No industrially centered sites were included in this report because the City does not own any developable property in the industrial zones. The City owns eleven parcels in the industrial area however, they are in use as detention basins.

**Prior Council/Board Actions:**

At the November 20, 2006, City Council Work Session, the City Council appointed Vice Mayor Greg Kirkpatrick and Councilmember Don Landers to serve on a work committee with the Valley Oak SPCA Board President, Amy Shuklian, Executive Director Jerry Herrmann, and Assistant City Manager, Carol Cairns, to evaluate the facility needs, and other areas in which the City could assist the Valley Oak SPCA, in providing animal control services to the City.

At the June 25, 2007, City Council Work Session, the SPCA Committee presented their findings regarding a new facility, and requested authorization to distribute an RFP for the design of a new SPCA facility.

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

**Alternatives:**

1. Consideration of additional sites, not currently presented as an option.
2. No project.

**Attachments:**

1. Proposed Airport Area Sites
2. Proposed Non-Airport Area Sites
3. Airport Area Location Map
4. Non-Airport Area Location Map
5. Visalia Municipal Airport Land Use Compatibility Designation Map

6. Visalia Municipal Airport Layout Plan
7. Tulare County ALUC Safety Review Area Map
8. Needs Assessment, Feasibility, & Building Program Study for The City of Visalia & Valley Oak SPCA (limited distribution to Council Members and the Record).

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

I move to direct the SPCA Committee to pursue site (select from sites 1 through E) for the new SPCA facility location.

***Environmental Assessment Status***

**CEQA Review:** The appropriate environmental review will be completed in conjunction with preliminary Project design and after the site is selected by the City Council.

**NEPA Review:** Not applicable

**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)*

## Proposed Airport Area Sites

### Site No. 1

POTENTIAL BENEFITS	POTENTIAL CONSTRAINTS
Public Accessibility	Known objection from adjacent property owners.
Visibility	

- **Location:** southwest corner of the intersection of Walnut Avenue and Aviation Drive.
- **Owner:** City of Visalia, six acres available
- **Zone :** Airport
- **Visalia Municipal Airport Land Use Compatibility Designation:** B1 - Approach departure zone. There are no anticipated issues related to this designation.
- **Visalia Airport Master Plan Designation** (Airport Layout Plan): Undesignated use
- **Existing FEMA 100 Year Floodplain:** INSIDE
- **Proposed FEMA 100 Year Floodplain:** OUTSIDE
- **CEQA** compliance will be required.



Site No. 1

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water*	12"	3800 feet	\$500,000	Toward the east, a shorter distance may be possible west.
Storm Drain*			\$80,000	On-site Basin will be required
Sanitary Sewer*	6" lateral	300 feet	\$7000	Main is located north of site.
Gas	**	6500-7300 feet	**	Main is located north, near softball fields
Electric	***	3500 feet	\$112,000	Connection to Shirk required.
Phone	**	2600 feet	**	**
Cable	**	18,000 feet	\$220,000	**
City Communication (Secure Network)	**	5500 feet	**	Air transmission will be difficult due to trees. May require fiber optic connection.

\*Note: All sizes, distances, and costs shown are approximate. Information will be updated after site selection and preliminary design.

\*\* Information not available at this time.

\*\*\*Location of Electric connection information per Edison not available at this date.



## Proposed Airport Area Sites

### Site No. 2

POTENTIAL BENEFITS	POTENTIAL CONSTRAINTS
Public Accessibility	Potential loss of softball field and “bark park”
High Visibility: Adjacent to Highway 198	Loss of existing irrigation system investment.
Possible interface with “bark park”	Possible interface with “bark park”
Park setting	Mix of other uses in this area may lead to opposition, IE: hotel
No TCALUC review required	Site may have future benefit for highway related uses.
Permitted use in QP Zone	Escape of sick animals in the area may not be prudent in the park setting.

- **Location:** Southeast of the intersection of Plaza Drive and Highway 198 (adjacent to the Bark Park).
- **Owner:** City of Visalia, 9.7 acres available (including dog park)
- **Zone:** Quasi-Public
- **Visalia Municipal Airport Land use Compatibility Designation: C – Common Traffic Pattern:** There are no anticipated issues related to this designation.
- **Existing FEMA 100 Year Floodplain:** INSIDE
- **Proposed FEMA 100 Year Floodplain:** OUTSIDE
- **CEQA** compliance will be required.



Site No. 2

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water*	12"	300 feet	\$42,000	West along Airport
Storm Drain*			\$80,000	On-site Basin will be required
Sanitary Sewer*	6" lateral	400 feet north	\$9000	18" Main runs parallel to freeway 198
Gas	**	400 feet	**	Connection available near intersection of Plaza and Airport Drive.
Electric	***	200	\$6000	The existing master meter for this area is located at the Park. Connection to Airport Drive.

### Proposed Airport Area Sites

Phone	**	400 feet	**	Connection available near intersection of Plaza and Airport Drive.
Cable	**	12,100 feet	\$150,000	**
City Communication (Secure Network)	**	1800 feet	**	Air transmission will be difficult due to trees. May require fiber optic connection.

\*Note: All sizes, distances, and costs shown are approximate. Information will be updated after site selection and preliminary design.

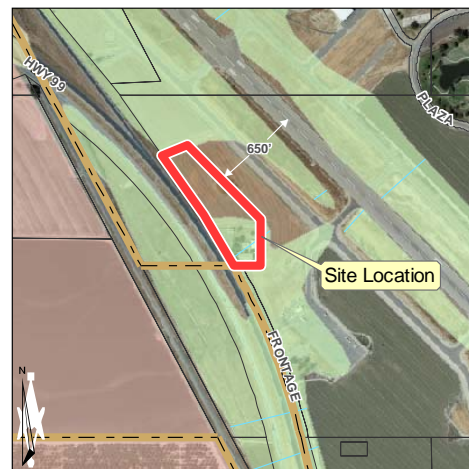
\*\* Information not available at this time.

\*\*\*Location of Electric connection information per Edison not available at this date.

### Site No. 3

POTENTIAL BENEFITS	POTENTIAL CONSTRAINTS
No adjacent land conflicts.	Remote location does not encourage visitors.
Location is known by current visitors to the SPCA	Site will need to be raised above new FEMA flood zones.
Availability of utilities	
New facility will be highly visible from Highway 99	

- **Location:** Existing SPCA Site and Adjacent Land
- **Owner:** City of Visalia, eight acres available.
- **Zone :** Airport
- **Visalia Municipal Airport Land Use Compatibility Designation:** B1 – Approach departure zone. There are no anticipated issues related to this designation.
- **Visalia Airport Master Plan Designation (Airport Layout Plan):** Undesignated Use.
- **Existing FEMA 100 Year Floodplain:** INSIDE
- **Proposed FEMA 100 Year Floodplain:** Southerly area within floodplain.
- **CEQA** compliance will be required.
- **Notes:** This site is currently accessible from Aviation Drive. If Aviation Drive is eliminated due to expansion of the runway, the site may be accessed from the existing Frontage Road, via Caldwell Ave. The Airport has a northerly Frontage Road extension (access from Plaza areas) programmed for the year 2013 - 2014. This site will be triangular, to maintain the necessary clearance from the centerline of the runway (a 21' high building must be 650 feet from the centerline of the runway.)



Site No. 3

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO	APPROXIMATE COST	COMMENTS
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## Proposed Airport Area Sites

		CONNECTION		
Water*	6" service	300 feet	\$25,000	12" main is just south of site.
Storm Drain*			\$80,000	On-site Basin will be required
Sanitary Sewer*	6" lateral	400 feet	\$30,000	Main runs along frontage road, west
Gas	**	3300	**	Line located northwesterly, crosses freeway.
Electric	***	***	***	This site currently has electricity.
City Communication (Secure Network)	**	2400 feet	**	Air transmission currently exists, would continue.
Phone	**	100 feet	**	Line located along frontage Road.
Cable	**	22,500 feet	\$340,000	**

\*Note: All sizes, distances, and costs shown are approximate. Information will be updated after site selection and preliminary design.

\*\* Information not available at this time.

\*\*\*Location of Electric connection information per Edison not available at this date.

### Site No. 4

POTENTIAL BENEFITS	POTENTIAL CONSTRAINTS
SPCA use is agreeable to adjacent property owner.	Parcel shape (long and narrow) may make facility design more complicated.
Accessibility to visitors; location next to Golf course provides site familiarity.	Airport masterplan shows future re-alignment of Plaza to the NE, through this parcel.
Visibility: Location will encourage visitors.	
Sewer line is near.	
Site is outside of new FEMA floodplain	

- **Location:** Southwest side of Valley Oaks Golf Course
- **Owner:** City of Visalia, nine acres available.
- **Zone** (per the City of Visalia Municipal Code): Airport
- **Land Use Designation** (per City of Visalia General Plan): Park
- **Visalia Municipal Airport Land use Compatibility Designation:** B1 – Approach departure zone. There are no anticipated issues related to this designation.
- **Visalia Airport Master Plan Designation** (Airport Layout Plan): Future Road Right of Way
- **Existing FEMA 100 Year Floodplain:** INSIDE
- **Proposed FEMA 100 Year Floodplain:** OUTSIDE
- **CEQA** compliance will be required.



Site No. 4

## Proposed Airport Area Sites

- **Notes:** A shared parking lot (Golf Course and SPCA) is feasible on the north portion of the site. If Plaza is not realigned, per the Airport master plan, (the SPCA is built here) there will be an impact to the future airport development. If the site is selected, an additional parking lot may be placed across Plaza, on the airport. However, revenue from the existing agriculture lease of this land would be eliminated. In addition, there may be an increase in pedestrian accidents crossing Plaza Drive.

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water*	12" service	900 feet	\$130,000	Main is north west, along Plaza
Storm Drain*			\$80,000	On-site Basin will be required
Sanitary Sewer*	6" lateral	400 feet	\$30,000	21" main runs north/south, to the west of this site.
Electric	***	4000-5500 feet	\$130,000- \$180,000	May be able to connect through a new easement across the golf course. Otherwise, connection to Shirk.
Gas	**	3500 feet	**	Line located behind fire station. Requires crossing the 2 Creeks
City Communication (Secure Network)	**	3200 fee	**	Air transmission will be difficult due to trees. May require fiber optic connection.
Phone	**	1000 feet	**	**
Cable	**	15,300 feet	\$190,000	**

\*Note: All sizes, distances, and costs shown are approximate. Information will be updated after site selection and preliminary design.

\*\* Information not available at this time.

\*\*\*Location of Electric connection information per Edison not available at this date.

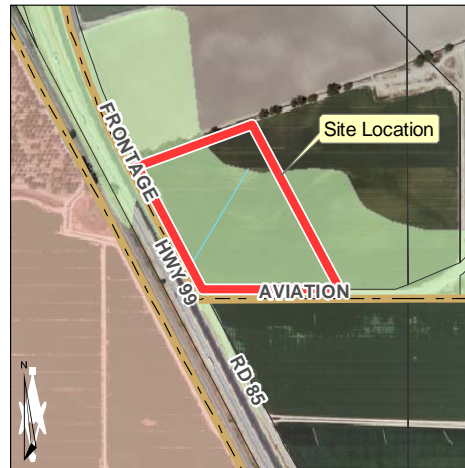
## Site No. 5

POTENTIAL BENEFITS	POTENTIAL CONSTRAINTS
Remote location will probably not face a lot of opposition from neighbors.	Remote location does not encourage visitors.
Close to existing SPCA site	Site will need to be raised above new FEMA flood zones.
New facility will be visible from the Freeway.	Utilities will need to be extended over long distances.
Large site will facilitate design	

## Proposed Airport Area Sites

**Location:** Northeast corner of the intersection of Aviation Drive and Frontage Road 85.

- **Owner:** City of Visalia, fifteen-twenty acres available.
- **Zone :** Airport
- **Visalia Municipal Airport Land Use Compatibility Designation:** C - Common Traffic Pattern. There are no anticipated issues related to this designation.
- **Visalia Airport Master Plan Designation (Airport Layout Plan):** Future Non-Aviation Use,
- **Existing FEMA 100 Year Floodplain:** INSIDE
- **Proposed FEMA 100 Year Floodplain:** INSIDE – Site will need to be raised approximately 1-2 feet.
- **CEQA** compliance will be required.



Site No. 5

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water*	12" service	4000 feet	\$560,000	Main is located northwest, near exist SPCA, along Frontage Road
Storm Drain*			\$80,000	On-site Basin will be required
Sanitary Sewer*	12" main	2700 feet	\$490,000	Main is located northwest, runs east/west
Electric	***	1000 feet	\$50,000	Site may be able to tie into existing electric line located north along Frontage Road.
Gas	**	6800 feet northwest	**	Connect to line crossing under freeway
City Communication (Secure Network)	**	6100 feet	**	Air transmission currently might be feasible. Trees along Persian may be a slight problem.
Phone	**	200 feet	**	Line located along frontage road and Aviation Drive
Cable	**	22,700 feet	\$280,000	**

\*Note: All sizes, distances, and costs shown are approximate. Information will be updated after site selection and preliminary design.

\*\* Information not available at this time.

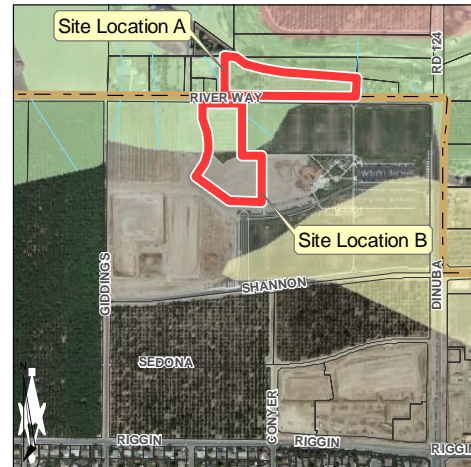
\*\*\*Location of Electric connection information per Edison not available at this date.



## Proposed Non-Airport Area Sites

### Site A

- Location: North side of River Way Dr. (Avenue 316)
- Owner: City of Visalia
- Buildable Area: 4+/- acres (Parcel is 7+ acres)
- Zoning AE 20 (Tulare County)
- General Plan: Conservation and RLD
- Distance From Residential Zoned Property: 200 ft.
- Constraints: Requires Annexation and GPA, or County SUP for entitlements;
- Notes: River Way Drive is scheduled to be closed from Dinuba. Traffic will be routed through local streets or new access from Sports Park. This site is scheduled to be a park area, connecting the St. Johns Trail to the Sports Park.
- Site A is within the new FEMA flood zone, and will require fill dirt to remove it from the zone.
- Since the south bank of the St. Johns River is located along the northeast portion of the site, the usable area of the Parcel (7+acres) is diminished. An additional acre may be obtained from the closing of Riverway, and incorporation of the street to the site.



Site No. A and B

UTILITIES	REQUIRED SIZE	DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water	12"	1100 feet	\$150,000	Extend Main to Dinuba, plus services.
Storm Drain	15"	2700 feet	\$325,000	Main at Giddings
Sanitary Sewer*	10"	2400 feet	\$360,000	Extend Main along Giddings and Riverway
Gas	**	2500-3900 feet	**	Main from Conyer at Shannon Pkwy or State Highway 63
Electric	***	***	***	***
Phone	**	200 feet	**	Main available east, on Riverway.
City Communication (Secure Network)	**	11,500 feet	**	Air transmission possible, conflicts may occur with unknown transmissions in the area. Fiber Optic would be very expensive

\*Note: All sizes, distances, and costs shown are approximate. Information will be updated after site selection and preliminary design.

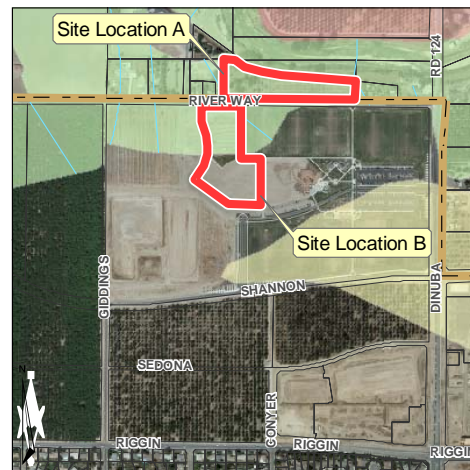
\*\* Information not available at this time.

\*\*\*Location of Electric connection information per Edison not available at this date.

## Proposed Non-Airport Area Sites

### Site B

- Location: Central portion of existing Sports Park
- Owner: City of Visalia
- Buildable area: Four acres (+/-)
- Zoning: QP
- General Plan: Park
- Distance From Residential Zoned Property: 500 ft.
- Site B is mostly the outside the new FEMA flood zone. If the site extends slightly north, it will be in the flood zone.
- Constraints: No street access other than local residential street (Giddings); likely loss of Community Center (Activity Center Gym, Pools, Picnic Areas, and Playground Area). Possible loss of BMX park, if additional space is needed.



Site No. A and B

UTILITIES	REQUIRED SIZE	DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water	12"	1300 feet	\$200,000	Extend Main along Dinuba, plus services.
Storm Drain	15"	2600 feet	\$310,000	Main at Giddings
Sanitary Sewer*	10"	2300 feet	\$345,000	Extend Main along Giddings and Riverway
Gas	**	2500-3900 feet	**	Main from Conyer at Shannon Pkwy or State Highway 63
Electric	***	***	***	***
Phone	**	600 feet	**	Main available east, on Riverway.
City Communication (Secure Network)	**	11,500 feet	**	Air transmission possible, conflicts may occur with unknown transmissions in the area. Fiber Optic would be very expensive

\*Note: All sizes, distances, and costs shown are approximate. Information will be updated after site selection and preliminary design.

\*\* Information not available at this time.

\*\*\*Location of Electric connection information per Edison not available at this date.

## Proposed Non-Airport Area Sites

### Sites C and D

- Location North of Hwy 198, East of Rd 148
- Owner: City of Visalia
- Buildable Area: 67 acres
- Zoning AE 20 (County)
- Distance From Residential Zoned Property: 500ft.
- Sites C and D are outside the new FEMA flood zone.
- Constraints: Outside of 129,000UDB, no access to site, 1,000ft from Mineral King and Rd 148. The west side of this parcel is adjacent to the future north/south main Arterial (Tower Road). A major freeway interchange is also planned in this vicinity.



Site No. C and D

UTILITIES	REQUIRED SIZE	DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water	8"	800-4200 feet	\$100,000-\$500,000	Extend main along Murray to site.
Storm Drain	**	**	\$80,000	On site Basin.
Sanitary Sewer*	10"-12"	1000-5800 feet	\$180,000-\$1,000,000	Frontage towards Road 152 will require longer sewer extension. Location near Tower Road may require temporary facilities (road)
Gas	**	600-2800 feet	**	2" main from Murray. 6" main from Mineral King.
Electric	***	***	***	***
Phone	**	200-2000 feet	**	Main available along Road 152. Assumes frontage to Road 152. Frontage to NW requires additional extension.
City Communication (Secure Network)	**	16,500 feet	**	Air transmission possible, conflicts may occur with State transmissions. Fiber Optic would be very expensive

\*Note: All sizes, distances, and costs shown are approximate. Information will be updated after site selection and preliminary design.

\*\* Information not available at this time.

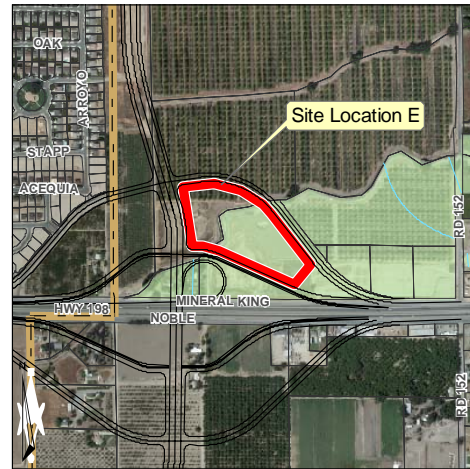
\*\*\*Location of Electric connection information per Edison not available at this date.



## Proposed Non-Airport Area Sites

### Site E

- Location North of Hwy 198, East of Rd 148
- Owner: City of Visalia
- Area: 14 acres; Buildable, within Freeway Interchange and Frontage Road: 5 Acres +/- . May be increased to six acres, if combined with parcel to north (across the Packwood Creek).
- Zoning AE 20 (County)
- Distance From Residential Zoned Property: 500ft.
- Site E is within the new FEMA flood zone. Fill dirt will need to be brought onto the site (1-5 feet)
- Constraints: Outside of 129,000UDB, no existing access to site. A temporary street and utilities will need to be constructed to access the site. The site currently has some storm drainage recharge basins on it. These will need to be filled in for the interchange and the new SPCA. If the site must cross Packwood Creek, it may be difficult to obtain permits to pipe it. Another option may be to situate the parking lot across the Creek, and provide a culvert crossing.



Site No. E

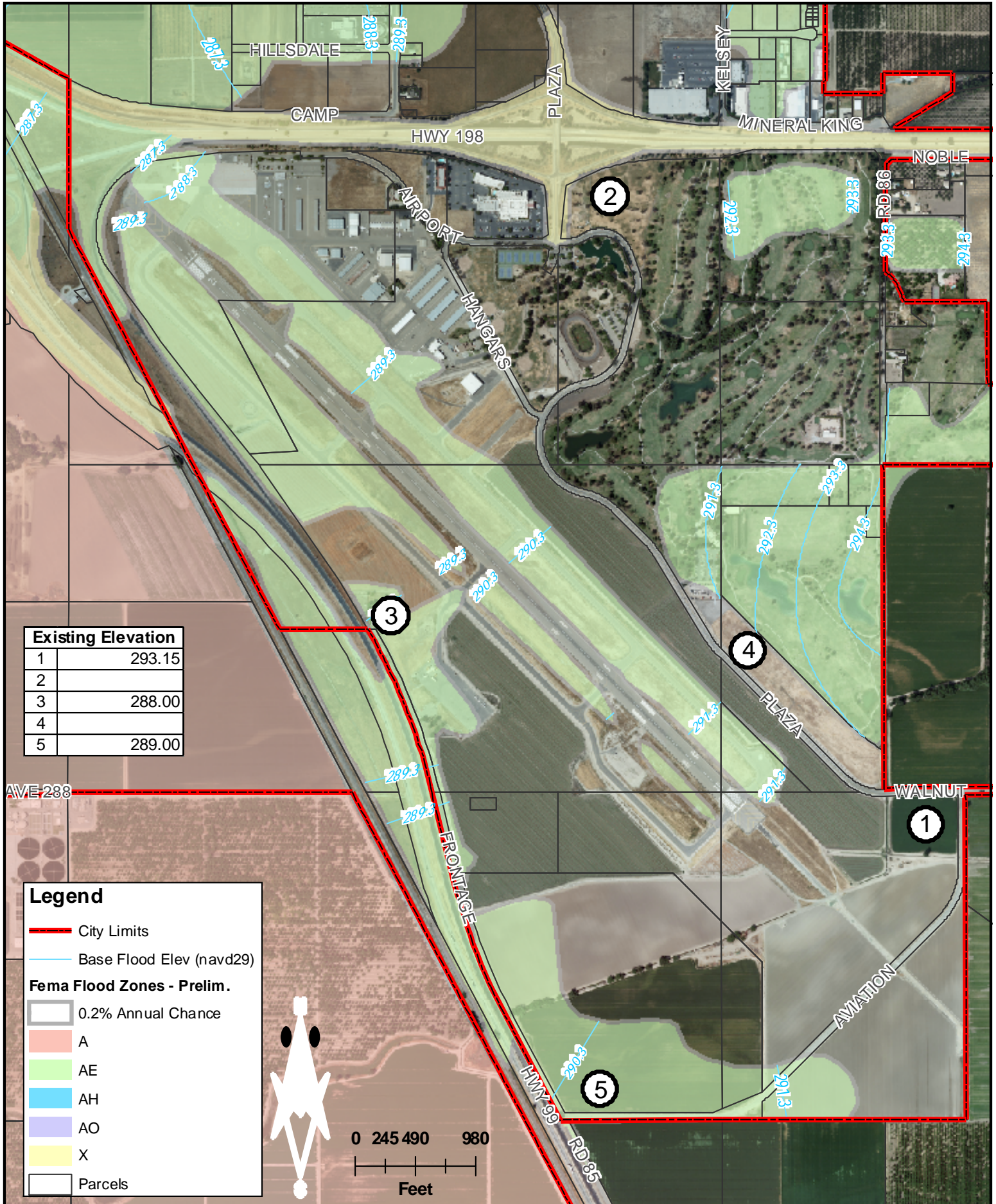
UTILITIES	REQUIRED SIZE	DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water	8"	800-4200 feet	\$100,000- \$500,000	Extend main along Murray to site.
Storm Drain	**	**	**	Existing Basins to be Relocated.
Sanitary Sewer*	10"-12"	1000-5800 feet	\$180,000- \$1,000,000	Frontage towards Road 152 will require longer sewer extension. Location near Tower Road may require temporary facilities (road)
Gas	**	600-2800 feet	**	2" main from Murray. 6" main from Mineral King.
Electric	***	***	***	***
Phone	**	200-2000 feet	**	Main available along Road 152. Assumes frontage to Road 152. Frontage to NW requires additional extension.
City Communication (Secure Network)	**	16,500 feet	**	Air transmission possible, conflicts may occur with State transmissions. Fiber Optic would be very expensive

\*Note: All sizes, distances, and costs shown are approximate. Information will be updated after site selection and preliminary design.

\*\* Information not available at this time.

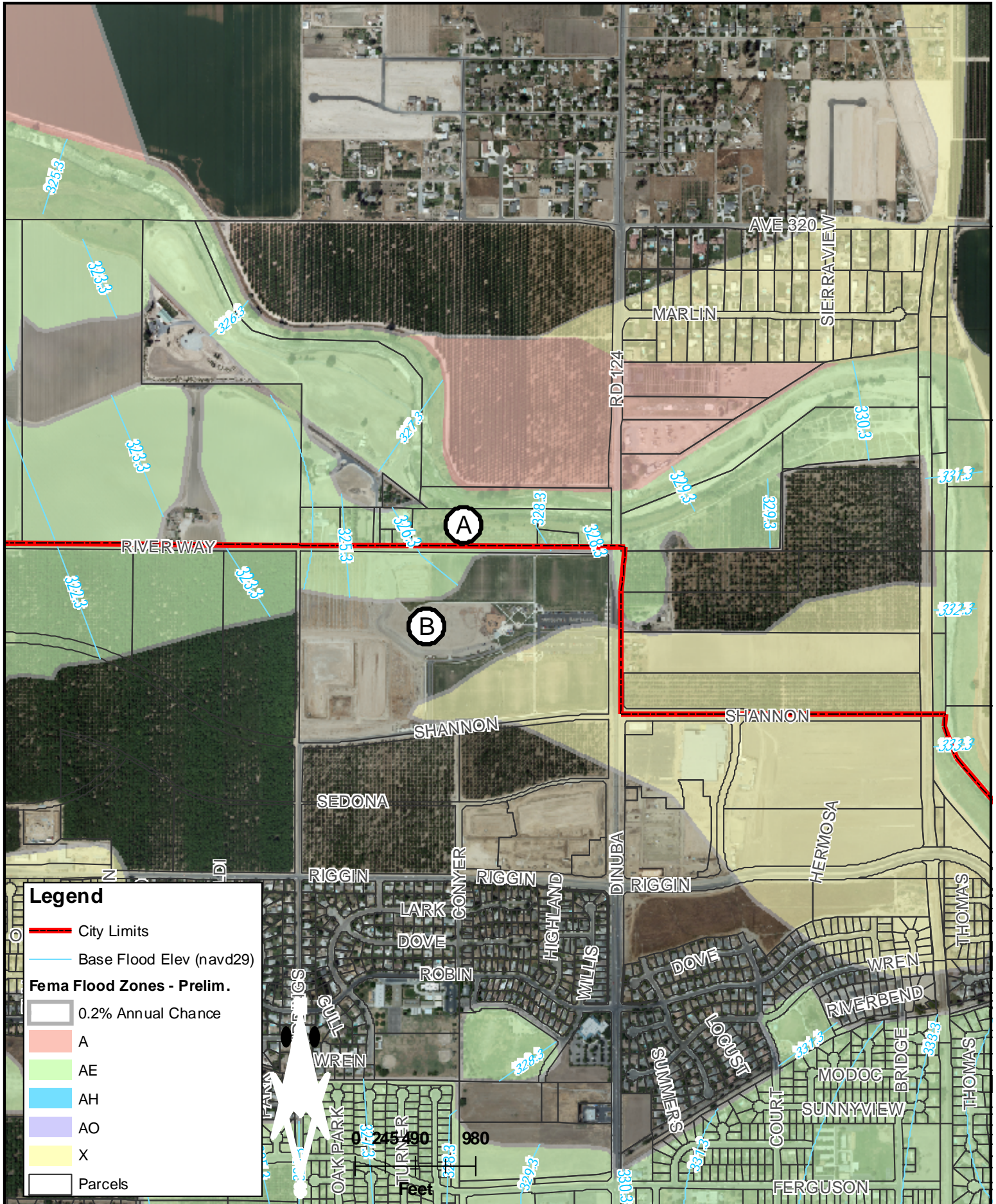
\*\*\*Location of Electric connection information per Edison not available at this date





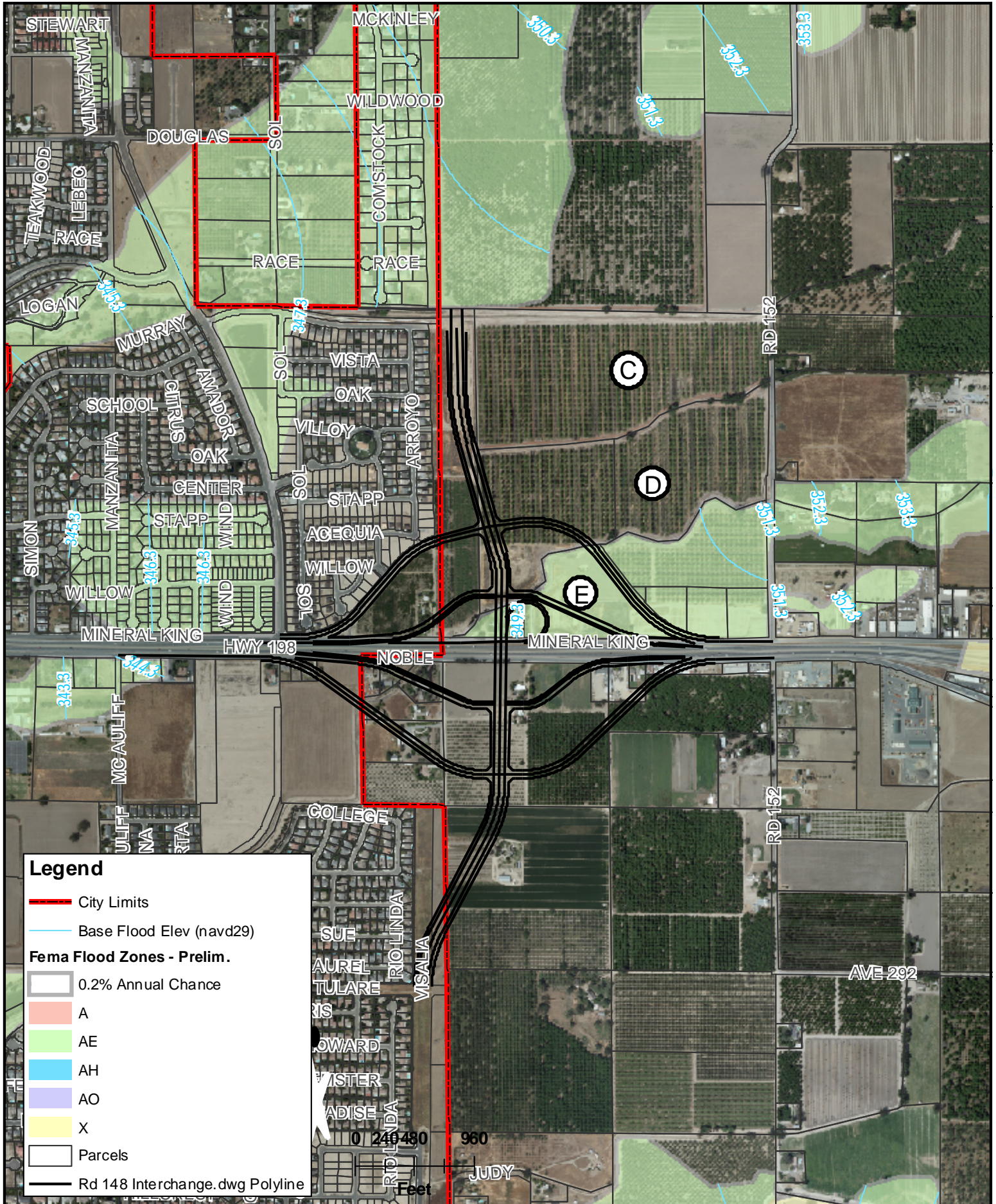
# AIRPORT AREA LOCATION MAP





# NON-AIRPORT LOCATION MAP





# NON-AIRPORT LOCATION MAP

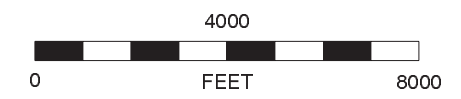




**Land Use Designations**

- Agriculture
- Business Research Park
- Conservation
- Convenience Commercial
- Community Commercial
- Central Business District
- Highway Commercial
- Neighborhood Commercial
- Service Commercial
- Shopping/Office Commercial
- Heavy Industry
- Light Industry
- Professional/Administrative Office
- Park
- Public Institutional
- Rural Residential
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Urban Reserve

\* Interim B1 Zone. Will be changed to C Zone when the runway is extended to 8,000'.



Source: Mead & Hunt (March 2003)

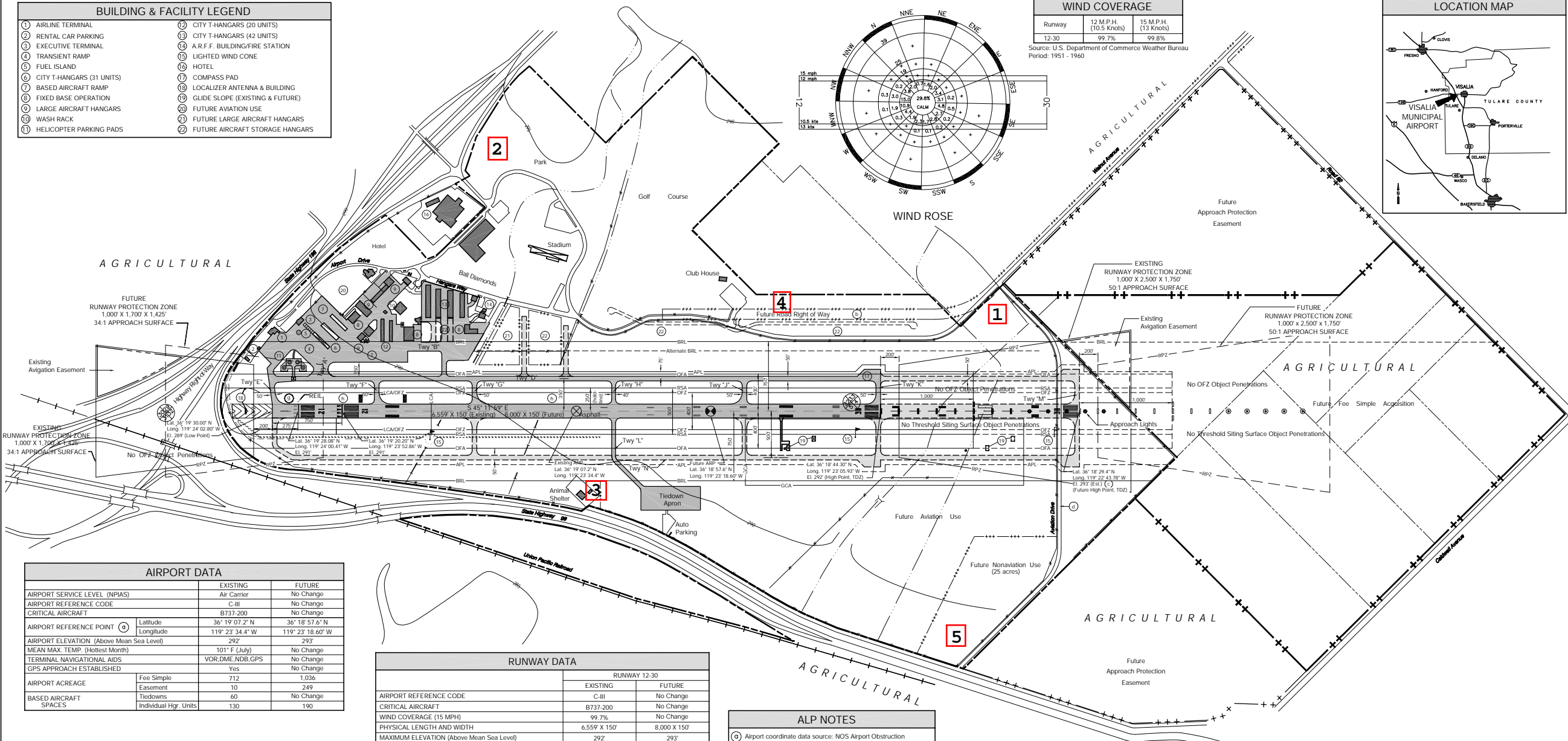
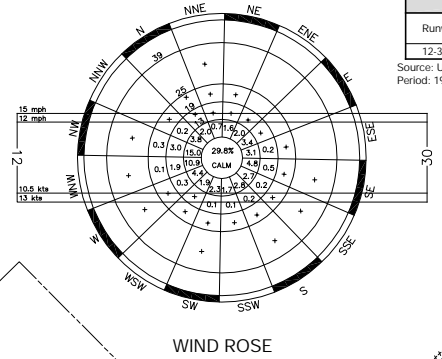
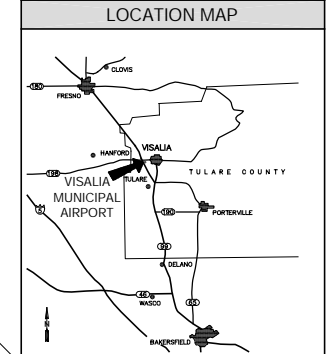
Figure 5D

**Sample Compatibility Map**  
Visalia Municipal Airport

BUILDING & FACILITY LEGEND	
1 AIRLINE TERMINAL	17 CITY T-HANGARS (31 UNITS)
2 RENTAL CAR PARKING	18 BASED AIRCRAFT RAMP
3 EXECUTIVE TERMINAL	19 FIXED BASE OPERATION
4 TRANSIENT RAMP	20 LARGE AIRCRAFT HANGARS
5 FUEL ISLAND	21 WASH RACK
6 CITY T-HANGARS (42 UNITS)	22 HELICOPTER PARKING PADS
7 A.R.F.F. BUILDING/FIRE STATION	
8 LIGHTED WIND CONE	
9 HOTEL	
10 COMPASS PAD	
11 LOCALIZER ANTENNA & BUILDING	
12 GLIDE SLOPE (EXISTING & FUTURE)	
13 FUTURE AVIATION USE	
14 FUTURE LARGE AIRCRAFT HANGARS	
15 FUTURE AIRCRAFT STORAGE HANGARS	

WIND COVERAGE		
Runway	12 M.P.H. (10.3 Knots)	15 M.P.H. (13 Knots)
	12-30	99.7%
		99.8%

Source: U.S. Department of Commerce Weather Bureau  
Period: 1951 - 1960

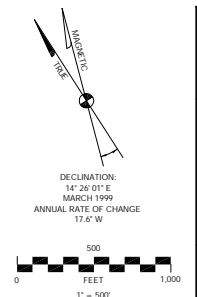


AIRPORT DATA		
AIRPORT SERVICE LEVEL (NPIAS)	EXISTING	FUTURE
Air Carrier	No Change	No Change
AIRPORT REFERENCE CODE	C-III	No Change
CRITICAL AIRCRAFT	B737-200	No Change
AIRPORT REFERENCE POINT	Latitude: 36° 19' 07.2" N Longitude: 119° 23' 34.4" W	Latitude: 36° 18' 57.6" N Longitude: 119° 23' 18.60" W
AIRPORT ELEVATION (Above Mean Sea Level)	292'	292'
MEAN MAX. TEMP. (Hottest Month)	101° F (July)	No Change
TERMINAL NAVIGATIONAL AIDS	VOR/DME/NDB/GPS	No Change
GPS APPROACH ESTABLISHED	Yes	No Change
AIRPORT ACREAGE	Fee Simple: 712 Easement: 10	1,036 249
BASED AIRCRAFT SPACES	Individual Hgr. Units: 130	190

RUNWAY DATA			
AIRPORT REFERENCE CODE	EXISTING	FUTURE	
CRITICAL AIRCRAFT	B737-200	No Change	
WIND COVERAGE (15 MPH)	99.7%	No Change	
PHYSICAL LENGTH AND WIDTH	6,559' X 150'	8,000' X 150'	
MAXIMUM ELEVATION (Above Mean Sea Level)	292'	292'	
EFFECTIVE GRADIENT	0.05%	No Change	
RUNWAY/TAXIWAY SURFACE TYPE	Asphalt	No Change	
PAVEMENT STRENGTH (1,000#) - S/D/D/T	60/100/160	No Change	
RUNWAY SAFETY AREA (Width)	500'	No Change	
RUNWAY SAFETY AREA (Length Beyond Runway End)	12'	250'	1,000'
APPROACH TYPE [FAAR Part 77 Category]	Approach End of Runway	12' Nonprecision [C/NP]	No Change
APPROACH VISIBILITY (Minimums)	Approach End of Runway	12' 1 Mile	No Change
APPROACH SLOPE (Required/Clear)	Approach End of Runway	12' 34:1/34+1	No Change
APPROACH AND LANDING AIDS	Approach End of Runway	12' 50:1/49+1	No Change
RUNWAY END COORDINATES	Approach End of Runway 12	Latitude: 36° 19' 30.00" N Longitude: 119° 24' 02.80" W	Latitude: 36° 19' 25.2" N Longitude: 119° 23' 52.86" W
RUNWAY MARKING	Approach End of Runway 30	Latitude: 36° 18' 44.30" N Longitude: 119° 23' 05.93" W	Latitude: 36° 18' 29.4" N Longitude: 119° 22' 43.78" W
RUNWAY LIGHTING		Precision	No Change
TAXIWAY LIGHTING		High Intensity	No Change
		Med. Intensity	No Change

**ALP NOTES**

- Airport coordinate data source: NOS Airport Obstruction Chart (April 2001). Data is NAD 83 and NAVD 88. Future coordinates estimated.
- Road alignment is approximate and may change when the engineering design is prepared.
- Estimated; actual elevation will be developed when engineering design is prepared.
- To be relocated or closed.
- Clear slope to the displaced threshold.
- Based upon tree located off of airport property; removal of two trees on airport required.
- Perimeter fence penetrates threshold sloping surface for Runway 12. Existing displaced threshold provides required clearance.
- Deviations from FAA Standards:  
Runway to taxiway separation is 350'. C-III standard runway to taxiway separation is 400'. No change is planned.  
Runway 12 RSA 450' beyond runway end on centerline. As an initial step, threshold to be displaced 750' feet from physical end of Runway 12. Displaced threshold to be converted to a relocated runway end when runway is extended. Future RSA will be 1,000' beyond runway end.



DRAWING LEGEND		
ACTIVE AIRFIELD PAVEMENT	EXISTING	FUTURE
OTHER PAVEMENT IN USE		
DIRT OR GRAVEL ROAD		
AIRPORT PROPERTY LINE		
OTHER PROPERTY LINES		
AVIGATION EASEMENT		
INTERNAL BOUNDARY (lease, R.O.W. etc.)		
CRITICAL AIRFIELD AREAS *		
BUILDING		
BUILDING TO BE REMOVED		
FENCE		
WIND CONE		
TOPOGRAPHIC CONTOURS		
WATERWAY / CULVERT		
AIRPORT REFERENCE POINT		

\* APL - Aircraft Parking Limits  
BFL - Building Restriction Line  
GCA - Glide Slope Critical Area  
LCA - Localizer Critical Area

OFA - Object Free Area  
OFZ - Obstacle Free Zone  
RPZ - Runway Protection Zone  
RSA - Runway Safety Area

SUBMITTED BY:  
City of Visalia

By \_\_\_\_\_ Date \_\_\_\_\_

FAA Approval Space

NO.	REVISION	SPONSOR	DATE
1	OFZ and Threshold Siting Surface notes added		3/18/05

**VISALIA MUNICIPAL AIRPORT**  
VISALIA, CALIFORNIA

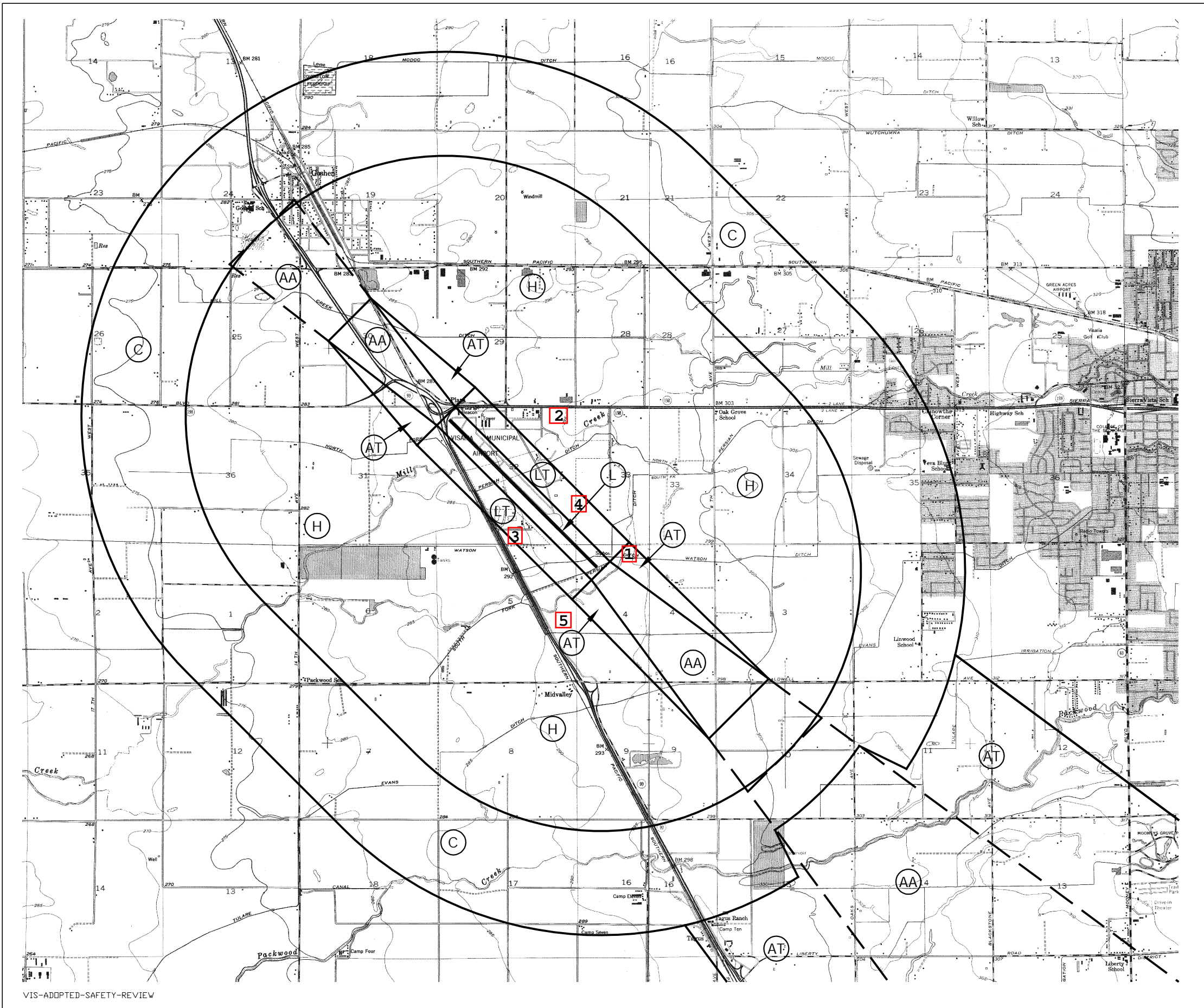
**AIRPORT LAYOUT PLAN**

**SHUTT MOEN ASSOCIATES**  
AIRPORT CONSULTANTS & ENGINEERS  
707 Aviation Blvd., Santa Rosa, California 95403

CITY OF VISALIA

DESIGN: DD DRAWN: TE DATE: MARCH 2001 SHEET 1 OF 3





Source: Tulare County Airport Land Use Commission (November 1994)  
Modified by: Shutt Moen Associates (August 1999)

Figure 5C

**Tulare County ALUC Safety Review Areas**  
Visalia Municipal Airport

VIS-ADOPTED-SAFETY-REVIEW

# City of Visalia Agenda Item Transmittal

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 5

**Agenda Item Wording:** Status Report on Civic Center area planning

**Deadline for Action:** August 4, 2008

**Submitting Department:** Housing & Economic Development

**Contact Name and Phone Number:** Ricardo Noguera, Housing & Economic Development Director 713-4190

**Department Recommendation:** Status Report on the Civic Center Master Plan as prepared by Race Studios.

**Summary/background:** This plan represents the culmination of significant community input to formulate a strategy to establish a new Civic Center Master Plan in East Downtown. On May 27, 2005, Race Studios (Berkeley, Ca.) was retained to complete the plan. Over the past two plus years, Race Studios and its' associate partners, have led the Visalia community on the preparation of this plan. This plan has entailed several community meetings, focus group workshops, council presentations and strategic planning sessions with city staff.

Plan Boundaries

The master plan boundaries extend from School Street to Center Street (north-south) and from Burke Street to Tipton Street (east-west).

Key Plan Highlights

This plan's focus is on the creation of a new Civic Center which will include a new public safety building, city hall, public plaza and civic center park. The City plans to relocate the existing public safety operations on Johnson Street to a new state-of-the-art facility (approximately 44,400 square feet in size) and consolidate both City Hall East and West facilities in a new City Hall. The city hall component of the master plan is still be studied before final recommendations and presented to Council. Those two existing properties will be eventually disposed to finance the new city hall and support private development which will serve to enhance the vibrancy of Downtown Visalia.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

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

**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.



### **Public Safety Facility**

The plan calls for the public safety facility to be constructed following the installation of new roads and infrastructure which are currently being designed by Provost & Pritchard. It is anticipated that the roads and infrastructure improvements would be completed in 2009 while a Programmatic EIR for the entire East Downtown is completed along with the architectural design work for a new public safety facility. Based on estimates, the public safety facility could be operational by 2012.

### **Civic Center Park**

While the public safety facility is under construction, a linear park (Civic Center Park) will be designed and constructed just north of Mill Creek and running parallel with the new civic center. This park would include amenities such as a pedestrian/bicycle path, outdoor seating, picnicking and potentially an amphitheater.

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

- March 9, 2004: Retention of Race Studios to complete the East Downtown Strategic Plan;
- May 27, 2005: Retention of Race Studios to complete the Civic Center Master Plan;
- February 12, 2007: Retention of EDAW, Inc. to complete the Parks & Infrastructure Master Plan;
- February 11, 2008: Council authorized the retention of Provost & Pritchard to complete design and engineering work for the Civic Center Block;
- June 16, 2008; Council accepted Final Parks & Infrastructure Master Plan

### **Context with Other East Downtown Activities**

The preparation of both the Parks & Infrastructure Master Plan and Civic Center Master Plan sets the stage for implementation of various projects within East Downtown. Staff are in the process of completing necessary environmental studies and design/engineering work in order to commence the implementation phase for East Downtown. Key projects planned or underway include:

- Design/engineering work for new roads and infrastructure in process by Provost & Pritchard. It is anticipated that the design work will be completed by the end of 2008 with construction to occur in 2009. The main source of funding for this activity will be Measure R.
- Railroad work along Oak Avenue is also in the design phase and it is expected that construction will occur simultaneously with the roads and infrastructure work planned for the extension of School Avenue and widening of Burke Street. The primary funding source is Measure R.
- Staff are also pursuing the undergrounding of utilities along School Avenue and Burke Street and exploring Rule 20A and 20B funding through Southern California Edison for this activity.
- Environmental testing and cleanup is also underway through a Brownsfield Grant which the City obtained from the U.S. Environmental Protection Agency. The entire civic center block is included in this.
- A Programmatic EIR should commence later this Fall and incorporate the planned activities identified in the East Downtown Zoning Standards, Parks & Infrastructure Master Plan and Civic Center Master Plan. This process is anticipated to take approximately 12-18 months to complete. However, it should reduce the level of studies

warranted for the new public safety facility and city hall as a result of analyzing much of this in detail in the EIR.

- The City expects to release two Requests For Qualifications (RFQs) for the new public safety facility to support both architectural and construction management services within the next thirty to forty-five days and select firms by the beginning of the new year.

In total, the infrastructure/roads are expected to be completed in 2009 with the environmental planning and design for the public safety facility following and completed by mid-2010. Construction of the new public safety facility and civic center park should commence shortly thereafter and be completed by 2012. City hall should follow.

**Committee/Commission Review and Actions:**

- East Downtown Task Force reviewed this master plan on Thursday, July 24, 2008.

**Alternatives:**

- None
- 

**Attachments:**

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

Receive this Status Report on the Civic Center Master Plan as prepared by Race Studios.

***Environmental Assessment Status***

**CEQA Review:** Environmental review will be completed as part of a Programmatic EIR for East Downtown.

**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:** August 04, 2008

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

**Agenda Item Wording:** Authorization to amend agreement between the City of Visalia and AmeriNational Community Services, Inc. to include loan servicing and loan underwriting services in relation to the new Redevelopment funded Lincoln Oval Washington School Neighborhood Program loans for five (5) years.

**Deadline for Action:** August 04, 2008

**Submitting Department:** Housing & Economic Development Department.

**Contact Name and Phone Number:** Ricardo Noguera, Housing & Economic Development Director xt: 4190; Rhonda Haynes, Housing Specialist xt 4460

**Department Recommendation:** Staff recommends that the City Council:

1. Authorize the City Manager to execute the amendment of the existing agreement with AmeriNational Community Services, Inc., on behalf of the City, to include the loan underwriting and services, maintenance and monitoring for the Lincoln Oval Washington School Neighborhood (LOWSN) Homeownership Program; and
2. Authorize Finance to appropriate redevelopment funds in the amount of \$7,420 annually to pay for loan servicing.

**Summary:**

May 05, 2008, Staff presented and City Council approved the new LOWSN Program. Staff indicated that it would return with an actual cost for servicing the loan through AmeriNational Community Services, Inc. The cost to underwrite, prepare loan documents and monitor a loan is approximately \$742 initially, with \$550 of that cost carried by the borrower for the underwriting and doc preparation. The City's cost, per loan is approximately \$192.

Staff's goal is to complete ten (10) loans initially. Staff requests that \$7,420 annually be allocated to cover the costs associated with the processing, underwriting, loan monitoring and servicing of these loans.

**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.

**Background:**

AmeriNational has been providing services to governmental agencies since 1975 and specifically the City of Visalia since 1995. AmeriNational's approach is to offer services driven by the unique needs of government portfolios such as ours, with nine types of loan programs, deferred and payment based. They understand the specifications needed to comply with CDBG, HOME and other funding sources.

In November 2007, Council approved the extension of its Loan Servicing contract with AmeriNational Community Services, Inc. AmeriNational currently underwrites, services, maintains compliance with taxes and insurance and monitors the ownership of the City's two homebuyer programs funded by both Federal HOME funds and State, Prop 1C CalHome funds and also two Federal (CDBG and HOME funded) housing rehabilitation programs.

AmeriNational has played an important role in the City's First Time Homebuyer Program underwriting guidelines. Based upon their experience gained from working closely with municipal clients throughout the country, they have a thorough understanding of the unique needs specific to the industry. AmeriNational has substantial experience processing and underwriting to the unique criteria of affordable housing programs and assisting with the needs of lower-income families. The responsibility of making prudent loans, coupled with the City's objective to assist lower income families whenever possible, must be balanced carefully in terms of an underwriting analysis.

**Staff Request:**

Staff requests that the established agreement with AmeriNational be amended to include the processing, underwriting, loan document preparation, servicing and monitoring of the new Lincoln Oval Washington School Neighborhood (LOWSN) Homeownership Program.

Finance Division has been consulted. The annual cost of \$7,420 has been budgeted from the Redevelopment Agency budget.

AmeriNational Community Services existing executed contract will continue services on an annual renewal basis. The quote provided for the additional services will be added to the existing contract. Upon the five (5) year anniversary, review of services and the contract will be brought to Council for a review and recommendation.

**Prior Council/Board Actions:** None

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

**Alternatives:** None

**Attachments:** Attachment "A" AmeriNational Estimated Service Cost Quote

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

Staff recommends that the City Council:

- 1) Authorize the City Manager to execute the amendment of the existing agreement with AmeriNational Community Services, Inc., on behalf of the City to include the loan underwriting and services, maintenance and monitoring for the Lincoln Oval Washington School Neighborhood (LOWSN) Homeownership Program; and
- 2) Authorize Finance to appropriate redevelopment funds in the amount of \$7,420 annually to pay for loan servicing.

***Environmental Assessment Status***

**CEQA Review:n/a**

**NEPA Review:n/a**

**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)*  
*Letter of extension for existing Agreement must be completed and signed by City Manager*

Copies of this report have been provided to:



**Estimated Service Cost Quote**

Date:	July 10, 2008
Contact Name :	Rhonda Haynes
Title:	Housing Specialist
Company Name:	City of Visalia, CA
Address:	315 Acequia Ave
City, State:	Visalia, CA 93291
Phone:	559-713-4460
Fax:	559-713-4811
E-mail:	Rhonda Haynes [rhaynes@ci.visalia.ca.us]
RFP Number:	na
Job Name:	na
Description:	Lincoln Oval Washington Residents Neighborhood Homeownership Program
Service Quoted:	Loan Processing, Loan Doc Preparation, Payments begin 6 <sup>th</sup> year (5 year deferred, 25 year re-payment), tax and insurance monitoring
Size of Job:	On all loans as needed
Estimated Service Cost:	processing and underwriting      \$375 per loan loan document preparation      \$175 per loan deferred loan servicing      \$125 per loan includes monitoring of taxes and insurance years 1-5 amortized servicing years 6-30 \$8.50** per loan minimum per month occassional payment      \$9.00 per payment in deferral period tax service vendor fee      \$67 per loan Estimated initial fees: \$675 with deferred servicing for first 5 years. **SPECIAL NOTE: all fees will be subject to contract, Existing contract states 1/24 of 1% per month of original principal loan amount with a minimum of \$8.50 max of \$25.00

# ACTION

## PLANNING COMMISSION AGENDA

CHAIRPERSON:  
Vincent Salinas



VICE CHAIRPERSON:  
Lawrence Segrue

COMMISSIONERS PRESENT: Vincent Salinas, Larry Segrue, Terese Lane, Roland Soltesz

MONDAY JULY 28, 2008; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- 7:00 TO 7:00            1. THE PLEDGE OF ALLEGIANCE
- 7:02 TO 7:03            2. CITIZEN'S REQUESTS - The Commission requests that a 5-minute  
Spoke:                    time limit be observed for requests. Please note that issues raised  
1. Bill Whitlatch            under Citizen's Requests are informational only and the Commission  
                                  will not take action at this time.
- 7:03 TO 7:03            3. CITY PLANNER AGENDA COMMENTS –
- No comments
- 7:03 TO 7:03            4. CHANGES TO THE AGENDA –
- No changes
- 7:03 TO 7:04            5. CONSENT CALENDAR – All items under the consent calendar are to  
Consent Calendar was            be considered routine and will be enacted by one motion. For any  
approved (Peck,                    discussion of an item on the consent calendar, it will be removed at the  
Segrue) 5-0                         request of the Commission and made a part of the regular agenda.
- Time Extension for Willow Springs Tentative Subdivision Map No. 5483
  - Time Extension for Luisi Acres Vesting Tentative Subdivision Map No. 5457
  - Time Extension for Highland Park Estates at Shannon Ranch Tentative Subdivision Map No. 5510
  - Time Extension for Lance Lane Estates Tentative Subdivision Map No. 5499
  - Time Extension for Rivers Edge No. 3 Tentative Subdivision Map No. 5496 and Conditional Use Permit No. 2005-35



7:04 TO 7:09

Approved as recommended (Segrue, Peck)5-0

Reopened: 7:08  
Close: 7:09

No one spoke

7:09 TO 7:40

Approved to continue to August 11, 2008

(Lane, Soltesz) 4-1  
Segrue voted no

Open: 7:14  
Close: 7:21

Spoke:

1. Troy Huckabay
2. Ricardo Garcia

7:40 TO 8:01

Approved as recommended (Lane, Segrue) 5-0

Open: 7:43  
Close: 8:00

Spoke:

1. Fred Webber
2. Luis (Cal Planning & Engineering)

8:01 TO 8:33

Approved as recommended (Segrue, Lane) 4-0-1  
Peck abstained

Open: 8:19  
Close: 8:21

Spoke:

1. John (Proteus)
2. Bill Huott

8:33 TO 8:41

## 6. PUBLIC HEARING—Continued from 07/14/08 Presented by Andy Chamberlain

Conditional Use Permit No. 2008-23: is a request by ATW Enterprises (Bill Whitlatch, Agent) to allow a psychologist office in the CR (Regional Commercial) Zone. The site is located at 2530 S. Mooney Blvd. (APN 122-024-013).

## 7. PUBLIC HEARING – Teresa Nickell, Presented by Andy Chamberlain

Variance No. 2008-07: A request by Wayne Atkins to allow encroachment into a yard setback required by Design District E for a proposed commercial development in the C-SO (Planned Shopping/Office Commercial) zone. The site is located at 504 N. Giddings Street. APN: 093-241-007

## 8. PUBLIC HEARING – Presented by Paul Bernal

- a. Conditional Use Permit No. 2008-25: is a request by Alfred Teran to create two parcels, one parcel without public street frontage on a 24,829 sq. ft. parcel in the P-C-R (Planned Regional Retail Commercial) zone. The site is located at 1830 S. Mooney Blvd. APN: 096-291-013
- b. Tentative Parcel Map No. 2008-09: is a request by Alfred Teran to divide a 24,829 sq. ft. parcel in the P-C-R (Planned Regional Retail Commercial) zone. The site is located at 1830 S. Mooney Blvd. APN: 096-291-013.

## 9. PUBLIC HEARING –Presented by Paul Bernal

Conditional Use Permit No. 2008-24: is a request by Joe Gong (E Ray Schlick, Agent) to re-use a 34,600 sq. ft. former grocery store (i.e., Fairway Mart) to an office building for use as a public building pursuant to Visalia Municipal Code Section 17.18.050, Line 579. The site is located on the west side of Dinuba Highway between Prospect and Ferguson Avenues. APNs: 090-270-031 & 090-280-005

## 10. DIRECTOR'S REPORT/PLANNING COMMISSION DISCUSSION: Commissioner Segrue asked Staff to establish a date for a Planning Commissioners retreat.

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting.  
The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, AUGUST 11, 2008  
CITY HALL COUNCIL CHAMBERS, 707 WEST ACEQUIA**

8:41 To 8:41

Motion to Adjourn (Salinas, Lane) 5-0

# City of Visalia Agenda Item Transmittal

**Meeting Date:** August 4, 2008

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

**Second Reading of Ordinance for Change of Zone No. 2007-10:** A request by Jeff Manquen (Jesus Gutierrez, agent) to change the zoning designation on 0.21 acre from R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) to PA (Professional Administrative / Office) and add 0.21 acres to Design District "C". The site is located at 501 South Court Street, on the southwest corner of Court Street and Olive Avenue. (APN: 097-033-002) **Ordinance 2008-05 required.**

**Deadline for Action:** None

**Submitting Department:** Community Development - Planning

**Contact Name and Phone Number:**

Brandon Smith, AICP, Senior Planner, 713-4636  
Paul Scheibel, AICP, Principal Planner, 713-4369

**Department Recommendation and Summary:**

Staff recommends that the Council approve the second reading of Change of Zone 2007-10. If the second reading, the new zoning designation will take effect on September 3, 2008.

**Summary/Background:**

The City Council held a public hearing on Change of Zone No. 2007-10 on June 16, 2008, and approved the first reading along with an accompanying General Plan Amendment No. 2007-09. The approvals were based on findings made by the Planning Commission that the proposals were consistent with the policies of the City of Visalia General Plan and the City of Visalia Zoning Ordinance, and that the changes in land use and zoning provided for an office compatible with surrounding residential uses and the continued preservation of a historic structure.

The Change of Zone allows the parcel located at 501 South Court Street on the southwest corner of Court and Olive to be re-zoned from R-1-6 (Single-family Residential) to PA (Professional / Administrative Office) and to be placed in Design District "C". It also allows the property owner to proceed with his plans to convert the 3,000 sq. ft. historic Bungalow-style home into a professional office and construct a parking lot in the rear of the building.

**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.

**Committee/Commission Review and Actions:**

The Planning Commission held a public hearing on May 27, 2008 on this project. The Commission approved Variance No. 2007-09 on a 3-0 vote to reduce the landscape setback standards applied to the parking lot, and recommended approval of the GPA and COZ.

**Prior Council/Board Actions:**

The General Plan Amendment and First Reading were approved on June 16, 2008 by City Council on a 5-0 vote.

**Alternatives:**

None recommended.

**Attachments:**

- Ordinance No. 2008-05
- Exhibit "A" - Zoning Map
- Location Map

***Environmental Assessment Status***

**CEQA Review:** The project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. This section includes minor alterations of an existing private structure, including the conversion of a single family residence for office use.

**NEPA Review:**

**Recommended Motion (and Alternative Motions if expected):**  
I move to approve the second reading of Ordinance No. 2008-05, approving Change of Zone No. 2007-10.

**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. 2008-05

AMENDING THE ZONING MAP OF THE CITY OF VISALIA BY CHANGING THE ZONING DESIGNATION ON 0.21 ACRES FROM R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQ. FT. MIN. LOT SIZE) TO PA (PROFESSIONAL / ADMINISTRATIVE OFFICE), AND ADDING THE PROPERTY TO DESIGN DISTRICT "C", LOCATED AT 501 SOUTH COURT STREET, ON THE SOUTHWEST CORNER OF COURT STREET AND OLIVE AVENUE. (APN: 097-033-002)

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

**Section 1:** The Planning Commission of the City of Visalia has recommended the City Council change 0.21 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone on the City of Visalia Zoning Map to PA (Professional / Administrative Offices), and add the property to Design District "C". The project site is 501 South Court Street, on the southwest corner of Court Street and Olive Avenue. (APN: 097-033-002).

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

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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13c

**Agenda Item Wording:** Second reading of Ordinance No. 2008-06, amending Section 17.30.045 A and B regarding the Parking In-lieu Fee Program. These amendments would replace the existing five (5) year payment program with a ten (10) year payment program for Parking In-lieu Fees in the Central Business District.

**Introduction of Ordinance No. 2008-06:**

This ordinance would amend the Parking In-lieu Fee Program to allow the placement of a ten (10) year payment program for the deferred parking-in-lieu fees on the property tax roll. This amendment will eliminate the existing five (5) year payment program.

If the ten payment schedule is adopted, existing payment schedules on the five payment plan could restructure their plan to utilize the 10 payment plan. This would not allow the conversion to a new 10 payment plan, but allow the use of the program less the number of payments already made. For example, if any existing five (5) payment plan had three (3) payments left to go, they would be allowed to restructure the program to have eight (8) payments remaining.

**Deadline for Action:** None

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Chris Young, Assistant Community Dev. Director 713-4392  
Mike Olmos, Assistant City Manager 713-4332

**Department Recommendation:** Staff recommends that the City Council approve the second reading of Ordinance No. 2008-06 amending Section 17.30.045 A and B regarding the payment program for Parking In-lieu Fees.

**Summary/background:** City Staff has received numerous requests to amend the payment program for Parking In-lieu Fees. This ordinance amendment would change the optional five year payment plan adopted by Council in February of 2002, to an optional ten year payment plan. The five year payment plan would be eliminated. The first reading was approved on July 14, 2008.

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

**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.

**Environmental Review:**

This project is considered Statutorily Exempt under Section 15273 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). "CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies".

**Prior Council/Board Actions:**

In February of 2002, the City Council amended the Parking In-Lieu Fee Program to allow the option of a five year payment plan with an automatic program to have the deferred fees be placed on the tax roll if the annual installment is not made. The five year program was initiated with the intent to provide an option for payments which would encourage projects in the downtown which might otherwise not occur.

**Related Projects:** None

**Alternatives:**

- Deny the request and keep the existing plan which allows parking in-lieu fees be paid in a lump sum payment or a five payment schedule with a roll-over to the tax roll if an installment is not paid.

**Attachments:**

- Ordinance No. 2008-06 showing changes and additions in italics and deletions in strikethrough

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

I recommend that the Council approve the second reading Ordinance No. 2008-06 amending Section 17.30.045 A and B "Timing of Fee Payment/Security" of the Municipal Code, to allow the placement of a 10 payment deferred Parking In-Lieu Fees program on the tax-roll.

***Environmental Assessment Status***

**CEQA Review:** This project is considered Categorical Exempt under Section 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2007-68).

**NEPA Review:** None 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*)

Copies of this report have been provided to:



**Ordinance No. 2008-06**

An Ordinance of the City of Visalia  
Amending Section 17.30.045 A and B

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

**Section 1:** Section 17.30.045 A and B is hereby amended to read as follows (deletions are shown in strikethrough and additions shown in italics).

**17.30.045 Timing of fee payment/security.**

A. Notwithstanding the requirements of Section 17.30.040, the payment of the required parking in-lieu fees may be made in ~~five~~ *ten* equal installments as follows:

1. The first ~~twenty (20)~~ *ten (10)* percent installment shall be due at the time a building permit or certificate of occupancy is issued and/or intensification or initiation of use which causes the fee to be assessed.
2. The remaining ~~eighty (80)~~ *ninety (90)* percent shall be paid in ~~twenty (20)~~ *ten (10)* percent installments annually on the anniversary of the first installment. The interest rate shall be a fixed rate computed initially on the basis of an interest rate equal to the most recently calculated average annual interest received on all of the city's investment funds plus two (2) percent.

B. Any portion of the in-lieu fee which is not paid prior to the issuance of a building permit, certificate of occupancy and/or intensification or initiation of use which causes the fee to be assessed, and alternatively employs the payment method outlined in subsection A of this section, shall be adequately secured. Such security shall be subject to approval by the city manager or his/her designee and shall be one of the following types:

1. A bond or bonds by one or more duly authorized corporate sureties; or
2. A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, or money or negotiable bonds of the kind approved for securing deposits of public moneys; or
3. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit by such a financial institution; or
4. A note secured by a deed of trust in real property. If the deed of trust is subordinate to other deeds of trust against the property, the total encumbrances against the property, including the proposed subordinate deed of trust, shall not exceed eighty-five (85) percent of the appraised value of the property. The applicant requesting such type of security shall obtain, at its expense, an appraisal of the property by a certified real estate appraiser.
5. Rolling the balance due, including interest, to the property tax roll. This method is only available to the owner of the property, or in the case of a leasehold or rental interest, with the property owner's consent. Owner shall work with the Finance Department of the city and execute

the documents necessary to implement this alternative. The placement on the property tax roll may cause the second installment payment to occur earlier or later than one year after the initial payment depending on the timing of the placement on the property tax roll. The collection on the property tax roll shall not preclude the earlier payment of the balance due.

6. Notwithstanding the requirement for security as prescribed in this subsection, the city manager or his/her designee may allow the owner-applicant to make the installment payments on the anniversary of the first installment without the requirement of security described herein subject to a signed agreement which provides that should any installment payment become thirty (30) or more days delinquent, that installment and accrued interest shall be placed on the property tax roll. Any remaining installments due and owing shall continue to become due on the anniversary of the initial installment and are subject to being rolled to the tax role if not paid within thirty (30) days of when due. The collection on the property tax roll shall not preclude the earlier payment of the balance due.

C. The ~~five~~ ten equal installment plan shall be contingent upon proper security and subject to the execution of a covenant accepting the terms of the approval, in a form approved by the city attorney, which covenant shall run with the land and be recorded with the county recorder by the city clerk. (Ord. 2002-01 § 2, 2002)

Section 2: This ordinance shall be effective thirty (30) days after the passage of the second reading.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13d

**Agenda Item Wording:** Second Reading; Extension of the Redevelopment Agency Project Areas: Introduction of Ordinances 2008-07, 08, 09, and 10 extending the duration of the East Visalia and Mooney Boulevard Redevelopment Project Areas and the time limit for the receipt of tax increment and debt repayment period pursuant to California Health & Safety Code Section 33333.6, and reaffirming, clarifying, correcting and extending certain time limits previously adopted with respect to the Redevelopment Plans for the East Visalia, Mooney Boulevard, Mooney Boulevard Amendment, Central and Downtown Redevelopment Project Areas.

**Deadline for Action:** August 4, 2008

**Submitting Department:** Housing and Economic Development Department

**Contact Name and Phone Number:**

Ricardo Noguera, Housing & Economic Development Director (4190), Ruth Peña, Financial Analyst (4327)

**Department Recommendation and Summary:**

Staff recommends that the City Council extend the life of the East Visalia and Mooney Boulevard Original and Amendment Redevelopment Project Areas and the time limit to receive tax increment and pay indebtedness, and correct and extend certain time limits previously adopted with respect to all Redevelopment Project Areas.

To accomplish this, the City Council must adopt an Ordinance amending the Redevelopment Plans and authorize the Executive Director, or his designee to record the Ordinance in the office of the County Recorder of Tulare County.

**Background:**

On July 14, 2008, the City Council conducted a public hearing for the tension of the East Vsalia and Mooney Boulevard Original and Amendment Redevelopment Project Areas as well as time limit to receive tax increment and pay indebtedness, and correct and extend certain time limits previously adopted with respect to all Redevelopment Project Areas. This second reading of the item is required.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 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.

During weak economic periods, the legislature has used funds from local governmental entities, including redevelopment agencies, to help balance the state budget. As part of its solution, the legislature established the Educational Revenue Augmentation Fund (ERAF) in each county and directed local government entities, including redevelopment agencies, to transfer a portion of the property taxes to this fund to be allocated to schools throughout the county. This first occurred in the 1992 and 1993 sessions, then again in 2002-03. Legislation in 2003 (Senate Bill 1045) and 2004 (Senate Bill 1096) extended the obligation of redevelopment agencies to contribute a portion of their tax increment to the ERAF in the 2003-04 (SB 1045) and 2004-05 and 2005-06 (SB 1096) fiscal years. The funds used for the ERAF payment would otherwise have been used to pay for projects necessary to carry out the goals of the redevelopment plan. This transfer of Redevelopment General Funds to ERAF was collected by County Auditors who deposited the funds with respective school entities. Specifically, this action resulted in the Community Redevelopment Agency of the City of Visalia making an ERAF payment in the amount of \$196,953 in 2003-04 and payments of \$331,856 in each year for 2004-05 and 2005-06.

Health and Safety Code Section 33333.6 was also amended by Senate Bill 1045 and Senate Bill 1096 to permit an amendment to certain redevelopment plans to extend the Effectiveness Limit of the redevelopment plan and the Debt Repayment Limit by one year for each ERAF payment made. Since three payments were made (2003-04, 2004-05 and 2005-06), the East Visalia, Mooney, Mooney Amendment and Downtown project areas are eligible for extensions for three additional years under SB 1045 and SB 1096. Because of the date of adoption of the Central project area, the Central project area is only eligible for a one-year extension under Senate Bill 1045, and is not eligible for the two year extensions under SB 1096.

The Redevelopment Agency adopted Ordinance No. 2003-01 on January 12, 2004, extending by one year the Effectiveness Limit and the Debt Repayment Limit for each of the RDA project areas resulting from the 2003-04 ERAF payment under Senate Bill 1045. Health and Safety Code Section 33333.6 requires that the legislative body adopt an ordinance amending these limits. The City Council adopted Ordinance No. 2006-01 on April 17, 2006, extending by two years the Effectiveness Limit and Debt Repayment Limit for the Downtown Project Area. Because of some clerical errors in Ordinance No. 2006-01, staff is recommending that the City Council clarify and reaffirm the previously adopted amendments to the time limits for the Downtown project area. In addition, staff is recommending that the City Council take this opportunity to clarify and reaffirm the previously adopted amendments to correct clerical errors in the time limits for the East Visalia, Mooney, Mooney Amendment, Central and Downtown project areas.

Table 1 – Project Area Time Limits for Receipt of Tax Increment displays the time limits for the four areas prior to the ERAF amendments and the changes to the time limits after the areas have been extended. Please note that the table only shows the time limit for the receipt of tax increment and not plan effectiveness, which is generally 10 years shorter.

Table 1 – Project Area Time Limits for Receipt of Tax Increment

Project Area	Pre-ERAF	Post-ERAF
East Area	07/14/2026	07/06/2029
Mooney	07/06/2027	07/06/2030
Mooney Amendment	06/15/2027	06/15/2030
Downtown	08/03/2020	08/3/2023
Central	11/20/2039	11/20/2040

Extending the time limits for the RDA's project areas will more than reimburse the Community Redevelopment Agency for (2003-04, 2004-05 and 2005-06) ERAF payments. After the time limit on the effectiveness of a redevelopment plan, the agency has no authority to act pursuant to the redevelopment plan except to pay previously incurred indebtedness, to comply with its affordable housing requirements, and enforce existing covenants, contracts or other obligations. After the time limit to receive tax increment and repay debt, the tax increment that has been allocated to the agency reverts to the primary taxing jurisdictions. The extensions therefore postpone for 3 years (1 year in the case of the Central project area) the effectiveness limit of the Redevelopment Plans and the time when primary taxing jurisdictions will receive the tax increment property tax from those Redevelopment Project Areas.

Estimates provided by Fraser & Associates, our fiscal consultant, indicate that net tax increment available to the agency (inclusive of the housing set-aside but net of all pass through payments) will increase by \$1.7 million for the East Project Area and by \$2.4 million for the Mooney Project Area in inflation adjusted dollars. This represents the projected amount of tax increment to be received in 2026-07, 2027-28 and 2028-29.

Senate Bills 1045 and 1096 allow the City Council to make these amendments through an expedited process, rather than by the standard plan amendment process. Prior to adopting an ordinance to extend these time limits pursuant to SB 1096, the City Council must mail a notice of the public hearing on such ordinance to the governing body of each affected taxing entity at least 30 days prior to the public hearing and publish such notice at least 10 days prior to the public hearing. The required notices to all of the affected taxing entities have been mailed, and notice of a public hearing was published in accordance with SB 1096. Senate Bill 1096 also requires that the ordinance adopting the amendments to the time limits contain certain specified findings. These findings have been incorporated in the Ordinances presented to the City Council for approval.

**Prior Council/Board Actions:**

- April 21, 2008 – Financial Analysis of Visalia's Four Redevelopment Project Areas
- July 14, 2008 – City Council conducted a public hearing on the first reading of the ERAF extensions and Ordinance amendments

**Committee/Commission Review and Actions:**

**Alternatives:** None recommended

**Attachments:** Copy of respective Ordinances and Maps of East. Mooney, Mooney Amendment, Central and Downtown Redevelopment Project Areas

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

Upon holding the second reading in a Public Hearing, the City Council authorizes the following:

- Authorize the Ordinances reaffirming, clarifying and correcting certain time limits and extending the life of the East Visalia, Mooney, Mooney Amendment, Central and Downtown Redevelopment Project Areas and extending the respective indebtedness repayment periods;
- Authorize the Agency's Executive Director, or his designee to record the Ordinances in the office of the County Recorder of Tulare County.

***Environmental Assessment Status***

**CEQA Review: N/A**

**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. 2008-07**

**SECOND READING**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA,  
REAFFIRMING, CLARIFYING, CORRECTING AND EXTENDING CERTAIN LIMITATIONS  
WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE EAST VISALIA  
REDEVELOPMENT PROJECT**

**WHEREAS**, the City Council of the City of Visalia, adopted Ordinance No. 8612 on July 14, 1986, approving and adopting the Redevelopment Plan (sometimes also referred to as the Redevelopment Enabling Plan) (the "Redevelopment Plan") for the East Visalia Redevelopment Project; and Ordinance No. 9455 on December 5, 1994, amending the Redevelopment Plan to establish certain time limits for the Project Area required by AB 1290 (the "AB 1290 Amendments"); and

**WHEREAS**, the Redevelopment Agency of the City of Visalia (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Visalia the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

**WHEREAS**, Section 33333.6 of the Community Redevelopment Law established certain limitations on the incurring and repaying of indebtedness and the duration of redevelopment plans, which limitations apply to every redevelopment plan adopted on or before December 31, 1993; and

**WHEREAS**, Section 33681.9 of the Health and Safety Code, which was added by SB 1045 and took effect on September 1, 2003, required the Agency during the 2003-04 fiscal year to make a payment for deposit in the Tulare County Educational Revenue Augmentation Fund (an "ERAF Payment"); and

**WHEREAS**, Section 33333.6 of the Health and Safety Code, which was amended by SB 1045, provides that when an agency is required to make a payment pursuant to Section 33681.9 (for fiscal year 2003-04), the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness; and

**WHEREAS**, Section 33681.12 of the Health and Safety Code, which was added by SB 1096 and took effect on September 5, 2004, required the Agency to make ERAF Payments during the 2004-05 and the 2005-06 fiscal years; and

**WHEREAS**, Section 33333.6 of the Health and Safety Code was amended by SB 1096 to add subsection (e)(2)(D) to provide that when an agency is required to make an ERAF Payment pursuant to Section 33681.12 (for fiscal years 2004-05 and 2005-06), the legislative body may, under certain conditions, amend the redevelopment plan by ordinance to extend the time limit on the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness by one year for each year the Agency makes such a payment; and

**WHEREAS**, pursuant to Health and Safety Code Sections 33681.9 and 33681.12, the Agency was required to make an ERAF Payment for the fiscal years 2003-04, 2004-05 and 2005-2006; and

**WHEREAS**, prior to adopting an ordinance to extend certain time limits pursuant to SB 1096, the legislative body must mail a notice of the public hearing on such ordinance to the governing body of each affected taxing entity at least 30 days prior to the public hearing and publish such notice at least 10 days prior to the public hearing; and

**WHEREAS**, the City has sent the required notices to all of the affected taxing entities and published notice of a public hearing in a newspaper of generally circulation regarding the proposed adoption of an ordinance pursuant to SB 1096; and

**WHEREAS**, Ordinance No. 9455, adopted by the City Council on December 5, 1994, adopting the AB 1290 Amendments for the Redevelopment Plan, contained several clerical errors in the time limits stated in said Ordinance, and the City Council desires to reaffirm its prior approval and adoption of the AB 1290 Amendments and correct the clerical errors contained in Ordinance No. 9455 relating to the time limits amended and established by said Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:**

**Section 1.** Reaffirmation of Prior AB 1290 Amendments. The City Council hereby reaffirms its prior approval and adoption of the AB 1290 Amendments to the Redevelopment Plan (Ordinance No. 9455, adopted on December 5, 1994). In order to correct the clerical errors contained in said Ordinance No. 9455:

A. The date stated in the last Whereas clause of Ordinance No. 9455 for the time limit on the effectiveness of the Redevelopment Plan is hereby corrected to read "July 14, 2016, thirty (30) years from the date of adoption of the Plan...."

B. Section 610 of the Redevelopment Plan, as amended by Section 3 of Ordinance No. 9455, is hereby corrected to read as follows:

"Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the land use and development control provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective for thirty (30) years from the date of adoption of this Plan by the City Council. The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Plan."

Based upon the date of adoption of the Redevelopment Plan (July 14, 1986), and the prior approvals contained in Ordinance No. 9455, the City Council hereby reaffirms that the effectiveness of the Redevelopment Plan is currently scheduled to terminate on July 14, 2016 (30 years from the date of adoption of the Redevelopment Plan), and the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 14, 2026.

**Section 2.** SB 1045 Amendments (Fiscal Year 2003-04).

A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan shall be extended by one year. Based upon such extensions and the prior approvals reaffirmed under Section 1 of this Ordinance, the effectiveness of the Redevelopment Plan shall terminate thirty-one (31) years from the date of adoption of the Redevelopment Plan (July 14, 2017).



B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 14, 2027; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after July 14, 2027 to repay such debt accordingly.

**Section 3.**     SB 1096 Amendments (Fiscal Years 2004-05 and 2005-06).

A. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, as a result of the Agency's ERAF Payments for fiscal years 2004-05 and 2005-06, the time limit on the effectiveness of the Redevelopment Plan shall be extended by two (2) additional years. Based upon the prior approvals reaffirmed under Section 1 of this Ordinance, the extension provided for in Section 2.A. of this Ordinance, and the extensions provided for in this Section 3.A., the effectiveness of the Redevelopment Plan shall terminate thirty-three (33) years from the date of adoption of the Redevelopment Plan (July 14, 2019).

B. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to January 1, 1994, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 3.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 14, 2029; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to January 1, 1994, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after July 14, 2029, to repay such debt accordingly.

C. In extending the time limits as set forth in Subsections 3.A. and 3.B. of this Ordinance, the City Council makes the following findings with respect to the Redevelopment Project:

(1) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.

(2) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

(3) The Agency is in compliance with all applicable provisions of Health and Safety Code Section 33413, to the extent applicable.

(4) The Agency is not subject to sanctions pursuant to Health and Safety Code Section 33334.12(e) for failure to expend, encumber, or disburse any excess surplus.

(5) The funds which the Agency used to make the payment to the Educational Revenue Augmentation Fund for fiscal years 2004-05 and 2005-06,

pursuant to Health and Safety Code Section 33681.12, would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

**Section 4.** Ordinance Nos. 8612 and 9455 are continued in full force and effect, except as amended by this Ordinance.

**Section 5.** The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

**Section 6.** Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

**Section 7.** Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Visalia, California.

**Section 8.** Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**ORDINANCE NO. 2008-08**

**SECOND READING**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA, REAFFIRMING, CLARIFYING, CORRECTING AND EXTENDING CERTAIN LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE MOONEY BOULEVARD AND MOONEY BOULEVARD AMENDMENT REDEVELOPMENT PROJECT AREAS**

**WHEREAS**, the City Council of the City of Visalia, adopted Ordinance No. 8726 on July 6, 1987, approving and adopting the Redevelopment Plan (sometimes also referred to as the Redevelopment Enabling Plan) (the "Redevelopment Plan") for the Mooney Redevelopment Project (the "Original Project Area"); Ordinance No. 9012 on July 16, 1990 adding certain area (the "Amendment Area"); and Ordinance Nos. 9456 and 9457 on December 5, 1994, amending the Redevelopment Plan to establish certain time limits for the Original Project Area and the Amendment Area, respectively, required by AB 1290 (the "AB 1290 Amendments"); and

**WHEREAS**, the Redevelopment Agency of the City of Visalia (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Visalia the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

**WHEREAS**, Section 33333.6 of the Community Redevelopment Law established certain limitations on the incurring and repaying of indebtedness and the duration of redevelopment plans, which limitations apply to every redevelopment plan adopted on or before December 31, 1993; and

**WHEREAS**, Section 33681.9 of the Health and Safety Code, which was added by SB 1045 and took effect on September 1, 2003, required the Agency during the 2003-04 fiscal year to make a payment for deposit in the Tulare County Educational Revenue Augmentation Fund (an "ERAF Payment"); and

**WHEREAS**, Section 33333.6 of the Health and Safety Code, which was amended by SB 1045, provides that when an agency is required to make a payment pursuant to Section 33681.9 (for fiscal year 2003-04), the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness; and

**WHEREAS**, Section 33681.12 of the Health and Safety Code, which was added by SB 1096 and took effect on September 5, 2004, required the Agency to make ERAF Payments during the 2004-05 and the 2005-06 fiscal years; and

**WHEREAS**, Section 33333.6 of the Health and Safety Code was amended by SB 1096 to add subsection (e)(2)(D) to provide that when an agency is required to make an ERAF Payment pursuant to Section 33681.12 (for fiscal years 2004-05 and 2005-06), the legislative body may, under certain conditions, amend the redevelopment plan by ordinance to extend the time limit on the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness by one year for each year the Agency makes such a payment; and

**WHEREAS**, pursuant to Health and Safety Code Sections 33681.9 and 33681.12, the Agency was required to make an ERAF Payment for the fiscal years 2003-04, 2004-05 and 2005-2006; and

**WHEREAS**, prior to adopting an ordinance to extend certain time limits pursuant to SB 1096, the legislative body must mail a notice of the public hearing on such ordinance to the governing body of each affected taxing entity at least 30 days prior to the public hearing and publish such notice at least 10 days prior to the public hearing; and

**WHEREAS**, the City has sent the required notices to all of the affected taxing entities and published notice of a public hearing in a newspaper of generally circulation regarding the proposed adoption of an ordinance pursuant to SB 1096; and

**WHEREAS**, Ordinance Nos. 9456 and 9457, adopted by the City Council on December 5, 1994, adopting the AB 1290 Amendments for the Original Project Area and the Amendment Area, contained several clerical errors in the time limits stated in said Ordinance, and the City Council desires to reaffirm its prior approval and adoption of the AB 1290 Amendments and correct the clerical errors contained in Ordinance Nos. 9456 and 9457 relating to the time limits amended and established by said Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:**

**Section 1.** Reaffirmation of Prior AB 1290 Amendments. The City Council hereby reaffirms its prior approval and adoption of the AB 1290 Amendments to the Redevelopment Plan (Ordinance Nos. 9456 and 9457, adopted on December 5, 1994). In order to correct the clerical errors contained in Ordinance Nos. 9456 and 9457, Section 610 of the Redevelopment Plan, as previously amended by Section 3 of Ordinance No. 9456 and Section 3 of Ordinance No. 9457, is hereby corrected to read as follows:

"Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the land use and development control provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective for thirty (30) years from the date of adoption of this Plan by the City Council with respect to the Original Project Area, and thirty (30) years from the date of adoption of Ordinance No. 9012 with respect to the Amendment Area. The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Plan as applicable for the Original Project Area and the Amendment Area."

Based upon the date of adoption of the Redevelopment Plan with respect to the Original Project Area (July 6, 1987) and the Amendment Area (July 16, 1990), and the prior approvals contained in Ordinance Nos. 9456 and 8457, the City Council hereby reaffirms that the effectiveness of the Redevelopment Plan is currently scheduled to terminate on July 6, 2017 as to the Original Project Area (30 years from the date of adoption of the Redevelopment Plan) and July 16, 2020 as to the Amendment Area (30 years from the date of adoption of Ordinance No. 9012), and the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 6, 2027 as to the Original Project Area or July 16, 2030 as to the Amendment Area.

**Section 2.** SB 1045 Amendments (Fiscal Year 2003-04).

A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan shall be extended by one

year for the Original Project Area and the Amendment Area. Based upon such extensions and the prior approvals reaffirmed under Section 1 of this Ordinance, the effectiveness of the Redevelopment Plan shall terminate thirty-one (31) years from the date of adoption of the Redevelopment Plan with respect to the Original Project Area (July 6, 2018) and thirty-one (31) years from the date of adoption or Ordinance No. 9012 with respect to the Amendment Area (July 16, 2021).

B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan as applicable for the Original Project Area and the Amendment Area. Based upon the termination date established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 6, 2028 with respect to the Original Project Area and July 16, 2031 with respect to the Amendment Area; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after said dates to repay such debt accordingly.

**Section 3.**    **SB 1096 Amendments (Fiscal Years 2004-05 and 2005-06)**

A. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, as a result of the Agency's ERAF Payments for fiscal years 2004-05 and 2005-06, the time limit on the effectiveness of the Redevelopment Plan shall be extended by two (2) additional years. Based upon the prior approvals reaffirmed under Section 1 of this Ordinance, the extension provided for in Section 2.A. of this Ordinance, and the extensions provided for in this Section 3.A., the effectiveness of the Redevelopment Plan shall terminate on July 6, 2020 for the Original Project Area and July 16, 2023 for the Amendment Area.

B. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to January 1, 1994, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan as applicable for the Original Project Area and the Amendment Area. Based upon the termination date established in Subsection 3.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 6, 2030 for the Original Project Area and after July 16, 2033 for the Amendment Area; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to January 1, 1994, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after the above dates, to repay such debt accordingly.

C. In extending the time limits as set forth in Subsections 3.A. and 3.B. of this Ordinance, the City Council makes the following findings with respect to the Redevelopment Project:

(1) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.

(2) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

(3) The Agency is in compliance with all applicable provisions of Health and Safety Code Section 33413, to the extent applicable.

(4) The Agency is not subject to sanctions pursuant to Health and Safety Code Section 33334.12(e) for failure to expend, encumber, or disburse any excess surplus.

(5) The funds which the Agency used to make the payments to the Educational Revenue Augmentation Fund for fiscal years 2004-05 and 2005-06, pursuant to Health and Safety Code Section 33681.12, would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

**Section 4.** Ordinance Nos. 8726, 9012, 9456 and 9457 are continued in full force and effect, except as amended by this Ordinance.

**Section 5.** The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

**Section 6.** Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

**Section 7.** Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Visalia, California.

**Section 8.** Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**ORDINANCE NO. 2008-09**

**SECOND READING**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA, REAFFIRMING, CLARIFYING, CORRECTING AND EXTENDING CERTAIN LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE CENTRAL VISALIA REDEVELOPMENT PROJECT AREA**

**WHEREAS**, the City Council of the City of Visalia, adopted Ordinance No. 8922 on November 20, 1989, approving and adopting the Redevelopment Plan for the Central Visalia Redevelopment Project (the "Redevelopment Plan"); and Ordinance No. 9458 on December 5, 1994, amending the Redevelopment Plan to establish certain time limits required by AB 1290 (the "AB 1290 Amendments"); and

**WHEREAS**, the Redevelopment Agency of the City of Visalia (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Visalia the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

**WHEREAS**, Section 33333.6 of the Community Redevelopment Law established certain limitations on the incurring and repaying of indebtedness and the duration of redevelopment plans, which limitations apply to every redevelopment plan adopted on or before December 31, 1993; and

**WHEREAS**, Section 33681.9 of the Health and Safety Code, which was added by SB 1045 and took effect on September 1, 2003, required the Agency during the 2003-04 fiscal year to make a payment for deposit in the Tulare County Educational Revenue Augmentation Fund (an "ERAF Payment"); and

**WHEREAS**, Section 33333.6 of the Health and Safety Code, which was amended by SB 1045, provides that when an agency is required to make a payment pursuant to Section 33681.9 (for fiscal year 2003-04), the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness; and

**WHEREAS**, pursuant to Health and Safety Code Section 33681.9, the Agency was required to make an ERAF Payment for the fiscal year 2003-04; and

**WHEREAS**, Ordinance No. 9458, adopted by the City Council on December 5, 1994, adopting the AB 1290 Amendments, contained several clerical errors in the time limits stated in said Ordinance, and the City Council desires to reaffirm its prior approval and adoption of the AB 1290 Amendments and correct the clerical errors contained in Ordinance No. 9458 relating to the time limits amended and established by said Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:**

**Section 1.** Reaffirmation of Prior AB 1290 Amendments. The City Council hereby reaffirms its prior approval and adoption of the AB 1290 Amendments to the Redevelopment Plan (Ordinance No. 9458, adopted on December 5, 1994). In order to correct the clerical errors contained in said Ordinance No. 9458:

A. The date stated in the last Whereas clause of Ordinance No. 9458 for the time limit on the effectiveness of the Redevelopment Plan is hereby corrected to read "November 20, 2029, forty (40) years from the date of adoption of the Plan...."

B. The second subparagraph under Section 540 of the Redevelopment Plan, as amended by Section 2 of Ordinance No. 9458, is hereby corrected to read as follows:

"No loans, advances, or indebtedness to finance, in whole or in part, the project and to be repaid from the allocation of those taxes described in the before-mentioned Section 33670 shall be established or incurred by the Agency beyond twenty (20) years from the date of adoption of this Plan by the City Council, unless such time limitation is extended by amendment of this Plan. However, such loans, advances, or indebtedness may be repaid over a period of time longer than such time limit."

Based upon the date of adoption of the Redevelopment Plan (November 20, 1989), and the prior approvals contained in Ordinance No. 9458, the City Council hereby clarifies and reaffirms that no loans, advances or indebtedness to finance, in whole or in part the project and to be repaid from the allocation of taxes described in Section 33670 shall be established or incurred by the Agency beyond November 20, 2009 (20 years from the date of adoption of the Redevelopment Plan).

C. Section 610 of the Redevelopment Plan, as amended by Section 3 of Ordinance No. 9458, is hereby corrected to read as follows:

"Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the land use and development control provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective for forty (40) years from the date of adoption of this Plan by the City Council. The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Plan."

Based upon the date of adoption of the Redevelopment Plan (November 20, 1989), and the prior approvals contained in Ordinance No. 9458, the City Council hereby clarifies and reaffirms that the effectiveness of the Redevelopment Plan is currently scheduled to terminate on November 20, 2029 (40 years from the date of adoption of the Redevelopment Plan), and the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after November 20, 2039.

**Section 2.** SB 1045 Amendments (Fiscal Year 2003-04).

A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan shall be extended by one year. Based upon such extension and the prior approvals reaffirmed under Section 1 of this Ordinance, the effectiveness of the Redevelopment Plan shall terminate forty-one (41) years from the date of adoption of the Redevelopment Plan (November 20, 2030).

B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the



Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after November 20, 2040; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after November 20, 2040, to repay such debt accordingly.

**Section 3.** Ordinance Nos. 8922 and 9458 are continued in full force and effect, except as amended by this Ordinance.

**Section 4.** The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

**Section 5.** Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

**Section 6.** Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Visalia, California.

**Section 7.** Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Mayor

ATTEST:  
\_\_\_\_\_  
City Clerk

**ORDINANCE NO. 2008-10**

**SECOND READING**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA,  
REAFFIRMING, CLARIFYING, CORRECTING AND EXTENDING CERTAIN LIMITATIONS  
WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE DOWNTOWN  
REDEVELOPMENT PROJECT AREA**

**WHEREAS**, the City Council of the City of Visalia, adopted Ordinance No. 2239 on August 3, 1970, approving and adopting the Urban Renewal Plan for Central business District Program No. Calif. A-11-1 (also known as the Redevelopment Plan for the Downtown Redevelopment Project Area (the "Redevelopment Plan"); Ordinance No. 8719 on May 4, 1987 amending the Redevelopment Plan to establish certain limitations with respect to the Redevelopment Plan; Ordinance No. 9454 on December 5, 1994, amending the Redevelopment Plan to establish certain time limits required by AB 1290 (the "AB 1290 Amendments"), and Ordinance No. 2006-01 on April 17, 2006, amending the Redevelopment Plan to extend certain time limits, pursuant to SB 10996 (the "SB 1096 Amendments"); and

**WHEREAS**, the Redevelopment Agency of the City of Visalia (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Visalia the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

**WHEREAS**, Section 33333.6 of the Community Redevelopment Law established certain limitations on the incurring and repaying of indebtedness and the duration of redevelopment plans, which limitations apply to every redevelopment plan adopted on or before December 31, 1993; and

**WHEREAS**, Section 33681.9 of the Health and Safety Code, which was added by SB 1045 and took effect on September 1, 2003, required the Agency during the 2003-04 fiscal year to make a payment for deposit in the Tulare County Educational Revenue Augmentation Fund (an "ERAF Payment"); and

**WHEREAS**, Section 33333.6 of the Health and Safety Code, which was amended by SB 1045, provides that when an agency is required to make a payment pursuant to Section 33681.9 (for fiscal year 2003-04), the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness; and

**WHEREAS**, pursuant to Health and Safety Code Section 33681.9, the Agency was required to make an ERAF Payment for the fiscal year 2003-04; and

**WHEREAS**, Ordinance No. 9454, adopted by the City Council on December 5, 1994, adopting the AB 1290 Amendments, contained several clerical errors in the time limits stated in said Ordinance, and the City Council desires to reaffirm its prior approval and adoption of the AB 1290 Amendments and correct the clerical errors contained in Ordinance No. 9454 relating to the time limits amended and established by said Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:**

**Section 1.** Reaffirmation of Prior AB 1290 Amendments. The City Council hereby reaffirms its prior approval and adoption of the AB 1290 Amendments to the Redevelopment Plan (Ordinance No. 9454, adopted on December 5, 1994). In order to correct the clerical errors contained in said Ordinance No. 9454, the last two subparagraphs (including subheading) under Section 2 of Ordinance No. 9454, are hereby corrected to read as follows:

"The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Plan.

**"Duration of this Plan's Development Controls**

"Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the land use and development control provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective for forty (40) years from the date of adoption of this Plan by the City Council."

Based upon the date of adoption of the Redevelopment Plan (August 3, 1970), and the prior approvals contained in Ordinance No. 9454, the City Council hereby clarifies and reaffirms that the effectiveness of the Redevelopment Plan is currently scheduled to terminate on August 3, 2010 (40 years from the date of adoption of the Redevelopment Plan), and the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after August 3, 2020.

**Section 2.** SB 1045 Amendments (Fiscal Year 2003-04).

A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan shall be extended by one year. Based upon such extension and the prior approvals reaffirmed under Section 1 of this Ordinance, the effectiveness of the Redevelopment Plan shall terminate forty-one (41) years from the date of adoption of the Redevelopment Plan (August 3, 2011).

B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after August 3, 2021; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after August 3, 2021, to repay such debt accordingly.

**Section 3.** Reaffirmation of Prior SB 1096 Amendments. The City Council hereby reaffirms its prior approval and adoption of the SB 1096 Amendments to the Redevelopment Plan (identified as RDA Ordinance No. 2006-01, adopted on April 17, 2006). In order to correct the clerical errors contained in said Ordinance No. 2006-01:

A. The dates stated in the Whereas clauses of Ordinance No. 2006-01 for the time limit on the effectiveness of the Redevelopment Plan and the time limit on the receipt of tax increment and payment of indebtedness are hereby corrected to read "August 3, 2011" and

"August 3, 2021", respectively, which dates are based upon the amendments approved in Section 2 of this Ordinance.

B. Section 1 of Ordinance No. 2006-01 is hereby corrected and amended to read as follows:

"In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, as a result of the Agency's ERAF Payments for fiscal years 2004-05 and 2005-06, the time limit on the effectiveness of the Redevelopment Plan shall be extended by two (2) additional years."

Based upon the prior approvals reaffirmed under Section 1 of this Ordinance, and the extension provided for in Section 2.A. of this Ordinance, and the extensions provided for in this Section 3.B., the effectiveness of the Redevelopment Plan shall terminate forty-three (43) years from the date of adoption of the Redevelopment Plan, or August 3, 2013.

C. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to January 1, 1994, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 3.B. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after August 3, 2023; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to January 1, 1994, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after August 3, 2023, to repay such debt accordingly.

D. In reaffirming and extending the time limits as set forth in Sections 3.B. and 3.C. of this Ordinance, the City Council hereby reaffirms and incorporates herein the findings contained in Sections 3 and 4 of Ordinance No. 2006-01, and hereby further readopts its prior findings that the funds which the Agency used to make the payments to the Educational Revenue Augmentation Fund for fiscal years 2004-05 and 2005-06, pursuant to Health and Safety Code Section 33681.12, would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

**Section 4.** Ordinance Nos. 2239, 8719, 9454 and 2006-01 are continued in full force and effect, except as amended by this Ordinance.

**Section 5.** The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

**Section 6.** **Effective Date.** This Ordinance shall be in full force and effect thirty (30) days after its passage.

**Section 7.** **Publication.** The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Visalia, California.

**Section 8.** **Severability.** If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13e

**Agenda Item Wording:** Appointment of Karen Cooper to serve as the City of Visalia's representative on Measure R Citizen's Oversight Committee

**Deadline for Action:** N/A

**Submitting Department:** Administration

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

### Department Recommendation

It is recommended that the Visalia City Council appoint Karen Cooper to serve as Visalia's representative on the Measure R Citizen's Oversight Committee.

### Department Discussion

In February of 2007, the City Council selected Tony Salierno to serve as Visalia's representative on the Oversight Committee. As part of the inaugural Committee, the terms were divided into one and two year appointments and Tony was given a one-year term. He completed his term at the end of June, and notified the Council that he had appreciated the opportunity to help establish the policies and procedures that will help govern the 30 year life span of the Measure, but he could not accept appointment to another term.

The Measure R Citizen's Oversight Committee is slated to meet again on August 14 to consider the first expenditure plan change. This is a significant matter that may have long term precedent for future changes and staff believes it is important that the City be represented at this meeting; therefore, staff is recommending that the Council forego a formal, and often lengthy, recruitment process and instead appoint Cooper to the position for a term ending in June, 2010.

Staff believes Cooper is highly to serve on this Citizen's Advisory Committee. A native Visalian who was recently named the 2008 Woman of the Year, she has served for 20 years as the Executive Director of Tulare County Family Services. In this position, she works with multiple communities and is aware of many of the challenges and opportunities facing Tulare County communities. A graduate of U.C. Berkley, she has been involved in numerous community organizations over the years including Visalia Rotary, the Visalia Chamber of Commerce Board of Directors, and the Tulare County Domestic Violence Council, and also has served on several state-wide boards including the California Partnership to End Domestic Violence where she is President, and as the governor's appointment to the California Domestic Violence Advisory Council

### 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 71808**

**Finance**

**City Atty**

**City Mgr**

The Measure R Expenditure Plan calls for a 16 member oversight Committee. The purpose of this Committee is to provide input on implementation of the plan, to advise the TCAG Board if and when the plan needs to be augmented, to ensure that the funds are being spent in accordance with the plan., to inform the public, and to ensure that the Transportation Measure funding program revenues and expenditures are spent as promised in the Measure passed by the voters.

The Committee may receive, review and recommend any action or revision to the plans, programs, audits or projects that is within the scope of stated scope including:

- \*Receive, review, inspect, and recommend action on independent financial and performance audits related to the Measure
- \*Receive, review, and recommend action on other periodic reports, studies and plans from responsible agencies. Such reports, studies and plans must be directly related to Measure programs, revenues, or expenditures.
- \*Review and comment upon Measure expenditures to ensure they are consistent with the Expenditure Plan.
- \*Annually review how sales tax receipts are being spent and publicize the results
- \*Present Committee recommendations, findings, and requests to the public and TCAG in a formal annual report to inform Tulare County residents how funds are being spent.
- \*The Committee will have full access to the TCAG independent auditor and will have the authority to request and review specific information, with the understanding that the Committee will rely upon data, processes and studies available from TCAG, and other relevant data generated by reputable sources. It is understood that TCAG will be continuously striving to improve the reliability of data and to update analytical and modeling processes, and that the Committee will be kept abreast of such efforts, and is invited to participate in development of such updates in a review capacity.

The Expenditure Plan defines the Committee membership as follows:

- \*One member appointed by each City and the County
- \*One representative from a major private sector Tulare County employer, nominated by the Tulare County Economic Development Corporation
- \*One representative from the building industry, nominated by the Tulare County Building Industry Association.
- \*One representative from the agriculture industry, nominated by the Tulare County Farm Bureau.
- \*One representative from the Hispanic community, nominated by the Tulare Kings Hispanic Chamber of Commerce.
- \*One representative from an advocacy group representing bicyclists and pedestrians, and/or transit.
- \*One who is a professional in the field of audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.
- \*One representative from an environmental advocacy group

(The representatives for the last three positions are selected from applications solicited from Tulare County representatives will be selected by the other 13 seated Board members, subject to final approval by TCAG.

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

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

**Alternatives:**

**Attachments:**

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

I move to approve Karen Cooper as Visalia's representative on the Measure R Citizen's Advisory Committee

***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:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13f

1. Withdrawal of Change of Zone No. 2004-14, by the Plaza Land Company LLC, the action was to change the zone from Business Research Park to Professional Administrative Office.
2. Initiation of General Plan Amendment to change the land use designation from Professional Administrative Office to Business Research Park, for property located on the northeast corner of Highway 198 and Plaza Drive, APN: 081-020-036

**Deadline for Action:** None

**Submitting Department:** Community Development - Planning

**Contact Name and Phone Number:**

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

**Department Recommendation and Summary:**

Staff recommends that the Council accept the withdrawal of Change of Zone No. 2004-14, and initiate a General Plan Amendment to change the land use designation from Professional Administrative Office (PA) to Business Research Park (BRP). Exhibit "A" is the request from the property owners for this action. Plaza Land Company LLC is the property owner, and is represented by Dr. Robert M. Mochizuki of the Orthopedic Associates. The owners have indicated to staff that their plans have changed due to circumstances with the Orthopedic Associates group.

The applicants' request would result in returning the site to the BRP land use designation. Since the second reading of the zone change to PA was not conducted, and the Zoning Agreement was never executed by the applicants, the site is currently zoned BRP and has a General Plan land use designation of PA. The proposed action would eliminate this inconsistency between the land use and zoning designations.

The original proposal for this site was to create a medical campus for the Orthopedic Associates with other uses allowable in the PA zone such as general offices, banks and related activities. The site plan proposed four two story buildings totaling 136,000 square feet of space with shared access and parking which would be developed with a common "campus" style theme.

This action will formally accept the withdrawal of the zone change request (retaining the BRP zone) and allow staff to proceed with the General Plan amendment to re-establish Business Research Park as the General Plan land use designation for this site.

**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.

**Committee/Commission Review and Actions:**

The Planning Commission held a public hearing on September 27, 2004, and approved GPA No. 2004 –16 and COZ No. 2004-14, (4-0) Perez absent, and forwarded their recommendation to the City Council.

**Prior Council/Board Actions:**

The City Council on held a public hearing on March 6, 2006, certifying the negative declaration, and approving GPA No. 2004 –16 and COZ No. 2004-14, (3-2) Collins, Kirkpatrick – No, and approved the use of a Conditional Zoning Agreement (4-1) Collins – No.

**Alternatives:**

None recommended.

**Attachments:**

Location Sketch  
Aerial Photo

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

I move to accept the withdrawal of Change of Zone No. 2004-14, and to initiate a General Plan Amendment for the site, changing the land use designation from Professional Administrative Office to Business Research Park.

Copies of this report have been provided to: Robert M. Mochizuki, Lisa Mochizuki, and Darlene Mata - consultant

***Environmental Assessment Status***

**CEQA Review:** NA – The withdrawal of this proposed action does not require a CEQA review.

**NEPA Review:** NA

**Tracking Information:**

No further actions required for Change of Zone No. 2004-14. The initiation of the GPA for the site will follow typical code requirements for public hearings before the Planning Commission and City Council.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13g

**Agenda Item Wording:**

Initiation of an Amendment to the General Plan Circulation Element to classify Burke Street from Houston Avenue continuing south to Tulare Avenue as a collector status street.

**Deadline for Action:** None

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Chris Young, Assistant Director of Engineering 713-4351  
Doug Damko, Senior Civil Engineer 713-4268

**Department Recommendation:** Staff recommends that the City Council initiate the above-referenced General Plan Circulation Element Amendment. Formal consideration and adoption of this Circulation Element revision is being done to establish Burke Street as an additional north/south collector street in the core of Visalia.

**Summary/background:**

In the 1989 Circulation Element Update, Burke Street was identified as a collector consisting of two discontinuous segments. The first segment commenced in the north at St. Johns Parkway and continued south to Houston Avenue. The second segment commenced at Roosevelt Avenue (north of Goshen Avenue) and ran southward to Cambridge Avenue, where access to Walnut Avenue is provided via Cambridge Avenue to Bradley Street. See Exhibit A showing these two discontinuous segments. Daily traffic volumes on this roadway ranged between 1,050 to 3,450. In the 2001 Circulation Element Update, the second segment of Burke Street commencing at Roosevelt Avenue and running south to Walnut Avenue was eliminated as a collector status street.

Staff has been evaluating an option to reestablish a revised second segment of Burke Street as a collector with the limits changing from Houston Avenue continuing south to Tulare Avenue. This approach provides for a logical southerly extension of the existing north segment that commences at St. Johns Parkway and continues south to Houston Avenue. Tulare Avenue was selected as the terminating point because it is the last east/west collector that Burke Street crosses. Because of the amount of existing front-on residential homes on the portion of Burke Street south of Tulare Avenue, this segment is not being considered for addition. See Exhibit A showing the proposed south segment.

**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.

Burke Street is presently signalized at Houston Avenue, Mineral King Avenue and Noble Avenue. Future signalization is planned at St. John's Parkway, Goshen Avenue, Main Street and Tulare Avenue. The right of way widths for Burke Street are established and existing with a range between 56 feet and 66 feet. In accordance with Figure V-2 (attached) of the currently adopted 2001 Circulation Element Update, Burke Street will have a proposed functional classification of P-C56 to P-C66.

The portion of Burke Street between Houston Avenue and Roosevelt Street is presently not constructed; however this connecting segment can be accomplished without the demolition of existing residential structures.

**Prior Council/Board Actions:** None

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

**Alternatives:**

- 1) Initiate the GPA as recommended.
- 2) Do not initiate the GPA and Burke Street will remain classified as a local street.

**Attachments:** Location Map, Exhibit A, Figure V-2

**Recommended Motion (and Alternative Motions if expected):** I move to initiate a General Plan Amendment that classifies Burke Street from Houston Avenue continuing south to Tulare Avenue as a collector status street.

***Environmental Assessment Status***

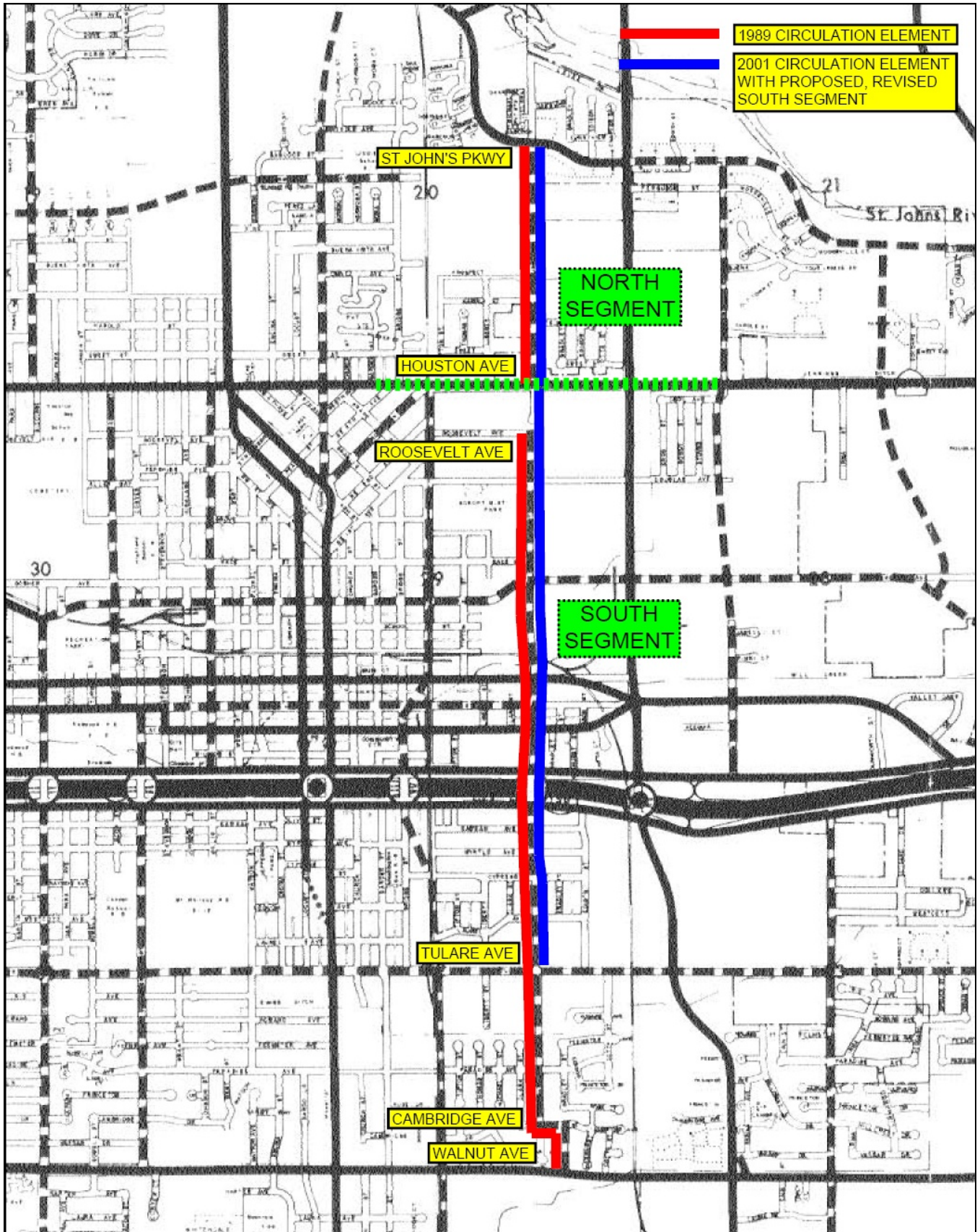
**CEQA Review:** Staff will be working on the necessary CEQA compliance as the General Plan Amendment moves forward.

**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:

# EXHIBIT A



## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13h

**Agenda Item Wording:** Authorization to apply for a \$32,000 grant from the San Joaquin Valley Air Pollution Control District (SJVAPCD) REMOVE II program for the painting of Bike Lanes on Woodland St. between W. Main St. and the Evans ditch. Also, asking to authorize the City Manager to execute the necessary agreement. (Project No. 3011-00000-720000-0-9923)

**Deadline for Action:** None, but the Air District issues REMOVE II grant funding on a first-come, first served basis.

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Chris Young, Assistant Community Dev. Director - 713-4392  
Bill Carr, Project Coordinator - 713-4633.

**Department Recommendation:** Staff recommends that the City Council authorize the Engineering Division to apply for a funding grant in the amount of \$ 32,000 through the SJVAPCD's REMOVE II program to help pay for Woodland St. bicycle lanes. Also, authorize the City Manager to execute the necessary agreement. (Project No. 3011-00000-720000-0-9923).

**Summary/background:** The purpose of the Bicycle Infrastructure Incentive Component of the Program is to encourage the development and expansion of bicycle transportation facilities that promote the use of bicycles as a safe and viable transportation alternative. The painting of Bike Lanes along Woodland Street would encourage College of Sequoia's students & Royal Oaks elementary school students to use their bikes going to & from school and visiting Houk Park. The lanes would also encourage adults working or visiting the Tulare County Civic Center to use their bikes for transportation. These bike lanes are identified in the City's Bikeway Network Plan. The City's Bicycle, Pedestrian and Waterways Committee has recommended the construction of these bike lanes.

The Air District currently has monies available in the REMOVE II Program. Funding for the program comes from the Department of Motor Vehicles (DMV) as a percentage of the motor vehicle registration fee. The program is structured in a way to offer incentives rather than pay outright for projects, and funding limits have been set in all of the components in order to spread the funding across numerous projects in the Central Valley. The maximum funding for 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.): 2 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.

qualifying bicycle infrastructure project painting Class II Bicycle Lanes is \$ 100,000 per project. The City is only applying for a \$ 32,000 grant due to the length of the project and a desire to submit a project that will rate high using the SJVAPCD evaluation criteria. Matching City funds are not required, but the pavement sealing required for the project is not eligible for grant reimbursement. The pavement sealing will cost approximately \$14,000 which will be taken from the Transportation Account (1611). The total cost of the project will be approximately \$46,000. This project is not being funded out of Measure R.

If REMOVE II grant funding is still available in future years, additional Bike Lane projects will be submitted. Possible future projects may be Court Street between Walnut and Tulare and Giddings Street between Walnut and Murray.

**Prior Council Actions:** Council approved a grant application for a REMOVE II grant in May, 2005 to construct a Bike Path along Mcauliff Street from Houston Ave. to the Mill Creek Parkway. Timing of construction did not allow this application to proceed.

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

**Alternatives:** Do not pursue the REMOVE grant for this project. Instruct staff to pursue REMOVE funding for a different project or projects.

**Attachments:** Vicinity Map

**Recommended Motion (and Alternative Motions if expected):** I move to authorize staff to submit a REMOVE II application in the amount of \$ 32,000 for the painting of Bike Lanes on Woodland Street between W. Main Street and the Evans Ditch and authorize the City Manager to execute any necessary agreements with the SJVAPCD.

***Environmental Assessment Status***

**CEPA Review:** Not 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*)

Copies of this report have been provided to:

# City of Visalia Agenda Item Transmittal

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13i

**Agenda Item Wording:** Authorize the release of Request for Qualifications (RFQs) for Architectural and Construction Management Services for the new Public Safety Facility.

**Deadline for Action:** August 4, 2008

**Submitting Department:** Housing & Economic Development Department.

**Contact Name and Phone Number:** Ricardo Noguera, Housing & Economic Development Director xt: 4190

**Department Recommendation:**

Authorize the release of two (2) RFQs to support architectural and construction management services for a new Public Safety Facility in the Civic Center Block of East Downtown.

**Summary/Background**

Over the past several months, the City has made great strides towards the implementation of East Downtown activities. Most recently, the following activities have been completed:

- Design & Engineering for the Civic Center Block. Provost & Pritchard was retained in February of this year to prepare the plans. This involves the infrastructure and road improvements for Oak, School and Burke Street which will include undergrounding of utilities; road extensions; railroad improvements and design for dry and wet utility placement. Design should be completed by year's end and construction of roads and infrastructure to be completed over the course of 2009.
- Parks & Infrastructure Master Plan. The Plan was completed and presented to Council in June 2008.
- Request For Proposal (RFP) for a Programmatic EIR for East Downtown to be released in September 2008.

The City is prepared to release two (2) RFQs for the selection of an architect and construction manager. The architect will be responsible for preparing architectural renderings and construction documents for the public safety facility and its' associated parking. Additionally, the architect will prepare drawings for the parking lot immediately adjacent to the public safety facility. A Construction Manager will also be retained to oversee the architect's work and ultimately build-out of the public safety facility working under the direction of the City's

**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\_\_

**Review:**

**Dept. Head** RN 7/29/08  
(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.

Building Official and Project Manager. These two firms will work closely together but serve in separate and distinct roles under the direction of the City of Visalia.

**Prior Council/Board Actions:**

- In February 2008, Council approved the retention of Provost & Pritchard to prepare engineering drawings for the Civic Center Block.
- In June 2008, the Council accepted the Final Parks & Infrastructure Master Plan prepared by EDAW, Inc.
- On August 4, 2008, the Council accepted the Final Civic Center Master Plan prepared by Race Studios.

**Funding:**

The architectural and construction management services contracts will be funded through the following sources:

- A. Public Safety Impact Fees
- B. Measure T Sales Tax
- C. Civic Center Reserve

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

- Civic Center Master Plan detailing the proposed location of the new public safety facility.

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

Authorize the release of two (2) RFQs to support architectural and construction management services for a new Public Safety Facility in the Civic Center Block of East Downtown.

***Environmental Assessment Status***

**CEQA Review:** A programmatic EIR will be completed over the course of the next 12-18 months for the East Downtown. The architectural design will also take between 12-18 months to complete. A Negative Declaration may be required for the construction of the public safety facility depending on the depth of the Programmatic EIR.

**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:** August 04, 2008

**Agenda Item Number (Assigned by City Clerk):** 13j

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Oakwood Ranch subdivision located at the southeast corner of Chinowth Street and Houston Avenue containing 11 Multi-family lots (42 Units).

**Deadline for Action:** August 04, 2008

**Submitting Department:** Community Development – Engineering Services

**Contact Name and Phone Number:**

Chris Young, Asst. Community Dev. Director – 713-4392  
Patrick Barszcz, Public Works Inspector – 713-4241

**Department Recommendation:**

City staff recommends that City Council give authorization to file a Notice of Completion for the Oakwood Ranch subdivision. All the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Great Valley Land Company, LLC. This subdivision has been accepted into the City's maintenance program as of August 1, 2007. The one year maintenance period per the Subdivision Map Act has passed so the requirement for a Maintenance Bond is relieved and staff recommends filing this Notice of Completion.

**Summary/background:** N/A

**Prior Council/Board Actions:** Final Map recording was approved at Council meeting of January 17, 2006.

**Committee/Commission Review and Actions:** The tentative subdivision map Oakwood Ranch was approved by Planning Commission on December 08, 2003.

**Alternatives:** N/A

**Attachments:** Location/Vicinity map.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1 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.

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

I hereby authorize filing a Notice of Completion for Oakwood Ranch Subdivision.

***Environmental Assessment Status***

**CEQA Review:** Environmental finding completed for tentative subdivision map.

**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:** August 4<sup>th</sup>, 2008

**Agenda Item Number (Assigned by City Clerk):** 13k

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Walnut Village, containing 11 lots and 1 common lot, located on the south side of Walnut Avenue between Chinowth Street and Linwood Street.

**Deadline for Action:** August 18<sup>th</sup> 2008

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Chris Young – Asst. Community Dev. Director - 713-4392  
David Bruce – Public Works Inspector - 713-4188

**Department Recommendation:**

City staff recommends that City Council give authorization to file a Notice of Completion for the Walnut Village Subdivision. All the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by West Star Construction. West Star Construction has submitted a maintenance bond in the amount of \$4,087.75 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

**Summary/background:**

**Prior Council/Board Actions:** Final Map recording was approved at Council meeting of October 2, 2008.

**Committee/Commission Review and Actions:** The tentative subdivision map for Walnut Village Subdivision was approved by Planning Commission on February 13, 2006.

**Alternatives:** N/A

**Attachments:** Location/vicinity map.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1 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.

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

I hereby authorize filing a Notice of Completion for Walnut Village Subdivision.

***Environmental Assessment Status***

**CEQA Review:** Environmental finding completed for tentative subdivision map.

**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:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13L

**Agenda Item Wording:** Request authorization to file a Partial Notice of Completion for Luisi Acres Phase 1, containing 37 lots, located at the northwest corner of the Giddings Street and Ferguson Avenue intersection.

**Deadline for Action:** August 4, 2008

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Chris Young, Asst. Community Dev. Director – 713-4392  
Ed Juarez, Senior Public Works Inspector – 713-4446

**Department Recommendation:**

City staff recommends that City Council give authorization to file a Partial Notice of Completion for the Luisi Acres Phase 1 Subdivision. All the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia with the exception of a temporary drainage basin that is functional, but not completed. The City has entered into a subsequent improvement agreement with the developer to replace the temporary drainage basin with the permanent storm drain trunk line system that will serve the entire Luisi Acres tentative map. The full Notice of Completion will be filed upon the completion of this trunk line system. The subdivision was developed by The Sciacca Family Revocable Trust. The Sciacca Family Revocable Trust has submitted a maintenance bond in the amount of \$71,096.82 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. This maintenance bond will remain in effect until on year after the full Notice of Completion is filed.

**Summary/background:**

**Prior Council/Board Actions:** Final Map recording was approved at Council meeting of January 18, 2005.

**Committee/Commission Review and Actions:** The tentative subdivision map for Luisi Acres Phase 1 was approved by Planning Commission on September 13, 2004.

**Alternatives:** N/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.): 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.

**Attachments:** Location/Vicinity Map.

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

I hereby authorize filing a Partial Notice of Completion for Luisi Acres Phase 1.

***Environmental Assessment Status***

**CEQA Review:** Environmental finding completed for tentative subdivision map.

**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:** Aug. 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13n

**Agenda Item Wording:** .Authorization for the City Manager to continue a consulting contract with Bruce McDermott for \$2,000 a month, and authorization to waive the standard consultant insurance requirements

**Deadline for Action:** N/A

**Submitting Department:**

**Contact Name and Phone Number:** Steve Salomon, 713-4312

**Department Recommendation**

Authorization for the City Manager to continue a consulting contract with Bruce McDermott for \$2,000 a month to provide fund raising and community relations services with specific goals, including raising a minimum of \$75,000 annually for approved city-related projects.

**Department Discussion**

Upon his retirement from the City of Visalia as Police Chief in 1997, the City entered in to a consulting contract with Bruce McDermott to provide fund raising and community relations services. The contract was extended in 2003. Since that time, he has raised hundreds of thousands of dollars for a number of city-related and other non-profit organizations. The annual community fireworks show, the Riverway Sports Park, including the 1,000 Hands Playground, the Valley Oaks SPCA, and numerous other government and non-profit ventures have significantly benefited from his fund raising efforts. In fact, he raised most of the funds that enabled the Parks and Recreation Foundation and the City Parks and Recreation Department to host the 2008 Fireworks show in July.

In particular, Bruce McDermott has worked closely with the Parks and Recreation Foundation. He has worked with the past two Executive Directors, assisting them with fund raising strategies, and providing community insight and history. As the Foundation prepares to hire a new director, staff believes that McDermott can be especially beneficial in helping them acclimate to the position.

The contract would be on a month-to-month basis, not to exceed two years, and would be subject to immediate cancellation by either party.

The City has standard consultant insurance requirements; however, those provisions have been waived for individual contractors in circumstances where their activities pose little risk to the

**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**

**Finance**

**City Atty**

**City Mgr**

City, and where purchase of the insurance would be too costly to the contractor given the limited nature of the contract. Given the limited nature of this contract, staff is recommending that the insurance provisions be waived.

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

I move to approve a contract with Bruce McDermott for fund raising and community relations.

**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:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13o

**Agenda Item Wording:** City Council support for Assembly Bills 31, 2176, 2262, 2594, 1033, 2151 and Senate Bill 1357 and opposition to Assembly Bills 983 and 2716.

**Deadline for Action:** August 4, 2008.

**Submitting Department:** Administration

**Contact Name and Phone Number:** Nancy Loliva, 713-4535, Michael Olmos, 713-4332.

**Department Recommendation:** Staff recommends Council support Assembly Bills 31, 2176, 2262, 2594, 1033, and 2151 and Senate Bill 1357; and oppose AB 983 and 2716.

**Summary/background:** The Legislation returns to General Session today. The following Assembly and Senate Bills are in various stages of committee. The League of California Cities has taken positions of support for Assembly Bills 31, 2176, 2262, 2594, 1033, and 2151 and Senate Bill 1357, and opposes Assembly Bills 983 and 2716. Given the serious impact of these bills on municipalities, the League is requesting individual cities take similar positions and to forward letters of support/opposition to legislators. The bills and their location are as follows:

**Bills Supported by the League of California Cities  
Community Services**

**AB 31 (De Leon):** Would allocate \$400 million of Proposition 84 funds to award competitive grants to communities with substantial park needs. Based on the criteria for funding, Visalia may qualify for funds. Bill location: Senate Appropriations Committee.

**Environmental Quality**

**AB 2176 (Caballero):** Establishes a mechanism through which the federal Energy Efficiency Block Grant (EEBG) funds received by the state would then be passed on to cities and counties in a cost efficient and expedited manner. Bill location: At the Governor's desk.

**SB 1357 (Padilla):** Authorizes the Department of Conservation to expend up to \$20 million to fund grants for beverage container recycling and litter reduction programs or focused, regional community beverage container recycling and litter reduction programs. Bill location: Assembly Appropriation – Suspense File.

**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.

## **Housing/Land Use**

**AB 2594 (Mullin):** Addresses some issues related to high foreclosure rates by allowing redevelopment agencies to use tax increment funds (but not low and moderate income funds) to retain or purchase foreclosed units as a source of affordable housing. Bill location: Senate Third Reading.

## **Public Safety**

**AB 1033 (Caballero):** Provides cities an additional tool to stem gang violence by creating a misdemeanor charge for any persons whose actions, or lack there of, contribute to a minor becoming part of a criminal street gang. Bill location: Senate Third Reading.

**AB 2151 (Jones):** Increases city authority in the transfer or renewal request process, under the Department of Alcoholic Beverage Control, of an alcoholic beverage license if it will contribute to blight or if the request is for a license within a redevelopment area. Bill location: Senate Third Reading.

**AB 2262 (Torrico):** Allows cities to designate fire agencies as child safe surrender sites for children seven days old or younger. Existing law designates Tulare County fire stations as safe-surrender sites for the safe surrender of newborn children 72 hours of age or younger. Bill location: Placed on Senate Appropriation - Suspense List.

## **Bills Opposed by the League**

### **Public Works**

**AB 983 (Ma):** This bill would require local agencies to provide full, complete and accurate plans and specifications, including cost estimates, for public works projects before entering into any contract. This would essentially absolve a contractor from any responsibility for reviewing plans before submitting a bid on a public works project, which is provided under current state law. Under the proposed contracting law revision, a contractor would have no desire or incentive to report any omissions to a public agency prior to submitting a bid, resulting in expensive change orders to the benefit of the contractor and the loss of cities and taxpayer dollars. Bill location: Re-referred to committee/League requesting veto letters to Governor's office.

### **Employee Relations**

**AB 2716 (Ma):** Mandates that all workers who work seven or more days in a calendar year are entitled to paid sick days. While the concept of providing sick leave to part-time employees may have merit, the language of this bill is too broad and with a \$15.7 billion state deficit and the weakest economy in decades, it is the wrong time to propose this legislation. In addition, analysis of city's cost if AB 2716 is passed as currently written to require sick leave for temporary hourly employees would result in an increased annual cost up to \$145,000. (Note: Permanent full-time employees are provided paid sick days). Bill location: Senate Appropriations Committee.

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

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

**Alternatives:** None recommended.

**Attachments:** CA Transportation Commission letter to Sen. Lowenthal and Assembly Member Mark DeSaulnier on impact of partial or full suspension of Proposition 42.

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

I move to support Assembly Bills 31, 2176, 2262, 2594, 1033, and 2151 and Senate Bill 1357; and oppose Assembly Bill 2716.

***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:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 13p

**Agenda Item Wording:** Approval of Resolution No. 2008-42 expressing opposition to state budget decisions which would 'borrow' local government, redevelopment, and transportation funds.

**Deadline for Action:** August 4, 2008.

**Submitting Department:** Administration

**Contact Name and Phone Number:** Nancy Loliva, 713-4535, Michael Olmos, 713-4332.

**Department Recommendation:** Staff recommends Council approve Resolution No. 2008-42, expressing opposition to state budget decisions which would 'borrow' local government, redevelopment, and transportation funds.

**Summary/background:** To meet the fiscal challenges of 2008-09, Visalia has had to reduce staff, postpone \$500,000 in pre-funding of retiree health care, freeze \$722,550 in capital expenditures, and manage its budget. All of these actions have had a combined impact of over \$3 million. This year's efforts to relieve financial pressure on the General Fund also include the following:

- Transferring Engineering Department personnel to capital projects and surveying personnel to street crews, freezing 11 positions, ending five contract positions and freezing two building safety positions, with a combined estimated reduction of \$1.3 million.
- Council also approved an increase in fees to reflect the CPI and overtime expenditures have been reduced.
- City management is considering department consolidation efforts, monitoring further retirements and vacancies and engaged in ongoing efforts to find new alternatives to providing services. It is estimated these efforts could bring a savings of \$600,000.

### Council efforts

On July 21, Mayor Jesus Gamboa called the office of Assembly Republican Leader Mike Villines expressing opposition to the state budget decisions which would 'borrow' local government, redevelopment, and transportation funds. On July 25, the Visalia City Council wrote a letter to Governor Arnold Schwarzenegger, Senate President Pro Tempore Don Perata, Senate Republican Leader Dave Cogdill, Assembly Speaker Karen Bass, and Assembly

### **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.



Republican Leader Villines expressing opposition to the state taking local government, redevelopment or vital transportation revenues to fund the state budget. Council members agree such a move “would not only have negative consequences for Visalia and its residents, but it is a disastrous fiscal policy for the state.”

Voters agreed that local government should not continue to serve as the source of funding to meet the state’s financial obligations when they passed Proposition 1A in 2004 with 84% of the vote. In 2006, they also voted by a 77% margin to protect Prop. 42 revenues intended for use for critical transportation and infrastructure improvements. In 1954, voters also authorized tax increment financing for community revitalization, including infrastructure and affordable housing – not to balance the state budget.

Council members urged the State leadership to make the compromises necessary to balance the state budget with only state revenues and invest redevelopment tax increments for the important purpose of community revitalization.

Sources of Support

The League of California Cities has taken a position in opposition to the State’s potential borrowing of local funds and has urged cities throughout California to send individual letters to the Governor and State Legislative Leadership urging them not to borrow from local government. City councils are being requested by the League to adopt resolutions in opposition of state budget decisions which are based on borrowing local government, redevelopment, and transportation funds, and forward these to State leadership.

**Prior Council/Board Actions:**

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

**Alternatives:** None recommended.

**Attachments:** Resolution expressing opposition to fiscally irresponsible state budget decisions that would “borrow” local government, redevelopment and transportation funds.

**Recommended Motion (and Alternative Motions if expected):**  
I move to approve Resolution No. 2008-42, expressing Visalia City Council’s opposition to fiscally irresponsible state budget decisions that would “borrow” local government, redevelopment and transportation funds.

***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. 2008-42**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA IN OPPOSITION TO**  
**FISCALLY IRRESPONSIBLE STATE BUDGET DECISIONS THAT WOULD “BORROW”**  
**LOCAL GOVERNMENT, REDEVELOPMENT AND TRANSPORTATION FUNDS**

WHEREAS, on July 1, 2008 the State Legislature missed its Constitutional budget deadline; and

WHEREAS, both the Governor and the Legislative Budget Conference Committee have recommended balanced budgets without resorting to “loans” or seizures of local government property tax, redevelopment tax increment and transportation sales tax funds; and

WHEREAS, in 1954, the voters of California approved Article XVI, Section 16 of the California Constitution, providing for tax increment financing for community revitalization—not balancing the state budget, and the voters never authorized the legislature to take or “borrow” community redevelopment funds for state programs; and

WHEREAS, in FY 1992-93 and 1993-94, the state balanced its budget by diverting Visalia’s property tax to the state, property tax that is worth over \$3 million a year; and

WHEREAS, Visalia had to reduce staff, postpone \$500,000 in pre-funding of retiree health care, freeze \$722,550 in capital expenditures, and manage its budget this year to meet the fiscal challenges of 2008-09; and

WHEREAS, in 2004 by an 84% margin of approval, the voters of California approved Proposition 1A and sent a loud and unambiguous message to state leaders that they should stop the destructive and irresponsible practice of taking local government funds to finance the state budget and paper over the state deficit; and

WHEREAS, in 2006 by a 77% margin of approval, the voters of California also approved Proposition 1A, providing similar protections to transportation funding for state and local transportation projects, including important street maintenance and public transit programs; and

WHEREAS, both ballot measures allow the Governor to declare a “severe state of fiscal hardship” and “borrow” these funds if they are repaid in three years with interest, but the Governor believes it would be irresponsible to “borrow” such funds because it would deepen the state’s structural deficit and cripple local government and transportation services; and

WHEREAS, refusal by the Legislature to carry out its constitutional obligation to compromise on a balanced budget is not a “severe state of fiscal hardship” and would not justify reductions in critical local services, community revitalization programs and infrastructure maintenance at a time when cities are struggling to balance their own budgets during this economic downturn; and

WHEREAS, city investments in infrastructure, affordable housing and basic public safety and other community services will create needed jobs and speed our economic recovery; and

WHEREAS, the Legislature should balance the state budget with state revenues and respect the overwhelming support of voters for not using local property taxes, redevelopment tax increment and transportation sales tax funds to fund the day-to-day operating cost of state programs; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Visalia hereby opposes any and all efforts by state government to “borrow” or seize local tax funds, redevelopment tax increment and transportation sales tax funds by the state government to finance state operations. Such a move would be fiscally irresponsible for the state and hamper effective local services and infrastructure investments.

RESOLVED FURTHER, that the Mayor/City Manager is hereby directed to send this resolution and communicate this Council’s strong and unswerving opposition on this matter to our Legislators and the Governor along with an expression of our continued appreciation for the Governor’s and any supportive legislators’ steadfast opposition to further borrowing or seizure of these funds.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 14

**Agenda Item Wording:**

A hearing to adopt a Resolution of Necessity on the property located at 500 S. Santa Fe Avenue (APN:097-121-019).

Resolution 2008-43 required

**Deadline for Action:** None

**Submitting Department:** Public Works/Engineering

**Contact Name and Phone Number:**

Steve Salomon, City Manager: 713-4312  
Andrew Benelli, Public Works Director: 713-4340  
Alex Peltzer: 636-0200

**Recommendation:**

Staff recommends adopting a Resolution of Necessity (Resolution 2008-43) regarding the Maksy property at 500 S. Santa Fe Avenue (SEC of Noble and Santa Fe).

**Project Summary/background:**

The Santa Fe Bridge Project includes removal of the existing and disused Santa Fe Railroad bridge that crosses State Route 198, and construction of a new, five-lane vehicular bridge in its place. The Project also includes widening Santa Fe Street for one-half block north of Mineral King Avenue and one-half block south of Noble Avenue to construct additional lanes to match the lane geometry of the new five-lane bridge. Two new traffic signals will be installed and inter-connected into the City's downtown signal timing system (see attached project right of way exhibit). Work will be done within the Caltrans State Highway 198 right of way pursuant to a Cooperative Agreement with Caltrans.

**Summary of Negotiations:**

Staff has worked with the affected property owners (outlined below) since late August, 2007 in an effort to acquire the necessary right of way to construct the Santa Fe bridge project. Offers have been made to all owners based on appraisals completed by The Hopper Company and adopted by the City Council. Agreements have been reached with all owners except the owners of 500 S. Santa Fe. Eminent domain proceedings are the last resort and staff will continue to try to negotiate a fair settlement during the proceedings.

**Eminent Domain Process:** The taking of property through eminent domain generally involves the following steps: a) statutorily required offer of fair market value based on an appraisal

**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)

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adopted by Council; b) offer of up to \$5,000 reimbursement toward secondary appraisal that complies with statutory standards; c) reasonable time for owner to obtain secondary appraisal and respond to offer; d) negotiations; e) Notice of intent to adopt resolution of necessity and opportunity to appear and be heard; f) City Council consideration (hearing) and adoption of Resolution of Necessity; g) filing and serving eminent domain complaint and notice of pending action; h) deposit of probable compensation; i) motion to obtain possession in order to begin project; and j) prosecution of the eminent domain complaint to judgment.

Staff has completed tasks a through d with all owners, but was unable to reach a reasonable conclusion with the owners of 500 S. Santa Fe. Therefore, staff recommends that Council authorize the use of eminent domain and adopt a Resolution of Necessity to begin that process. Although we are proceeding with the eminent domain process, staff will nevertheless continue to work to negotiate a reasonable settlement.

**Findings Required to Adopt Resolution of Necessity:** The City Council may adopt a resolution of necessity only after giving notice to each person whose property is to be acquired by eminent domain that it intends to adopt a resolution of necessity and that they have a right to appear at such hearing and be heard on the proposed resolution. Notice was given to the Maksys, and their attorney, David Mathias, by first-class mail on July 14, 2008.

Additionally, in order to adopt the Resolution, Council must make the following findings:

1. The public interest and necessity require the proposed Project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project;
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

The public interest and necessity for the Santa Fe bridge project is shown by the traffic projections in the 2001 Circulation Element Update. According to the Circulation Element, Santa Fe Street south of State Highway 198 will carry 15,000 Average Daily Traffic and 6,800 Average Daily Traffic north of SH 198. Traffic on the reaches would essentially double over present levels. A Project Study Report/Project Report dated December 2002 was prepared by City and approved by Caltrans on June 5, 2003. That study identified that the proposed project improvements are necessary to maintain an existing and future Level of Service C (LOS C) for the SR 198 frontage roads; Noble Avenue and Mineral King Avenue.

The PSR contains the following information on actual existing year (2002) daily and peak hour traffic volumes and estimated design year (2025 Annual Average Daily Traffic (AADT) volumes (from the TCAG Model) for the project as follows:

Existing Year (2002)

	<u>Daily</u>	<u>Peak Hour</u>
Mineral King Avenue at Santa Fe Avenue		
Westbound Approach	7,082	521
Southbound Approach	2,845	82
Noble Avenue at Santa Fe Avenue		
Eastbound Approach	6,658	682
Northbound Approach	1,238	48

Design Year (2025)	<u>AADT</u>
Mineral King Avenue at Santa Fe Avenue	
Westbound Approach	8,610
Southbound Approach	7,840
Northbound Approach	7,834
Total Entering Volume	24,284
 Noble Avenue at Santa Fe Avenue	
Eastbound Approach	10,150
Northbound Approach	5,828
Southbound Approach	6,860
Total Entering Volume	22,840

The project will improve access in and from the downtown area of Visalia and create a north/south linkage between the north and south sides of town over Highway 198.

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. The PSR studied two alternatives: the proposed overcrossing improvements which align with existing roads on either side of the highway, and a no build alternative and determined that the proposed project is required and designed to be consistent with and mitigate impacts identified in the City's General Plan Circulation Element.

The proposed project addresses a deficiency raised in the Project Study Report that arises from construction of the new Transit Center and the need for the bridge to enhance and encourage alternate means of transportation and access to the Transit Center from the southern part of the City.

The project's striping plan complies with current City Engineering Standards required of all development. It accommodates the necessary turning radius for big trucks and buses. It provides a path for right hand turning traffic to continue moving even if through traffic is backed up, thereby preventing additional safety hazards and additional air pollution from standing vehicles. It is the only pattern that will allow the signal to operate correctly and align properly with the proposed bridge lanes.

The Maksy property described in the Resolution is necessary for the proposed project. The majority of the property is needed to accommodate the right hand turn lane from Santa Fe Avenue to Noble to a width which will accommodate the turning radius required by large trucks and busses. Any reduction in the take would shorten the radius, causing larger trucks to edge into the thru traffic lane causing automobiles to back up at the intersection.

On August 30, 2007, a Government Code Section 7267.2 offer was made to the Maksys and rejected by receipt of their July 18, 2008 counter-offer.

Staff recommends Council consider the information above which supports the Resolution of Necessity and proceed to adopt it.

The current status of property purchases for the Santa Fe Project are as follows:

ID	Owner Name	Property Address	APN/ Square footage	Appraised Value	Status
1.	Dowling, Cusenbary, Schumacher	Parking lot with no address associated with the apartment complex at 426 S. Bridge Street	097-054-012  Take Area = 379.12	\$6064 (land) \$3,633 (improvement) <u>\$ 200</u> (severance) \$10,000(rounded per Appraisal)	In Escrow
2.	French Camp, LLC	Vacant lot at NW corner of Mineral King and Santa Fe	094-305-009  Take Area= 1142.22	\$ 19,414 (land) \$ 0 (improvement) <u>\$ 0</u> (severance) \$19,500 (rounded per Appraisal)	Escrow Closed
3.	Lee	516 S. Santa Fe	097-121-008  Take Area = 259 sq. ft.	\$3,367 (land) 409 (improvement)* <u>\$ 375</u> (severance) \$4,200 (rounded per Appraisal)	A slight shift in the alignment made this acquisition unnecessary
4.	Jothen/Minson Trust	504 S. Santa Fe	097-121-020  Take Area = 347	\$4,511 (land) \$4,133 (improvement)* <u>\$ 200</u> (severance) \$9,000 (rounded per Appraisal)	Escrow Closed
5.	Copley	502 S. Santa Fe	097-121-010  Take Area = 996 sq. ft.	\$12,948(land) \$ 3,118(improvement)* <u>\$ 0</u> (severance) \$16,100(rounded per Appraisal)	In Escrow
6.	Maksy	500 S. Santa Fe	097-121-019  Take Area = 903 sq. ft.	\$14,448(land) \$6,117(improvement)* <u>\$3,541</u> (severance) \$25,000(rounded per Appraisal)	Eminent Domain
7.	Mission Linen Supply	516 E. Mineral King	094-221-006  Take Area = 2195	\$ 37,315 (land) \$ 0 (improvement)* <u>\$ 0</u> (severance) \$ 37,500(rounded per Appraisal)	Escrow Closed
8.	Yada Trust, Niederreiter	324 Santa Fe	094-221-012  Take Area = 203.99	\$ 616 (land) \$1,120 (land w/ease.) \$ 403(improvement)* <u>\$ 0</u> (severance) \$2,200 (rounded per Appraisal)	Escrow Closed



**Funding Sources:** The Project is assigned project number 3011-00000-720000-0-9236 and is being funded by a combination of local funding sources including gas tax and transportation impact fees.

**Prior Council/Board Actions:**

- 1999/2000 Budget authorized Capital Improvement Project #3011-00000-720000-0-9236
- Budget Appropriations: 2000-2008
- November 18, 2002 Adopted Mitigated Negative Declaration for Project (Resolution #2002-17)
- August 6, 2007 Council approved appraisals of properties north of Highway 198.
- August 20, 2007 Council approved appraisals south of Highway 198.

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

**Attachments:**

1. Map/right-of-way project exhibit

**Recommended Motion (and Alternative Motions if expected):** I move to adopt Resolution 2008-43, a Resolution of Necessity on the Maksy property at 500 S. Santa Fe Avenue.

**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)*

**RESOLUTION NO. 2008-43**

A RESOLUTION OF NECESSITY THE CITY COUNCIL OF THE CITY OF VISALIA  
TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN FOR PROPERTY LOCATED AT 500  
SANTA FE AVENUE APN 096-121-019  
OWNED BY MAGDY MAKSY AND NAGWA MAKSY REVOCABLE TRUST.

WHEREAS, the City of Visalia (hereinafter referred to as "City") is a municipal corporation and charter law city organized and existing pursuant to the laws of the State of California; and,

WHEREAS, City proposes to acquire in fee title a portion of the following parcels: 500 S. Santa Fe (Parcel No. 097-121-019 (portion)), located at Santa Fe Street and Noble Avenue, the specific portion of such parcel proposed to be acquired by City being more fully described in Attachment 1; and,

WHEREAS, City proposes to widen Santa Fe Street consistent with the adopted circulation element for the purpose of improving circulation, ensuring the safety of vehicular and pedestrian traffic, and facilitating the construction of a new vehicular and pedestrian bridge over Highway 198 north of the subject property; and,

WHEREAS, it is necessary for City to obtain the property herein described in order to complete the widening of Santa Fe Street and the construction of the vehicular and pedestrian bridge; and,

WHEREAS, City has obtained an appraisal of the properties to be acquired and offered to purchase the property at the appraised price from the owners of record of the subject property pursuant to the provisions of California Government Code Section 7267.2, which offers were not accepted; and,

WHEREAS, the owners of record were notified of a hearing on this resolution at least 15 days before the hearing date, and were given an opportunity to appear and be heard pursuant to Code of Civil Procedure section 1245.235.

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

1. The officers of City are authorized and directed to cause the appropriate civil litigation to be instituted to acquire for City by condemnation the land owned by Magdy G. Maksy and Nagwa Maksy, Co-Trustees of the Magdy G. Maksy and Nagwa Maksy Revocable Trust (500 S. Santa Fe), which property is more fully described in Attachment 1. The public use and purpose of the project for which such lands and interest in such lands are to be acquired is for right of way for and construction of streets, roads, curbs, gutters and storm and sewage conveyance facilities; and for the improvement of the public safety for pedestrian and vehicular travel and circulation, which are specific purposes and activities of City pursuant to City's Charter. (CCP<sup>1</sup> § 1245.230 (a)).
2. City has authority, pursuant to the Charter of the City of Visalia, article III, section 2(5), to acquire property by eminent domain necessary to carry out its purposes under the Eminent Domain Law comprising Part 3, Title 7, of the Code of Civil Procedure, commencing with Section 1230.010.
3. The City Council of City has found and determined that (CCP § 1245.230 (c)):
  - a. The public interest and necessity require the proposed project (CCP § 1245.230 (c)(1));
  - b. The proposed project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury (CCP §1245.230 (c)(2));
  - c. The property described in this Resolution is necessary for the proposed project (CCP § 1245.230 (c) (3));
  - d. Pursuant to Government Code section 7267.2, City hired The Hopper Company to appraise the properties identified herein to establish an

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<sup>1</sup> References herein to CCP sections shall be to sections of the California Code of Civil Procedure.

amount which it believes to be just compensation therefore. Said appraisal and the basis therefore was approved and adopted by City and a written offer to purchase said property was made to the true owners of the property, as described above (CCP § 1245.230 (c) (4));

- e. Pursuant to the requirements of CCP section 1245.235, the City provided written notice to the owners of record of City's intention to consider adoption of this resolution and of the owner's right to appear and be heard on matters related to City's intentions.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy City Clerk

## EXHIBIT "A"

### LEGAL DESCRIPTION DEDICATION FOR STREET PURPOSES AND PUBLIC UTILITIES

Being a dedication for street purposes and public utilities to the City of Visalia located in the Griffis Tract recorded in Volume 8 of Maps at Page 85, Tulare County Records, situated in the West half of the Northeast quarter and the East half of the Northwest quarter of Section 32, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California, described as follows:

Commencing at the North quarter corner of said Section 32;

Thence S 00° 26' 32" E along the North-South Quarter Line of said Section 32 a distance of 440.00 feet to the North line of Lot 10 of said Griffis Tract;

Thence N 89° 53' 43" W along said North line of the Lot 10 a distance of 24.00 feet to the Southeast corner of the land conveyed to the City of Visalia by the deed recorded August 21, 1995 as file No. 95-054605, Tulare County Records, said point being the Southeast corner of the West 9 feet of Lot 9 of said Griffis Tract and the Point of Beginning;

Thence N 00° 26' 32" W parallel to the West line of said Lot 9, along the East line of said land conveyed to the City of Visalia by the deed recorded August 21, 1995 as file No. 95-054605 a distance of 46.21 feet to a point lying 20 feet south of the South line of that portion of Lot 8 of said Griffis Tract conveyed to the State of California by deed recorded August 28, 1961 in Book 2283 at Page 747, Tulare County records;

Thence Northeasterly 31.61 feet along a curve concave Southeasterly with a radius of 20.00 feet and a central angle of 90° 32' 49" to the South line of that portion of said Lot 8 conveyed to the State of California by deed recorded August 28, 1961 in Book 2283 at Page 747, Tulare County records.

Thence S 89° 53' 43" E along said South line 11.62 feet;

Thence Southwesterly 32.53 feet along a non-tangent curve concave Southeasterly with a radius of 27.00 feet, a central angle of 69° 01' 33", and a beginning radial which bears South 19° 11' 21" East;

Thence S 01° 47' 10" W a distance of 41.72 feet to the South line of said Lot 9;

Thence N 89° 53' 43" W along said South line 11.89 feet to the Point of Beginning;

Described property contains 902.48 square feet. Affects APN 097-121-019

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**Page 2 of 4 - Grant Deed Portion of APN: 097-121-019 COY Project #3011-00000-720000-0-9236 Caltrans Cooperative Agreement #06-1329**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 4, 2008

**Agenda Item Number (Assigned by City Clerk):** 15

**Agenda Item Wording:** Consider supplemental annexation policies for the City of Visalia; consider a policy pertaining to increasing densities for approved residential subdivision maps.

**Deadline for Action:** None

**Submitting Department:** Community Development – Planning Division

**Contact Name and Phone Number:**

Brandon Smith, AICP, Senior Planner 713-4636  
Paul Scheibel, AICP, Principal Planner 713-4369

**Department Recommendation:**

Staff recommends that the City Council: 1) review and discuss the draft policies contained in the staff report, 2) direct staff to refer the draft policies to interested organizations for review and comments, and 3) direct staff to schedule the policies for final review and adoption on September 2, 2008. Recommended policies are summarized as follows:

1. Priority processing shall be given to annexations that are located inside the 98,700 UDB or that reduce / eliminate a County island;
2. All annexations shall be contiguous to existing developed areas in the City, adjacent to services and infrastructure, and facilitate orderly growth in the subject area;
3. All private party annexation requests (except County islands and industrial lands) shall be accompanied by a specific or master plan (with established criteria); for which implementation shall be incorporated into the pre-annexation agreement as a condition of the project. Annexation properties located in the Southeast Area Specific Plan boundaries, for which development plans comply with adopted SESP, shall be considered as complying with the policy.
4. Residential annexations shall be developed at midrange or higher densities specified in Land Use Policies 4.1.17 through 4.1.20.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time  
(Min.): 60

**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.

5. All master plans shall provide detailed sub-plans for energy and water conservation and management of air quality/ climate change impacts incorporating best management practices available at the time of development.
6. Annexation requests may be considered for institutional public uses (schools, hospital/ medical, parks, public facilities, infrastructure) as necessary to meet the needs of the existing community and growing population.
7. An "Infill Mitigation Program shall be explored to assess the impact of outward growth caused by annexations on the core downtown area of the community to determine if said impacts warrant establishing mitigation programs or fees to offset these effects.

If adopted, these policies will go into effect immediately for all future annexation requests regardless of location.

With respect to lands already in the City and which have received approval of tentative subdivision maps for residential uses, staff recommends Council adopt the following policy to encourage increased densities and land efficiency:

8. In determining conformance between an approved tentative subdivision map and final map for residential uses, the City Planner and City Engineer may authorize up to ten percent (10%) increase in total residential lots as being in conformance with the approved tentative map subject to the following criteria:
  - a) The overall project density does not exceed density standards established by the General Plan designation for the property;
  - b) The design of additional lots complies with underlying zoning;
  - c) The design of the subdivision is not substantially altered from the approved tentative map.

The City Council has discussed in past meetings the re-designation of the 129,000 UDB to a population threshold of 142,000 (10%) increase. This will require a General Plan amendment and is scheduled to be incorporated into the Focused General Plan Update. The above annexation and subdivision density increase policies will assist in achieving an increased UDB population threshold, if approved.

### **Background Summary:**

Staff introduced discussion on the formulation of annexation policies at a Joint City Council / Planning Commission Work Session held on February 24, 2007. The focus of the discussion was to acknowledge the Urban Development Boundaries (UDBs) as the continued baseline for accepting and considering annexation requests, and to explore new policies that encourage a uniform approach to evaluating annexations and promoting superior land absorption and development patterns. Though no formal action was taken on the item, the City Council and Planning Commission gave positive feedback towards increasing residential densities for future annexations, and directed staff to continue discussion at the next Council Work Session.

Dialogue on annexations resumed at a Joint Work Session held on June 11, 2007 (staff report is attached as Exhibit "E"), and staff posed specific questions to cultivate policy direction by the City Council. Ultimately the City Council laid the groundwork for

annexation policies by providing the following direction in response to the staff-generated questions:

**A. Should the City require new residential annexations to achieve higher development densities (i.e. midrange or higher density specified in Land Use Policy)?**

Council action: Yes. Low density residential land uses in new annexations shall yield minimum five dwelling units per acre, and other land use categories have commensurate density increases. Staff was directed to initiate a corresponding General Plan Amendment.

If the City Council accepts Draft Policy 4 which speaks to higher densities, staff will immediately establish as a condition of annexation that residential uses reach mid-range or higher residential densities. The upcoming focused General Plan Update will include consideration of this policy for all residential designated lands, including those already in the City.

**B. Should the City require annexations of land to mitigate loss of agricultural land by establishing agriculture conservation easements on other lands approved by the City, or payment of an Agricultural Mitigation fee?**

Council action: Yes. In June 2008, the City Council authorized staff to execute an agreement with Willdan Financial Services to prepare a nexus study for implementation of an Ag Land Conversion Mitigation Program. Work is currently under way to develop a program and establish a fee amount.

Staff recommends that agricultural mitigation be one of the uniform terms of a pre-annexation agreement applicable to all annexations.

**C. Should the City restrict or limit annexations of residential land that is outside of the 98,000 UDB, but is within the current (129,000) UDB?**

Council action: Yes. City Council directed staff to create criteria for orderly growth in the 129,000 UDB. In addition, all areas shall be master-planned and have a correlating phasing plan. The recommended Draft Policies 1, 2, and 3 collectively speak towards smart growth concepts of community design and promoting infill.

The City Council also found that consideration should be given to ensuing an aggressive program to encourage infill development and revising the criteria for the 165,000 UDB expansion as a means to prolong the life of the 129,000 UDB. Specific suggestions for revising the UDB criteria including increasing the population benchmark of the 129,000 UDB by ten (10) percent resulting in a 142,000 UDB, and increasing the percentage of required residential buildout in previous boundaries. Both issues of the UDB policies and infill have complexities and issues that are different than those associated with annexations, and should be analyzed in separate contexts. Staff plans to take up these issues as part of the General Plan Focus Update efforts scheduled to begin this year. However, to begin achieving these densities, staff recommends a policy that properties proposed for annexation for residential uses be developed to mid-range or higher densities.



## **Discussion:**

The seven draft annexation policies and uniform agreement terms were developed in direct response to the City Council's desire for systematic and efficient growth as concluded in the June 11, 2007 Work Session. The policies build on existing annexation policies found in the 1991 Land Use Element Update, and provide stronger, more specific tools for implementing these policies (see Exhibit "B" for a list of all existing policies). In addition, they can be implemented ahead of any new or amended policies derived from the General Plan Focus Update efforts on other Planning growth issues such as infill development and Urban Boundary Expansion.

Staff has also included other examples of adopted annexation codes / policies from the Cities of Merced and Turlock as attachments to this report (see Exhibits "C" and "D").

### **Draft Policy 1: Priority processing shall be given to annexation proposals that are inside the 98,700 Urban Development Boundary or that reduce/eliminate a County island.**

This policy excludes sites located in the Goshen Community Services District or for agriculture-designated sites in the area along West Hwy. 198 bounded by Road 86, Goshen, Roeben, and Walnut.

The 2020 Land Use Element established three concentric Urban Development Boundaries (UDBs) as a means to demonstrate areas for priority growth and a logical extension of urban services. In practicing the General Plan, the City shall consider and evaluate annexation proposals in the current boundary, and especially encourage the annexation of land in prior UDBs that have long been designated for growth. (See Exhibit "G" for a map of un-annexed areas in the 98,700 and 129,000 UDBs.)

Some County areas such as Akers/Ferguson, Linwood/Crenshaw, and Lovers/Mill Creek are substantially surrounded by development and are considered infill lots. The Land Use Element contains numerous policies and references, both direct and indirect, which generally encourage encouraged to infill development. Many policies incentives (i.e. flexible design standards and density bonuses) exist to promote infill development.

Staff estimates there is still approximately 560 acres of urban-designated land on the periphery of the 98,700 UDB that could be annexed. There are also an estimated 320 acres of land contained within unincorporated County islands.

Staff recommends that the annexation of urban land located in a prior urban boundary, particularly infill areas and County islands, shall be considered priority projects. In circumstances where the City may have multiple requests for annexations and a limited amount of available resources to process requests, these annexations should be processed ahead of those located in the current 129,000 urban development boundary or on the edge of the City.

The community of Goshen and the agriculture lands generally referred to as the West Hwy. 198 Scenic Corridor are inside the 98,700 UDB, but are excluded from this policy because of their associated long range planning issues. Both areas necessitate collaborating with the County on plans that would address tax-sharing provisions, plan for services, and development standards.

**Draft Policy 2: All annexations shall be contiguous to existing developed areas in the City, adjacent to services and infrastructure, and facilitate orderly growth within the subject area.**

This policy ensures that the City, its services (police, fire, solid waste), and infrastructure (water, sewer) are extended in a logical and efficient manner. Doing so prevents “leap-frog development” practices and prevents unnecessary financial burdens involved in extending resources through and beyond vacant, developable land.

Orderly growth can also be achieved by expanding annexation areas to include additional nearby land use designations. For example, an annexation of residential land might be expanded to include adjacent residential land that is adjacent to an existing neighborhood, or by expanding the annexation area to include land designated for commercial, parks, or institutional uses. This action would help facilitate the development of multiple land uses that together would produce a complete community entity, and would place services in closer range to reach the new neighborhood.

If the City Council does not find a proposal in compliance with this policy, they can choose to deny or not accept the application, or expand the subject area of the annexation, or apply additional impact fees as needed, or specify other terms to be applied to the pre-annexation agreement.

**Draft Policy 3: All private party annexation requests (except County islands and industrial lands) shall be accompanied by a specific or master plan (with established criteria); for which implementation shall be incorporated into the pre-annexation agreement as a condition of the project. Annexation properties located in the Southeast Area Specific Plan boundaries, for which development plans comply with adopted SEASP, shall be considered as complying with the policy.**

An area-wide plan obligates an applicant or property owner to provide an illustrated plan for one or more land uses in an annexation area, ensuring consistency among land uses inside and surrounding the area. Staff particularly sees the importance and opportunities presented by using master planning areas in the 129,000 UDB. Most areas have not developed since the 2003 expansion to this UDB, and significantly large expanses of land in the north and southeast remain unplanned (see map in Exhibit “G”). It should be noted these areas have many inherent development challenges, including irregularly-shaped parcels, multiple property owners, lack of established circulation patterns, and no logical placement of General Plan land use designations.

One example of codified standards for Master Plans by the City of Turlock can be seen in the attached Exhibit “D”, pages 5.40 through 5.42.

Staff recommends that the master plan become an integral part of the annexation process and be reviewed by the City Council prior to authorizing the annexation. The pre-annexation agreement would include compliance of all aspects of the master plan, including, but not limited to, design, phasing development standards, and improvements.

Items that will be considered in annexation master plans will include, but not be limited to, the following:

- a. Plan boundaries,

- b. Proposed land uses including residential densities, mixed uses, commercial / office / industrial, parks, schools, etc
- c. Proposed transportation modes (all forms) and locations of transportation infrastructure,
- d. Proposed public improvements and infrastructure,
- e. Identification of means for financing public improvements,
- f. Project phasing,
- g. Demonstrated connectivity and compatibility with adjacent roadways and surrounding land uses, and
- h. Plan for energy conservation
- i. Plan for water conservation
- j. Provisions for managing air quality/ climate change impacts, including alternative transportation modes, alternative fuels, walkability, bikeways, etc
- k. An analysis of consistency with all applicable General Plan policies.

**Draft Policy 4: Residential annexations shall be developed at midrange or higher densities specified in Land Use Policies 4.1.17 through 4.1.20.**

At the last joint work session, City Council desired incoming residential annexations to utilize greater residential densities. The intended consequence of this measure would be to increase the populations of new developments, thereby utilizing less land to accommodate a living population. Net benefits achieved over time include increased agriculture land preservation, reduced infrastructure costs, and several environmental benefits.

The minimum residential densities shall be demonstrated in the annexation’s area-wide plan and memorialized through a pre-annexation agreement. If implemented, the following residential densities would be applied to annexed residential areas:

Rural (Policy 4.1.17)	1.5 to 2 units / net acre	(formerly 1-2)
Low Density (Policy 4.1.18)	4.5 to 7 units / net acre	(formerly 2-7)
Low Density, R-1-4.5 zone	8.5 to 10 units / net acre	(formerly 7-10)
Medium Density (Policy 4.1.19)	12.5 to 15 units / net acre	(formerly 10-15)
High Density (Policy 4.1.20)	22 to 29 units / net acre	(formerly 15-29)

When the General Plan Focus Update is commenced, staff will recommend changing Policies 4.1.17 through 4.1.20 so the new density ranges would be applied to all subsequent development inside the City limits. Until that time, staff recommends that Council require future annexations for residential uses to be developed at mid-range or higher densities.

**Draft Policy 5: All master plans and Specific Plans shall provide detailed sub-plans for energy and water conservation and management of air quality/ climate change impacts incorporating best management practices available at the time of development.**

In recognition of resource impacts, interest in sustainable development and ongoing concerns about air quality and climate change impacts, staff recommends that each annexation include detailed measures to maximize resource conservation/ sustainability and minimize impacts to air quality and climate change. These measures would be included in master plans and made obligations of future development through pre-

annexation agreements. Measures would be based on best management practices available at the time the annexation area is developed.

**Draft Policy 6: Annexation requests may be considered for institutional public uses (schools, hospital/ medical, parks, public facilities, infrastructure) as necessary to meet the needs of the existing community and growing population.**

As a growing and vibrant community, significant need exists to provide supporting public infrastructure and facilities. These facilities include, but are not limited to, public schools, parks/ open space, hospital/ medical, and other institutional facilities operated by public agencies. Several properties exist around the City that should be annex for future public use, including but not limited to:

- City-owned 100± acre property north of Highway 198 along Road 152 (“Blain Property”)
- Visalia Unified School District property at northwest corner of Akers and Riggin
- City-owned 7 acres located along St. Johns River, north of Sports Park
- City-owned Basin 4 (160 acres) located east of Wastewater Treatment Plant
- City-owned property (60 acres) located at southeast end of Visalia Airport (Faria property)
- Kaweah Delta Health Care District property (100 acres) located east of Lovers Lane, south of Caldwell, within Southeast Area Specific Plan.

Annexation of these properties (or portion thereof) may be needed in the future to accommodate future institutional uses to serve the community. As such, Council’s policies should enable annexation to be considered with each request evaluated on its own merit.

**Draft Policy 7: An “Infill Mitigation Program” shall be explored to assess the impact of outward growth caused by annexations on the core downtown area of the community to determine if said impacts warrant establishing mitigation programs or fees to offset these effects.**

A concept that has been discussed in the past is the potential for an “infill” mitigation program required for development occurring on lands annexed in the future. This program would offset the impacts of outward fringe growth on the City’s efforts to maintain compact growth concentric to downtown. The program could include mitigation fees to fund improvements in the downtown that will maintain its vibrancy and strengthen downtown’s status as the center focal point of the community. These funds could be used to pay for infrastructure improvements, parking, enhancements (art, plazas) and other downtown facilities. Potentially, the fees could also be used to provide supplemental funding for downtown housing.

A program described above is considered a mitigation fee under the California Mitigation Fee Act. As such, a nexus analysis would be necessary to determine the impact of outward growth to the community’s objectives for the downtown discussed above, and determine the amount(s) of fee or other mitigations that may be levied to fairly mitigate these impacts.

Staff recommends that this potential fee be pursued. To do so, Council should authorize staff to explore the infill mitigation concept and process for a nexus analysis and return to Council within 60 days with recommendations.

**Draft Policy 8: In determining conformance between an approved tentative subdivision map and final map for residential uses, the City Planner and City Engineer may authorize up to ten percent (10%) increase in total residential lots as being in conformance with the approved tentative map subject to the following criteria:**

- a) The overall project density does not exceed density standards established by the General Plan designation for the property;**
- b) The design of additional lots complies with underlying zoning;**
- c) The design of the subdivision is not substantially altered from the approved tentative map.**

As Council has considered increasing densities in newly developing areas, Council has also had several discussions in the past on establishing a process to enable subdividers to increase overall densities in approved, but not yet developed, residential subdivisions. The advantage of increased densities are reduced per unit development costs, lower public services costs, increased land efficiencies, slowing of outward growth, and environmental/ air quality benefits. This proposed policy would allow a ministerial, staff level process to enable approved tentative maps to be modified to add up to 10% additional lots, subject to the criteria noted above. This criteria is directed at allowing the additional units within the confines of the approved project design and within the parameters of existing General Plan and zoning standards. So long as the approved project design is adhered to, the effect of a 10% or less density increase will have minimal effect on nearby neighborhoods. All additional lots/units approved under this conformance finding would be subject to all City design standards and fee requirements.

#### **Uniform Terms for Pre-Annexation Agreement:**

Staff recommends that pre-annexation agreement shall be entered into for all annexations, excluding annexations that consist only of City-owned property. The City began implementing pre-annexation agreements in 2004 during the peak of the City's last residential development surge. When the City Council approves an annexation, the agreement must be signed and recorded against the land before application is filed with the County.

A typical agreement that would be used with a current annexation request is attached as Exhibit "A". Current terms of the agreement require the property owner to"

1. Convey water rights or pay an in-lieu fee
2. Pay applicable General Plan Maintenance Fees
3. For properties with a protested Williamson Act contract, require the property owner to indemnify the City from legal action by the Department of Conservation over the validity of the protest.

Staff recommends that the following terms shall be added and become part of the uniform pre-annexation agreement terms:

4. Require an agricultural land mitigation plan,
5. Limit reimbursement road construction to no more than that collected for a project,
6. Require an Specific or Master Plan (refer to Annexation Policies 3 and 5),
7. Identify service and infrastructure obligations timing, and reimbursement limits,
8. Require best management practices (BMPs) for energy and water conservation (including stormwater),
9. Require all residential annexations to be developed at mid-range or higher densities within established General Plan,
10. Plan for minimizing/managing air quality/climate change impacts on annexations that require preparation of a master plan or Specific Plan.

These ten terms form the baseline of a pre-annexation agreement. The City Council has the purview to add or delete terms on a case-by-case basis.

#### **Alternative Policy Proposal:**

Councilmember Collins distributed an alternative policy paper for the February 24, 2007, Work Session pertaining to infill and promoting compact growth (included as Exhibit "F"). A summary of how the annexation strategies compare with the staff recommendations is provided as follows:

*3. That increased residential densities shown in staff's growth scenario report dated June 12, 2006 (5 du/acre low density, 14 du/acre medium density, 20 du/acre high density) become mandatory densities. Those not meeting densities are subject to an agriculture mitigation fee.*

Staff's recommended residential densities are the midrange densities which are 4.5, 12.5, and 22 du/acre for low, medium, and high density respectively. These figures are less than the low & medium residential scenario and higher than the high density scenario. The densities will be required for all residential annexations. Per the terms of the annexation agreement, all annexations will be subject to agricultural mitigation.

*4. New residential development shall implement Smart Growth design strategies.*

An annexation agreement term requires development in the area to use best management practices for energy and water conservation. Staff's recommended requirement for master-planning in annexation areas provides an opportunity for development to incorporate Smart Growth standards. Earlier this year the City Council authorized the draft Visalia Smart Growth Principles to be circulated for public review prior to being considered for General Plan implementation.

*6. No annexations shall occur beyond the 98,700 UUDB until the City reaches 150,000 population. Respectively, no annexations shall occur beyond the 129,000 UDB until the City reaches 190,000 population.*

Annexations are still permitted in the 98,700 and 129,000 UDBs, but would be required to comply with all recommended annexation policies and agreement terms. Focused General Planning will include measures to modify the 129,000 UDB to 142,000 population threshold.

**Implementation Measures and Interested Parties Participation:**

Adoption of the annexation policies will require an amendment to the 2020 General Plan Land Use policies. If the City Council directs the implementation of these and/or other annexation policies, staff will ensure that representatives of the development community, Tulare County LAFCO, and other interested parties are provided adequate opportunities to review and comment on the proposals prior to public hearings. Acceptance of the terms for pre-annexation agreements would take effect immediately.

**Alternatives:** (1) The City Council may add, delete, or make changes to the recommend policies before directing staff to initiate a General Plan Amendment.

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

**Attachments:**

- Exhibit “A” – Uniform Pre-annexation Agreement Terms
- Exhibit “B” – Existing General Plan Policies pertaining to Annexations
- Exhibit “C” – Adopted Annexation Policies, City of Merced
- Exhibit “D” – Adopted Annexation Ordinance, City of Turlock
- Exhibit “E” – Joint Worksession Staff Report, June 11, 2007 – Annexations
- Exhibit “F” – Position Paper by Councilmember Collins – February 24, 2007
- Exhibit “G” – Updated counts of undeveloped residential lots
- Exhibit “H” – Map of Un-Annexed Land in the 98,700 and 129,000 UDBs
- Exhibit “I” – Map of City and other publicly-owned land needing Annexation

**Recommended Motion (and Alternative Motions if expected):**  
 1) review and discuss the draft policies contained in the staff report, 2) direct staff to refer the draft policies to interested organizations for review and comments, and 3) direct staff to schedule the policies for final review and adoption on September 2, 2008.

***Environmental Assessment Status***

**CEQA Review:** None at this time. CEQA review would be carried out during the General Plan Amendment process.

**NEPA Review:** None

**Exhibit “B”**  
**Existing General Plan Policies pertaining to Annexations**

Land Use Element Policies

- 2.4.2 Development shall not occur unless water supplies are available to adequately serve the project. This shall be determined at the time of annexation.
- 5.1.3 Develop and carry-out an infrastructure and public services assessment during annexation reviews to determine infrastructure needs, feasibility, timing, and financing.
- 5.1.9 Incorporate circulation system monitoring and feasibility studies as part of the annexation review process.
- 6.2.5 Annexation to the City is the appropriate method for urbanization within the Visalia Urban Area Boundary.
- 6.2.6 Annexation of land outside of the current Urban Development Boundary may be permitted only if:
  - a. the proposal is required for orderly and efficient land use planning with Visalia's planning area, and
  - b. the land is designated consistent with the City's Land Use Element Map.
- 8.1.6 Where feasible and necessary, utilize public improvement financing mechanisms such as assessment districts, reimbursement agreements, special tax districts, and other such mechanisms to ensure that necessary infrastructure is provided in a timely manner. Such financing agreements or mechanisms should be established prior to annexation, where possible.

**Exhibit “B”**



**UNBUILT RESIDENTIAL LOT COUNTS BY YEAR**

	<u>4/1/06</u>	<u>1/1/07</u>	<u>1/1/08</u>	<u>6/1/08</u>	<u>SINGLE-FAMILY LOTS</u>
	4729	4409	3825	3511	# of Tentative Lots
	<u>2761</u>	<u>2920</u>	<u>2756</u>	<u>2545</u>	<u># of Final (Recorded Lots) without Issued Building Permits</u>
TOTAL	7490	7329	6581	6056	# of Approved Lots without Issued Building Permits
	<u>4/1/06</u>	<u>1/1/07</u>	<u>1/1/08</u>	<u>6/1/08</u>	<u>MULTI-FAMILY DWELLING UNITS</u>
	708	746	608	584	# of Tentative Lots
	<u>200</u>	<u>64</u>	<u>216</u>	<u>206</u>	<u># of Final (Recorded Lots) without Issued Building Permits</u>
TOTAL	908	810	824	790	# of Approved Lots without Issued Building Permits

**BRIEF SYNOPSIS OF RESIDENTIAL LOT INVENTORY**

Starting in 2007 and continuing in 2008, the Planning Division has seen a sharp decrease in the number of Tentative Subdivision Maps submitted to the City. This has been the primary cause for the decreasing number of un-built tentative lots in the City limits. As illustrated above, the number of tentative single-family lots (3,511 as of June 1, 2008) has experienced a 25% decrease over the last two years.

Also, the Engineering Division has seen a sharp decline in the number of final maps being recorded. Only four residential tract maps have recorded between July 2007 and June 2008, compared to 17 recorded between July 2006 and June 2007. Because the number of issued residential permits has kept in close ratio with the number of final maps recorded, the number of un-built final lots has kept relatively stable.

With the passage of Senate Bill 1185 effective statewide, all active tentative subdivision maps received an automatic 12-month extension to their expiration dates effective July 15, 2008. All tentative subdivision maps now have until July 2009 or later to record or to file for another time extension.

Exhibit "G"