

Visalia City Council Agenda

For the regular meeting of: MONDAY, October 6, 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

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

WORK SESSION AND ACTION ITEMS (as described)

5:30 p.m.

Public Comment on Work Session and Closed Session Items -

1. Consideration of recommendations from the Citizen's Advisory Committee and staff regarding changes to the policies and procedures relating to City Committees and Commissions, including consideration of recommendations to change the designation, composition and existence of some committees.

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)

2. Conference With Real Property Negotiators (G.C.§54956.8)
Property: 327 N. Shirk (APN: 081-040-006)
Under Negotiation: Authority to negotiate purchase terms
Negotiating Parties for City: Steve Salomon, Mike Olmos, Adam Ennis, Colleen Carlson
Negotiating Parties for Seller: Jim Olivas, Pearson Realty
3. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of G.C. §54956.9)
Name of Case: Vadnais v. City of Visalia TCSC #08226539
4. Public Employee Release, Discipline or Dismissal (G.C. § 54957)

5. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of G.C. §54956.9)
Name of Case: County of Tulare v. City of Visalia, TCSC #07-224225
6. Conference with Labor Negotiators (G.C.§54957.6)
Agency Designated Representatives: Steve Salomon, Eric Frost
Employee Organization: All Groups

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Kent Mishler, Kaweah Delta Hospital

SPECIAL PRESENTATIONS/RECOGNITION

Presentation of Proclamation declaring the Week of October 20-24, 2008 National Medical Assistants Week

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.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

7. **CONSENT CALENDAR** - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Adoption of bi-annual update of the list of City of Visalia designated employees and classifications for the purpose of compliance with Chapter 2.08 of the Ordinance Code of the City of Visalia specifying conflict of interest regulations. **Resolution 2008-47 required.**
 - c) Approval of changes in Council committee representatives.
 - d) Notice of Completion for Capital Project # 9301 Cape Seal various City streets (cost \$1,318,325.14).

e) Authorize Recordation of the Final Map for Pheasant Ridge Unit No. 3A located on the west side of Roeben Street, approximately 1/4 mile south of Riggin Avenue (12 lots) and the annexation of Pheasant Ridge No. 3A into Landscape and Lighting District No. 05-19, Pheasant Ridge. **Resolutions 2008-48 and 2008-49 required.**

f) Authorization to accept an “Irrevocable Offer to Dedicate Real Property” for a portion of the Tulare Avenue right-of-way between McAuliffe Street and Lovers Lane for roadway purposes as offered per Instrument No. 1989-0002513, volume 4791 at page 255, Official Records of Tulare County, recorded January 16, 1989. Project No. 1241-9823. **Resolution 2008-50 required.**

g) Authorization to expand the scope of the Recreation Park Stadium Right Field Improvements construction agreement with Seals/Biehle General Contractors to include construction of new dugouts in the existing stadium grandstand berm. Authorization for City Manager to enter into agreement amendments with Seals / Biehle General Contractors, in an amount not to exceed \$715,000, to include construction of dugouts in the existing stadium grandstand berm. Funding for the dugouts is included in the \$11.6 million dollar budget for the stadium expansion. No additional funding is requested. Project #0017-15152-720000-0-8037.

h) Authorization to transfer four (4) parking lots from the Parking fund to the Transit fund for future Transit Center development; and, appropriate funds (from grants already approved) in the amount of \$903,000.

i) Authorize the City Manager to execute Amendment No. 1 to the agreement for use and maintenance of swimming pool facilities with the Visalia Unified School District.

j) Award a construction contract and authorize the City Manager to execute an agreement for the St. Johns River Trail Project (East of McAuliff Street) to the low bidder Yarbs Enterprise, in the amount of \$76,444.00. Project # 3011-00000-720000-0-9716-2008.

8. Status report on Transportation Impact Fees

9. **PUBLIC HEARING** - General Plan Amendment No. 2008-04: A request by the City of Visalia to amend the General Plan Land Use Element from PAO (Professional Administrative Office) to BRP (Business Research Park), on 13.7 acres located on the south side of Crowley Avenue, approximately 225 feet east of Plaza Drive APN: 081-020-076. **Resolution 2008-51 required.**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	AKINS Family Trust	5,041 sf portion of APN 085-190-004	120 N. Akers North of Mineral King and South of Mill Creek	Right of Way	9/15/08	Paul Shepard

Upcoming Council Meetings

- Tuesday, October 7, 2008, 4:00 p.m., Joint Meeting City Council/Visalia Unified School District, 5000 W. Cypress, Visalia
- Monday, October 20, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia, Visalia
- Monday, November 3, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia, Visalia

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.

National Medical Assistants Week

Whereas, San Joaquin Valley College and the Registered Medical Assistants (RMA's) of American Medical Technologists (AMT) will celebrate National Medical Assistants Week, October 20 – 24, 2008; and

Whereas, the 2008 theme, "Medical Assistants: Taking the Pulse of Our Nation" emphasizes their commitment as a vital member of the healthcare team; and

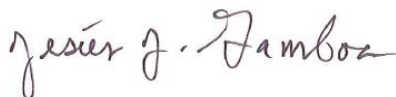
Whereas, a medical assistant is a multi-skilled professional who combines clinical and clerical responsibilities to assist in all aspects of medical practice; and

Whereas, RMA's have completed a national certification exam validating their knowledge, education, and experience in all aspects of medical assisting; and

Whereas, RMA's throughout the United States are promoting their profession in an effort to educate and inform the public and their allied health peers.

Now, Therefore, I, Jesus Gamboa, Mayor of the City of Visalia, do hereby proclaim the week of October 20 – 24, 2008, as "National Medical Assistants Week" and encourage all citizens to recognize medical assistants thanking them for their commitment to our health.

Dated: October 6, 2008



Jesus J. Gamboa, Mayor

City of Visalia Agenda Item Transmittal

Meeting Date: Oct. 6, 2008

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Consideration of recommendations from the Citizen's Advisory Committee and staff regarding changes to the policies and procedures relating to City Committees and Commissions, including consideration of recommendations to change the designation, composition and existence of some committees.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number:

Leslie Caviglia, Deputy City Manager, 713-4317
Kim McGee, CAC Committee Representative, 713-4023

Department Recommendation

It is recommended that the City Council adopt the recommendations from the Citizens Advisory Committee (CAC) and staff regarding changes to the policies and procedures relating to City Committees and Commissions, including consideration of recommendations to change the designation, composition and existence of some committees.

Discussion

Last year, the City Council authorized the Mayor to request that the Citizen's Advisory Committee review the Committee/Commission processes, policies and guidelines and to issue a report, including any recommended changes to the City Council. Among the areas that were mentioned for review were the appointment process, the standardization of terms, including length and beginning and ending dates, and a goals/objectives/reporting process.

The CAC formed a subcommittee comprised of Sylvia Baggs, Phil Mirwald, Dave Wheeler and George Shelton. They spent considerable time reviewing the current policies and practices. As a result of their review, the full CAC is recommending the following:

CAC RECOMMENDATIONS:

Listed below are recommendations from the CAC Sub-Committee for consideration by the CAC for presentation to City Staff and the City Council. The recommendations listed below do not pertain to the Planning Commission. The CAC believes their terms and conditions should be addressed as a separate issue. (*Park and Recreation Commission was also not addressed; Staff has made a recommendation later in this staff report.*)

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 9908

Finance

City Atty

City Mgr

1. There should be two-year terms and all terms should begin on January 1st and end on December 31st. Currently a variety of term lengths and starting times exist. Starting on 1-1-09 all committees should adhere to the new guidelines outlined in this document.
2. At the first meeting in January 2009, all committee members' terms will start anew. To have staggered terms will require half the group to be appointed for one (1) year and the other half for two (2) years which will be determined by lottery. All members would then be eligible for two (2) additional terms because prior terms of service will not be considered for these initial members of the committees. Any person appointed during the year will be completing the two (2) year term of the person they are replacing and then would be eligible for two (2) additional terms. *(Staff has suggested a slightly different phasing process)*
3. There should be no provision for members under age 18 (except on the Youth Committee). Individuals under the age of 18 who indicate they are interested in participating should be encouraged to attend meetings and participate in the meetings.
4. Each person may serve 3 two-year terms (total of 6 years) then must stay off one year before reapplying to that same committee. (This does not apply if the person changes committees). Because member turnover periodically caused some problems, provisions to temporarily extend a persons term should be included. Ex: A person is terming out in December and the committee will not have enough people to make a quorum, the terming out person can remain on the committee until new members are interviewed and accepted, however, extensions may not exceed 6 months. The City Council may make exceptions to this requirement if no additional applicants are available to fill the termed-out person's term.
5. City staff should address when, where and how often the committees/commissions meet.
6. City staff representatives should discuss with their committees, the best number of members for each committee. After CAC receives a recommendation from each group along with a reason(s), a recommendation can be made to the City Council.
7. There should be a mission statement for each committee. Ex: "It is the mission of the Citizens Advisory Committee to act as a liaison between the general public and the City Council concerning community issues."
8. Orientation and training should be provided to all committees/commissions. This instruction, at a minimum, should include the proper way to run a meeting and the basic legal requirements.
9. A maximum of four alternates per committee/commission should be approved by the City Council at the beginning of each cycle (January 1st). If for any reason a committee/commission no longer has alternates available to fill vacancies, the group may advertise for applicants, interview and request approval of additional members and alternates. *(Staff has recommend a maximum of two alternates)*
10. Each committee/commission should annually provide a brief year-end summary to the City Council that includes a list of accomplishments from the year ending, goals and objectives for the upcoming year.
11. A quorum should be defined as a majority (one more than half) of the full complement of members.

12. The role of the staff advisor to each committee should include:

- a. being appointed to each committee/commission by the City Manager.
- b. reserving and preparing a meeting location that is available to the general public and accessible to the handicapped.
- c. closing and securing the location when the meeting is completed.
- d. assuring that the committee/commission maintains the established meeting schedule.
- e. monitoring the membership and assisting members in filling open positions.
- f. acting as a resource for questions or inquiries generated by members.
- g. acting as liaison between the committee and the City of Visalia.
- h. making proper meeting notifications (Brown Act) and making certain that the meetings are conducted in accordance with all laws, especially the Brown and Maddy Acts.
- i. making certain that all City of Visalia documents related to the committee are current and reflect the present operational status of the committee.
- j. overseeing preparation and presentation of required year-end summary by the committee.
- k. performing other duties as assigned by the City Manager's office, Department Head or City Council.
- l. maintaining a list of terms of the members beginning anew on January 1, 2009

The CAC recommends City Staff address the following:

- 1a. an accurate list of the staff assigned to each committee/commission
- 2a. update the Introduction by Mayor Gamboa in the Handbook
- 3a. add the new website and update the council members' names and terms
- 4a. revise the "Guidelines" in the Handbook
- 5a. clarify requirements of public notice for various meetings
- 6a. clarify the conflict of interest policy in the Handbook
- 7a. provide an orientation and training to all members of all committees/commissions concerning the work of that committee/commission, each member's responsibility, as well as an overview of the requirements of the law as it relates to the business of each committee/commission.
- 8a. With the blessing of City Council, a statement should be made that acceptance is not based on gender, race, religion, age, etc, but that participation is open to everyone.

STAFF RECOMMENDATIONS:

City Staff has reviewed the recommendations from the CAC and concurs with most of the recommendations. Staff recommends the Council adopt the CAC recommendations with the following adaptations/additions:

- I. The CAC did not make a recommendation regarding Planning and Park and Recreation Commissions. Because of the complexity of these bodies, staff is recommending that they have two year terms, but that commissioners be allowed to serve up to 4-two year terms (or a maximum of 8 years). (Committees would serve 3-two year terms or a maximum of 6 years.) Staff recommends that current Commissioner terms be extended to Dec. 31 of their term-ending year, and that the Commissioners complete their current 4-year terms and then begin the new two year term process.

II. In the reorganization process, that current term limits still apply. If a Committee member is in the midst of their final term (end of their second term) when the lottery occurs in January, 2009, then it is recommended that their term end at the conclusion of the term that is drawn as part of the lottery. If they are in their first term, then they would complete the one or two year term as determined by the lottery, and then be eligible for two additional full 2-year terms.

As currently recommended, it is possible that, in some instances, committee members who have served close to 8 years on a committee, depending on the current term length for the individual committee, would be eligible for another 6 years. (If during the lottery they received a two year appointment, plus 2 additional two-year terms as recommended by the CAC). Staff believes that it would be more difficult to track, would prolong the transition process for several years, would make the transition process more difficult because current members would be eligible for two more terms, new appointments would be eligible for three terms, and it does not provide enough opportunity for new people to become involved in the process over the next 4-8 years.

III. That a maximum of two alternates may be, but are not required to be, appointed to a committee/commission by the Council and designated as alternate 1 and alternate 2, and that the alternates have two year terms. Alternates are not regular members of the committee, and while encouraged to attend, they are not voting members of the committee and should not be accorded the same rights and privileges as voting members.

When an unexpected vacancy occurs, alternate 1 would automatically advance to the voting position, and alternate 2 would become alternate 1. Once appointed as an alternate, the advance process could occur automatically, without any further confirmation by the Council, unless the Council specifically asks for a position to be brought before them for consideration. The vacant alternate position would be announced in accordance with the Maddy Act, and during the next appointment process, another alternate would be appointed. However, alternates would not automatically advance to a voting position at the end of a term. If a term ends and the member is termed out or does not wish to be appointed to another term, the alternates, and all other applicants, can be considered for appointment to the Committee as either voting or alternate members.

It is recommended that the number and length of term for Commission alternates be at the discretion of Council, depending upon circumstances at the time of appointment.

Alternates are an option, and not mandated for either Committees or Commissions. There may be times when alternates may be recommended by the appropriate body, recommended by the Citizens Advisory Committee and appointed by the Council, and there may times when alternates are not recommended and/or appointed.

IV. That a person may only serve on one committee or commission at a time, unless, due to their unique qualifications, the Council chooses to appointment them to more than one committee/commission. Alternates would only be able to be an alternate to one committee at a time.

V. That it be confirmed that if a member serves more than half of an unexpired term, it will be considered a full term.

For example, if an alternate replaces a regular member in October of the first year of their two-year term, the alternate will assume the existing term and serve 15 months.

Since it is more than half of the two-year term, it is considered a full term, and the alternate-now-member will be eligible for two additional terms. If an alternate replaces a regular member in May of the second year of the two-year term, the alternate would take over the existing term and serve only 8 months of the existing term. Since it is less than half of the term, the alternate-now-member can serve three full terms.

VI. That the Council's policy regarding conflict of interest be changed to state that "Employees of the City should not be allowed to serve on any committee/commission other than as a staff representative. Contractors and agents of the City are encouraged to serve on committees other than those where the actions of the committee/commission may directly benefit the work of the member's employer."

VII. Immediate family members should not concurrently serve on the same committee; however, family members are encouraged to serve on different committees.

VIII. That it be confirmed that Council has the discretion to make appointments outside of this stated policy. For example, for a number of years, the Council has conducted its own selection process for Planning Commission vacancies, it has chosen to extend a term, or to grant someone a third term. The adoption of these policies is meant to compliment the overall authority Council holds in the committee/commission process.

In addition, it has been some time since a significant review has been made regarding the committees. New issues have developed, and new laws have changed how Council appointed committees must operate. In some instances, staff believes that committees will be able to function better if they have more flexibility in how they operate. In other instances, staff would recommend that their direction from the Council be expanded to include new, pertinent issues. Therefore, staff is recommending the following:

VIII. That the Construction Review Committee and the Airport Committee become Advisory Committees that are organized by the Chief Building Official and the Airport Manager respectively. In these cases, the issues are more technically related, and do not lend themselves to term limit/revolving policies that are appropriate for the other committees. In addition, these committees do not necessarily need to meet on a regular basis, and the issues that they provide input on is often procedurally rather than policy based. The Construction Review Committee has served as an appeals board; however, they are called upon very infrequently to serve in this capacity. If and when such a review board is needed, an official appointment process will be brought to the Council by the Chief Building Official.

IX. That the Putignano and Miki Sister City Committees no longer be Council appointed committees. While the City would continue to provide a staff liaison to these committees and to work closely with the organizations to further the Sister City relationship, not being Council appointed would enable the committees to function more fluidly when working with these foreign cities. It is recommended that each Committee make an annual report to the Council, and that the Council annually take action to continue to work with the Committee. If approved, staff will work with the Committee to come up with an appointment process that the Committee will follow in the future.

VIII. That the Beautification Committee and the Affirmative Action Committee be placed on hiatus, at least on a temporary basis. Neither of these committees currently have any members, and there is no specific work program for these groups. Given the current state budget crisis and the number of staff positions that have not been filled as a result of the uncertain budget situation, staff does believe it is appropriate to direct staff resources to other matters at this time. At some future time, Council may ask to reactivate either or both of these groups.

However, in light of the Council's interest in seeing additional beautification work occur in the community, staff is recommending that the beautification awards be handled by the Planning Commission and that on-going community beautification projects fall under the jurisdiction of the Parks and Recreation Commission.

X. That the mission of the Historic Preservation Committee be expanded to include more promotion of historic preservation including encouraging building owners to initiate preservation efforts, developing funding and/or incentive options, tours, building identification, etc. A retreat will be held with this committee to develop a more expansive mission statement and work program.

If approved, copies of this staff report will be sent to all Commission and Committee members, and staff will offer to meet with any Committee or Commission that would like further explanation or would like to ask questions.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to approve the CAC and staff recommendations as presented by staff.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

City of Visalia Agenda Item Transmittal

Meeting Date: October 6, 2008

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

Agenda Item Wording: Adoption of Resolution 2008-47, the required bi-annual update of the list of City of Visalia designated employees and classifications for the purpose of compliance with Chapter 2.08 of the Ordinance Code of the City of Visalia specifying conflict of interest regulations.

Deadline for Action: December 15, 2008

Submitting Department: Administration

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

Department Recommendation

It is recommended that the Visalia City Council adopt Resolution 2008-47, the regularly scheduled bi-annual update of the list of designated employees required by Chapter 2.08 of the Visalia Municipal Code and as required by the Fair Political Practices Commission.

Department Discussion:

The Fair Political Practices Commission has regulations regarding the establishment and maintenance of conflict of interest codes. Included in the regulations is a provision that by October 1 of even-numbered years, a determination must be made if amendments to the local codes are required.

Several years ago, the City thoroughly reviewed and revised the conflict of interest code, following the FPPC recommendations. That thorough revision included the repeal of several outdated resolutions, ordinances, and the adoption of a new ordinance. The City's conflict of interest code ordinance complies with the requirements of state laws and provides for the periodic update of the list of designated employees by Council resolution.

The action before the Council tonight is the regular bi-annual update. It generally reflects changes that have occurred to the positions and position titles over the past two years and includes the addition that consultants, under certain circumstances, are required to file. In addition, the disclosure categories have been revised to include that loans, gifts and travel payments, under certain circumstances, must be reported.

This resolution is a "housekeeping" matter which changes titles to reflect correctly the positions that are currently found in the City of Visalia organization, as well as adding/deleting titles because of changes in assigned responsibilities. In addition, because of reorganization within some departments/divisions, some employees may now have greater purchasing authority and responsibility. Conflict of interest codes focus on those people in an organization who are

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 LCB 9/29/08
Finance N/A

City Atty N/A

City Mgr

responsible for significant amounts of purchasing, or are the primary decision-makers regarding purchasing. These responsibilities exist at different levels in the various departments/divisions and therefore the resolution must be specific down to the level of the individual title, rather than the class (supervisor, manager, etc.) of the employees.

The attached Notice of Intention to Adopt or Amend a Conflict of Interest Code was sent to all city employees, posted on the city's intranet, and posted on the public posting bulletin boards at all City Hall locations.

The City Clerk's office coordinates the filing of FPPC statements and communicates to the employees on this list what is required of them. Members of the City Council and the primary appointed City officials (such as the City Manager and Chief Financial Officer) are covered by other sections of FPPC regulations and are included in the resolution for informational purposes only.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: To postpone the adoption to a future meeting.

Attachments:

Notice of Intention to Adopt or Amend a Conflict of Interest Code
Resolution 2008-47

Recommended Motion (and Alternative Motions if expected):

I move to approve the adoption of Resolution 2008-47, to update the list of designated employees are required by Chapter 2.08 of the Visalia Municipal Codes and as required by the Fair Political Practices Commission.

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*)

Bi-annual review required. Update needed no later than the second meeting of December, 2008.



CITY OF VISALIA

**NOTICE OF INTENTION TO ADOPT OR AMEND A
CONFLICT OF INTEREST CODE**

NOTICE IS HEREBY GIVEN that the City Council of the City of Visalia intends to adopt or amend a conflict of interest code pursuant to Government Code Section 87300 and 87306. Pursuant to Government Code Section 87302, the code will designate employees who must disclose certain investments, income, interests in real property, and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing on September 11, 2008 and terminating on October 6, 2008. Any interested person may present written comments concerning the proposed code no later than October 6, 2008 to the City of Visalia, 425 E. Oak Street, Visalia, CA 93291. No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period.

The following amendments are necessary: Include new positions (including consultants) that must be designated, delete titles of positions that no longer are determined required to file, revise the titles of existing positions, and revise the disclosure categories.

Copies of the proposed code may be obtained from the City Clerk's Office, 425 E. Oak Street, Visalia, CA 93291. Any inquiries concerning the proposed code should be directed to Donjia Huffmon, Chief Deputy City Clerk, (559) 713-4512.

Dated: September 11, 2008

RESOLUTION 2008-47

RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF VISALIA FOR THE PURPOSES OF COMPLIANCE WITH CHAPTER 2.08 OF THE ORDINANCE CODE OF THE CITY OF VISALIA SPECIFYING CONFLICT OF INTEREST REGULATIONS

WHEREAS, the City of Visalia has adopted Chapter 2.08, Section 2.08.10 of the Visalia Municipal Code, which provides for a conflict of interest code pursuant to the Political Reform Act (Government Code Section 81000, et seq.); and

WHEREAS, the City must designate those positions within the organization that shall be deemed Designated Employees and must further specify disclosure categories for each position listed;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia hereby establishes the following revised list of Designated Employees and Disclosure Categories:

DESIGNATED EMPLOYEE POSITIONS AND DISCLOSURE CATEGORIES

Department	Classification	Employee	Disclosure Category
All Depts.	Consultant		1 *see footnote
Administration	Airport Manager	Cifuentez	2
	Chief Deputy City Clerk	Huffmon	2
	Community Relations Manager	Loliva	2
	Convention Center Manager	Roeben	2
	Deputy City Manager	Caviglia	1
	Natural Resource Conservation Manager	Vacant	2
	Special Projects Manager	Coring	2
	Transit Manager	Cox	2
Administrative Services	Finance Manager	Aiello, Nagel	2
	Financial Analyst	McGee, Murch , Montgomery, Pena, Fosberg, Blofsky	2
	Human Resources Manager	Avila	2
	Information Services Manager	Allen	2
	Insurance & Benefits Manager	Dunn	2
	Management Analyst	Burrell	2
	Assistant Building Official	Vacant	2
Community Development	Assistant City Manager	Olmos	1
	Assistant Community Development Director	Brusuelas, Young	1
	Associate Engineer/Civil Engineer	Dais, Goldstrom, Keenan, Lampe, Huckleberry,	2

Department	Classification	Employee	Disclosure Category
		McSheehy, Molina, Spiro	
	<u>Associate Planner</u>	<u>Bernal</u>	<u>2</u>
	<u>Development Project Manager</u>	<u>Ronk</u>	<u>1</u>
	Development Services Manager/Chief Building Official	Lehman	2
	GIS Manager	Lord	2
	<u>Management Analyst</u>	<u>Tavarez, Bond</u>	<u>2</u>
	Principal Planner	Scheibel	2
	Senior Civil Engineer	Damko, Ennis, Bons	2
	Senior Planner	Chamberlain, <u>Smith</u>	2
	<u>Senior Plans Examiner</u>	<u>Ferrero</u>	<u>2</u>
Fire	Fire Battalion Chief	Adney, Norman, Gildea, Sewell, Wristen	2
	Fire Chief	Nelson	1
Housing & Economic Development	Housing & Economic Development Director	Noguera	1
	<u>Neighborhood Preservation Manager</u>	<u>Burns</u>	<u>2</u>
Parks & Rec	<u>Building Services Coordinator</u>	<u>Palomino</u>	<u>2</u>
	<u>Management Analyst</u>	<u>Shepard</u>	<u>2</u>
	Parks & Recreation Director	Elizondo	1
	<u>Parks Supervisor</u>	<u>Fultz</u>	<u>2</u>
	Parks & Urban Forestry Manager	<u>Bean</u>	2
	Recreation Manager	Greenwood	2
	Recreation Supervisor	Fitzgerald, Glick, Romero, Bradley	2
	<u>Urban Forestry Supervisor</u>	<u>Pendergraft</u>	<u>2</u>
Police	Administrative Services Manager	Hindenburg	2
	Assistant Chief of Police	Mestas	2
	Chief of Police	Carden	1
	<u>Police Captain</u>	<u>Haskill, Newsom</u>	<u>2</u>
	Police Lieutenant	Lynn, Phipps, Puder, Figueroa, Salazar, Wightman	2
	Police Specialist	George	2
	<u>Police Support Services Manager</u>	<u>McDermott</u>	<u>2</u>
	<u>Police Technician</u>	<u>Lewis, Tunnell</u>	<u>2</u>
Public Works	Fleet Supervisor	Morgantini	2
	Public Works Director	Benelli	1
	Public Works Manager	Ross	2
	Public Works Support Services Manager	Nielsen	2

Department	Classification	Employee	Disclosure Category
	Waste Water Treatment Plant Supervisor	Misenhimer	2

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitations:

The City Manager or designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

DISCLOSURE CATEGORIES

Disclosure Category 1:

Designated employees assigned this category must report:

- a) Interests in real property which are located in whole or in part:
 1. within the boundaries of the City of Visalia,
 2. within two miles of the boundaries of the City of Visalia, or
 3. within two miles of any land owned or used by the City of Visalia, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b) Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which engage in the acquisition or disposal of real property within the jurisdiction.
- c) Investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which:
 1. are contractors or subcontractors engaged in the performance of work or services of the type utilized by the City of Visalia, or
 2. manufacture, sell, or provide, supplies, materials, books, machinery, services, or equipment of the type utilized by the City of Visalia.

Disclosure Category 2:

Designated employees assigned this category must report:

- a) Investments and business positions in business entities; and
- b) Income including loans, gifts, and travel payments, from sources which manufacture, sell, or provide supplies, materials, books, machinery, services, or equipment of the type utilized by the employee's department or the City of Visalia.

Public Officials Who Manage Public Investments

The following positions are not covered by this conflict of interest code because the individuals holding these positions must file under Government Code Section 87200. These positions are listed for informational purposes only:

- Mayor/Council Members
- Administrative Services Director
- City Attorney
- City Manager
- Planning Commissioners
- Consultants (those involved in the investment of public funds)

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

This resolution shall become effective immediately and shall supersede any previous resolution establishing such designated employees and disclosure categories.

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

City of Visalia Agenda Item Transmittal

Meeting Date: October 6, 2008

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

Agenda Item Wording: Approval of changes in Council committee representatives.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Jesus Gamboa, Mayor

Department Recommendation

It is recommended that the Visalia City Council approve the Council committee representatives as recommended by the Mayor.

Department Discussion

Council Member Don Landers will no longer be able to attend as many weekday meetings as he has done in the past. Retired for a while, he had agreed to cover a number of meetings on behalf of the Council, but given his new job, he will not be able to cover as many meetings as before. Therefore, he has asked that some of his appointments be reassigned. Councilmember Landers has indicated that he will be able to continue with the Cross Valley Rail Corridor Joint Powers Authority, and the SPCA Task Force.

The Mayor has reviewed the assignments, and is recommending the following:

Given that Committees listed below are expected to have little activity in the coming year, the Mayor is recommending that for the remainder of the 2007-2009 Council term, one Council representative serve on the Committee:

- Air Service Sub-Committee (Link remains)
- COS/Cities Coordination/Education Subcommittee (4-year University project) (Shuklian remains)

The Mayor is recommending that the following Committees be reassigned:

- | | |
|--|---|
| Civic Center Masterplan/East DT Project | Collins, current; Link, added |
| Visalia Convention & Visitors Bureau Board | Shuklian current; Collins added |
| Visalia Economic Development Council | Link, alternate to primary; Gamboa alt. |
| Visalia Riverway Sports Park Task Force | Gamboa, current; Shuklian added |
| Oaks Stadium Task Force | Link, current; Collins added |

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 9/29/08

Finance

City Atty

City Mgr

Prior Council/Board Actions: Council made the original appointments for the 2007-2009 term in January, 2008.

Committee/Commission Review and Actions: N/A

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to approve the appointments as recommended by the Mayor.

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: October 6, 2008

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Project No. 1111-00000-720000-0-9301 Cape Seal various City streets. (Cost \$1,318,325.14).

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number: Earl Nielsen, 713-4533
Andrew Benelli 713-4533

Department Recommendation: Staff recommends that authorization be given to file a Notice of Completion for Project No. 1111-00000-720000-0-9301 Cape Seal various City streets. (Cost \$1,318,325.14). All work has been completed and inspected.

Summary/background:

This Cape Seal project repaired/rejuvenated 42 street segments (approximately 170,000 square yards total) using a chip seal process made with rubberized asphalt made from recycled tires, and a slurry seal top coat. The Cape seal was laid on top of the deteriorated asphalt, where it filled in and bound the old asphalt together underneath while providing a smooth ride surface on top. The City used this same process to rejuvenate several street segments in 2005, and the roads have stood up very well over the last 3 years. This time staff also included the harder black volcanic rock material in the slurry seal, which will increase the road life by 2-3 years and will maintain the darker black asphalt color throughout its life; enhancing the aesthetics and making the striping more visible and safer (particularly at night).

Cape sealing is primarily used on road segments that have significantly deteriorated asphalt but still have a solid base, in lieu of reconstructing or overlaying the segments which costs much more than cape sealing. This project was performed at an average cost of \$7.54 per square yard (including traffic control), whereas overlaying or reconstructing the same streets would have cost well over \$10 per square yard because both of those processes involve removing the old asphalt.

The contractor was International Surfacing Systems (ISS), and they took about two weeks to perform the work. The original award was for \$1,201,457.99, and staff added two change orders for \$77,709.28 and \$39,157.87 respectively. Change order #1 added a portion of Riffin road, removed a couple smaller segments from the scope of work and changed the rock material for the slurry seal to black volcanic rock. Change order #2 adjusted the final project cost estimate to accommodate for small variances in the estimated square yardage for each

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

street segment versus the actual square yardage completed, as measured on site at the time the work was done. Both change orders totaled \$116,867.15 and both were approved by the change order committee.

The cape seal process is expected to extend the life of the affected street segments by at least 10 years, and long term studies show it lasting as long as 20 years, depending on the condition the road was in prior to the application, traffic types and volumes.

Prior Council/Board Actions: Award of contract on June23, 2008.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments:

1. List of street segments completed.
2. Maps showing locations of street segments throughout the City of Visalia (referencing street segment # to Attachment #1).

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I hereby move to authorize filing the Notice of Completion for Project No. 3011-00000-720000-0-9301 Cape Seal various City streets.

Financial Impact

Funding Source:

Account Number: 1111-00000-720000-0-9301

Budget Recap:

Total Estimated cost: \$1,318,325.14	New Revenue:	\$
Amount Budgeted: \$1,318,325.14*	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes___ No <u>X</u>		

* budget was increased by approved change order amounts.

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action:
Prior:
Require: None

NEPA Review:

Required? No
Review and Action: Prior:
Require:

Copies of this report have been provided to:

Tracking Information: *Record a Notice of Completion with the County Recorder*

**Attachment 1
List of Street Segments Completed**

No.	Street Segment
1.	Jackie – Caldwell to Orchard
2.	Conyer – Mineral King to Center
3.	Country – County Center to West End
4.	Evergreen – Redwood to County Center
5.	Redwood – Ashland to Evergreen
6.	Cherry – Redwood to Cul-De-Sac
7.	Linda Vista – Sunnyside to Monte Vista
8.	Monte Vista – County Center to Terrace
9.	Verde Vista – Sunnyside to Monte Vista
10.	Sunnyside – County Center to Verde Vista
11.	Terrace – Monte Vista to Whitendale
12.	Victor – County Center to E. Cul-De-Sac
13.	Dollner – Mineral King to Main
15.	College – Lovers Lane to W. City Limit
16.	Velie – Noble to College
17.	College – Lovers lane to Vista
18.	Westcott – Lovers Lane to Vista
19.	Meadow – Lovers Lane to Vista
20.	Laurel – Lovers Lane to Vista
21.	Vista – Noble to 802 Vista
22.	Park – Prospect to Cul-De-Sac
23.	Dollner – Prospect to Cul-De-Sac
24.	Feemster – Court to Watson
25.	Mary – Giddings to Jacob
26.	Giddings – Houston to Roosevelt
27.	Watson – Paradise to Tulare
28.	Howard – Court to Watson
29.	Memory – Whitendale to Monte Vista


Attachment 1
List of Street Segments Completed

30.	Seeger – Giddings to W. Cul-De-Sac
31.	Mary – Jacob to W. Cul-De-Sac
32.	Ashland – Giddings to W. Cul-De-Sac
33.	Cherry – Giddings to W. Cul-De-Sac
34.	Evergreen – Giddings to E. Cul-De-Sac
35.	Buena Vista – Mooney to Divisidero
36.	McHughes – Park to 1440 McHughes
37.	Park – Prospect to Vine
38.	Leslie – Elowin to Prospect
39.	Central – Elowin to Prospect
40.	Hall – Houston to Elowin
41.	Hall – Elowin to Prospect
42.	Green Acres – Main to Fairway
43.	Kaweah – Mooney to Watson
44.	Riggin – Mooney to Conyer


Attachment 2
Cape Seal location Maps

City of Visalia

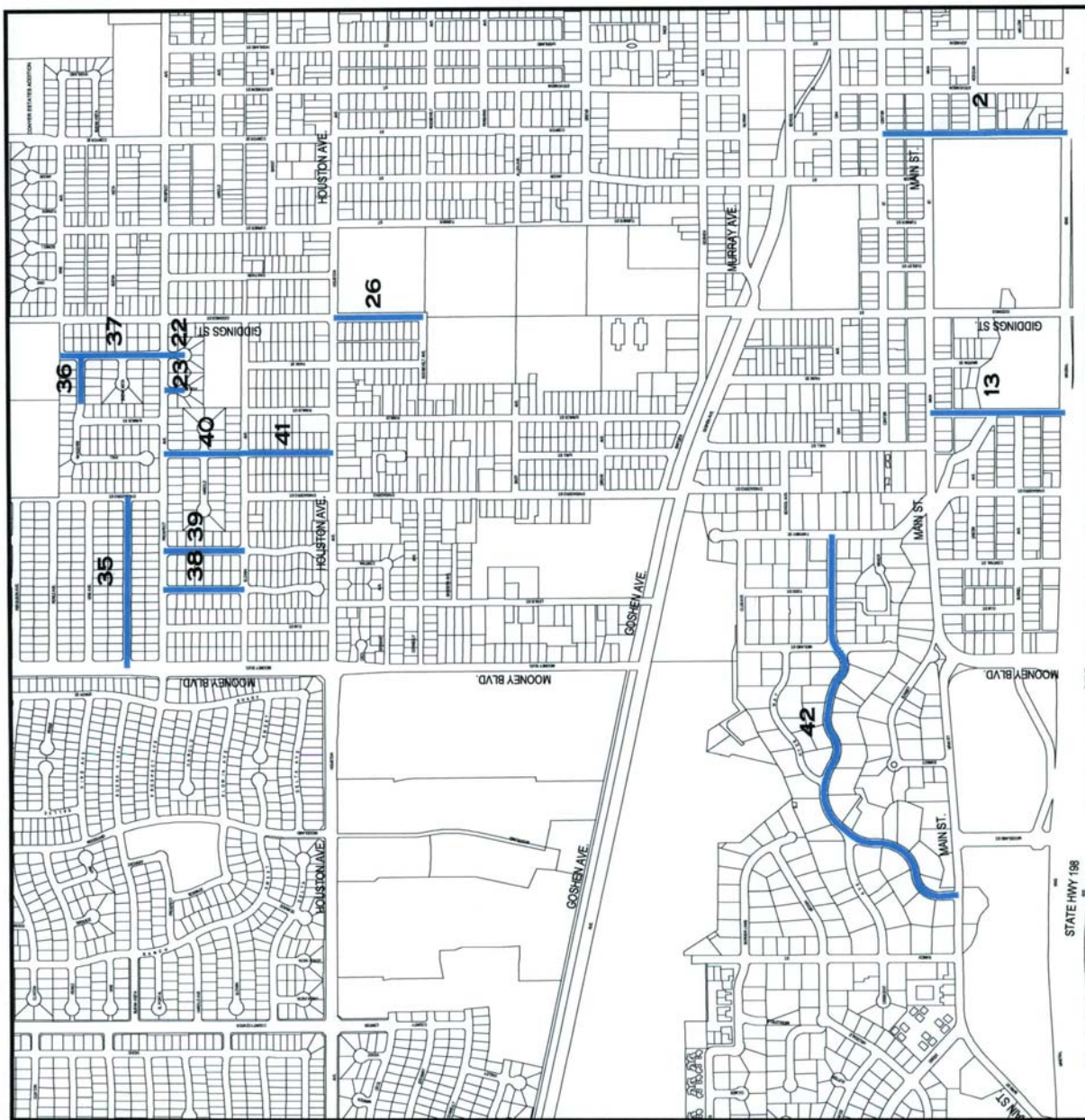
CAPE SEAL PROJECT



08 CAPE SEAL CITYLIMITS PARCELS



Scale: 1"= 301'



Attachment 2
Cape Seal location Maps

City of Visalia

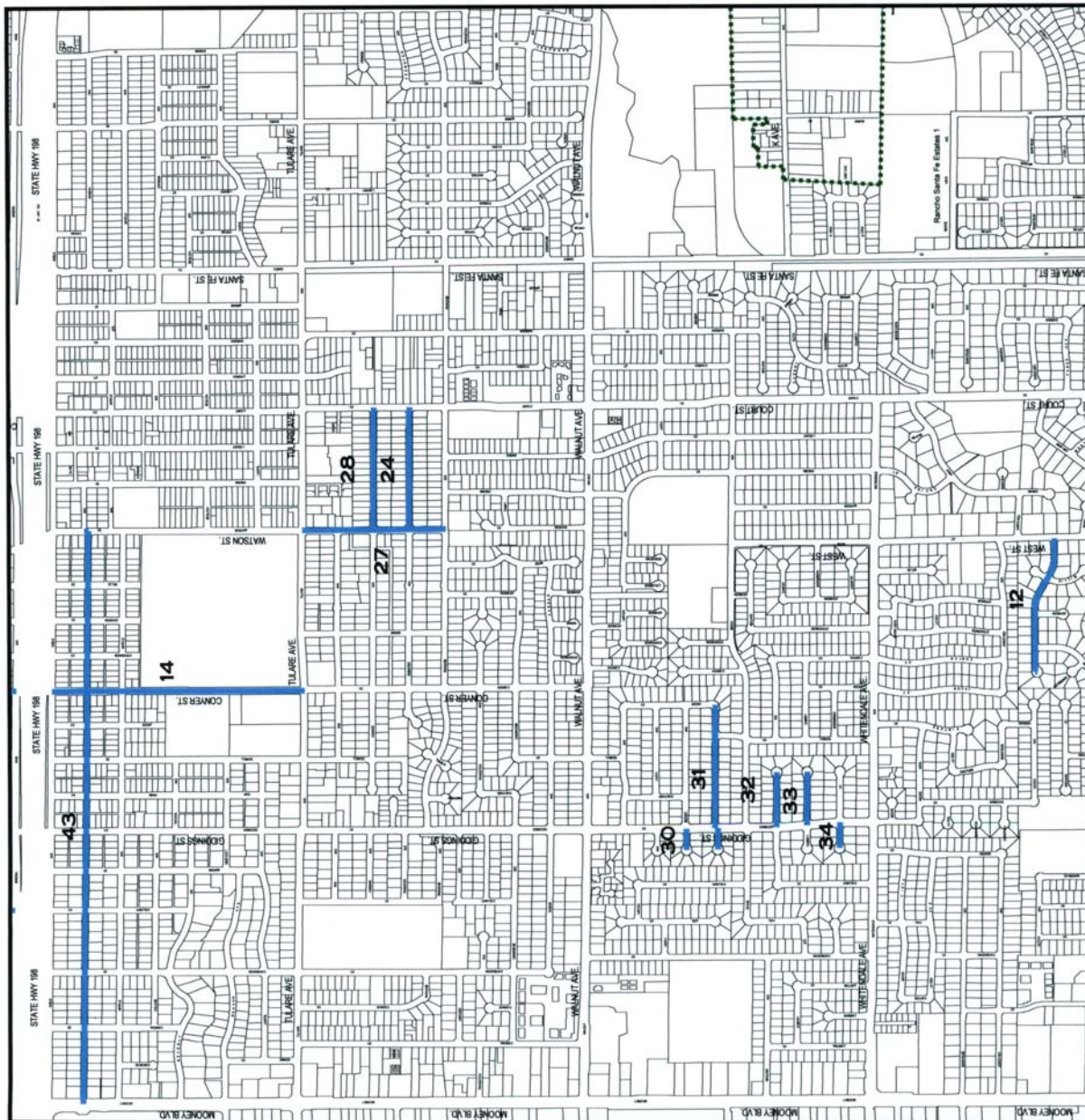
CAPE SEAL PROJECT



08 CAPE SEAL CITYLIMITS PARCELS




Scale: 1" = 301'




Attachment 2
Cape Seal location Maps

City of Visalia

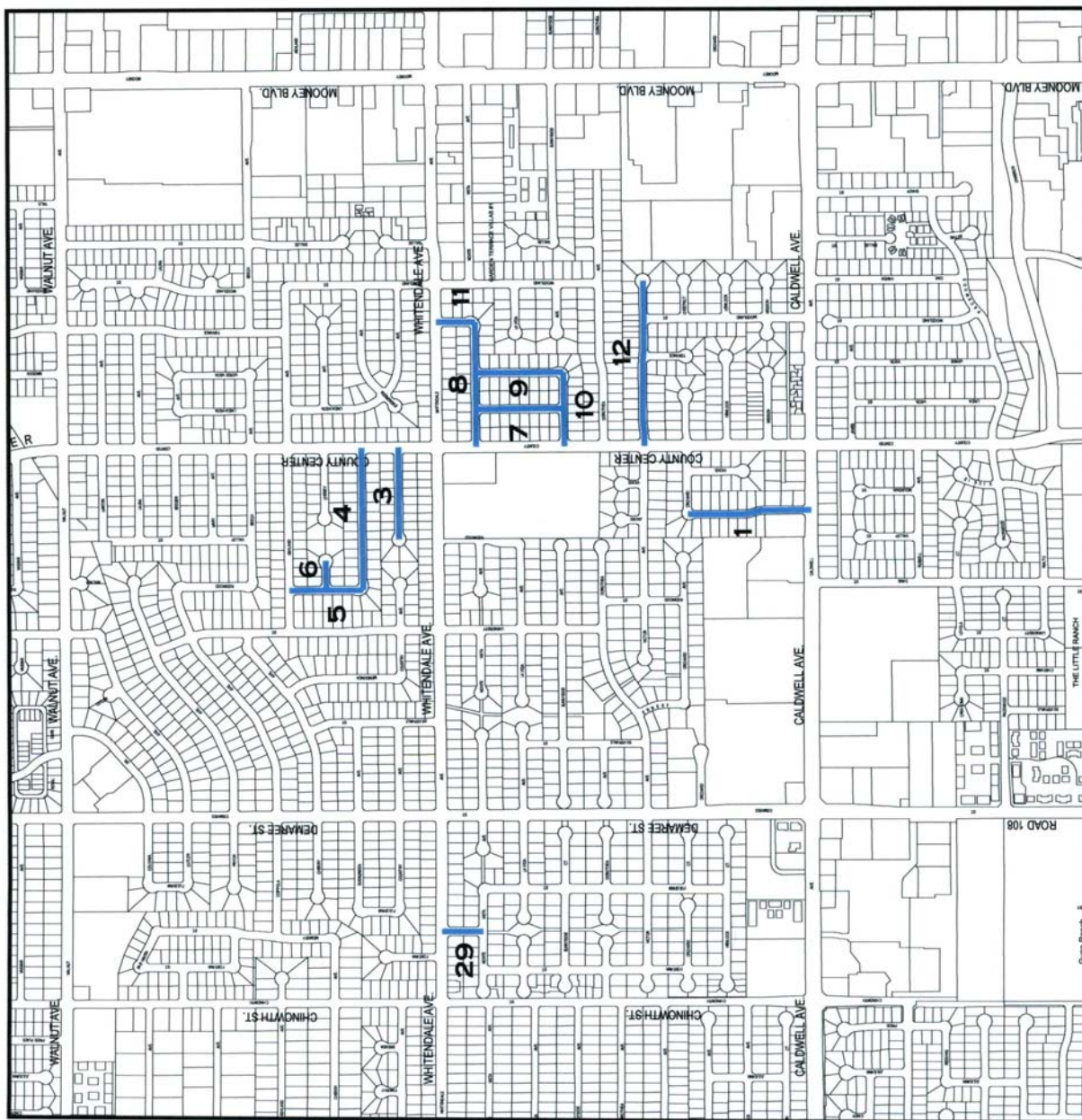
CAPE SEAL PROJECT



08 CAPE SEAL CITYLIMITS PARCELS



Scale: 1" = 301'



Attachment 2
Cape Seal location Maps

City of Visalia

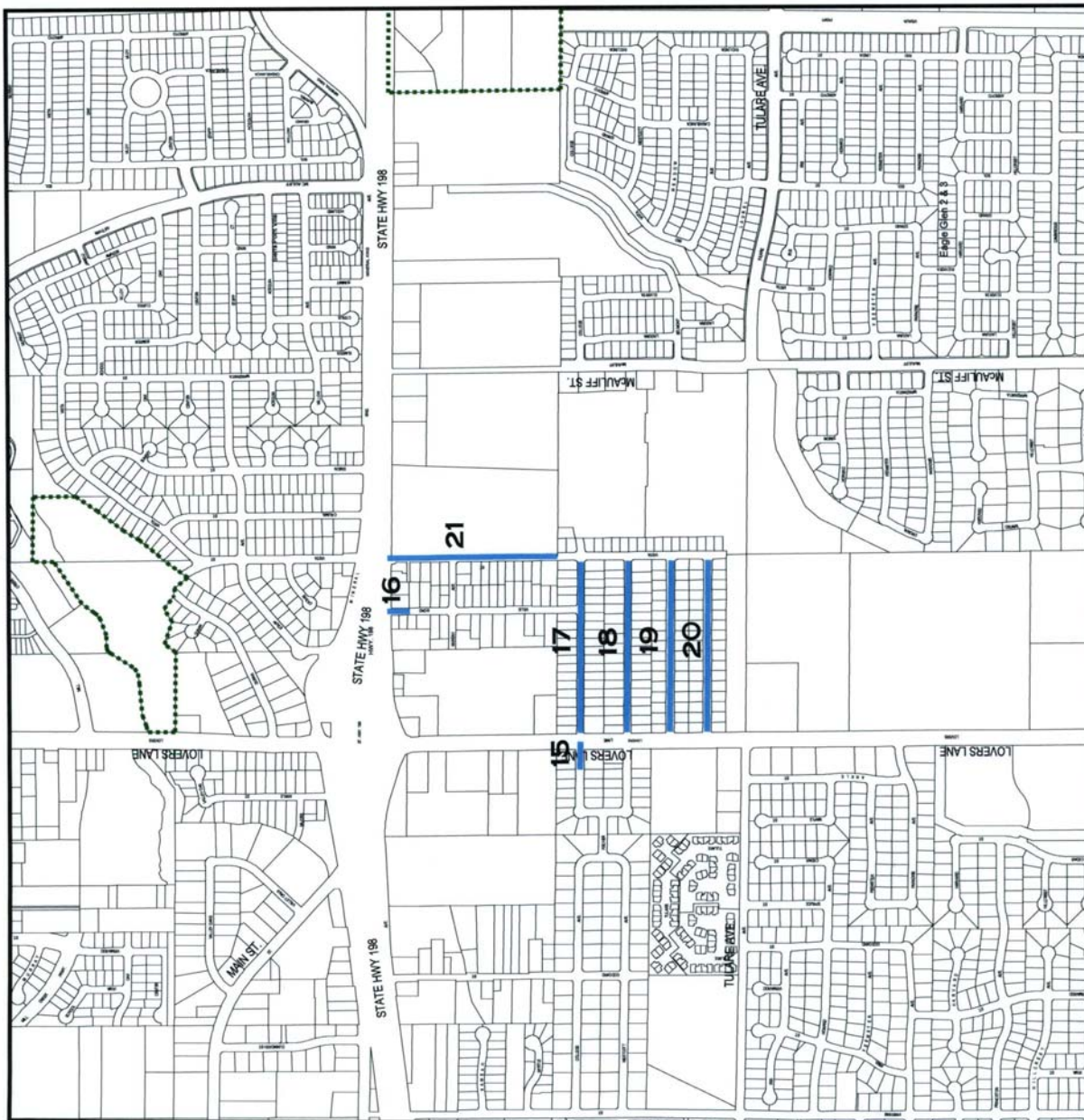
CAPE SEAL PROJECT



08 CAPE SEAL CITY LIMITS PARCELS



Scale: 1"= 301'



**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 6, 2008

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

Agenda Item Wording: Authorize the Recordation of the Final Map for Pheasant Ridge No. 3A, located on the west side of Roeben Street, approximately ¼ mile south of Riggins Avenue (12 lots) and the Annexation of Pheasant Ridge No. 3A into Landscape and Lighting District No. 05-19, Pheasant Ridge (Resolution Nos. 08-48 and 08-49 required).

APN: 077-100-077

Deadline for Action: N/A

Submitting Department: Community Development/Engineering Division

Contact Name and Phone Number:

Chris Young 713-4392
Jason Huckleberry 713-4259

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for Pheasant Ridge No. 3A containing 12 lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$53,824.88 and Labor and Material Bond in the amount of \$30,062.44; 3) cash payment of \$51,470.70 distributed to various accounts; and 4) Final Map.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final

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.

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

As the parcels to the west of Pheasant Ridge Nos. 1 and 2 develop, Sunnyview Avenue (part of Pheasant Ridge No.1) will be extended west to Shirk Street. The City has obtained an irrevocable offer for the necessary right-of-way. The extension of Sunnyview Avenue will increase street system connectivity in the area.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 08-48 Initiating Proceedings for Annexation to Assessment District No. 05-19, Pheasant Ridge; adopt the Engineer's Report as submitted; and adopt Resolution No. 08-49 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

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

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

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

Prior Council/Board Actions: The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance the subdivision. Council approved the final map of Pheasant Ridge No. 1 and the formation of Assessment District 05-19, Pheasant Ridge at the November 7, 2005 council date.

Committee/Commission Review and Actions: The tentative subdivision map for Pheasant Ridge subdivision was approved by the Planning Commission on October 25, 2004. The tentative map will expire on October 25, 2009.

Alternatives: N/A

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

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Pheasant Ridge and I move to adopt Resolution No. 08-48 Initiating Proceedings for Annexation to Assessment District No. 05-19 "Pheasant Ridge" and adopt Resolution No. 08-49 Ordering the Improvements for Assessment District No. 05-19 "Pheasant Ridge."

Copies of this report have been provided to:

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)*

RESOLUTION NO. 08-48

RESOLUTION INITIATING PROCEEDINGS
FOR ANNEXATION TO
ASSESSMENT DISTRICT 05-19
Pheasant Ridge
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf, shrub area, irrigation systems, trees, walls, streets, street lights, and any other applicable equipment or improvements.

2. The district, including the annexation, shall continue with the designation established with the initial formation, which is "Assessment District No. 05-19, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-19, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Pheasant Ridge".
3. The City Engineer of the City of Visalia is hereby designated Engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

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

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-19, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 6th day of October, 2008 by its Resolution No. 08-_____

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

RESOLUTION NO. 08-49

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-19, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the annexation to the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2008-09.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram
Pheasant Ridge

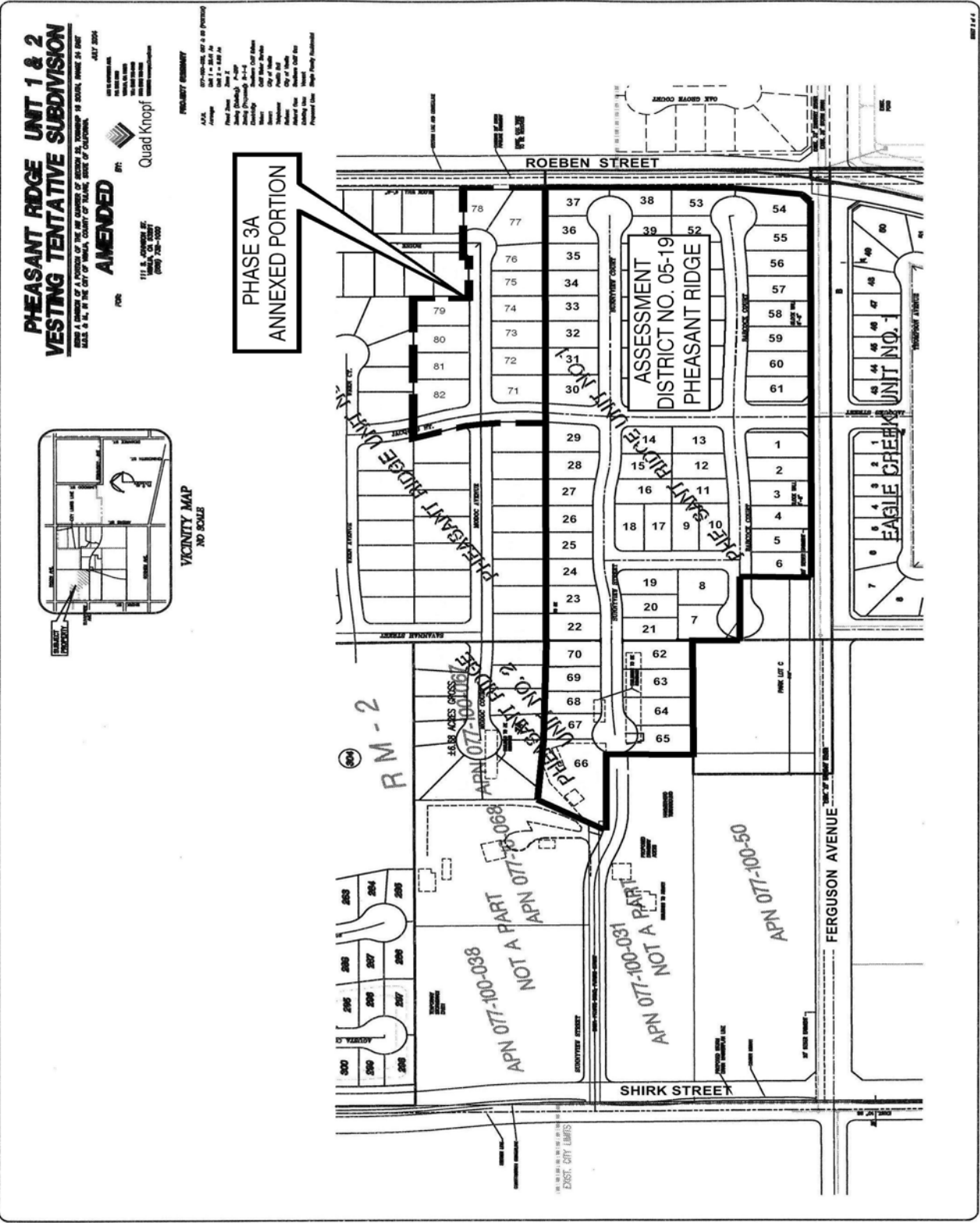


Exhibit "B"

Landscape Location Diagram
Pheasant Ridge

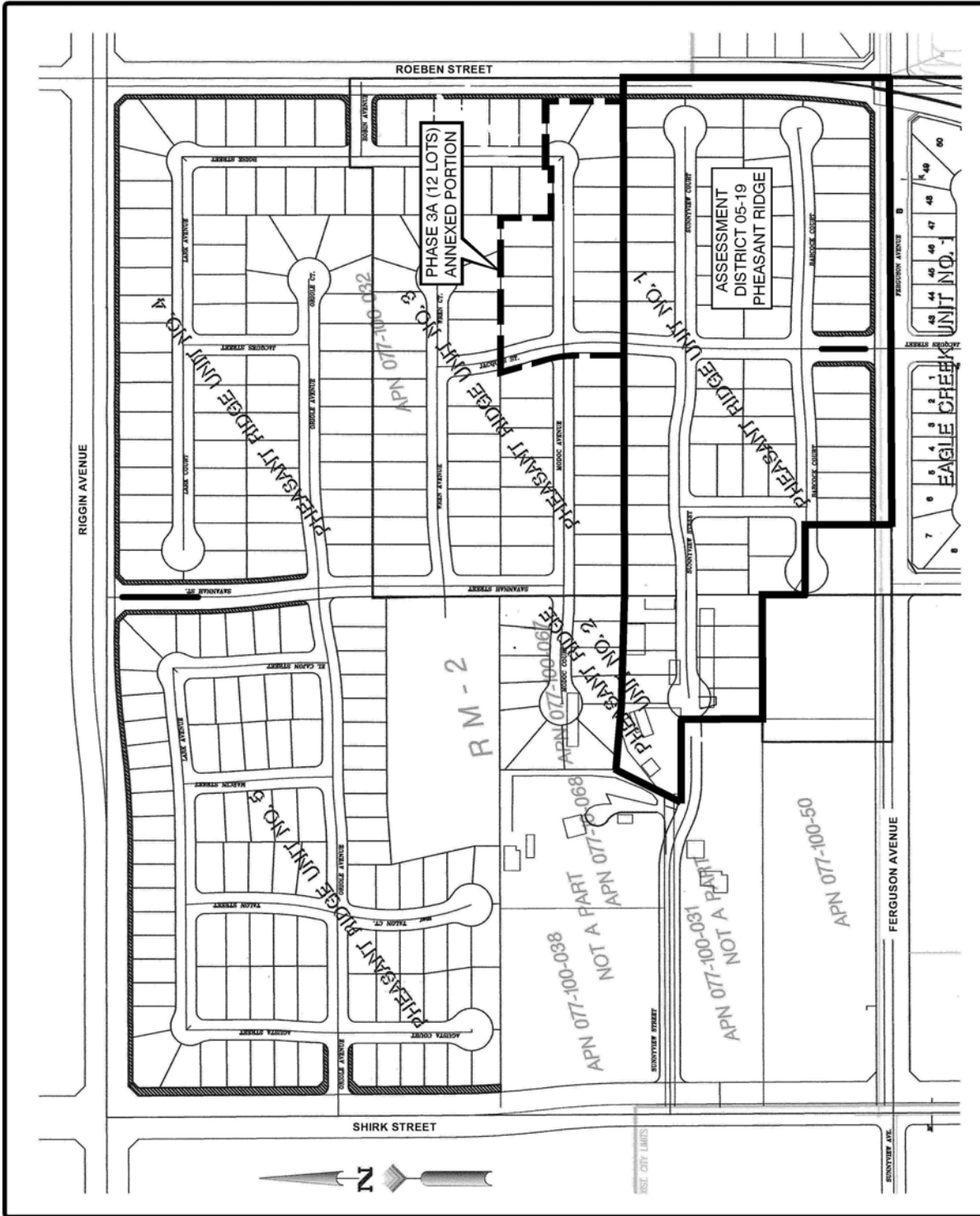


Exhibit "C"

Tax Roll Assessment
Pheasant Ridge
Fiscal Year 2008-09

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$387.85	McMillin Homes	05-19071	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19072	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19073	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19074	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19075	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19076	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19077	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19078	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19079	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19080	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19081	Pheasant Ridge
To Be Assigned	\$387.85	McMillin Homes	05-19082	Pheasant Ridge

Exhibit "D"

Engineer's Report Landscape & Lighting Assessment District 05-19 Pheasant Ridge Fiscal Year 2008-09

General Description

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

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

Determination of Benefit

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

Method of Apportionment

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-19
Pheasant Ridge
Fiscal Year 2008-09

Estimated Costs

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

Estimated Quantities

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

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

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	59,648	\$0.180	\$10,736.64
Shrub Area	Sq. Ft.	59,648	\$0.180	\$10,736.64
Water	Sq. Ft.	119,296	\$0.050	\$5,964.80
Electricity	Sq. Ft.	119,296	\$0.008	\$954.37
Trees In Landscape Lots	Each	332	\$25.00	\$8,300.00
Trees In Local Street Parkways	Each	422	\$25.00	\$10,550.00
Street Lights	Each	71	\$105.00	\$7,455.00
Chip Seal (15 year cycle)	Sq. Ft.	554,122	\$0.190	\$7,018.88
Crack Seal (8 year cycle)	Sq. Ft.	554,122	\$0.029333	\$2,031.76
Reclamite (6 year cycle)	Sq. Ft.	554,122	\$0.02111	\$1,949.68
Overlays (10 year cycle)	Sq. Ft.	554,122	\$0.650	\$36,017.93
Project Management Costs	Lots	304	\$18.00	\$5,472.00
TOTAL				\$107,187.69
10% Reserve Fund				\$10,718.77
GRAND TOTAL				\$117,906.46
COST PER LOT				\$387.85

Annual Cost Increase

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-19
Pheasant Ridge
Fiscal Year 2008-09

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

$$A_{\max} \text{ for any given year "n"} = (\text{Error! Not a valid link.}) (1.05)^{(n-1)}$$

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

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

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

Example 1. The estimated year four cost of maintaining the improvements in the district is \$125,518.04 [a 9% increase over the base year estimated cost of \$117,906.46]. The maximum annual assessment for year four is \$136,491.47 [$A_{\max} = (\$117,906.46) (1.05)^{(4-1)}$]. The assessment will be set at \$128,518.04 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$133,234.30 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$117,906.46]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$2,664.69 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$136,491.47 [$A_{\max} = (\$117,906.46) (1.05)^{(4-1)}$]. The year four assessment will be set at \$133,234.20 plus the deficit amount of \$2,664.69 which equals \$135,898.99 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

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

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-19
Pheasant Ridge
Fiscal Year 2008-09

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

City Engineer Certification

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

Douglas S. Damko
Sr. Civil Engineer

RCE 59445

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 6, 2008

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

Agenda Item Wording Request authorization to accept an "Irrevocable Offer to Dedicate Real Property" for a portion of the Tulare Avenue right-of-way, between McAuliff Street and Lovers Lane, for roadway purposes as offered per Instrument No. 1989-0002513, volume 4791 at page 255, Official Records of Tulare County, recorded January 16, 1989. Project No. 1241-9823 (Resolution No 2008-50)

Deadline for Action: None

Submitting Department: Community Development
Department/Engineering Division

Contact Name and Phone Number:
Chris Young 713-4392
Jason Huckleberry 713-4259

Department Recommendation: Staff recommends that the City Council accept an "Irrevocable Offer to Dedicate Real Property" for Tulare Avenue right-of-way for roadway purposes as offered per Instrument No. 1989-0002513 O.R.T.C., recorded January 16, 1989. The irrevocable offer is generally the south 42 feet of the Tulare Avenue right-of-way from Lovers Lane to 480 feet east of Lovers Lane. A copy of the Irrevocable Offer Of Dedication is presented in Exhibit #1. A copy of Parcel Map 3691 which shows the area is attached as Exhibit #2. Project No. 1241-9823.

Summary/background: Council's acceptance of this Irrevocable Offer to Dedicate Real Property will provide the City with the south forty two feet of the future Tulare Avenue at this parcel. This Irrevocable Offer of Dedication combined with right-of-way acquisition from other properties along the north and south side of the alignment will allow for construction of Tulare Avenue from Lovers Lane to McAuliff Street.

Legal descriptions and right-of-way exhibits have been prepared for the Tulare Avenue project. An appraisal of each parcel being acquired is currently underway, it is anticipated that the appraisals will be complete at the end of November 2008. The following is an update to the project schedule, revised to correspond with funding programming:

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.

Complete RW Acquisition	May 2009
Finish Design (Including Traffic Signal)	December 2009
Project Advertisement for Proposals	May 2010
Construction	Summer of 2010

Prior Council/Board Actions: City approved the recordation of the Irrevocable Offer To Dedicate Real Property in January of 1989.

Committee/Commission Review and Actions: None

Alternatives: Do not accept the Irrevocable Offer of Dedication for Real Property as offered per Instrument No. 1989-0002513 O.R.T.C., recorded January 16, 1989 as shown on Parcel Map 3691.

Attachments: Exhibit #1 - Legal description of Irrevocable Offer of Dedication
Exhibit #2 - Copy of Irrevocable offer to dedicate real property, Instrument No.1989-0002513 O.R.T.C.
Exhibit #3 - Parcel Map No. 3691

Recommended Motion (and Alternative Motions if expected):

Move to accept an "Irrevocable Offer to Dedicate Real Property" for a portion of the Tulare Avenue right-of-way, between McAuliff Street and Lovers Lane, for roadway purposes as offered per Instrument No. 1989-0002513 O.R.T.C., recorded January 16, 1989. The irrevocable offer is generally the south 42 feet of the Tulare Avenue right-of-way from Lovers Lane to 480 feet east of Lovers Lane.

Environmental Assessment Status

CEQA Review: Categorical Exemption (Document No. 2007-103) posted with the Tulare County Clerk on August 27, 2008.

NEPA Review:

Tracking Information: Record Resolution.

Copies of this report have been provided to:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING
THE ACCEPTANCE OF AN IRREVOCABLE OFFER TO DEDICATE REAL PROPERTY**

WHEREAS, as offered per Instrument No. 1989-0002513 Official Records of Tulare County, recorded January 16, 1989, the owner Frank R. Souza Jr., submitted an “Irrevocable Offer to Dedicate Real Property” to the City of Visalia, and

WHEREAS, the City Council of the City of Visalia finds it to be in the public interest to accept into the City’s street system that certain parcel more particularly and legally described as follows:

See Attached Exhibit “1”.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Visalia hereby accepts that portion of the “Irrevocable Offer to Dedicate Real Property” as described herein and made a part thereof.

An irrevocable offer of dedication over a portion of the Northwest quarter of the Southwest quarter of Section 34, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California, more particularly described as follows:

Commencing for reference at the Northwest corner of said Northwest quarter of the Southwest quarter;

Thence South $89^{\circ} 24' 50''$ East along the North line of said Northwest quarter, 60.01 feet to the True Point of Beginning of the Parcel to be described;

Thence continuing along said North line, South $89^{\circ} 24' 50''$ East, 480.00 feet;

Thence South $00^{\circ} 30' 12''$ East parallel with the West line of said Northwest quarter of the Southwest quarter, 42.00 feet;

Thence North $89^{\circ} 24' 50''$ West parallel with said North line, 459.62 feet to the beginning of a tangent curve concave Southeasterly having a radius of 20.00 feet;

Thence Southwesterly along said 20.00 foot radius curve through a central angle of $91^{\circ} 05' 22''$ an arc distance of 31.80 feet to a point on the East right-of-way line of Lovers Lane, said right-of-way line being distant 60.00 feet Easterly, measured at right angles from the West line of said Northwest quarter;

Thence leaving said curve, North $00^{\circ} 30' 12''$ West along said right-of-way line, 62.38 feet to the True Point of Beginning.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 6, 2008

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

Agenda Item Wording: Authorization to expand the scope of the Recreation Park Stadium Right Field Improvements construction agreement with Seals/Biehle General Contractors to include construction of new dugouts in the existing stadium grandstand berm. Authorization for City Manager to enter into agreement amendments with Seals/Biehle General Contractors, in an amount not to exceed \$715,000, to include construction of dugouts in the existing stadium grandstand berm. Funding for the dugouts is included in the \$11.6 million dollar budget for the stadium expansion. No additional funding is requested. (Project # 0017-15152-720000-0-8037)

Deadline for Action: October 6, 2008

Submitting Department: Administration

Contact Name and Phone Number:

Phyllis Coring – 713-4566
Adam Ennis – 713-4323

Department Recommendation:

Staff recommends that City Council authorize a change in the scope of the Recreation Park Right Field Improvements agreement with Seals/Biehle General Contractors to include construction of new dugouts in the existing grandstand berm. Further, that City Council authorize the City Manager to enter into amendments to the existing construction agreement with Seals/Biehle, in an amount not to exceed \$715,000, to accommodate the cost of the expanded scope of work. Construction of the dugouts was included as a part of the Right Field Improvements Project previously approved by City Council and funding for this part of the overall project is included in the \$11.6 million dollar budget. No additional funding is requested.

Summary/background:

Construction of new dugouts to meet Baseball Minor League Facility Standards was included as a part of the overall Right Field Improvements Project and \$11.6 million dollar budget approved by City Council on February 19, 2008. The dugouts were originally designed to be constructed in new grandstands. When the decision was made to not go forward with the grandstand project, provision for dugouts to be constructed in the existing grandstands was included in

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Right Field Improvements project and \$11.6 million dollar budget. The dugouts were not included in the \$7.74 million dollar Right Field Improvement construction contract that was also awarded on February 19, 2008, because they had not yet been designed in the existing grandstand berm. New dugouts are required by Minor League Baseball, as the existing dugouts are substandard with regard to seating capacity, ADA access for coaching staff, and restroom facilities.

The dugouts have now been designed to be constructed in the existing grandstand berm and the plans were submitted into the plan check process at the City Building Division last week. Staff recommends that City Council authorize expanding the scope of the current Right Field Improvement construction agreement with Seals/Biehle General Contractors to incorporate the dugouts. This will provide that work can begin in a timely manner which is critical for completing the work prior to the opening of the 2009 Baseball Season.

Seals/Biehle has submitted a cost estimate for the dugouts in the amount of \$715,000. The construction cost estimate for the dugouts and associated utilities has been based on partially complete plans (50% drawings), which is why staff recommendation is to approve a "not to exceed" amount, rather than a firm price. The contractor and City staff is continuing to refine and determine the most cost effective methods for providing utilities to the site and preparing the existing berm for the dugouts. If authorized by City Council, staff will be able to continue to work with the contractor and issue an initial contract amendment for the demolition of the berm in preparation for the new dugouts. The contractor is not able to provide a final cost figure for the entire dugout project until the plans and plan check process is complete. Once the building permit is ready to issue for the dugouts, a final cost can be determined and the contract amendment for the remainder of the work can be issued. It is necessary to begin work on the dugouts as soon as possible in order to complete the project on time. The cost estimate has been reviewed by an independent cost estimating firm, Sierra West, through the project's construction manager, BJ Perch. Staff and the construction manager believe the costs are reasonable and appropriate.

Staff believes that it is preferable and necessary to proceed with the work to be performed by the contractor currently on the project, by expanding the scope of work in the agreement, primarily for schedule considerations, since the dugouts have to be complete by opening day 2009. The alternative would be to separate out the dugouts into a separate project and bid process. Staff believes this would jeopardize completing the project during the compressed time line. Unlike the construction that occurred during the playing season this year, that will not be possible for the dugouts since they are being cut into the existing grandstand which will need to be back into condition suitable for seating by the first home game of the new baseball season. In addition, staff believes it is appropriate to expand the existing agreement for the following variety of reasons:

- Cost savings in General Conditions will be realized by having one site superintendent, construction trailer, temporary utilities, construction bonds, etc.
- Two general contractors on site would necessitate two separate construction yards and complicate the construction site.
- The ballpark is a very small and confined. It would be very difficult to maintain two completely distinct job sites, which would be necessary for liability and control issues.
- Having two general contractors on site would cloud who is the responsible party for site conditions. For example, one contractor would be cutting into utility lines being installed

by the other contractor, before final inspections and city acceptance. Demolition by one contractor would be taking place proximate to new improvements by the other and damage could occur. Heavy equipment brought in by one contractor could disturb the job site operation of the other.

- Coordination issues between the two operations could be used as cause for delay.

Summary

Authorization to expand the scope of the existing Right Field Improvements construction agreement will provide for the project to proceed toward completion in time for the 2009 Baseball Season. This action will authorize the City Manager to enter into contract amendments, in an amount not to exceed \$715,000, for the costs of constructing the new dugouts in the existing grandstand berm. The dugout construction cost is within the approved budget. No additional funding is necessary.

Prior Council/Board Actions:

February 19, 2008 - City Council approved the Right Field Improvement Budget of \$11.6 million dollars and the construction agreement with Seals/Biehle in the amount of \$7.74 million dollars.

Committee/Commission Review and Actions:

Alternatives: None Recommended

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to expand the scope of the Recreation Park Stadium Right Field Improvements construction agreement with Seals/Biehle General Contractors to include construction of new dugouts in the existing stadium grandstand berm and authorize the City Manager to enter into agreement amendments with Seals/Biehle General Contractors, in an amount not to exceed \$715,000, to include construction of new dugouts in the existing grandstand berm.

Environmental Assessment Status

CEQA Review: Environmental Document 2007- 45- Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15332 (infill project) of the Guidelines for Implementation of the California Environmental Quality Act

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: October 6, 2008

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

Agenda Item Wording: Authorization to transfer four (4) parking lots from the Parking fund to the Transit fund; and, appropriate funds (from grants already approved) in the amount of \$903,000.

Deadline for Action: October 6, 2008

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

That the City Council authorize the transfer of four parking lots from the Parking fund to the Transit fund to support future Transit Center development.

Summary/Background

In February 2004 the City completed construction of the Visalia Transit Center. The facility originally included space for 16 buses to be parked at one time. Due to a series of events and developments in the vicinity of the transit center, and the accelerated growth of transit services operating in the City of Visalia, we are getting very close to using all available bus parking spaces. Also, due to the continuing growth of bus ridership, we are planning for the future need of more advanced mass transit services, such as bus rapid transit (BRT) and eventually light rail transit (LRT) within Visalia. These potential services will require additional space in the downtown area; therefore it is prudent for the City to plan for it now.

With the growth of the transit system in mind, the Transit Division has obtained authorization from the Federal Transit Administration (FTA) to use \$722,400 in remaining funds from the original transit center grants to obtain several parking lots and place them under control of the transit division. This is needed in order to prepare for the long term transit center expansion plans. These funds are due to lapse and will otherwise be deobligated back to FTA if the City does not spend it. There is a required 20% match of \$180,600 that will come from available Transportation Development Act (TDA) funds.

Currently all four parking lots are in the City of Visalia Parking fund. With this transfer the Transit Division will pay the Parking fund \$903,000. There are several reasons the City, on behalf of the transit division, needs to take this action at this time, include:

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 71108
(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.

1. To keep from losing unspent grant funds dedicated to the transit center.
2. To retain the parking lots as parking, which otherwise would be subject to development before expansion plans are complete.
3. To plan for space needs at the transit center to accommodate future BRT and LRT.

The Council, as always, still retains the authority to change the use of this property, whether it is the parking fund or the transit fund.

Funding

There is approximately \$920,489 in grant funding available from the original Transit Center development. The funding for these parking lots comes from two sources. Approximately eighty percent (80%) comes from Federal Transit Administration (FTA) funds and approximately twenty percent (20%) from the Local Transportation Fund (LTF), which is derived from the ¼ cent county sales tax and can only be used for transportation purposes

This money must be spent in order to retain it. These funds are collected on a reimbursement basis.

Property Information

In February 2008, an appraisal by the Hopper Company was conducted on the four existing parking lot properties. The description and fair market value of the parking lots are listed below.

CITY LOTS IMPROVED FOR PARKING: *The two smaller parcels warrant slightly higher value

Appraisal/ Sales Data	Date	Location/Information	Amount
Hopper Appraisal	2/7/008	City Lot 29 (SWC of Oak & Bridge- APN: 094-285-015) [17,296 sq.ft.]	\$260,000 (\$15.00/sq.ft.)
Hopper Appraisal	2/7/2008	City Lot 41 (NWC of Oak & Santa Fe- APN: 094-284-006) [*9,824 sq.ft.]	\$150,000 (\$15.25/sq.ft.)
Hopper Appraisal	2/7/2008	City Lot 42 (NEC of Oak & Santa Fe- APN:094-240-002) [21,648 sq.ft. x \$15.00/sq.ft.]	\$325,000 (\$15.00/sq.ft.)
Hopper Appraisal	2/7/2008	City Lot 43 (SWC of Oak & Tipton –APN: 094-240-040) [*11,021 sq.ft.]	\$168,000 (\$15.25/sq.ft.)

There is an existing commitment to Family Health Care Network (FHCN) to assign four spaces in the lot adjacent to their office. FHCN entered into this parking license agreement with the City in August 2003. The transfer of this parking lot does not change the agreement. The City, including Transit, will honor the agreement. The agreement references the following:

1. Designated parking spaces are for its doctors.
2. FHCN currently pays \$150.00 per month which goes to the parking fund.
3. If the transfer is approved, future payments will go to the transit fund.
4. The monthly rate will increase by \$10.00 per month annually on the anniversary date of the effective date August 18, 2003.
5. FHCN is responsible for the maintenance of said parking spaces.

Prior Council/Board Actions: On May 19, 2008 Council authorized the purchase of the lot at 404 E. Center, adjacent to the transit center, from Tim Razzarri for similar purposes.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: None.

Recommended Motion (and Alternative Motions if expected):

I move that the City Council authorize the transfer of four parking lots from the Parking fund to the Transit fund for future Transit Center development; and, appropriate funds (from grants already approved) in the amount of \$903,000.

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)*

Financial Impact

Funding Source:

Account Number:

Account Number: 4511-00000-720000-0-9399

Budget Recap:

Total Estimated cost: \$0

New Revenue: \$ 0

Amount Budgeted: \$ 0

* Lost Revenue: \$

New funding required:\$

New Personnel: \$

Council Policy Change: Yes____ No X

City of Visalia Agenda Item Transmittal

Meeting Date: October 6, 2008

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

Agenda Item Wording: Authorize the City Manager to execute Amendment Number One to the Agreement for Use and Maintenance of Swimming Pool Facilities with the Visalia Unified School District.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

Contact Name and Phone Number: Jeannie Greenwood,
Recreation Manager, 713-4042

Department Recommendation: Authorize the City Manager to execute an amendment to the existing agreement with Visalia Unified School District to include the use of the El Diamante Swimming Pool.

Background Information: On December 8, 1982, the City of Visalia and Visalia Unified School District (VUSD) entered into a ninety-nine (99) year “agreement for the lease of real property and construction of a swimming pool facility and the use and maintenance thereof.” In consideration for the lease of the land and a \$575,000.00 contribution to the cost of constructing a swimming pool at Redwood High School, the City was granted use of said pool “at times when the facilities are not being used for school purposes and functions, and during the summer months when school is not regularly in session”.

On August 1, 1997, the City of Visalia and Visalia Unified School District entered into a twenty five (25) year agreement for the City’s use of pool facilities located at Golden West and Mt. Whitney High Schools. The pool use arrangement was created in exchange for the City’s contribution to VUSD’s Instructional Media Center. Under the terms of this agreement, “the swimming pool facilities shall be utilized by the School District during the months that school is open primarily for school purposes or functions and consistent with California Interscholastic Federation rules and regulations.” “At times when the facilities are not being used for school purposes and functions, general maintenance, painting and scheduled major repairs and during the summer months when school is not regularly in session, the School District shall make the swimming pool facilities available for the City’s use in conjunction with the City’s municipal recreation program.”

At the time of the execution of the Golden West and Mt. Whitney pool use agreement, the City’s Parks and Recreation Department had access to all three pools for 12 weeks during the summer months when school was out. The City pays an annual contribution to the school district of \$33,539.00 plus 23% of maintenance costs.

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.

As school schedules have changed over the years, the summer vacation schedules for VUSD have shortened to nine (9) weeks of programmable time per summer, eliminating three weeks of programming for the City per pool site each year.

With the addition of the new El Diamante pool, the City has requested use of this additional facility for the purpose of recreational programming including, but not limited to, swim lessons, swim teams and fitness programs.

Under the original agreements, the City was granted a total of 36 weeks of program time (3 pools x 12 weeks per pool) for their annual contribution. The City has requested that VUSD allow the use of the El Diamante pool for nine weeks during the school's summer break. This would allow for the City to again offer 36 weeks of programming (4 schools x 9 weeks per pool) to the community of Visalia.

The attached Amendment adds the use of the El Diamante facility under the same terms and at the same rate of compensation as the original agreement for the use of Mt. Whitney and Golden West.

Prior Council/Board Actions:

December, 1982	Agreement for the Lease of Real Property, Construction of a Swimming Pool Facility and the use and Maintenance thereof
October, 1987	Blanket Joint-Use Facilities Indemnification and Hold Harmless Agreement
August, 1997	Agreement for Use and Maintenance of Swimming Pool Facilities
August, 1997	Agreement for the Joint Use of Instructional Media Center

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Above referenced contracts, Amendment Number One

Recommended Motion (and Alternative Motions if expected): City Council hereby authorizes the City Manager to execute Amendment Number One to the Agreement for Use and Maintenance of Swimming Pool Facilities with the Visalia Unified School District.

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:

AMENDMENT NUMBER ONE
TO
AGREEMENT FOR USE AND MAINTENANCE
OF SWIMMING POOL FACILITIES

THIS AMENDMENT is made and entered into this ___ day of _____, 2008, by and between the CITY OF VISALIA, a charter law city and municipal corporation, hereinafter referred to as the "City," and the VISALIA UNIFIED SCHOOL DISTRICT, a public school district, hereinafter referred to as "School District;"

W I T N E S S E T H

WHEREAS, City and School District (hereinafter collectively referred to as "the parties") both desire to amend the original and existing Agreement for Use and Maintenance of Swimming Pool Facilities (hereinafter referred to as "the Agreement") between the parties, originally entered into on August 1, 1997; and

WHEREAS, since the Agreement was entered into between the parties, the time that the swimming pool facilities are available to the City during the summer has decreased from twelve to nine weeks; and

WHEREAS, since the Agreement was entered into between the parties, the School District has added a fourth high school with swimming pool facilities; and

WHEREAS, the amount of money paid by the City to the School District for use of the swimming pool facilities will remain the same under this Amendment because the loss of approximately one-quarter of availability during the summer is being compensated with the use of a fourth swimming pool; and

WHEREAS, except as expressly indicated below, all terms and provisions of the original and existing Agreement shall remain in full force and effect; and

WHEREAS, both parties have provided their written consent to this Amendment, as evidenced by their respective signatures below.

NOW THEREFORE, for and in consideration of the mutual promises, covenants and agreements set forth in the Agreement, the City and School District do agree to the following Amendment:

1. The first paragraph of that section of the Agreement entitled "WITNESSETH" is hereby amended to read as follows:

WHEREAS, School District owns and maintains swimming pool facilities for use in conjunction with school activities located on Golden West High School, Mt. Whitney High School, and El

Diamante High School Campuses, such facilities collectively referred to hereinafter as the “swimming pool facilities;”

2. The following shall be added to end of paragraph 5 to describe how the parties will annually reach a summer usage schedule.

“The Superintendent of Visalia Unified School District, or his/her designee, and the City of Visalia City Manager, or his/her designee, shall annually meet, prior to the first business day in March, to discuss the upcoming summer usage schedule of the Visalia Unified School District high school pools. The City and the School District shall determine the days and times the School District will use the pools for their aquatic programs during the summer. Summer usage by the School District will depend upon the extent to which the City recreational use schedule can accommodate their requests.

The City and the School District agree to meet and confer in good faith to determine a mutually agreeable summer usage schedule. If the parties cannot agree on a summer usage schedule by the first business day in April, then the parties will follow the usage schedule from the preceding summer.”

3. The City address listed in paragraph 13 and relevant to notices shall be amended to read as follows:

City Manager
425 East Oak Avenue, Suite 301
Visalia, California 93291

IN WITNESS WHEREOF, the parties hereto have caused their names and corporate seals to be hereunto affixed by their respective officers thereunto authorized, the day and year first written above.

VISALIA UNIFIED SCHOOL DISTRICT

Stan A. Carrizosa, Superintendent of Schools

CITY OF VISALIA

Steve M. Salomon, City Manager

City of Visalia Agenda Item Transmittal

Meeting Date: October 6, 2008

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

Agenda Item Wording: Award a construction contract and authorize the City Manager to execute an agreement for the St. Johns River Trail Project (East of McAuliff Street) to the low bidder Yarbs Enterprise, in the amount of \$76,444.00. Project # 3011-00000-720000-0-9716-2008.

Deadline for Action: October 18, 2008 (30 days after bid opening)

Submitting Department: Parks and Recreation Department

Contact Name and Phone Number: Vince Elizondo 713-4367, Paul Shepard 713-4209, Adam Ennis 713-4323, Rebecca Keenan 713-4541

Department Recommendation

The Parks and Recreation Department recommends that the City Council award a Construction Contract and authorize the City Manager to execute an agreement for the St. Johns River Trail Project (east of McAuliff Street) to the low bidder, Yarbs Enterprise, in the amount of \$76,444.00. This is City Project # 3011-00000-720000-0-9716-2008.

Summary

The project is located east of McAuliff Street, south of the St. Johns River. It includes the demolition of an existing abandoned driveway, some wire fence, and a tree. It also includes the installation of approximately 1500 lineal feet of new asphalt concrete trail. The new trail will require grading of the site, and import of dirt from an adjacent City site. There will also be irrigation sleeves placed under the asphalt trail, for use in future landscape and irrigation. This phase does not include landscape and irrigation.

This project is a phase of the master planned trail system that is scheduled to terminate at Cutler Park. This phase will terminate below the levee. Future phases will tie into this portion, and sweep up to the existing levee, then transition off of the levee to a landscaped corridor.

On September 18, 2008, the City opened 16 bids submitted for the St. Johns River Trail Project (East of McAuliff Street). The results of the bid opening are as follows:

- | | |
|--|-------------|
| 1. Yarbs Enterprise | \$76,444.00 |
| 2. Hofmar Engineering and Construction | \$95,410.97 |
| 3. Larry Nelson Construction | \$96,810.40 |

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 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.

4. Garcia Paving Company	\$101,231.00
5. JWT General Engineering	\$104,579.00
6. Dunn's Sand, Inc.	\$109,360.00
7. Mass X Inc.	\$117,800.00
8. Don Berry Construction	\$118,369.00
9. American Paving Co.	\$119,777.00
10. Serna Construction Inc.	\$125,599.50
11. Fees Construction	\$126,001.29
12. Central Valley Asphalt	\$133,151.00
13. Bates Construction	\$138,634.00
14. Galante Bros. Enterprises Inc.	\$140,447.41
15. FMDiaz	\$148,707.49
16. Lee's Paving Inc.	\$191,930.00

City staff has contacted the three references provided by the apparent low bidder, Yarbs Enterprise. One reference responded indicating satisfactory performance. One of the references contacted was the City of Tulare, which had very positive comments regarding this contractor.

The Engineers Estimate for construction of this project was \$150,000.00. The total project estimated cost (for this phase only), including construction bid, project management, inspection, staking, design, and testing of this phase of the project is \$120,000.00.

There are currently funds available for the overall project in the amount of \$300,000.00. A portion of the project funds will come from a competitive grant received from the Recreational Trails Program (RTP) (\$79,000.00). This grant has a minimal match required in the amount of \$20,000. The match is being provided by a variety of sources, including a RELEAF grant (\$8,000), Youth Corp (\$3,000), Park & Rec Foundation (\$2,500), Castlewood Partners (\$2,500), and City of Visalia (\$4,000). The City must spend the RTP grant by the summer of 2010.

The remainder of the funds for this project will come from Measure R Funds (\$201,000.00). Any excess funds will be used for landscaping, irrigation, levee improvements, and the next phase of the overall trail. It is anticipated that the landscaping for this phase of the trail will be completed by the summer of 2009.

This construction phase of the St. Johns River Trail Project (east of McAuliff) is planned to be completed by December, 2008.

Prior Council/Board Actions: None.

Committee/Commission Review and Actions: The Bicycle, Pedestrian and Waterway Trails Committee reviewed the project design concept on May 1, 2007.

Alternatives: Do not award contract.

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

Recommended Motion (and Alternative Motions if expected): I move to award a Construction Contract and authorize the City Manager to execute an agreement for the St. Johns River Trail Project (East of McAuliff f Street), to the low bidder, Yarbs Enterprise, in the amount of \$76,444.00. Project # 3011-00000-720000-0-9716-2008.

Financial Impact

Funding Source:

Account Number: 3011-00000-720000-0-9716-2008

Budget Recap:

Total Estimated cost: \$120,000 New Revenue: \$
Amount Budgeted: \$300,000 Lost Revenue: \$
New funding required: \$000 New Personnel: \$
Council Policy Change: Yes____ No X

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

Required? Yes x No
Review and Action: Prior: Categorical exclusion
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*)

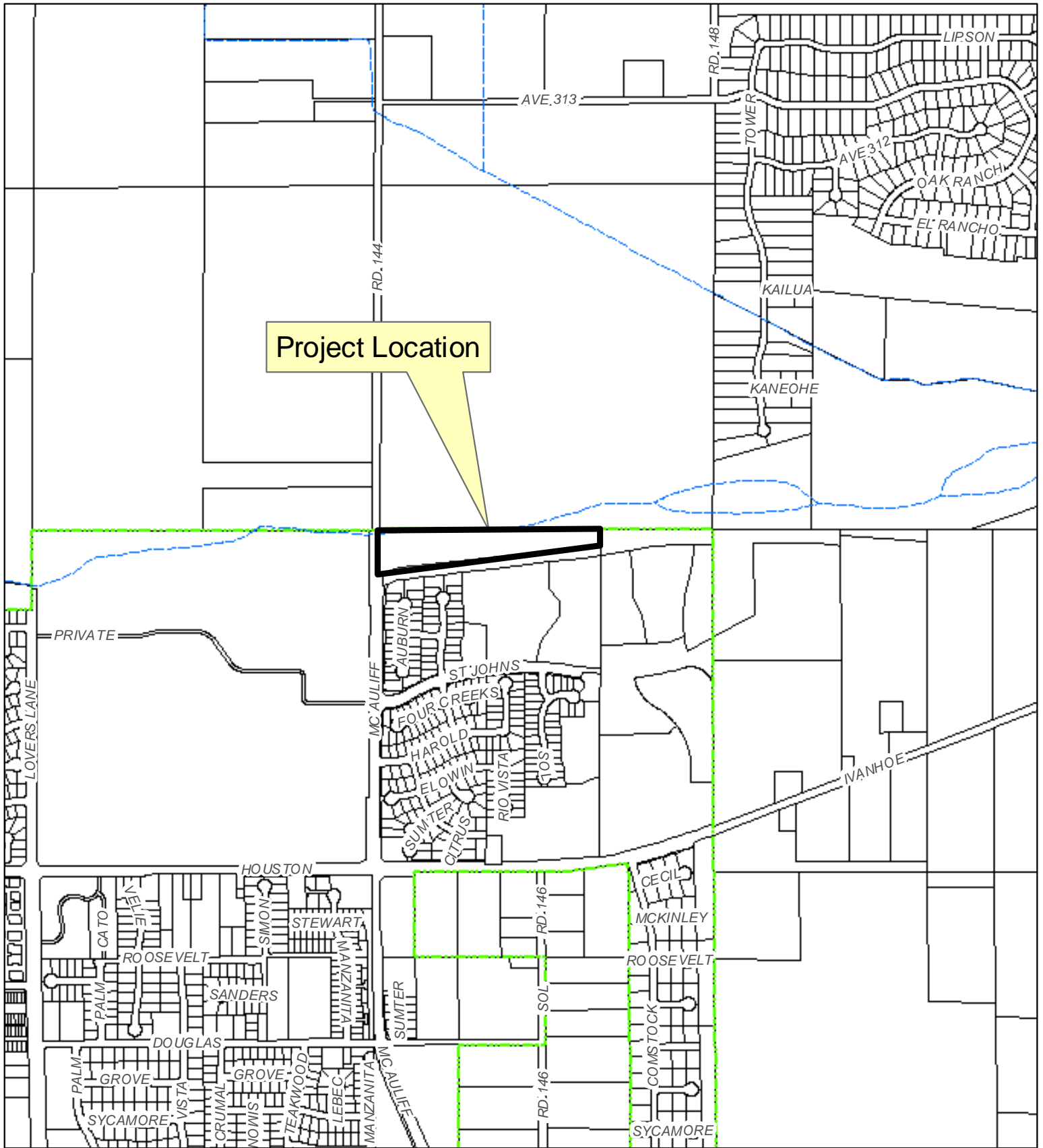
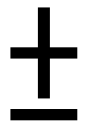


Exhibit 1 St. Johns River Trail Location Map



Scale: 1"=1000'

**St. Johns River Trail (East of McAuliff Street)
Bid Summary Sheet**

Project No. 3011-00000-720000-0-9716-2008
 Bid Opening: 2:00 PM, September 18, 2008
 Prevailing Wage

<i>BIDDERS NAMES</i>							
	<i>ITEMS</i>	<i>UNIT</i>	<i>QTY</i>	<i>ENGINEERS ESTIMATE</i>		<i>Yarbs Enterprise</i>	
				<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>
	<i>BASE BID</i>						
1	<i>Mobilization</i>	<i>L.S.</i>	<i>1</i>	<i>\$6,000.00</i>	<i>\$ 6,000.00</i>	<i>\$ 7,500.00</i>	<i>\$ 7,500.00</i>
2	<i>Traffic Control Systems</i>	<i>L.S.</i>	<i>1</i>	<i>\$3,300.00</i>	<i>\$ 3,300.00</i>	<i>\$ 500.00</i>	<i>\$ 500.00</i>
3	<i>Clearing and Grubbing</i>	<i>L.S.</i>	<i>1</i>	<i>\$8,800.00</i>	<i>\$ 8,800.00</i>	<i>\$ 4,000.00</i>	<i>\$ 4,000.00</i>
4	<i>Prepare Storm Water Pollution Prevention Plan</i>	<i>L.S.</i>	<i>1</i>	<i>\$4,200.00</i>	<i>\$ 4,200.00</i>	<i>\$ 2,500.00</i>	<i>\$ 2,500.00</i>
5	<i>Implementation and Maintenance of Storm Water Pollution Prevention Plan</i>	<i>L.S.</i>	<i>1</i>	<i>\$4,700.00</i>	<i>\$ 4,700.00</i>	<i>\$ 500.00</i>	<i>\$ 500.00</i>
6	<i>Grading and Earthwork</i>	<i>L.S.</i>	<i>1</i>	<i>\$66,000.00</i>	<i>\$ 66,000.00</i>	<i>\$ 15,000.00</i>	<i>\$ 15,000.00</i>
7	<i>Irrigation Sleeves</i>	<i>Each</i>	<i>8</i>	<i>\$310.00</i>	<i>\$ 2,480.00</i>	<i>\$ 300.00</i>	<i>\$ 2,400.00</i>
8	<i>Asphalt Concrete (Type B)</i>	<i>TONS</i>	<i>373</i>	<i>\$110.00</i>	<i>\$ 41,030.00</i>	<i>\$ 103.00</i>	<i>\$ 38,419.00</i>
9	<i>Bollards</i>	<i>Each</i>	<i>25</i>	<i>\$540.00</i>	<i>\$ 13,500.00</i>	<i>\$ 225.00</i>	<i>\$ 5,625.00</i>
	<i>BASE BID TOTAL</i>				<i>\$ 150,010.00</i>		<i>\$ 76,444.00</i>

**Indicates error in bid. Contractor's total shown adjacent to asterisk.*

**St. Johns River Trail (East of McAuliff Street)
Bid Summary Sheet**

Project No. 3011-00000-720000-0-9716-2008
 Bid Opening: 2:00 PM, September 18, 2008
 Prevailing Wage

<i>Hofmar Engineering and Construction</i>		<i>Larry Nelson Construction</i>		<i>Garcia Paving Company</i>		<i>JWT General Engineering</i>	
<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>
\$ 3,896.44	\$ 3,896.44	\$ 2,370.00	\$ 2,370.00	\$ 3,245.00	\$ 3,245.00	\$ 2,500.00	\$ 2,500.00
\$ 560.30	\$ 560.30	\$ 450.00	\$ 450.00	\$ 2,163.00	\$ 2,163.00	\$ 1,000.00	\$ 1,000.00
\$ 4,344.36	\$ 4,344.36	\$ 2,470.00	\$ 2,470.00	\$ 4,580.00	\$ 4,580.00	\$ 9,500.00	\$ 9,500.00
\$ 1,306.81	\$ 1,306.81	\$ 4,400.00	\$ 4,400.00	\$ 2,163.00	\$ 2,163.00	\$ 1,500.00	\$ 1,500.00
\$ 822.32	\$ 822.32	\$ 5,170.00	\$ 5,170.00	\$ 1,082.00	\$ 1,082.00	\$ 1,000.00	\$ 1,000.00
\$ 39,603.04	\$ 39,603.04	\$ 28,675.00	\$ 28,675.00	\$ 31,607.00	\$ 31,607.00	\$ 33,430.00	\$ 33,430.00
\$ 104.40	\$ 835.20	\$ 123.75	\$ 990.00	\$ 500.00	\$ 4,000.00	\$ 125.00	\$ 1,000.00
\$ 110.00	\$ 41,030.00	\$ 129.80	\$ 48,415.40	\$ 117.00	\$ 43,641.00	\$ 113.00	\$ 42,149.00
\$ 120.50	\$ 3,012.50	\$ 154.80	\$ 3,870.00	\$ 350.00	\$ 8,750.00	\$ 500.00	\$ 12,500.00
0	\$ 95,410.97		\$ 96,810.40		\$ 101,231.00		\$ 104,579.00

*\$95,630.97

**St. Johns River Trail (East of McAuliff Street)
Bid Summary Sheet**

**Project No. 3011-00000-720000-0-9716-2008
Bid Opening: 2:00 PM, September 18, 2008
Prevailing Wage**

<i>Dunn's Sand, Inc</i>		<i>Mass X Inc</i>		<i>Don Berry Construction Inc.</i>		<i>American Paving Co.</i>	
<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>
\$ 3,000.00	\$ 3,000.00	\$ 3,300.00	\$ 3,300.00	\$ 17,000.00	\$ 17,000.00	\$ 10,000.00	\$ 10,000.00
\$ 500.00	\$ 500.00	\$ 2,600.00	\$ 2,600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00
\$ 2,800.00	\$ 2,800.00	\$ 4,800.00	\$ 4,800.00	\$ 4,000.00	\$ 4,000.00	\$ 3,130.00	\$ 3,130.00
\$ 2,000.00	\$ 2,000.00	\$ 1,400.00	\$ 1,400.00	\$ 1,300.00	\$ 1,300.00	\$ 790.00	\$ 790.00
\$ 1,000.00	\$ 1,000.00	\$ 6,800.00	\$ 6,800.00	\$ 3,500.00	\$ 3,500.00	\$ 4,100.00	\$ 4,100.00
\$ 42,000.00	\$ 42,000.00	\$ 21,700.00	\$ 21,700.00	\$ 40,000.00	\$ 40,000.00	\$ 37,940.00	\$ 37,940.00
\$ 100.00	\$ 800.00	\$ 320.00	\$ 2,560.00	\$ 135.00	\$ 1,080.00	\$ 655.00	\$ 5,240.00
\$ 120.00	\$ 44,760.00	\$ 180.00	\$ 67,140.00	\$ 118.00	\$ 44,014.00	\$ 124.00	\$ 46,252.00
\$ 500.00	\$ 12,500.00	\$ 300.00	\$ 7,500.00	\$ 275.00	\$ 6,875.00	\$ 469.00	\$ 11,725.00
	\$ 109,360.00		\$ 117,800.00		\$ 118,369.00		\$ 119,777.00

**St. Johns River Trail (East of McAuliff Street)
Bid Summary Sheet**

Project No. 3011-00000-720000-0-9716-2008
 Bid Opening: 2:00 PM, September 18, 2008
 Prevailing Wage

<i>Serna Construction Inc.</i>		<i>Fees Construction</i>		<i>Central Valley Asphalt</i>		<i>Bates Construction</i>	
<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>
\$ 7,000.00	\$ 7,000.00	\$ 18,830.00	\$ 18,830.00	\$ 3,700.00	\$ 3,700.00	\$ 5,000.00	\$ 5,000.00
\$ 5,500.00	\$ 5,500.00	\$ 500.00	\$ 500.00	\$ 700.00	\$ 700.00	\$ 2,500.00	\$ 2,500.00
\$ 2,000.00	\$ 2,000.00	\$ 1,750.00	\$ 1,750.00	\$ 5,300.00	\$ 5,300.00	\$ 3,500.00	\$ 3,500.00
\$ 2,000.00	\$ 2,000.00	\$ 3,400.00	\$ 3,400.00	\$ 1,600.00	\$ 1,600.00	\$ 900.00	\$ 900.00
\$ 2,000.00	\$ 2,000.00	\$ 16,183.00	\$ 16,183.00	\$ 2,600.00	\$ 2,600.00	\$ 1,500.00	\$ 1,500.00
\$ 45,769.00	\$ 45,769.00	\$ 40,000.00	\$ 40,000.00	\$ 59,300.00	\$ 59,300.00	\$ 56,000.00	\$ 56,000.00
\$ 800.00	\$ 6,400.00	\$ 250.00	\$ 2,000.00	\$ 336.00	\$ 2,688.00	\$ 98.00	\$ 784.00
\$ 128.50	\$ 47,930.50	\$ 92.73	\$ 34,588.29	\$ 131.00	\$ 48,863.00	\$ 150.00	\$ 55,950.00
\$ 280.00	\$ 7,000.00	\$ 350.00	\$ 8,750.00	\$ 336.00	\$ 8,400.00	\$ 500.00	\$ 12,500.00
	\$ 125,599.50		\$ 126,001.29		\$ 133,151.00		\$ 138,634.00

*\$119,999.50

*\$126,000.00

**St. Johns River Trail (East of McAuliff Street)
Bid Summary Sheet**

Project No. 3011-00000-720000-0-9716-2008
 Bid Opening: 2:00 PM, September 18, 2008
 Prevailing Wage

<i>Galante Bros. Enterprises, Inc.</i>		<i>FMDiaz</i>		<i>Lee's Paving Inc.</i>	
<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>	<i>UNIT COST</i>	<i>TOTAL</i>
\$ 800.00	\$ 800.00	\$ 26,910.00	\$ 26,910.00	\$ 23,000.00	\$ 23,000.00
\$ 1,500.00	\$ 1,500.00	\$ 5,850.00	\$ 5,850.00	\$ 3,000.00	\$ 3,000.00
\$ 8,650.00	\$ 8,650.00	\$ 4,972.50	\$ 4,972.50	\$ 5,000.00	\$ 5,000.00
\$ 4,840.50	\$ 4,840.50	\$ 11,700.00	\$ 11,700.00	\$ 3,000.00	\$ 3,000.00
\$ 14,199.15	\$ 14,199.15	\$ 2,925.00	\$ 2,925.00	\$ 5,000.00	\$ 5,000.00
\$ 46,652.00	\$ 46,652.00	\$ 39,078.00	\$ 39,078.00	\$ 97,530.00	\$ 97,530.00
\$ 420.00	\$ 3,360.00	\$ 73.13	\$ 585.04	\$ 390.00	\$ 3,120.00
\$ 137.12	\$ 51,145.76	\$ 140.15	\$ 52,275.95	\$ 110.00	\$ 41,030.00
\$ 372.00	\$ 9,300.00	\$ 176.44	\$ 4,411.00	\$ 450.00	\$ 11,250.00
	\$ 140,447.41		\$ 148,707.49		\$ 191,930.00

***\$148,707.00**

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 6, 2008

Agenda Item Number (Assigned by City Clerk): 8

Agenda Item Wording: Status report on Transportation Impact Fees

Deadline for Action: Not Applicable.

Submitting Department: Public Works Department

Contact Name and Phone Number: Andrew Benelli, Public Works Director, 713-4340
Eric Frost, Finance Director, 713-4474

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 _____
(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.

Discussion

On September 2, 2008, City staff presented several recommendations to the City Council to revise the Transportation Impact Fee program. The Council Members supported many of the recommendations but directed staff to consider and study some additional changes. The September 2nd report is attached for background information. The Council asked for staff to evaluate:

1. The fee rate if the developers were required to dedicate sufficient right of way to build a parking lane and a traffic lane.
2. The fee rate if half of the discretionary revenue was reserved for local street improvements.
3. The effects of higher residential density.
4. Establishing a fee category for large industrial buildings over 500,000 square feet.
5. Including improvements to Houston between Mooney and Ben Maddox.

Recommendation

1. Council Request - The fee rate if the developers were required to dedicate sufficient right of way to build a parking lane and a traffic lane.
Staff Recommendation – Do not make this change.
Fee Change – Lowers fees seven percent.

2. Council Request - The fee rate if half of the discretionary revenue was reserved for local street improvements.
Staff Recommendation – Reserve half of the discretionary revenue for local street improvements.
Fee Change – Raises fees fifteen percent.
3. Council Request - The effects of higher residential density.
Staff Recommendation – Do not make any changes in program at this time.
Fee Change – Lowers fees by four percent.
4. Council Request - Investigate a fee category for large industrial buildings over 500,000 square feet.
Staff Recommendation – Include a category for large industrial.
Fee Change – Raises all other fees by 0.4 percent.
5. Council Request – Include a project to widen Houston between Mooney and Santa Fe to four lanes in the proposed TIF program.
Staff Recommendation – Include funds for a project that improves traffic flow but limits the neighborhood impacts.
Fee Change – Raises fees three percent.

Right of Way Dedication Requirements

The current impact fee program reimburses developers for all of the right of way needed to build the Collector and Arterial streets that are in the Circulation Element of the General Plan. Developers dedicate the right of way for all local streets (low volume neighborhood streets) without any payments or fee reductions. In the last report, staff recommended changing the program to require developers to dedicate the right of way needed for the sidewalks and the parking lanes on Collectors and Arterials. In most cases this would be eighteen feet (ten feet for sidewalk and eight for parking lane). For more information see Attachment D from the September 2nd staff report. The Council requested that staff evaluate requiring development to dedicate sufficient right of way to build the sidewalk, a parking lane and one travel lane (usually thirty feet total). Staff determined that this change would reduce the City's right of way costs from \$50.5 to \$29.7 million. The fees would be reduced by approximately seven percent.

Staff does not recommend requiring development to dedicate one travel lane for the following reasons:

1. The City can only require right of way dedication if there is a nexus to the development. On some developments, it may be difficult to prove a nexus.
2. Reimbursing for all travel lane right of way is more consistent with the rest of the recommended program. Development will be reimbursed for travel lane construction. Having a single delineation line for pay or no pay is less confusing and easier to administer.
3. Reimbursing for the travel lane will reduce the areas where the roadway changes from two-lanes to one-lane (saw-tooth). If the City is paying for the right of way, then there is no reason to wait to acquire and build. If the development is dedicating, then the tendency is to wait for development.

Discretionary Revenues

The City will receive approximately \$402 million in transportation funds between now and 2030 (build-out). These funds are generated from Gas Tax, Motor Vehicle In-Lieu, Measure R, and from several grant programs. The dollar amount shown does not include trail grants. The estimated transportation revenues that the City expects to receive between now and 2030 are shown below:

Revenue Sources	Estimated Revenue from present to 2030
Motor Vehicle In-lieu Fund	\$17,057,950
Gas Tax Apportionment	\$54,100,300
Street Highway Exchange	\$19,100,300
Federal & State Grants, LTF	\$6,513,200
State Prop 1B	\$3,685,600
Bikeway Grants	\$1,840,000
Measure R Local	\$61,889,458
Measure R Regional & STIP Grants	\$235,421,000
TEA Grants (Trail System)	-0-
Interest Earnings	<u>\$2,715,700</u>
Total	\$402,787,008

The following recommendations were made in the September 2nd staff report:

Total Transportation Funds Available	\$ 402,787,008
Street Maintenance	- \$ 73,692,993
Measure R Regional & STIP Grants	- \$ 235,421,000
Existing Deficiencies	<u>- \$ 23,152,739</u>
Available Discretionary Revenue	\$ 70,520,276

Staff recommends that \$73.6 million (\$3.34 million per year) is allocated for street maintenance activities. The average amount spent was \$1.37 million per year in the last seven years before Measure R was adopted. Measure R generates approximately \$2.81 million per year for the local program. Staff is recommending that \$1.97 million per year from Measure R is allocated for maintenance activities. The remaining Measure R annual revenue, \$840,000, would be allocated to either existing deficiencies on Collectors or Arterials or improvements to Local roads (neighborhood streets).

A large amount of the Measure R revenue, \$235 million, is allocated for specific projects. Since most of these specific projects are in the circulation system, these funds help to reduce the transportation impact fee rates. Staff is recommending that \$23 million is allocated for improving existing deficiencies. These funds will be used to improve roadways that lack the capacity to accommodate the current traffic. Impact fees can only be used to correct deficiencies that are caused by new growth.

Approximately \$70 million in transportation funds are available after deducting the recommended amounts for street maintenance, Measure R project specific funds and correcting the existing deficiencies. These funds are being termed "discretionary revenues". Staff recommended allocating the entire \$70 million to the impact fee program in the last staff report.

The Council expressed concerns about funding improvements to local streets. The City has annexed several County islands in the last three years. Many of the County islands have substandard local streets that are in poor repair. The funds allocated for street maintenance are not adequate to rebuild these streets. Council suggested that half of the discretionary revenues be programmed for street improvements on existing local streets. The remaining discretionary revenues will be used to decrease the rates for infill projects, industrial, office and motel projects. This change will increase the impact fees by approximately fifteen percent. Staff agrees with this recommendation. Please see Attachment A for the recommended transportation impact fee rates.

Higher Density Residential Development

Staff and Willdan evaluated the effects of increasing single family residential densities by ten percent. Higher densities affect the fees in two ways:

1. There will be more dwelling units to share the cost of building the circulation element streets, and
2. The 165k urban boundary will reach built-out at a later date so more transportation revenues will be received from the State and Federal governments.

Increasing the densities by ten percent will cause the number of dwelling units to increase from 29,920 to 31,822. The population will increase from 210,779 to 216,486. The total amount of new trips will increase from 656,563 to 677,544. The rates could be reduced by approximately four percent and the program would still generate sufficient revenue to build the circulation element streets.

The higher densities will result in build-out occurring one year later in 2031. The City receives approximately \$7.4 million per year in transportation revenues (not including Measure R Regional), so the total transportation revenues will increase from the \$402.8 million shown above to \$410.2 million. This results in additional discretionary revenue being available.

Total Transportation Funds Available	\$ 410,257,908
Street Maintenance	- \$ 77,659,457
Measure R Regional & STIP Grants	- \$ 235,421,000
Existing Deficiencies	<u>- \$ 23,152,739</u>
Available Discretionary Revenue	\$ 74,024,712

Half of the discretionary revenue could be allocated (\$37.3 million) to improve the local streets. The other half could be applied to infill projects, industrial, office and motel rates to reduce them to be closer to the amounts that are currently being charged. This would reduce these rates by approximately one percent (in addition to the four percent decrease received from the higher number of dwelling units).

Staff does not recommend adjusting the fees at this time. The growth projections were based on recent residential developments. The fees should not be reduced until there is substantial evidence that development trends have changed. Unless higher densities are mandated by a change to the General Plan, residential development will meet market demands. The fees

should not be reduced until the General Plan is changed and only then if the change mandates higher densities.

Large Industrial Buildings

Several industrial developers testified at the last Council meeting that the proposed fees are substantially higher than they have paid in the past. The current fees are based on the number of employees working in the building. Staff is recommending that the program be changed to set the fees based on the size of the building.

Staff has evaluated two large distribution facilities (over 500,000 square feet) in Visalia and two in Kern County and determined that on the average they have one employee per 3,300 square feet. The current rate is \$1,838.71 per employee so if they had one employee per 3,300 square feet they would be paying \$557 per 1,000 square feet. This rate will not develop sufficient revenue to build the facilities that are needed to accommodate the truck traffic that these large facilities generate. During the September 2nd meeting, staff recommended that the fees for industrial buildings larger than 100,000 square feet be set at \$1,414 per 1,000 square feet. This rate is more than two and a half times what they would have paid in the past. The Council directed staff to evaluate setting a category for very large industrial buildings. Staff is recommending a rate of \$1,200 per 1,000 square feet. This rate is still about double the rate that they pay under the current program.

Industrial projects should be paying more in the current fee program. The fee model for the current program indicates that all projects should be paying \$681.11 per trip. Only the residential projects are paying this rate. Industrial projects pay \$472.67 per trip which is converted to \$1,838.71 per employee. Based on the model for the current fee program, the industrial projects should be paying \$2,649.52 per employee. If they were paying the fee indicated by the current model and they had one employee per 3,300 square feet, they would be paying \$1,245 per 1,000 square feet. This amount is very close to the fee that is proposed in the new program.

The fee model for the proposed program indicates the all industrial users should be paying \$3,228. Staff is recommending that discretionary funds are used to reduce all of the industrial rates. The proposed rate for large industries, over 500,000 square feet, is \$1,200 so over half of the calculated fees are being paid with discretionary revenue. The Council has suggested that half of the discretionary revenue is held for local street projects. These funds could also be used to reduce the fees for any single project to be lower than the proposed fee. For instance, if highly desirable industry was considering locating in Visalia, the Council could decide to use some of the discretionary revenues (that were set aside for local streets) to pay part or all of the impact fees as an enticement to get the industry to locate in Visalia.

Houston Avenue

During the September 2nd meeting, staff recommended eliminating several circulation element projects from the Transportation Impact Fee program. A project to widen Houston to a four-lane roadway (from Santa Fe to Mooney) was not included in the program. The TIF Task Force and Willdan decided to remove this project because it would require substantial right of way acquisition and would eliminate substantial street parking. Houston will never be an efficient arterial roadway because the high number of driveways creates friction that slows the through traffic. Several Council members expressed concern about not including Houston. Staff has investigated designs for Houston that would improve the traffic conditions without the neighborhood impacts that result from a typical street widening project.

Staff is now recommending that funds for improving Houston be included in the Transportation Impact Fee program. Houston would be improved to carry more traffic but may not have four lanes the entire length. The cost estimate to improve this segment of Houston is \$3.4 million plus \$2.6 million for right of way. The total cost is estimated to be \$6.1 million. This will increase the fees by about three percent.

Fee Comparison to other Cities

Table 1: Transportation Impact Fee Comparison

	Single Family	Apartments Per Unit	Commercial Per 1,000 sf	Office Per 1,000 sf	Industrial Per 1,000 sf
Visalia, Current	\$6,504	\$4,407	\$17,076	\$5,305	\$557
Visalia, Proposed	\$5,404	\$3,795	\$13,341	\$5,305	\$1,919
Visalia, Infill Proposed	\$5,404	\$3,795	\$11,340	\$4,509	\$1,919
Bakersfield, Core	\$3,403	\$1,633	\$910	\$884	\$302
Bakersfield, Non-core	\$6,826	\$3,276	\$1,849	\$1,768	\$610
Clovis	\$6,475	\$5,396	\$8,849	\$5,728	\$7,433
Fresno	\$5,430	\$2,975	\$5,862	\$3,334	\$1,087
Hanford	\$2,284	\$1,570	\$9,727	\$1,999	\$1,302
Merced	\$9,483	\$6,844	\$14,423	\$12,617	\$3,606
Modesto	\$10,231	\$7,087	\$18,731	\$10,274	\$3,984
Porterville	\$955	\$647	\$4,678	\$2,459	\$697
Stockton	\$14,288	\$10,417	\$7,948	\$6,198	\$2,531
Tulare	\$1,601	\$1,111	\$3,013	\$2,109	\$1,162
Average w/o Visalia	\$5,543	\$3,723	\$6,908	\$4,306	\$2,065

Table 2: Reimbursable Road Components by Fee Program

	Right of Way	Utilities	Street Construction
Visalia, Current	Full	All	Curb to Curb
Visalia, Proposed	Both Travel Lanes	None	Both Travel Lanes
Bakersfield	None	None	Inner Travel Lanes
Clovis	Full	All	Curb to Curb
Fresno	None	None	Shoulder to Shoulder
Hanford	Full	None	Curb to Curb
Merced	Greater than 37 ft	None	Greater than 24 ft
Modesto	Greater than 40 ft	None	Greater than 40 ft
Porterville	Inner Travel Lane	None	Inner Travel Lane
Stockton	None	None	Greater than 144 ft
Tulare	Inner Travel Lane	None	Inner Travel Lane

Table 3: Fee and Reimbursement Comparison for 10,000 S.F. Industrial Building

	Fee	Reimbursement to Developer	
		Right of Way	Improvements
Visalia (Proposed)	\$22,780	Both Travel Lanes	Both Travel Lanes
Tulare	\$11,620	Inner Travel Lanes	Inner Travel Lanes
Fresno	\$10,870	None	Shoulder to Shoulder
Bakersfield	\$6,100	None	Inner Travel Lane

Table 4: Fee and Reimbursement for a 500,000 S.F. Industrial Building

	Fee	Reimbursement to Developer	
		Right of Way	Improvements
Visalia (Proposed)	\$600,000	Both Travel Lanes	Both Travel Lanes
Tulare	\$581,000	Inner Travel Lanes	Inner Travel Lanes
Fresno	\$543,500	None	Shoulder to Shoulder
Bakersfield	\$305,000	None	Inner Travel Lane

Conclusion

The City Council directed staff to investigate five modifications to the Transportation Impact Fee Program. The five modifications are listed below with the staff recommendation and the effects of the changes to the fees.

6. Council Request - The fee rate if the developers were required to dedicate sufficient right of way to build a parking lane and a traffic lane.
Staff Recommendation – Do not make this change.
Fee Change – Lowers fees seven percent.
7. Council Request - The fee rate if half of the discretionary revenue was reserved for local street improvements.
Staff Recommendation – Reserve half of the discretionary revenue for local street improvements.
Fee Change – Raises fees fourteen percent.
8. Council Request - The effects of higher residential density.
Staff Recommendation – Do not make any changes in program at this time.
Fee Change – Lowers fees by four percent.
9. Council Request - Investigate a fee category for large industrial buildings over 500,000 square feet.
Staff Recommendation – Include a category for large industrial.
Fee Change – Raises all other fees by 0.4 percent.
10. Council Request – Include a project to widen Houston between Mooney and Santa Fe to four lanes in the proposed TIF program.

Staff Recommendation – Include funds for a project that improves traffic flow but limits the neighborhood impacts.

Fee Change – Raises fees one and one-half percent.

A Public Hearing is planned for November 3. The Council will be asked to hear public testimony and consider the recommended fee program. Staff would like suggestions from the Council to modify the recommended fee program.

Prior Council/Board Actions:

Certification of Final Environmental Impact Report (FEIR) for the General Plan Circulation Element Update, Resolution No. 2001-19 – May 2, 2001.

Adoption of General Plan Amendment No. 2002-22 relating to the Circulation Element of the General Plan, Resolution No. 2001-20 – April 2, 2001

Increase in the Traffic Impact Fee as recommended by the Circulation Element Update, Resolution No. 2001-23 – April 2, 2001

Resolution No. 2004-76 – Increase in Transportation Impact Fees – August 2, 2004

Resolution No. 2004-117 – Adoption of 2004/2004 Transportation Impact Fee

Resolution No. 2005- -Suspending the 2004/2005 Transportation Impact Fees and Implementing Modified Fees

Committee/Commission Review and Actions: Planning Commission reviewed proposals on May 10, 2004. Citizen's Advisory Committee reviewed proposals on May 5, 2004. Both of these reviews were for fees adopted on October 18, 2004.

Alternatives: Continue with current fee schedule.

Attachments:

Attachment A - Proposed Transportation Impact Fees

Attachment B – September 2nd Staff Report on Transportation Impact Fees

Recommended Motion (and Alternative Motions if expected):

Information only, no motion required.

Financial Impact

Funding Source:

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes_____	No <u>XX</u>

Environmental Assessment Status

CEQA Review: No

NEPA Review: No

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*)

None

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 6, 2008

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording:

Public hearing for: **General Plan Amendment No. 2008-04:**
A request by the City of Visalia to amend the General Plan Land Use Element designation from PAO (Professional/Administrative Office) to BRP (Business Research Park) on 13.7 acres located on the south side of Crowley Avenue, approximately 225 feet east of Plaza Drive. (APN 081-020-076)

Deadline for Action: None

Submitting Department: Community Development-Planning

Contact Name and Phone Number:

Paul Scheibel, AICP, Principal Planner 713-4369
Michael Olmos, AICP, Assistant City Manager/Community Development Director 713-4332

Recommendation:

The Planning Commission recommends approval of the General Plan Amendment. This recommendation is based on the Commission's findings that as follows:

- That the proposed General Plan Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- That the proposed land use designation of Business Research Park would be compatible with existing land uses and land use designations in the surrounding vicinity and with the existing zoning on the site.
- That the project is considered to be Categorically Exempt under section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2008-45).

Summary/Background:

GPA 2008-04 will complete the steps to reverse the previous GPA and Zone Change (No. 2004 -16 and COZ No. 2004-14), which was formally withdrawn by the property owner/applicant (Orthopedic Associates, Inc.). The withdrawal action was approved by

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.) 10 min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

the City Council on August 4, 2008. At that time, the City Council also authorized the filing and processing of this GPA. The end result will be to rescind the land use actions [including an unexecuted Conditional Zoning Agreement (CZA)] that were intended to facilitate a medical campus development on the property. With restoration of the BRP land use designation, the property owner will be able to unambiguously represent the site for BRP-compatible development, as is their intent.

On August 25, 2008, the Planning Commission, by a 4-0 vote (Vice Chair Segrue absent), approved Resolutions No. 2008-58, recommending that the City Council approve GPA 2008-04. No person spoke in opposition to the GPA.

Analysis:

The Planning Commission concurred with the staff recommendation to approve the GPA based on the action's consistency with the General Plan. The Planning Commission found that facilitating BRP uses on the site is consistent with the intent for development of the greater BRP area to the north and west.

The original development plan that fostered GPA 2004-16 and CofZ 2004-14 proposed uses that are not allowed in the BRP land use and zone designations. Since the filing of the original land use change, the City has had the benefit of public hearings on the Plaza Business Park project (CUP 2007-39) on a nearby 30-acre parcel also located in the BRP zone. During the public hearing process, the Planning Commission and City Council heard extensive testimony and provided individual and consensus views on the appropriate mix of uses in the BRP land use designation, and specifically for the Plaza/Hwy 198 area.

Based on the testimony and consensus of the decision makers, it was concluded that the City's intent for the remaining BRP land use area is focused on the strategy to maximize industrial and highway commercial related uses in a comprehensively planned setting that compliments and supports the remainder of the BRP lands. It was further concluded that medical and more traditional office uses should continue to be directed toward the City's Core Area, including the Downtown and Hospital areas. Restoring the BRP land use designation to this site will substantially promote those strategies and their related general Plan Policies.

Prior Council/Planning Commission Actions:

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

On March 6, 2006, the City Council on held a public hearing, and certified the Negative Declaration, and approved 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.

On August 4, 2008, the City Council accepted the applicant's withdrawal of COZ No. 2004-14, and authorized staff to initiate a GPA (GPA 2008-04) to restore the BRP land use designation on the site.

On August 25, 2008, the Planning Commission recommended approval of GPA 2008-04.

Alternatives:

Beside the recommended motion, the following alternatives may be adopted:

2. Deny GPA 2008-04; or
3. Refer the matter back to the Planning Commission for further consideration; or
4. Continue the matter to a future City Council hearing.

Attachments:

1. Resolution for approval of GPA 2008-04
2. Planning Commission staff report dated August 25, 2008
3. Planning Commission Action Agenda, August 25, 2008

Recommended Motion:

I move to approve General Plan Amendment No. 2008-04, as recommended by the Planning Commission.

Environmental Assessment Status

CEQA Review: Pursuant to City Ordinance No. 2388, the Environmental Coordinator of the City of Visalia has reviewed the project described herein, and has found that the project is categorically exempt from further environmental review pursuant to CEQA section 15305.

NEPA 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)*

Anticipated schedule of review:

Copies of this report have been provided to:

Planning Commission
Property Owner

RESOLUTION NO. 2008-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, APPROVING GENERAL PLAN LAND USE ELEMENT AMENDMENT NO. 2008-04, TO AMEND THE GENERAL PLAN LAND USE ELEMENT DESIGNATION FROM PAO (PROFESSIONAL/ADMINISTRATIVE OFFICE) TO BRP (BUSINESS RESEARCH PARK) ON 13.7 ACRES LOCATED ON THE SOUTH SIDE OF CROWLEY AVENUE, APPROXIMATELY 225 FEET EAST OF PLAZA DRIVE. (APN 081-020-076)

WHEREAS, General Plan Amendment (GPA) No. 2008-04, a request by the City of Visalia to amend the Land Use Element designation from PAO (Professional/Administrative Office) to BRP (Business Research Park) on 13.7 acres located on the south side of Crowley Avenue, approximately 225 feet east of Plaza Drive. (APN 081-020-076)

WHEREAS, the Planning Commission of the City of Visalia, after twenty day (20) days published notice did hold a public hearing before said Commission on August 25, 2008; and

WHEREAS, the Planning Commission of the City of Visalia found the General Plan Amendment to be in accordance with Chapter 17.54 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing, and Adopted Resolution No. 2008-58, recommending approval of GPA 2008-04, as recommended; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice did hold a public hearing before said City Council on October 6, 2008.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia approves General Plan Amendment No. 2008-04 based on the following specific findings and evidence presented:

1. That the proposed General Plan Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed land use designation of Business Research Park would be compatible with existing land uses and land use designations in the surrounding vicinity and with the existing zoning on the site.
3. That the project is considered to be Categorical Exempt under section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2008-45).

