

# Visalia City Council Agenda

For the regular meeting of: MONDAY, October 20, 2008

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

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

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

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## **4:30 P.M.**

### **SWEARING IN CEREMONY**

4:30 p.m. Police Chief Bob Carden will swear in new Police Officer Ken Smythe

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

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

4:45 p.m. 1. Update on City's 2008/09 budget, the impact of the economy on revenues, expenditure reductions since budget adoption and the State's continuing struggles.

5:15 p.m. 2. Accept the West Downtown Development Update report.

*The time listed for each work session item is an estimate of the time the Council will address that portion of the agenda. Members of the public should be aware that the estimated times may vary. Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.*

### **ITEMS OF INTEREST**

#### **CLOSED SESSION**

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

3. Conference with Real Property Negotiators (G.C. §54956.8)  
Property: 1968 S. Lovers Lane  
Lessor: Cal Fire  
Lessee: City of Visalia  
Under Negotiation: Price, terms and conditions of potential lease  
Negotiating Parties: Steve Salomon, Mark Nelson

4. Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case

5. Conference With Real Property Negotiators (G.C.§54956.8)  
Property: 6832 Avenue 280  
Owner: Visalia Unified School District  
Under Negotiation: Price, terms and conditions of potential purchase or lease  
Negotiating Parties: Steve Salomon, Andrew Benelli, Stan Carrizosa, Randy Groom

## **REGULAR SESSION**

**7:00 p.m.**

### **PLEDGE OF ALLEGIANCE**

**INVOCATION** - Reverend Jim Rouse, Visalia Rescue Mission

### **SPECIAL PRESENTATIONS/RECOGNITION**

- Recognition of Bill Dillberg's 8 years of service to the Parks & Recreation Commission
- Make a Difference Day

**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.

6. **INFORMATION ITEMS** - No Action Required
  - a) Receive Planning Commission Action Agenda for the meeting of October 13, 2008.

### **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.
  - b) Authorization to read ordinances by title only.
  - c) Authorization for the City Manager to execute a professional services agreement with Advocation, Inc., (State Lobbyist) in the amount of \$5,000 per month plus expenses for continuing legislative advocacy services through March 31, 2009. Authorize staff to solicit proposals from qualified firms to provide State-level legislative advocacy services.

- d) Authorization for the City Manager to execute a Renewed Professional Services Agreement with Jefferson Government Relations (Washington, D.C.) in the amount of \$6,500 per month plus expenses for continued federal legislative advocacy services through March 31, 2009. Authorize staff to request proposals from firms for federal legislative advocacy services
  - e) Appointment of Sean Fitzgerald to the Bicycle, Pedestrian and Waterway Trails Committee
  - f) Appointment of Jeff Boswell to the Parks and Recreation Commission.
  - g) Appointment of Susan Sevier and Virginia Strawser to the Historic Preservation Advisory Committee as regular members and Newell Bringhurst and Steven Cullen as alternate members.
  - h) First reading of Ordinance amending Section 17.56.050 of the Visalia Municipal Code relating to the Historic Preservation Committee. **Ordinance 2008-11 required.**
  - i) Award contract for the construction of the Plaza Park softball backstop renovation project for the bid amount of \$216,875 to Nick Champi Enterprises of Hanford in accordance with bid specifications of RFB 07-08-45.
  - j) Authorize the City Manager to amend the Professional Services Contract with Mr. Bill Wagenhalls to include an additional \$60,000 per year for the 2008-10 budget period for construction management services related to the design and construction of City parks.
  - k) Initiation of a potential joint effort of the City of Tulare, County of Tulare and Tulare County Association of Governments to identify proposed alignment and local station location for future High Speed Rail.
8. Presentation and discussion of alternate sites for the new Animal Control Facility, and request for City Council direction on the preferred location.
9. Initiation of General Plan Amendment and Ordinances necessary for supplemental annexation policies, pre-annexation agreement terms, and a policy pertaining to a lot increase for approved residential subdivisions maps; authorization to request proposals for a nexus study regarding a potential infill mitigation program.
10. Consideration of an amendment to the Transportation Sales Tax Measure Expenditure Plan. **Resolution 2008-54 required.**
11. **PUBLIC HEARING** - Proposed adjustments to selected City Rates and Fees for fiscal years 2008-09 and 09-10. Proposed adjustments may include, but are not limited to the following services; administrative, community development, parks and recreation, public safety, and public works. **Resolution 2008-53 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	Copley, Steven & Helen	996 sf portion of APN 097-121-010	502 S. Santa Fe	Right of Way	9/22/08	Andrew Benelli
City of Visalia	Dowling, Shoemaker & Cusenbary	379.12 sf portion of APN 097-054-012	426 S. Bridge St.	Right of Way	10/10/08	Andrew Benelli
City of Visalia	Lennar Homes	Lot B of Oakwest # 7 Portion of APN 085-010-100	1.94 ac. along Mill Creek N/E corner Shirk & 198	Right of Way	10/14/08	Paul Shepard

#### Upcoming Council Meetings

- Monday, November 3, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia, Visalia
- Monday, November 17, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia, Visalia
- Monday, December 1, 2008, Work Session & Regular Session 4:00 -6 p.m. Council Chambers, 707 W. Acequia, Visalia

*Note: Meeting dates/times may change, check posted agenda for correct details.*

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

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

# City of Visalia Agenda Item Transmittal

**Meeting Date:** October 20, 2008

**Agenda Item Number (Assigned by City Clerk):** 1

**Agenda Item Wording:** Budget Update

**Deadline for Action:** None

**Submitting Department:** Administrative Services

**Contact Name and Phone Number:** Eric Frost, Administrative Services Director x4474

**Department Recommendation:** That the City Council receives the budget report. Staff expects to provide additional information within the month as developments occur in the economy.

**Summary/background:** Although a quarter of the fiscal year has passed, the City has relatively little information about the state of its revenue sources. When this report was first started, the focus was on the effects of the recently enacted State budget. The recent global events in the financial markets have shifted the City's focus to the general economy and its potential impact on the City's budget. In fact, department heads met last Tuesday and have some recommendations to deal with financial uncertainties.

Table I, Major General Fund Revenues, shows that the City has very little additional information about its major General Fund revenue sources since it created its budget estimates. As a result, it is hard to estimate changes based on new facts. This leads to estimates based on general trends in the economy.

Basing estimating the direction of revenues given the direction of the general economy would lead one to believe the City's General Fund revenues will probably be less than budgeted. For example, as of Oct. 10, 2008:

- Dow Jones industrial average had declined 40 percent from 1 year ago. (1 year ago 14,198, 10/10/08 8,579)
- Unemployment in Tulare County is up 33% and up 30% nationally (Aug 2007 to Aug 2008, Tulare County 5.5 to 7.4%, US 4.7 to 6.1%)

**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.

Both of these trends are disturbing but are also a long way off of the levels experienced during the depression. During the depression, the Dow Jones Industrial Average declined to 15% of its pre-crash value. An equivalent Dow Jones Index today level would be around 2,000. Also, unemployment reached 25% during the depression.

Table II  
Major General Fund Revenues

Revenue	FY 07/08 Revenues in millions	FY 08/09 Budget in millions	Same period last year, in millions	Current Collections, in millions	Comment
Sales Tax	\$16.55	\$16.72	\$4.51	\$4.41	Paid monthly, clean-up quarterly, below last year if first quarter trend assumed
Sales Tax – Triple Flip	\$5.23	\$5.58	\$0.00	\$0.00	Paid in January and May, based upon last year's withholdings
Property Tax	\$8.00	\$8.32	\$0.00	\$0.00	Paid in January and May
Property Tax – VLF Swap	\$9.11	\$9.48	\$0.00	\$0.00	Paid in January and May, grows by assessed value growth
Business Tax	\$1.80	\$1.84	\$1.19	\$1.26	Appears to be on target for budget
TOT	\$2.06	\$2.07	\$0.37	\$0.38	Higher than last year
Franchise Tax	\$1.95	\$1.99	\$0.00	\$0.00	Paid in April of each year
<b>Total</b>	<b>\$44.70</b>	<b>\$46.00</b>	<b>\$6.07</b>	<b>\$6.05</b>	

In addition, the State's budget is already out of balance. The governor may call legislators back into session to consider other options, options they were unwilling to commit to in the budget finally adopted in September. As a result, Visalia may still experience further State budget take-aways this year.

After assessing this situation, Department Heads met on October 14, 2008 to discuss what actions should be taken now. From that meeting, the following agreements were made:

- All training and travel will be reviewed by department heads in order to reduce costs as appropriate
- Current vacancies will be reviewed and discussed next Tuesday, October 21, to determine if there is a way to save money in the General Fund
- Some major purchases should be put on hold until the mid-year report (March) unless some special need exists
- Overtime will be more closely reviewed, particularly among administrative personnel with an eye toward reducing costs
- Projects now in the planning stages may continue forward; however, projects may need to move slower or be put on hold depending upon what occurs with the City's overall financial situation

These steps are being taken in order to potentially avoid more serious problems which might lead to layoffs or take-backs from employees. We don't know how difficult the City's fiscal

condition may be, but these steps appear appropriate given the high uncertainty in the current economy. Department Heads felt these steps were important to take in order to assure all employees and residents in Visalia that the City is taking constructive steps to ensure current operations proceed appropriately and responsibly without disrupt lay offs or other such actions.

It is important to note that the City has been preparing in different ways for difficult times. For example, the Budget message this year identified the following positions are frozen or up for review, as shown in Table II, Frozen Positions.

Table II  
Frozen Positions

Department	Classification	Recommended to Freeze
<b><u>New General Fund Positions to add but leave Frozen until Revenues are available</u></b>		
Public Safety	Fire Communications Operators (4)	\$ 270,100
		<b>\$ 270,100</b>
<b><u>Current General Fund Positions Frozen by Management</u></b>		
Administration	Assistant City Manager	\$ 199,306
Community Dev. - Planning	Senior Planner	\$ 99,370
Community Dev. - Planning	Senior Planner - General Plan	\$ 99,370
Admin Services - Human Res.	Management Analyst	\$ 96,909
Fire	Sr. Fire Prevention Inspector	\$ 101,972
Administration - Conv. Center	Convention Center Sales Mgr	\$ 88,271
Police - Administration	Duty Officer - North Side	\$ 65,001
<b>GF Total</b>		<b>\$ 750,199</b>
<b><u>Positions to Potentially Receive Transferred GF Personnel</u></b>		
Housing & Economic Dev	Development Project Manager	\$ 104,525
Housing & Economic Dev	Code Enforcement Officer	\$ 63,960
Landscape and Lighting	Maintenance Worker	\$ 66,000
Parks & Recreation	Parks & Urban Forestry Manager	\$ 123,998
<b>Other Total</b>		<b>\$ 358,483</b>
	<b><i>Positions open to bridge General Fund Gap</i></b>	<b>\$ 1,378,783</b>
<b><u>Building Safety Fund Frozen Positions</u></b>		
Com Dev. - Building Safety	Assistant Building Official	\$ 97,833
Com Dev. - Building Safety	Combined Bldg Inspector	\$ 83,599
		<b>\$ 181,432</b>

Since that time, some positions have been filled and other positions have come open. Staff will update this chart and continue to work through ways to save money as we go forward in an effort to deal with the uncertainties of the economy.

The one piece of information that has been clarified is the extent that State will take away local revenues. Table III, Budgeted and Actual State Revenue Losses, outlines what has occurred to date.

Table III			
Budgeted and Actual State Revenue Losses			
		Budgeted Losses	Actual Losses
<u>General Fund</u>			
Prop 172 Sales Tax Monies		(600,000)	0
COPS – Citizens Option for Public Safety (COPS)		(225,000)	(30,000)
State Mandated Reimbursements		(100,000)	(100,000)
Booking Fee Reimbursements		(225,000)	(30,000)
	General Fund	<u>(1,150,000)</u>	<u>(160,000)</u>
<u>Special Revenue Funds</u>			
RDA Losses			(450,000)
Delayed Gas Tax payments until Sept.			
	<b>Total potential or actual losses</b>	<u>(1,150,000)</u>	<u>(610,000)</u>

#### Preliminary Budget Changes in Major Revenues

Property Tax	100,000
Sales Tax	<u>(600,000)</u>
Net Budget Losses	(1,110,000)

In June, the City Council adopted a budget that assumed a General Fund revenue loss of \$1.15 million. The adopted State budget has taken less money from the City’s General Fund, only \$160,000. The State budget has taken more from the Redevelopment Fund, \$450,000.

At the same time, the preliminary information the Finance division could obtain last week about the City major revenues suggested that property tax may be a little higher than budgeted (\$100,000) but sales tax is projected lower than budgeted by \$600,000. The net affect leaves the City about where it began in June.

But, as mentioned earlier, the effects of the State budget appear now to be secondary to the uncertainty in the general economy. The best advice in turbulent times is to be a little more cautious. As a result, the City Manager with his department heads are managing more closely every decision which can improve the City’s performance without sacrificing core mission goals. As the dust settles, the City may or may not need to take additional actions. However, these steps are being taken now because we may not be able to take these actions later.

As a clearer plan unfolds, staff will come back to Council to present to Council options in maintaining the City’s fiscal stability. At the same time, it is important to note that the City has an emergency reserve in the General Fund equal to 25% of General Fund expenditures or \$12.75 million. Although the City is NOT in fiscal distress, these reserve funds are available to Council in the event of fiscal distress. Nevertheless, management’s objective is to not use these reserves; rather, to manage the City to avoid larger, more painful actions.



**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

**Recommended Motion (and Alternative Motions if expected):** Receive the budget report.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 20, 2008

**Agenda Item Number (Assigned by City Clerk):** 2

**Agenda Item Wording:** West Downtown Development Update

**Deadline for Action:** None

**Submitting Department:** Housing & Economic Development

**Contact Name and Phone Number:**

Clifford Ronk, Development Project Manager (713-4348)  
Ricardo Noguera, Housing & Economic Development Director  
(713-4190)

**Department Recommendation:**

City Council ACCEPT the West Downtown Development Update describing:

1. West Block: Status of the proposed development of the City-owned parking lots on the block bounded by Acequia Ave., Stevenson St., Mineral King Ave., and Conyer St.
2. East Block: Status of the planned build-out of Miki City Park.
3. East Block: Status of evaluation of existing City Hall West and Public Safety buildings.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 15

**Review:**

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

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

**Summary / Background:** Plans to redevelop the two-block area bounded by Acequia Avenue, Johnson Street, Mineral King Avenue, and Conyer Street have been evolving over the last three years. Key activities which have commenced or been completed include:

- October 19, 2007: RFP #07-08-25 for Downtown Mixed-Use Development at the southeast corner of Acequia and Conyer was published. This RFP was cancelled because the development area was determined to be too small.
- April 9, 2008: Site Plan No. 08-061 Miki City Park received Revise and Proceed approval with CUP required.
- August 20, 2008: RFP #08-09-03 for Mixed Use Development (Acequia/MineralKing/Stevenson/Conyer) One Block Area was published.

The following tables summarize status and expectations for both the west block and the east block of the West Downtown Development Area:

WEST BLOCK	STATUS	KEY DATES
RFP #08-09-03	<p>Request for Proposals published, questions received and answered, and pre-proposal conference held.</p> <p>Received two proposals for mixed use and parking structure.</p> <p>Review Committee has been formed and will review proposals by Oct 31. The Committee consists of Fred Brusuelas, Chris Young, Greg Collins, Dave Franey, Dennis Lehman, Bob Link, Ricardo Noguera, Mike Olmos (at his option), Cliff Ronk, Larry Segrue, and Mike Williams (KDHCD).</p> <p>Recommendation will be submitted to City Council.</p>	<p>Published: 8/20/08. Pre-Proposal Conference: 9/10/08.</p> <p>Proposals Received: 10/10/08.</p> <p>Interviews in Nov 2008.</p> <p>Recommendation to City Council in Jan 2009.</p>

EAST BLOCK	STATUS	KEY DATES
Miki City Park	<p>Construction Plans 95% complete. Awaiting final revisions.</p> <p>Conditional Use Permit required.</p> <p>Start park construction in Jan 2009.</p>	<p>Per Recreation Dept., Park Construction Plans to be complete Oct 2008.</p> <p>Per Planning Dept., C.U.P to be completed in Jan 2008</p> <p>Park completion by June 2009.</p>
Fire Station 51	<p>Current expectation is to retain the Fire Station apparatus bay portion.</p> <p>Determine <u>how to separate</u> Fire Station apparatus bay building from the Public Safety building.</p> <p>Separation of the two buildings, and possible demolition of the Public Safety building, could create the need for a new dormitory (most likely in place of the existing training room south of the Fire Station apparatus bay).</p>	<p>Conduct evaluation in the future.</p> <p>Conceptual dormitory in the future.</p>
Existing City Hall West And Public Safety Building	<p>Current expectation is to demolish the existing City Hall West building when Police staffing is moved to the new East Downtown Public Safety building.</p> <p>CHW or CHE personnel could be moved temporarily, to the existing Public Safety building (or even temporarily into the new Public Safety building).</p> <p>Determine the viability of the existing Public Safety building (per Canby proposal).</p> <p>Development of the West Block will generate interest in the redevelopment of the East Block. Both CHW and the existing Public Safety building could be demolished, and the lot sold to a developer to further expand the private office (and possibly mixed use) market in the immediate area.</p> <p>Potential parcel size of 2.2 acres (+/-), or possibly two parcels of roughly 1 acre each.</p>	<p>3 to 4 years.</p> <p>Conduct evaluation in the future.</p> <p>4 to 6 years.</p>

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

**Alternatives:** See Tables above.

**Attachments:**

1. Annotated Aerial Map of the 2-block West Downtown Development area.
2. Conceptual Plan of Miki City Park.

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

1. Accept West Downtown Development Update report, and file.

***Environmental Assessment Status***

**CEQA Review:** Not necessary at this time.

**NEPA Review:** Not necessary at this time.

**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:

# ACTION PLANNING COMMISSION AGENDA

CHAIRPERSON:  
Vincent Salinas



VICE CHAIRPERSON:  
Lawrence Segrue

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

MONDAY OCTOBER 13, 2008; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

7:00 TO 7:00

1. THE PLEDGE OF ALLEGIANCE

7:00 TO 7:01

2. CITIZEN'S REQUESTS - The Commission requests that a 5-minute time limit be observed for requests. Please note that issues raised under Citizen's Requests are informational only and the Commission will not take action at this time.

No one spoke

7:01 TO 7:01

3. CITY PLANNER AGENDA COMMENTS –

No comments

7:01 TO 7:01

4. CHANGES TO THE AGENDA –

No changes

7:01 TO 7:01

5. CONSENT CALENDAR – All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.

- No items on Consent Calendar

7:01 TO 7:26

6. PUBLIC HEARING – Presented by Paul Bernal

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

Conditional Use Permit No. 2008-29: is a request by Kornwasser Shopping Center Properties, LLC (Canby Architecture Studio, Agent) to construct a 6,490 sq. ft. automated carwash facility with three lube bays for oil changes and one bay for automobile detailing in a commercial center in the C-CM (Community Commercial) zone. The site is located in the Winco Shopping Center on the west side of Demaree St. (APN: 119-730-008).

Open: 7:05  
Close: 7:15

Spoke:  
1. Lyle Munsch (Canby, agent)

7:26 TO 7:31

7. PUBLIC HEARING – Brandon Smith, Presented by Paul Scheibel

Approved as recommended (Soltesz, Segrue) 5-0

a. Conditional Use Permit No. 2008-34: A request by Dunworth Properties (Lane Engineers, Inc., agent), to create a planned development consisting of six parcels and a private access drive in the C-S (Service Commercial) zone. The site is located on the east side of Dunworth Street approximately 400 feet south of Main Street. APN: 098-101-029;

Open: 7:30  
Close: 7:30

Spoke:  
1. Mike Lane (Lane,  
agent)

098-110-053

- b. Parcel Map No. 2008-14: A request by Dunworth Properties (Lane Engineers, Inc., agent), to divide 2.86 acres into six parcels in the C-S (Service Commercial) zone. The site is located on the east side of Dunworth Street approximately 400 feet south of Main Street. APN: 098-101-029; 098-110-053

7:31 TO 7:39

Approved as  
recommended  
(Peck, Soltesz) 5-0

Open: 7:34  
Close: 7:35

Spoke:  
Mike Lane (Lane, agent)

8. PUBLIC HEARING –Teresa Nickell, Presented by Paul Scheibel

Conditional Use Permit No. 2008-35: A request by Sierra Village (Lane Engineers Inc., Agent) to amend CUP 2001-42 and CUP 96-22 for expansion of an existing 10,524 sq. ft. senior assisted living facility with eleven bedrooms and a multi-purpose room for a total of 18,000 +/- sq. ft. on a 20.65-acre parcel in the QP (Quasi-Public) zone, located at 73 Molenstraat Drive (APN: 087-460-003).

7:39 TO 7:44

Approved as  
recommended  
(Segrue, Soltesz) 5-0

Open: 7:42  
Close: 7:42

9. PUBLIC HEARING – Presented by Andrew Chamberlain

Conditional Use Permit No. 2008-36: A request by Blain Farming to expand a non-conforming use through a 468 sq. ft. building expansion in the R-1-6 zone. The site is approximately 4.26 acres located at 1136 E. Caldwell Avenue (APN: 123-300-040).

No one spoke:

7:44 TO 7:49

Approved as  
recommended  
(Lane, Segrue) 5-0

Open: 7:48  
Close: 7:49

Spoke:  
Less Peterson (Lennar,  
applicant)

10. PUBLIC HEARING –Teresa Nickell, Presented by Andrew Chamberlain

Tentative Parcel Map No. 2008-15: A request by Lennar Group, Inc. (Ingels-Braun & Associates, agent) to divide 1.11 acres into four parcels in the R-1-6 (Single-family Residential – 6,000 sq. ft. minimum) zone. The site is located on the cul-de-sac of Robinwood Court (Lot 59 of Oakwest 7 Subdivision), on the northeast corner of Hillsdale Avenue and North Shirk Road. (APN: 9278).

7:49 TO 8:17

11. DIRECTOR'S REPORT/PLANNING COMMISSION DISCUSSION:  
Handout: October 6<sup>th</sup> City Council Staff Report; Changes to the policies & procedures relating to City Committees and Commissions.

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

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

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, OCTOBER 27, 2008  
CITY HALL COUNCIL CHAMBERS, 707 WEST ACEQUIA**

8:17 To 8:17

Motion to Adjourn (Soltesz, Peck) 5-0

## City of Visalia Agenda Item Transmittal

**Meeting Date:** October 20, 2008

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

**Agenda Item Wording:** Authorization for the City Manager to execute a professional services agreement with Advocation, Inc., (State Lobbyist) in the amount of \$5,000 per month plus expenses for continuing legislative advocacy services through March 31, 2009. Authorize staff to solicit proposals from qualified firms to provide State-level legislative advocacy services.

**Deadline for Action:** None

**Submitting Department:** Administration

**Contact Name and Phone Number:** Mike Olmos 713-4332;  
Nancy Loliva 713-4535

**Department Recommendation:** Staff recommends Council authorize the City Manager to execute a professional services agreement with Advocation, Inc., (State Lobbyist) in the amount of \$5,000 per month plus expenses for continuing legislative advocacy services through March 31, 2009. Authorize the solicitation of proposals from qualified firms for legislative advocacy (lobbying) services at the State level.

**Summary/background:** In the past, Visalia has contracted with a lobbying firm with offices in Sacramento to provide legislative advocacy services at the State level. Having a lobbyist in Sacramento provides an effective, ongoing, direct link to legislative processes and to State government decision makers. This arrangement has kept the City alert to legislation and provided a knowledgeable and skilled communication link to the various layers of State government in Sacramento.

Legislative advocacy services have typically included the following:

- Monitoring and analysis of proposed legislation that might affect the City.
- Presenting the City's position and/or concerns about pending legislation to State legislators, the Governor's office, and State agencies.
- Pursuing legislative changes that would benefit the City of Visalia.
- Arranging and participating in meetings with legislators and appropriate State agency staff as necessary.
- Contacting State agencies for assistance on regulatory or legislative matters affecting the City.

**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.



- Seeking State funding opportunities for City projects and programs.

Since 2002, the City has utilized Advocation Inc., a Sacramento-based lobbying firm, for legislative advocacy services. From 2000 to 2002, the City had utilized lobbying services provided by Joe A. Gonsalves and Son.

Under the latest contract, Advocation Inc. has provided lobbying services to the City at a cost of \$60,000 per year plus expenses. The City's assigned lobbyist at Advocation had been Wesley Lujan. A few months ago, Mr. Lujan left the firm for a position with another company. The firm's principal, Chuck Coles, acts as the City's assigned lobbyist.

Staff believes the agreement with Advocation should be extended through March 31, 2009. Staff also believes that it is an appropriate time to evaluate the market for these services and invite proposals from interested firms, including Advocation, for legislative advocacy services. Maintaining an agreement through March, 2009, with Advocation allows for a continuance of service, and also provides an opportunity to examine available, qualified lobbying firms to determine which firm can provide the most comprehensive State-level advocacy services that reflect the City's current needs and priorities at a reasonable cost.

**Prior Council/Board Actions:** NA

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

**Alternatives:** Renegotiate contract with Advocation Inc.

**Attachments:** None

**Recommended Motion (and Alternative Motions if expected):** I move to authorize the City Manager to execute a professional services agreement with Advocation, Inc., (State Lobbyist) in the amount of \$5,000 per month plus expenses for continuing legislative advocacy services through March 31, 2009. Authorize staff to solicit proposals from qualified firms to provide State-level legislative advocacy services.

### ***Environmental Assessment Status***

**CEQA Review:** NA

**NEPA Review:** NA

**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: NA

# City of Visalia Agenda Item Transmittal

**Meeting Date:** October 20, 2008

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

**Agenda Item Wording:** Authorization for the City Manager to execute a Renewed Professional Services Agreement with Jefferson Government Relations (Washington, D.C.) in the amount of \$6,500 per month plus expenses for continued federal legislative advocacy services through March 31, 2009. Authorize staff to request proposals from firms for federal legislative advocacy services.

**Deadline for Action:** October 20, 2008

**Submitting Department:** Administration

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

**Department Recommendation:** That the Visalia City Council authorize the City Manager to execute a renewed professional services agreement with Jefferson Government Relations (Washington, D.C.) in the amount of \$6,500 per month plus expenses for continued legislative advocacy services through March 31, 2009.

This contract will continue the effective and successful services received from Jefferson Group at no increased cost to the City. The Jefferson Group has helped to secure over **\$15.724** million for projects in Visalia since contracting their services in April 2000.

**Summary/background:** The City has been working closely with this legislative advocacy firm on a wide range of issues affecting the City. Legislative advocacy has proved to be extremely valuable in providing an effective communication link between the City of Visalia and legislators and officials in Washington, D.C., and has greatly enhanced the City's effectiveness in the legislative process. The City's previous professional services agreement with Jefferson Government Relations was for \$78,000 from April 1, 2007 to March 31, 2008, Work by the firm done since April 1 to present has been paid for on a month-by-month basis.

The City's assigned staff person from the Jefferson Group for several years had been Daniel Sheehan. Mr. Sheehan recently left the firm. The staff of Jefferson Government Relations – specifically firm principals Thomas Donnelly and Jeanne Morin – has expressed willingness to continue to represent the City in legislative activity in Washington DC. The firm maintains effective working relationships with individual legislators, staff members, and officials from

**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.

various federal agencies, and can facilitate the City's interaction with these individuals. Assistant City Manager Mike Olmos and Community Relations Manager Nancy Loliva have been assigned to work directly with the Jefferson Group staff on legislative matters.

With the departure of Mr. Sheehan from Jefferson, it is an appropriate time to consider proposals from interested, qualified legislative advocacy firms (including Jefferson) to identify the best firm for the City's long term needs. Staff therefore requests Council authorization to distribute a request for proposals for federal advocacy services. If approved, staff will proceed with this process during the extension period on the Jefferson contract.

**Federal priorities** for the coming year will include but not be limited to:

### **Fiscal Year 2009 Appropriations**

**Visalia Bus and Bus Facilities - \$4.774 million requested.** *Transportation-Housing and Urban Development; Federal Transit Administration; Bus and Bus Facilities.* These funds will further Visalia's efforts to convert its city bus fleet to compressed-natural gas vehicles (CNG), assist in the purchase of additional shuttle buses for the City's Sequoia transit link, and help advance plans to establish a visitors center/bus facility to support shuttle service to the Sequoia and Kings Canyon National Parks.

**Visalia Gang Suppression and Prevention Initiative - \$450,000 requested.** *Commerce-Justice-Science Appropriations; Office of Justice Programs; Edward Byrne Discretionary Grants.* This funding will help Visalia build on its inter-jurisdictional, anti-gang task force to strengthen efforts to suppress and prevent gang-related activity in the area.

### **General Representation**

**Surface Transportation** – Jefferson Group will work with Visalia on a second submission to the Federal Transit Administration (FTA) for fiscal year 2008 funding. Working closely with the City, a list of transportation projects will be developed to present to the Visalia congressional delegation in a bid to have those projects authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) rewrite. Both road and transit project will be put forward, as the bill will contain separate highway and transit titles and allow projects in both sections.

**Community Development Block Grants (CDBGs)** – Jefferson Group will continue to work with Visalia in the implementation of \$2.39 million in CDBG foreclosure funding awarded to the city to deal with the large number of foreclosed properties.

### **Special Projects**

**San Joaquin River Settlement Act** – Legislation to implement the San Joaquin River Restoration Settlement and mitigate water loss will continue to be pursued at the federal level. Senators Dianne Feinstein and Barbara Boxer to introduced legislation in early 2007 to implement settlement. This legislation needs to be monitored and the City may need to develop and express positions on legislative proposals.

**Energy Efficiency and Conservation Block Grant** – Federal funding has been approved and work needs to be done to assure Visalia receives allocations.

**Solar Investment Tax Credit** - Federal legislative activity is occurring on this potential program that may benefit local homeowners and businesses. Jefferson Group will monitor the progress of this legislation and assist the City in determining its local impact.

**Prior Council/Board Actions:** Contract renewal on June 4, 2007

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

**Alternatives:** None recommended.

**Attachments:** Scope of Work Memorandum from Jefferson Government Relations.

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

I move to authorize the City Manager Authorization for the City Manager to execute a Renewed Professional Services Agreement with Jefferson Government Relations (Washington, D.C.) in the amount of \$6,500 per month plus expenses for continued federal legislative advocacy services through March 31, 2009, and authorize staff to request proposals from firms for federal legislative advocacy services.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 20, 2008

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

**Agenda Item Wording:** Approve the Citizens Advisory Committee's recommended appointment of Sean Fitzgerald to the Bicycle, Pedestrian and Waterway Trails Committee.

**Deadline for Action:** None

**Submitting Department:** Parks and Recreation

**Contact Name and Phone Number:** Paul Shepard, 713-4209

**Department Recommendation:** Approve the Citizens Advisory Committee's recommended appointment of Sean Fitzgerald to the Bicycle, Pedestrian and Waterway Trails Committee. Due to the transition period for Council approved new term lengths, Mr. Fitzgerald will begin serving his first 2-year term at the BPWT Committee's October 2008 meeting and his term first term will end in December 2010.

**Summary/background:** The Bicycle, Pedestrian and Waterway Trails (BPWT) Committee voted unanimously to recommend that Sean Fitzgerald fill a committee vacancy.

At its September 2008 meeting the Citizens Advisory Committee (CAC) reviewed the application of Mr. Fitzgerald to the Bicycle, Pedestrian and Waterway Trails Committee and recommended approval.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:** At its September 2008 meeting, the CAC recommended approval of the applicant.

**Alternatives:**

**Attachments:** Mr. Fitzgerald's application to serve on the Bicycle, Pedestrian and Waterway Trails Committee.

**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:**

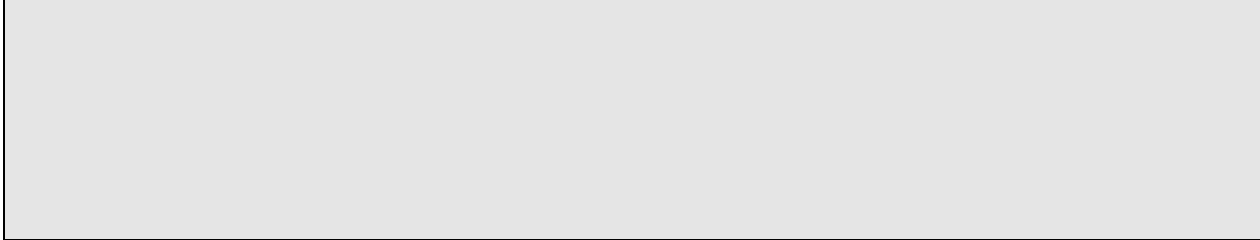
**Dept. Head VAE**  
**(Initials & date required)**

**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.

**Recommended Motion (and Alternative Motions if expected):** Move to approve the recommended appointment of Sean Fitzgerald to the Bicycle, Pedestrian and Waterway Trails Committee.



***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 20, 2008

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

**Agenda Item Wording:** Recommendation to Appoint Jeff Boswell as a Parks & Recreation Commissioner.

**Deadline for Action:** N/A

**Submitting Department:** Parks & Recreation Department

**Contact Name and Phone Number:** Vincent Elizondo, 713-4367

**Department Recommendation:**

It is recommended that the Visalia City Council appoint Jeff Boswell as a Parks & Recreation Commissioner effective November 1, 2008, to replace Bill Dillberg whose term will expire on October 31, 2008. Mr. Boswell's first term on the Commission will expire on December 31, 2010.

**Background:**

Jeff Boswell has been serving as a Parks and Recreation Commissioner Alternate since being appointed by the City Council on March 17, 2008. Since that time, Mr. Boswell has been an outstanding Commissioner attending 7 of 8 Commission meetings.

On March 5, 2008, the Citizens Advisory Committee (CAC) also approved the recommendation of Mr. Boswell to the City Council for consideration as a Commissioner Alternate. At that same meeting, Travis Griffith was also appointed as a Commissioner Alternate.

At the regular Parks & Recreation Commission meeting of September 16, 2008, the Commission voted to recommend to the City Council the appointment of Mr. Boswell. The other alternate, Mr. Griffith, stated he was not ready yet to become a regular voting Commissioner --- and declined the nomination.

The Parks & Recreation Commission has historically had two alternates. Should Mr. Boswell be appointed as a Commissioner by the Council, there will be one alternate on the Commission at this time. City staff will initiate the recruitment process for additional Commissioners.

**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 VAE**  
**(Initials & date required)**

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

**City Mgr \_\_\_\_\_**  
**(Initials Required)**

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



**Committee/Commission Review and Actions:** Parks and Recreation Commission meeting of September 16, 2008 and Citizens Advisory Committee (CAC) meeting of March 5, 2008.

**Recommended Motion (and Alternative Motions if expected):** It is recommended that the Visalia City Council appoint Jeff Boswell as a Parks and Recreation Commissioner to replace Bill Dillberg whose term has expired.

***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 20, 2008

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

**Agenda Item Wording:** Appointment of Susan Sevier and Virginia Strawser to the Historical Preservation Advisory Committee as regular committee members and Newell Bringhurst and Steven Cullen be appointed to serve as alternate members.

**Deadline for Action:** None

**Submitting Department:** Housing and Economic Development

**Contact Name and Phone Number:**

Ricardo Noguera, Director 713-4190  
Tim Burns, Neighborhood Preservation Manager 713-4172

**Department Recommendation:** It is recommended that Susan Sevier and Virginia Strawser be appointed by the City Council to fill the 2 existing vacancies on the Historical Preservation Advisory Committee and Newell Bringhurst and Steven Cullen be appointed to serve as alternate members . These 1<sup>st</sup> term appointments will become effective November 1, 2008 and expire December 31, 2010.

**Summary/background:** Pursuant to Visalia Municipal Code section 17.56.050 the Historical preservation Advisory Committee shall consist of 7 committee members appointed by City Council to serve without compensation. All members are required to be residents of the City of Visalia throughout the term of service. There are currently 2 member vacancies on the committee.

On June 25, 2008 members of the committee reviewed potential member's applications, met the applicants and recommended appointment to the Citizens Advisory Committee.

On August 6, 2008 the Historic Preservation Advisory Committee's recommendation was presented to the Citizens Advisory Committee and approved for Council consideration.

**Prior Council/Board Actions:** None

**Committee/Commission Review and Actions:**

Approved by Historical Preservation Advisory Committee for further consideration of the Citizens Advisory Committee on June 25, 2008.

**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.

Approved by Citizens Advisory Committee for Council consideration on August 6, 2008.

**Alternatives:** The positions could remain vacant.

**Attachments:** Application of Susan Sevier  
Application of Virginia Strawser  
Application of Newell Bringhurst  
Application of Steven Cullen

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

I recommend that Council appoint Susan Sevier and Virginia Strawser to serve as members of the Historical Preservation Advisory Committee.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

# City of Visalia Agenda Item Transmittal

**Meeting Date:** October 20, 2008

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

**Agenda Item Wording:** First Reading of Ordinance 2008-amending Section 17.56.050 of the Visalia Municipal Code relating to the Historic Preservation Advisory Committee.

**Deadline for Action:** N/A

**Submitting Department:** Administration

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

### Department Recommendation

It is recommended that the Visalia City Council hold a first reading of Ordinance 2008-11 amending Visalia Municipal Code Section 17.56.050 relating to the Historic Preservation Committee appointment and terms.

### Department Discussion

At the recent Council work session, Council reviewed a number of recommendations from the Citizen's Advisory Committee and staff relating to the City's Committees and Commissions. Among the changes authorized by Council was a change in terms for all Committees and Commissions, and a procedure for alternates. It was recommended, and Council concurred, that as a matter of policy, the terms be two years each, and that each Committee member be eligible to serve up to three consecutive terms or a total of six consecutive years.

While the Council approved these changes in concept at the last meeting, the terms of office for the Historic Preservation Advisory Committee are part of the Municipal Code and an ordinance is required to officially change the Code.

This ordinance will not be finalized until brought back to the Council for a second reading and final adoption.

### Prior Council/Board Actions:

October 6, 2008 – Council considered these changes as part of a comprehensive set of recommendations from the Citizens Advisory Committee and staff.

### Committee/Commission Review and Actions:

These recommendations were reviewed by the Citizens Advisory Committee.

**Attachments:** Ordinance 2008-

### 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 101208**

**Finance**

**City Atty**

**City Mgr**

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

I move to approve the first reading of Ordinance 2008-11.

ORDINANCE 2008-11

AMENDING ORDINANCE CODE SECTION 17.56.050  
CREATION OF HISTORIC PRESERVATION ADVISORY COMMITTEE

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

Section 1: Section 17.56.050 of the Visalia Municipal Code is hereby repealed and replaced with the following new section of 17.56.050 to read as follows:

SEC.17.56.050. Creation of Historic Preservation Advisory Committee

In order to execute the purposes declared in this chapter, there is created a historic preservation advisory committee.

A. Committee Membership.

1. The historic preservation advisory committee shall consist of seven members appointed by the city council to serve without compensation. All committee members shall be residents of the city at the time of their appointment and will lose their position if they move outside the city limits during their term of office. Members shall be appointed on the basis of:

- a. Relevant professional or business qualifications;
- b. Ownership of property within the historic district;
- c. Practical experience in restoration or preservation;
- d. Exceptional civic interest.
- e. Terms of office shall be for two years.

2. Vacancies which may occur on the committee shall be filled by appointment of a new member of the city council for the duration of the unexpired term of office. The Council has the option of appointing up to two Historic Preservation Advisory Committee alternates. Should a mid-term vacancy occur, an alternate may automatically fill the unexpired term. The council shall also have the power to remove any member from the committee by an affirmative vote of three council members.

3. Four members of the committee shall constitute a quorum for the transaction of business.

B. Procedures for the Review of Applications. The operating procedures of the historic preservation advisory committee shall be prescribed from time to time by resolution of the city council, for the purpose of carrying into effect the standards and

specifications of this chapter. The committee may adopt, amend, and repeal rules and regulations governing the conduct of its meetings, as long as said rules do not violate the procedures established by the city council or the terms of this chapter.

C. Duties and Responsibilities. The historic preservation advisory committee shall review applications only as specified in this chapter, consistent with the rules and regulations adopted from time to time by resolution of the city council (as referred to in Section 17.56.050(B)). Applications shall be approved or disapproved based solely on the considerations set forth in this chapter. It is the intent of this chapter that the historic preservation advisory committee shall encourage applicants to make alterations and repairs to structures in the spirit of the architectural style of the structure. The duties and responsibilities of the historic preservation advisory committee shall include the following:

1. It shall be the duty of the historic preservation advisory committee to review all proposed zoning actions (zone changes, conditional use permits, special zoning exceptions, planned unit developments and variances) within the historic district. The committee may recommend approval, conditional approval, modification or disapproval of an application based upon the expected impact of the proposed zoning action on the historic or architectural significance of the affected structure(s), neighborhood, or the entire historic district. The committee's recommendation shall be forwarded to the planning commission for its consideration.

2. It shall be the duty of the historic preservation advisory committee to review all applications for planned development permits within the historic district for compliance with the provisions of this chapter. Items which shall be subject to review by the committee include but are not limited to vehicular access, location and screening of parking, setbacks, location of service use areas, walls and landscaping. The committee may recommend approval, conditional approval, disapproval or resubmittal of the planned development permit application. The committee's recommendation shall be forwarded to the site plan review committee for its consideration.

3. It shall be the duty of the historic preservation advisory committee to review all applications for the construction or exterior alteration or enlargement of structures within the historic district or for structures located outside the historic district and listed as "exceptional" or "focus" structures on the local register. The committee shall have the power to approve, modify or disapprove such applications before a building permit can be issued, subject to the provisions of Sections 17.56.100 and 17.56.110.

4. It shall be the duty of the historic preservation advisory committee to review all applications for sign permits within the historic district or for properties located outside the historic district and listed as "exceptional" or "focus" on the local register. The committee may recommend approval, conditional approval or denial of the sign permit application based upon the proposed design and/or materials, but not upon the proposed size or location. The application shall then be presented to the proper issuing authority for sign permits, pursuant to Chapter 17.48. Sign permits shall be issued only in compliance with the recommendation of the committee. Approval by the committee in

no way implies approval by the issuing authority for sign permits, whose approval must also be secured pursuant to Chapter 17.48.

5. It shall be the duty of the historic preservation advisory committee to review all applications for the moving or demolition of structures listed on the local register. The committee shall have the power to approve, conditionally approve, or disapprove such applications, subject to the provisions of Section 17.56.130.

6. It shall be the duty of the historic preservation advisory committee to compile and update the historic survey and inventory, and to nominate properties to the local register and the National Register of Historic Places. In selecting properties for nomination to the local register, the board shall consider:

- a. Architectural significance and style;
- b. Historic significance, including age of structure, original owners, and events related to the structure, site or original owners.

The committee shall review the local register annually, make recommendations for the addition or deletion of structures or sites, and submit said recommendations to the planning commission and city council for certification.

7. Permits may be issued for air conditioners, electrical work and plumbing work which is visible from a public right-of-way when the chief building official determines that the work insignificantly affects the exterior of a structure, or that reasonable alternatives as to location or screening have been employed. The building official may forward to the historic preservation advisory committee applications for permits for this type of work when it appears that the appearance of a structure may be significantly altered.

This subsection shall not apply to the following types of permit applications:

1. Reroofing with like materials;
2. Residing with like materials;
3. Swimming pools;
4. Masonry repairs with like materials;
5. Chimney repair with like materials. (Ord. 2001-13 § 4 (part), 2001: prior code § 7704)

Section 2: Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 3: Effective Date. This Ordinance shall take effect thirty days after its adoption.



Section 4: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 20, 2008

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

**Agenda Item Wording:** Award contract for the construction of the Plaza Park softball backstop renovation project for the bid amount of \$216,875.00 to Nick Champi Enterprises of Hanford in accordance with bid specifications of RFB 07-08-45.

**Deadline for Action:** October 20, 2008

**Submitting Department:** Parks and Recreation Department

**Contact Name and Phone Number:**

Jason Glick, Recreation Supervisor, 713-4586, or  
Vince Elizondo, Director of Parks & Recreation, 713-4367

**Department Recommendation:**

City staff recommends that Nick Champi Enterprises of Hanford, CA. be awarded a contract for the Plaza Park softball backstop renovation project for the low bid amount of \$216,875.00 in accordance with bid specifications of RFB 07-08-45.

In addition, (since \$186,000 is budgeted for this project) an additional \$20,000 from the adult softball surcharge fund be appropriated for this project, and \$10,875 from general fund reserves be appropriated for this project and re-paid from future revenues generated from the adult softball surcharge fund. The project account number is 1011-00000-720000-9191.

**Background:**

The Plaza Park softball complex was built in the mid 1970's. The original softball complex consisted of fields 2, 3 and 4. Field 1 was built in the early 1980's and Field 5 was added ten years later. Over the past 30 years, the softball complex has hosted thousands of league and tournament team's statewide. In 1993, the Plaza Park softball complex hosted the girls national ASA softball championships. Since then, the softball complex has aged. The backstops are over 30 years of age and are in need of replacement.

**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.

The Plaza Park renovation project will involve site grading; removal of the old backstops from Fields 2, 3, & 4; the installation of new backstop at Fields 2, 3, & 4; and new paving between Fields 2 and 3, with a shade canopy and access for the disabled. The old backstops are 12 foot high. The new backstops will include 20 foot vertical fencing behind home plate. The current fields do not have warm up bull pens and the existing cement is eroding. Each field will have new bull pens and cemented dugouts.

Many years ago, an "adult softball surcharge fee" was established so that the softball playing community could assist with improvements to the Plaza Park softball facility. The fee is \$8.50 per team per season (league play). In addition, tournament teams that play at Plaza Park throughout the year pay the surcharge fee. City staff will continue to use the softball surcharge fee for future improvements such as field light upgrading. Nevertheless, this softball fund has accumulated some \$126,000 to date and generates roughly \$7,000 per year.

As part of the City's budget process, the City Council originally authorized \$186,000 as a capital improvement project to renovate the Plaza Park softball complex. The following funding strategy will be used to finance this project:

1. Utilize \$80,000 from a State park (Proposition 40) RZH per capita grant.
2. Utilize \$126,125 from the adult softball account --- \$106,000 which has been allocated by the Council. This staff report is requesting that an additional \$20,125 be allocated from the adult softball account.
3. Allocate \$10,750 from general fund reserves which will be re-paid from future revenues generated from the adult softball surcharge fund. The pay-back is estimated to be 1 ½ years based on past revenues generated from the softball fund.

This funding strategy will generate the \$216,875.00 necessary to complete all aspects of this project, including the alternate bid which includes the work on Field backstop 4. The alternate bid on backstop 4 will include site grading, new 20 foot fencing, cemented dugouts and new bull pens.

On September 9<sup>th</sup> and September 15<sup>th</sup> 2008, bids were solicited by advertising in the Visalia Times Delta and by mailing bid notices to contractors. In addition, the bid was also posted on Bid-Net. Bids for the Plaza Park renovation project were received on October 3, 2008. Six (6) bidders participated in the process and the bids were very competitive. The engineer's estimate provided by our design consultant, Teter Taylor A & E of Visalia was \$200,000. The low bid of \$216,875.00 provided by Nick Champi Enterprises was nearly \$16,875 (or 8.5%) over the engineer's estimate. However, the bids were very competitive.

<b>Contractor</b>	<b>City</b>	<b>Base Bid</b>	<b>Alternate Bid</b>	<b>Total</b>
Nick Champi Enterprises	Hanford	\$159,000.00	\$ 57,875.00	\$216,875.00
R&R Services Contractors	Clovis	\$163,575.00	\$ 65,573.00	\$229,148.00
Sierra Range Construction	Visalia	\$168,213.00	\$ 57,998.00	\$226,211.00
Sequoia Construction	Visalia	\$168,647.00	\$ 59,420.00	\$228,067.00
Castle Construction	Fresno	\$181,872.00	\$ 57,848.00	\$239,720.00
FM Diaz Construction	Fresno	\$187,000.00	\$ 70,000.00	\$257,000.00

We anticipate this project to start the first week in December and be completed by Spring 2009 - -- in time for the new adult softball season.

**Attachments:**

Bid Summary Sheet  
Project Site Plan

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

City staff recommends that Nick Champi Enterprises of Hanford, CA be awarded a contract for the Plaza Park renovation project for the total bid amount of \$216,875.00.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

**City of Visalia**  
**Agenda Item Transmittal**

**Meeting Date:** October 20, 2008

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

**Agenda Item Wording:** Authorize the City Manager to amend the Professional Services Contract with Mr. Bill Wagenhalls to include an additional \$60,000 per year for the 2008-10 budget period for construction management services related to the design and construction of City parks.

**Deadline for Action:** N/A

**Submitting Department:** Parks & Recreation Department

**Contact Name and Phone Number:** Vincent Elizondo, 713-4367

**Department Recommendation:**

Authorize the City Manager to amend the Professional Services Contract with Mr. Bill Wagenhalls to include an additional \$60,000 per year for the 2008-10 budget period for construction management services related to the design and construction of City parks.

**Background:**

The Visalia City Council approved a Professional Services Contract with Mr. Bill Wagenhalls on January 8, 2007. Since that time Mr. Wagenhalls has provided construction management services for a variety of different park projects including the Plaza Park irrigation project, the New Sorooptimist Park project, the Ferguson & Babcock neighborhood park project, and the Dan's Lane neighborhood park project, plus many other projects.

Mr. Wagenhalls, the former Director of Parks & Recreation for the City of Tulare, has done an outstanding job performing these duties on behalf of the City of Visalia. Complete through the end of the fiscal period June 30, 2008, Mr. Wagehalls had been paid \$48,310.50 for his services on these projects. Except for the Plaza Park project, the new park projects are funded from fees generated through the park developer impact fee program. In turn, these funds are used to pay for the services of Mr. Wagenhalls.

**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.

The Parks and Recreation Department would like to continue to use the services of Mr. Wagenhalls given the fact the City has a record number of park projects that are scheduled to be built or renovated over the next two year fiscal period 2008-10.

City staff is proposing that Mr. Wagenhalls contract be amended to include an amount not-to-exceed \$60,000 (1,000 hrs. x \$60.00 per hr.) for services during the 2008-09 fiscal period and amount not-to-exceed \$60,000 (1,000 hrs. x \$60.00 per hr.) for the 2009-10 fiscal period as well. The proposed new contract, as amended, will expire on July 1, 2010 unless the City Council wishes to extend his contract.

During the joint session between the City Council and the Parks and Recreation Commission last March 31, 2008, City staff reviewed the majority of the projects that Mr. Wagenhalls will be working on related to construction management services.

**Attachments:**

- Power Point Presentation From March 31, 2008 Outlining Various Park Projects
- Current Agreement with Mr. Wagenhalls executed on January 25, 2007
- Proposed Amendment to the Agreement with Mr. Bill Wagenhalls dated Oct. 20, 2008
- Exhibit A: Amended Scope of Work (Park Projects)
- Exhibit B: Amended Scope of Work (Park Fees)
- Exhibit C: Hourly Rate for Services Rendered

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

**Recommended Motion (and Alternative Motions if expected):** Authorize the City Manager to amend the Professional Services Contract with Mr. Bill Wagenhalls to include an additional \$60,000 per year for the 2008-10 budget period for construction management services related to the design and construction of City parks.

***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 20, 2008

**Agenda Item Number (Assigned by City Clerk):** 7k

**Agenda Item Wording:** Initiation of a potential joint effort with City of Tulare, County of Tulare, and Tulare County Association of Governments to identify proposed alignment and local station location for future High Speed Rail.

**Deadline for Action:** None

**Submitting Department:** Administration & Community Development

**Contact Name and Phone Number:** Mike Olmos 713-4332

**Department Recommendation:** Authorize Mayor Gamboa to send a letter to the City of Tulare, County of Tulare, and Tulare County Association of Governments (TCAG) inviting participation in an effort with the California High Speed Rail Authority to identify a rail alignment and local station location subject to passage of Proposition 1A (Safe, Reliable High Speed Passenger Train Bond Act) on the November 4, 2008 election ballot.

**Summary/background:** The City of Visalia has been engaged for several years in efforts to secure a future High Speed Rail (HSR) station location for the Tulare/Kings region. This effort has resulted in a potential future station location being designated by the HSR Authority for our region.

The next major phase of planning and environmental evaluation for the future HSR system will be the Central Valley segment. This effort will be initiated if Proposition 1A is passed during the upcoming November election. The analysis to be undertaken during this next planning phase is critical to our region's success in maintaining a future HSR station. This next phase will select the alignment for high speed rail through the Central Valley and also identify station locations. In addition, conceptual transit-oriented master planning at selected station sites will be done during this phase.

Given the critical nature of the upcoming Central Valley HSR studies, it is important for a unified regional effort to be undertaken to solidify a suitable local station location and rail alignment. This effort should include Visalia and Tulare (the largest and most directly affected cities), the County of Tulare, and TCAG. This group would work with the HSR Authority staff and their consultants on station and alignment issues. If Council concurs with this strategy, staff

**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.

recommends that the Mayor be authorized to send a letter to the City of Tulare, County of Tulare and TCAG requesting their participation in this effort.

The immediate future of High Speed Rail is dependent on passage of Proposition 1A on the upcoming November ballot. If approved by the voters, Prop 1A will provide approximately \$10 billion for continued planning (including the Central Valley segment), right of way acquisition and first phase construction. If Prop 1A does not pass, then High Speed Rail will not have funding to move forward with these next efforts. Therefore, the Mayor's letter to the other local entities initiating a regional planning effort will await the results of the November election and not be sent if Prop 1A is not approved.

**Prior Council/Board Actions:** None

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

**Alternatives:** NA

**Attachments:** NA

**Recommended Motion (and Alternative Motions if expected):** Move to authorize the Mayor to send a letter to the City of Tulare, County of Tulare, and TCAG requesting participation in a unified regional effort for planning HSR alignment and local station location, subject to passage of Proposition 1A.

***Environmental Assessment Status***

**CEQA Review:** NA

**NEPA Review:** NA

**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: NA

# City of Visalia Agenda Item Transmittal

**Meeting Date:** October 20, 2008

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

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

**Deadline for Action:** None

**Submitting Department:** Community Development Department

**Contact Name and Phone Number:**

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

**Department Recommendation**

Staff recommends Council take the following actions:

1. Select Site 1 (County Center and Visalia Parkway) as the site for a future Animal Control Facility.
2. Authorize staff to manage the City's consultant in preparing preliminary site, building, and operational plans, and any special studies including a noise mitigation study that are necessary to prepare a Request for Proposals (RFP) for the site selected by the City Council.

**Background**

Staff presented several alternate sites to the City Council at the August 4, 2008, work session. The City Council provided comments to staff regarding the sites presented, and directed staff to work with the Site Selection Committee to refine the list of potential sites.

Based on the direction received from the City Council, the staff met with the Site Selection Committee on August 13<sup>th</sup>, 2008. The Site Selection Committee consists of Council members Don Landers and Amy Shuklian; and Valley Oak SPCA Chairperson, Tammy Crawford.

The Committee reviewed several sites at this meeting, and developed a list of five preferred locations for the new facility. The five sites are presented here for consideration by the City Council.

In addition, due to its "in town" location, a Community Meeting was held on Saturday, October 4, 2008, to discuss the potential facility with the neighborhood that surrounds Site No. 1. A summary of that meeting is also included in this staff report.

**Summary**

**Recommended Sites:**

**For action by:**

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

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.):\_30\_\_

**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.

Following are the sites, presented in the order of preference, as selected by the Site Selection Committee. Site 1 is the preferred site selected by the Committee, and for that reason, there is some additional site information included in the report. However, any of the presented sites could serve as the location for the new Animal Control Facility.

1. County Center Site (Non-Airport Site): Located on the east side of County Center, between Cameron Avenue and Visalia Parkway. This site is south, and adjacent to the new South Precinct Police Station. See Attachment 2.
2. North Airport Site (Airport Site): Located along Airport Drive, east of the existing Airport hangers, and west of the business terminal. See Attachment 3.
3. Agricultural Conservation Site (Non-Airport Site): Located on the north side of Highway 198, south of Hillsdale, west of Tommy Street, and east of Preston Street. See Attachment 3.
4. The southwest corner of Walnut Avenue and Aviation Drive (Airport Site): This site was previously referred to as Alternative No. 1. See Attachment 3.
5. The northeast corner of the intersection of Plaza Drive and Airport (Airport Site): This site was previously referred to as Alternative No. 2, and is located adjacent to the "Bark Park", within Plaza Park. See Attachment 3.

#### **Site Planning Attributes:**

The five sites can be further grouped into two categories:

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

These categories help to simplify the explanation of the general opportunities, constraints, and considerations that are common to the sites within their categories, and are discussed separately, below:

1. Non-Airport Area Locations:  
Attachment 1 provides a detailed description of the Proposed Sites. Attachment 2 shows a Location Map of the Non-Airport Sites.

There are three zone districts that allow animal shelters. These zones are the Light (IL) and Heavy (IH) industrial zone districts and the Q-P (Quasi-Public) zone district. Animal Shelters/Humane Societies (Zoning Matrix Line 31) are conditionally allowed uses in the standard industrial zones (but not in the BRP zone). The use is not specifically listed in the Q-P zone, but by Planning staff's analysis, is similar to other conditionally allowed public service uses listed in VMC Section 17.52.030, and could be permitted by granting a conditional use permit (CUP). Only properties currently owned by the City, and not in use for other purposes were considered for this report. There are 11 City owned properties located in industrial zones; however, all of these sites are active detention basins.

The Site Selection Committee has selected two sites that are outside of the Airport Area. These sites were selected due to some primary advantages identified as desirable to the facility. However, some challenges may arise when locating an animal shelter outside of the Airport Area, and as close to the developed parts of town as practical.

Potential advantages related to these sites include a shorter response and transport time for animal control staff. They also include a shorter transport and travel distance for the general public, who may have occasion to go to the facility. In addition, as cited by the Consultant, studies have shown that pet adoptions increase when the facility is located in a prominent, visible location. This situation conditions the public to make a positive association with the facility and its pet adoption aspect. This is much like commercial establishments that seek to locate at prominent intersections on the premise that traffic will eventually stop and inquire into what the business has to offer.

Challenges associated with locations located more centrally to the public include that there could be resistance to the facility by nearby residents and businesses. This would be in reaction to the real or perceived nuisance effects of barking noise, health and odor concerns, illegal after-hours animal dumping, and a visible crematory tower. These concerns could be mitigated through site and facility design, and through community outreach.

The City's consultant has indicated that nuisance concerns can be largely overcome through the modern design of the facilities. Modern design features include kennels that face inward to an interior court to minimize barking noise travel, automated cleaning and ventilation systems that ensure for a healthy and pleasant facility, security and monitoring equipment in use after hours, and architectural screening of the crematory tower. Further, a crematory is not a necessary component of an animal control facility. Other options are available for the elimination of euthanized animals.

Kennels (Zoning Matrix Line 286) are the closest commercial equivalent to an SPCA-type facility. These are conditionally allowed only in the C-S (Service Commercial) and IL zones. There is a minimum 500-foot separation requirement from residentially zoned lands, presumably to preclude nuisance impacts on existing and future residents. If the facility is to be located in any of the potentially allowed zones (Q-P, IL, HL, or CS), based on staff's analysis, the separation provided from residential zones to the proposed sites would not be a significant constraint.

The 500 foot separation between residentially zoned areas and kennels is an outdated zoning requirement which does not reflect current animal shelter design and improvement practices. The two proposed Non-Airport Sites do not meet the 500-foot separation requirement; however, they can achieve at least 200 foot separation from residential property; which staff has confirmed to be adequate, based on site visits to other facilities located near residences.

## 2. Airport Area Locations:

Attachment 1 provides a detailed description of the Proposed Sites. Attachment 3 shows a Location Map of the Airport Sites.

Three sites on, or near the airport have been identified as potential locations for the future Animal Control Facility. Most of the area surrounding the airport is currently in the existing 100-year floodplain. However, FEMA is working on updating the floodplain maps, and the three potential sites near the airport appear to be out of the floodplain in the most recently revised maps. FEMA is currently reviewing comments received from the public, regarding the proposed floodplains, and may update their proposed map within the next year.

All three sites on/near the Airport property will require the added step of obtaining a review for consistency with the Visalia Airport Master Plan (VAMP) by the Tulare County

Airport Land Use Commission (TCALUC). This is due to the circumstance that the VAMP has not been approved by the TCALUC). Further, the current Airport Zoning text (VMC Chapter 17.50) must be updated to reflect the updated Visalia Airport Master Plan (June 2004).

Although this would be an added step in the review and entitlement process, it is a fairly routine process that has been used by the City and by private development applicants on at least six occasions since 2004. It is anticipated that TCALUC review would add approximately 60 days to the City's review and entitlement timeline. Bringing the VAMP and Airport Zoning text into full conformance with the County airport plan is included in the list of the City's long range Planning projects, but is presently unfunded.

**Sites Previously Presented, But Eliminated by Site Selection Committee:**

The following sites were included in the previous Staff Report to City Council, and have been eliminated from consideration:

1. Existing SPCA site and adjacent land: This site was deemed too remote.
2. Site located along Plaza Drive, south of the Golf Course: This site was deemed as too remote and too costly to improve.
3. Northeast corner of Aviation Drive and the Frontage Road: This site was deemed too remote.
4. North side of Riverway Drive and the Sports Park (2 locations): Proposed use is in conflict with already adopted park Masterplan.
5. East of Road 148, North of Highway 198 (3 locations): These sites were deemed as too remote. Needed improvements to the site were also deemed as too costly.

**Other Sites Considered by the Site Selection Committee:**

In addition, the City Council suggested the following two sites at the August 4<sup>th</sup> Work Session:

1. City of Visalia Corporation Yard: This site was reviewed by the Site Selection Committee, and was eliminated from the list due to its location. The proposed site is not viewed as an area with high visibility and accessibility. Also, additional land would need to be acquired to provide for the existing corporation yard uses and the new animal control facility.
2. Old Caltrans Site located North of Murray Ave, west of Burk Street: This site was reviewed by the Site Selection Committee, and was eliminated from the list due to its location. The proposed site is not viewed as an area with high visibility and accessibility.

**Community Meetings held for Site 1 residents:**

On Saturday, October 4, 2008, the City sponsored a Neighborhood information meeting at Cottonwood Creek Elementary School to provide current information, and to solicit questions and concerns about the Potential Animal Control Facility. Councilmember Amy Shuklian, and Valley Oak SPCA Board President Tami Crawford, attended and participated in the discussions. In addition, City staff, including Assistant City Manager Mike Olmos, Police Chief Bob Carden, and Parks and Recreation Director Vince Elizondo attended the meeting. Visalia Unified School District Facilities Director, Randy Groom also attended the meeting. Mr. Bill Meade, the City's animal control facility consultant, provided a PowerPoint presentation on contemporary animal control facilities.

Approximately 15 community members attended the meeting in response to a 1,000-foot radius invitation mailing. Questions and comments received from the residents centered on potential traffic, noise, and operational impacts of a facility. Particularly, the residents voiced their desire that the City of Visalia commit to providing a more active pet adoption effort once the facility is complete, and to decrease the number of euthanized animals.

The attendees expressed a request for assurance that the City of Visalia will provide the modern facility that was presented at the meeting. The residents do not want cut-backs implemented during the actual design process to eliminate modern elements such as the state of the art HVAC system, modern kennel enclosures, and noise dampening measures. The residents requested that the City provide Best Management Practices during the life of the facility to ensure that the facility is properly built and maintained in a fashion that will provide a nuisance free environment. The residents also asked about the City's contract costs, the site selection process to date, and about the development entitlement and environmental review process that would be completed once the City selects a site.

On October 17, 2008, Councilmember Shuklian, SPCA Board President Crawford, and City staff met with approximately 75 residents of the Oak Tree Estates and West Lake Village neighborhoods. Both developments are located on the south side of Visalia Parkway, approximately 300 to 500 feet south of the proposed site. The citizens in attendance expressed general concerns about the proposed facility similar to those voiced at the October 4<sup>th</sup> neighborhood meeting. These meetings were generally very cordial despite the neighbors' understandable concerns and their reluctance to trust at face value that the potential adverse impacts of a new community-wide facility will be adequately mitigated. The neighbors were assured that their concerns were being heard and would be fully incorporated into the design and operation of the facility in the event this site is selected by the City Council.

Other comments received from the community pertained to the general traffic and safety in the area. One of the prevalent concerns expressed by the residents included the timing of the future Packwood Creek crossing. Residents expressed a desire to have the crossing constructed prior to further development in the area, and indicated that city staff had previously indicated the crossing would be constructed within two years. However, the city staff present at the meeting clarified to the residents that the bridge was currently going through environmental permitting, and that the actual timing of the crossing is more likely four-five years in the future.

Overall the approximately two-hour meeting was very cordial and appeared to be time well-spent for both the neighbors in attendance, and for staff.

Based on the attendance and the issues raised by the present residents, City staff concludes that there are no new issues that would preclude the City Council from directing staff to pursue the site. The consultant and City staff also conducted a physical site visit. The consultant concluded the site is feasible and advantageous for the new facility.

**Prior Council/Board Actions:**

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

Staff presented several alternate sites to the City Council at the August 4, 2008 meeting. The City Council provided comments to staff regarding the sites presented, and directed staff to work with the Site Selection Committee to refine the list of potential sites.



**Committee/Commission Review and Actions:**

The Site Selection Committee and City staff met on August 13<sup>th</sup>, 2008 to review potential sites for the Animal Control Facility. The five locations that were selected as potential sites are further described in this report.

**Alternatives:**

1. Consideration of additional sites, not currently presented in this report.
2. No project.

**Attachments:**

1. Proposed Sites
2. Area Location Map 1
3. Area Location Map 2
4. Site 1 Conceptual Layout

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

I move to:

1. Select Site 1 (County Center and Visalia Parkway) as the site for a future Animal Control Facility;
2. Authorize staff to undertake necessary entitlement processes, including a noise study, CEQA review and Conditional Use Permit;
3. Authorize staff to solicit proposals from qualified architects to design the future Animal Control Facility.

***Environmental Assessment Status***

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

**NEPA Review:** Not applicable

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

## Proposed Sites (In order of Preference)

### Site No. 1 (Non-Airport Area Site)

- **Location:** South of Cameron Avenue, and east of County Center.
- **Other Considerations:** This site is adjacent to the new South Precinct Police Station. This site also has the potential to have a future Community Center. The animal shelter would be designed to coordinate with this potential use.
- **Owner:** City of Visalia, 5+/- acres available
- **Zone :** Quasi-Public
- **Existing FEMA 100 Year Floodplain:** Zone X: Without a map
- **Proposed FEMA 100 Year Floodplain:** OUTSIDE
- **CEQA:** Anticipated Mitigated Negative Declaration for compliance with noise generation standards.



Site No. 1

POTENTIAL BENEFITS	POTENTIAL CHALLENGES
Utilities are near	Neighborhood Compatibility
Public Accessibility	Design for compatibility with future park.
Co-located with other City facilities	
City Park will be located west, across County Center, along Packwood Creek.	
Visibility	

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water*	12"	1000 feet	\$140,000	Required to extend main to end of facility.
Storm Drain*	18'	800 feet	\$112,000	Assumes tie-in to the north. May be able to share costs with Community Center.
Sanitary Sewer*	10" lateral	250 feet	\$12,000	Main is located along County Center
Gas	**	500-1000 feet	**	Main is located on Cameron.
Electric	***	250 feet	\$8,000	Main is located along north side of Airport Dr.

**Proposed Sites (In order of Preference)**

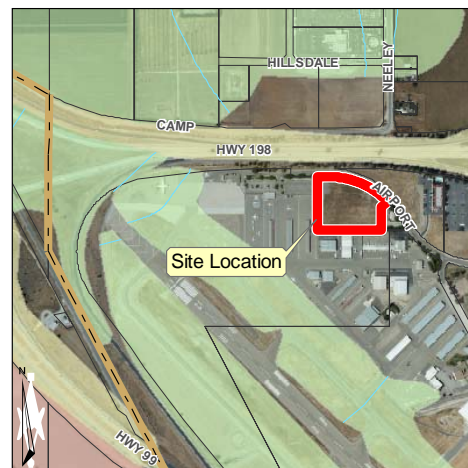
Phone	**	500-1000 feet	**	Buried line is located on Cameron, east of the Police station.
Cable	**	**	**	**
City Communication (Secure Network)	**	17,200 feet	**	Air transmission possible. Fiber Optic to police station is separate. May work w/ remote computer room project.

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

\*\* Information not available at this time.

**Site No. 2 (Airport Site)**

- **Location:** Located along Airport Drive, east of the existing Airport hangers, and west of the business terminal.
- **Owner:** City of Visalia, 4.4 acres available
- **Zone :** Airport
- **Visalia Municipal Airport Land Use Compatibility Designation:** B1 - Approach departure zone. There are no anticipated issues related to this designation.
- **Visalia Airport Master Plan Designation (Airport Layout Plan):** Future Aviation Use
- **Existing FEMA 100 Year Floodplain:** INSIDE
- **Proposed FEMA 100 Year Floodplain:** OUTSIDE
- **CEQA:** Anticipated Notice of Exemption



Site No. 2

POTENTIAL BENEFITS	POTENTIAL CHALLENGES
Utilities are near	Site will require FAA approval
Public Accessibility	Complications with existing lease
Visibility	

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water*	8"	300 feet	\$36,000	Main is located along Airport Dr.
Storm Drain*	12"	500 feet	\$55,000	May be able to tie-in to 12" SD south of site
Sanitary Sewer*	10" lateral	250 feet	\$12,000	Main is located along Airport Dr.

### Proposed Sites (In order of Preference)

Gas	**	250 feet	**	Main is located along north side of Airport Dr.
Electric	***	250 feet	\$8,000	Main is located along north side of Airport Dr.
Phone	**	250 feet	**	**
Cable	**	8,000 feet	\$100,000	**
City Communication (Secure Network)	**	1550 feet	**	Air transmission most likely possible.

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

\*\* Information not available at this time.

### Site No. 3 (Non-Airport Site)

- **Location:** Located on the north side of Highway 198, south of Hillsdale, west of Tommy Street, and east of Preston Street.
- **Owner:** City of Visalia, 16 acres available
- **Zone :** Agricultural Preservation
- **Existing FEMA 100 Year Floodplain:** INSIDE X500
- **Proposed FEMA 100 Year Floodplain:** West Portion (SD basin) Inside. Fill to 302.3 from existing 292 bottom of SD Basin
- **CEQA:** Anticipated Mitigated Negative Declaration for compliance with City noise standards.



Site No. 3

POTENTIAL BENEFITS	POTENTIAL CHALLENGES
Utilities are near	SD basin may need to be reconfigured
Visibility from Highway 198	Access is by local, residential roads
	Neighborhood compatibility
	Site is within future Open Space Corridor

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water*	**	**	**	**
Storm Drain*	12"	250 feet	\$28,000	Main is located along Hillsdale
Sanitary Sewer*	10" lateral	250 feet	\$12000	Main is located along Hillsdale
Gas	**	**	**	**
Electric	***	**	**	**
Phone	**	**	**	**
Cable	**	**	**	**
City Communication	**	**	**	**

## Proposed Sites (In order of Preference)

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

\*\* Information not available at this time.

### Site No. 4 (Airport Site)

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



Site No. 4

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

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water*	12"	3800 feet	\$500,000	Toward the east, a shorter distance may be possible west.
Storm Drain*			\$80,000	On-site Basin will be required
Sanitary Sewer*	10" lateral	300 feet	\$12000	Main is located north of site.
Gas	**	6500-7300 feet	**	Main is located north, near softball fields
Electric	***	3500 feet	\$112,000	Connection to Shirk required.
Phone	**	2600 feet	**	**
Cable	**	18,000 feet	\$220,000	**
City Communication (Secure Network)	**	5500 feet	**	Air transmission will be difficult due to trees. May require fiber optic connection.

## Proposed Sites (In order of Preference)

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

\*\* Information not available at this time.

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

### Site No. 5 (Airport Site)

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



Site No. 5

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

UTILITIES	REQUIRED SIZE	APPROXIMATE DISTANCE TO CONNECTION	APPROXIMATE COST	COMMENTS
Water*	12”	300 feet	\$42,000	West along Airport
Storm Drain*			\$80,000	On-site Basin will be required
Sanitary Sewer*	10” lateral	400 feet north	\$14000	18” Main runs parallel to freeway 198
Gas	**	400 feet	**	Connection available near intersection of Plaza and Airport Drive.
Electric	***	200	\$6000	The existing

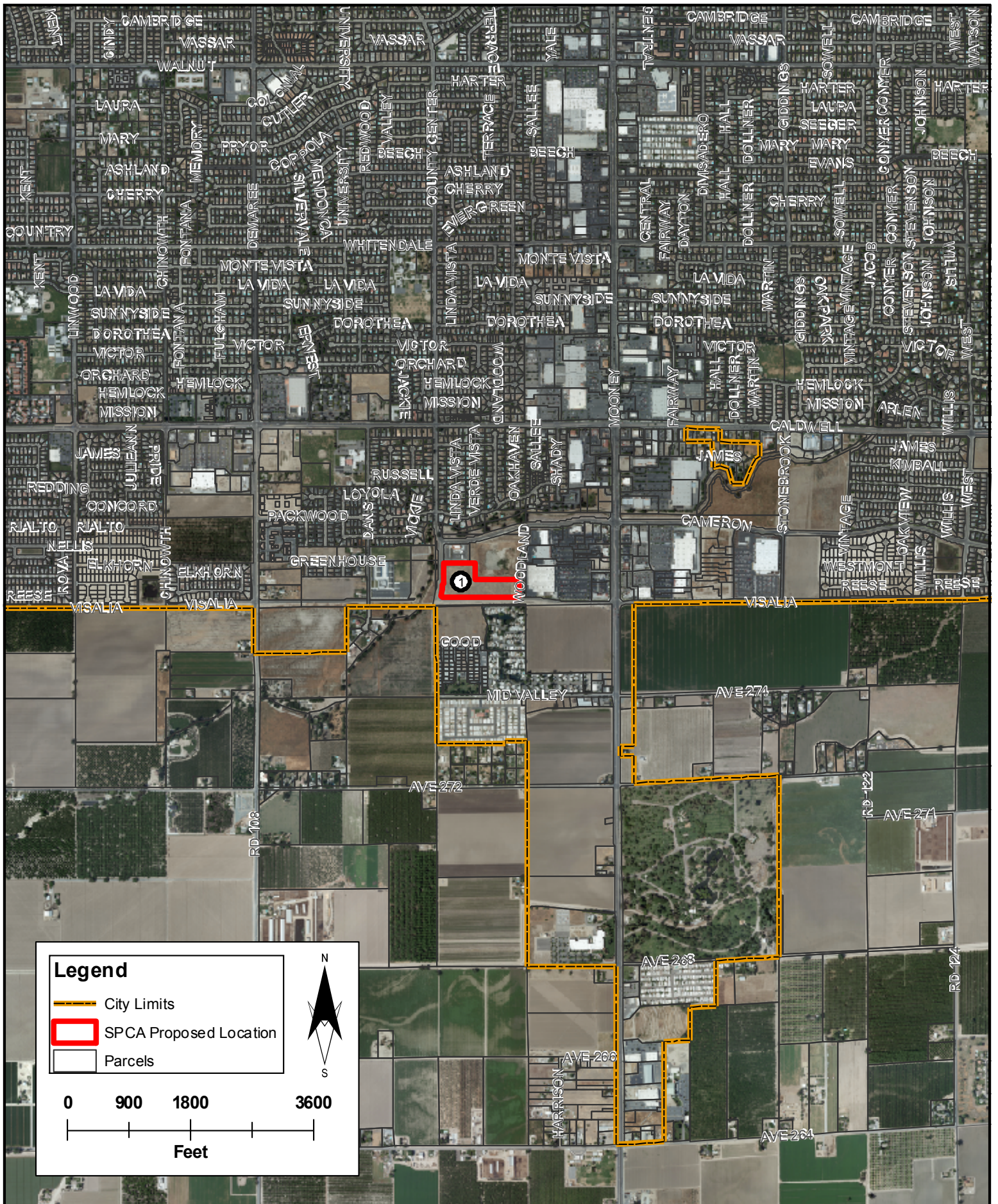
**Proposed Sites (In order of Preference)**

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

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

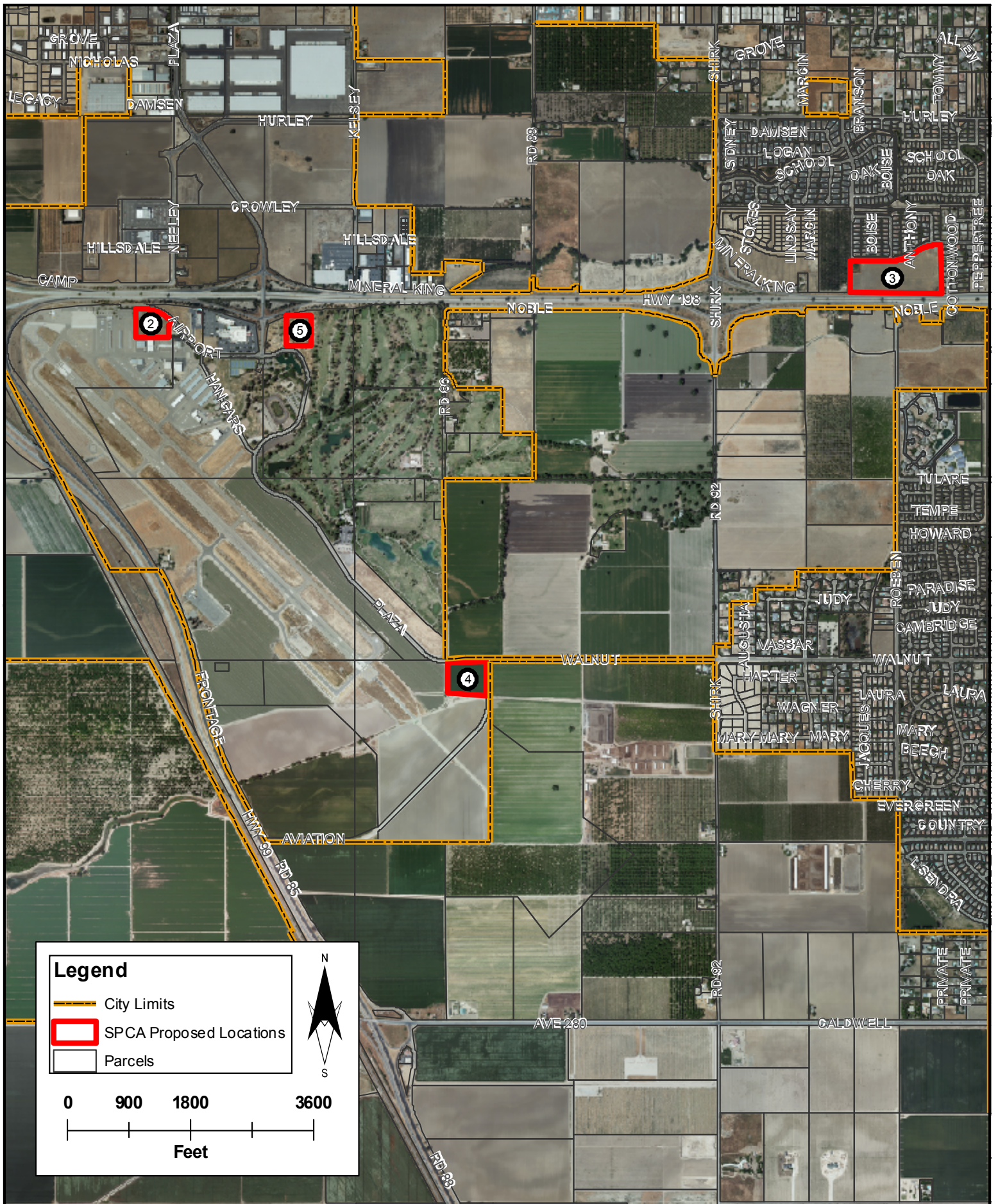
**\*\* Information not available at this time.**

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



# AREA LOCATION MAP-1

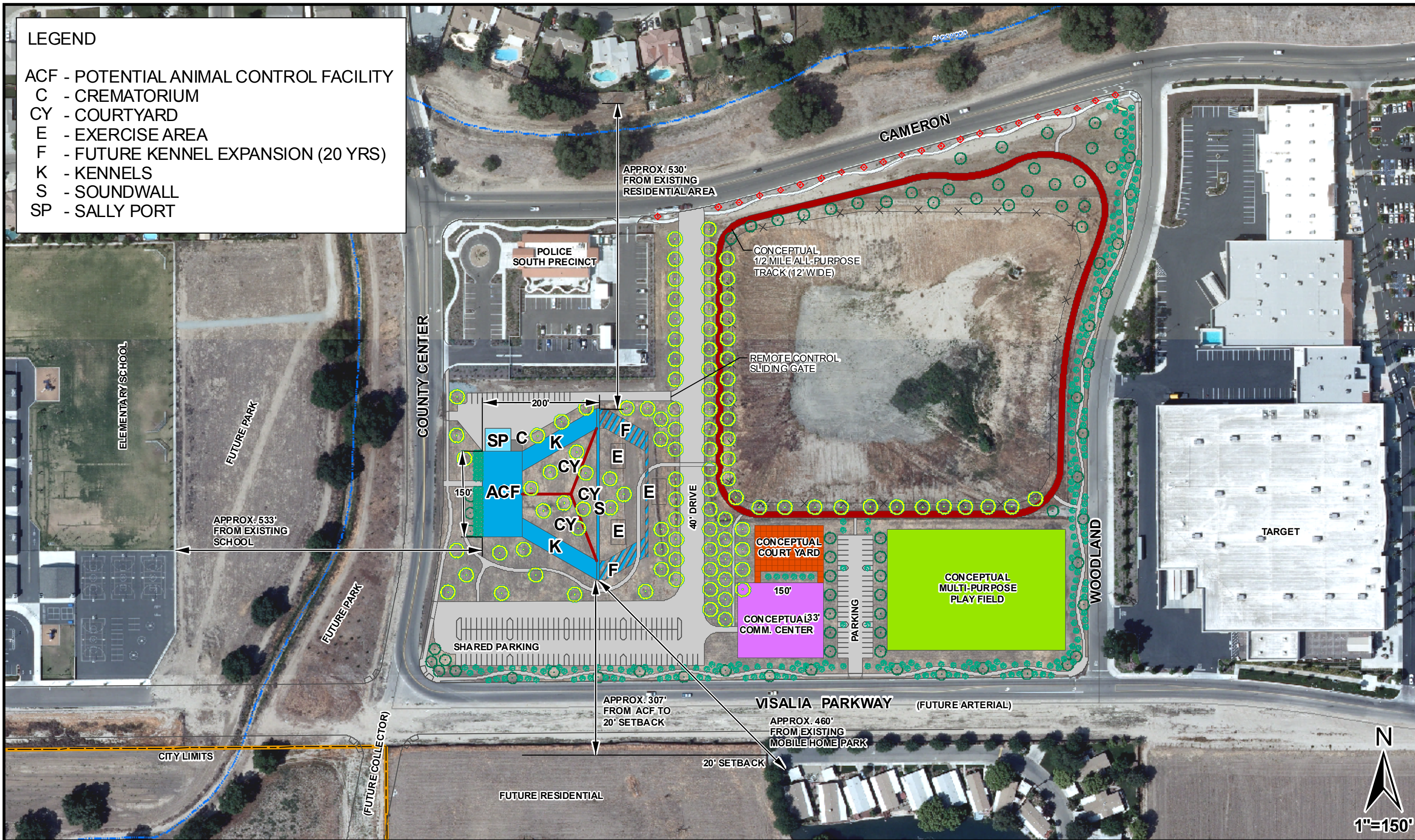




# AREA LOCATION MAP-2

**LEGEND**

- ACF - POTENTIAL ANIMAL CONTROL FACILITY
- C - CREMATORIUM
- CY - COURTYARD
- E - EXERCISE AREA
- F - FUTURE KENNEL EXPANSION (20 YRS)
- K - KENNELS
- S - SOUNDWALL
- SP - SALLY PORT



Site 1 Conceptual Layout

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 20, 2008

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

**Agenda Item Wording:** Initiation of General Plan Amendment and Ordinances necessary for supplemental annexation policies, pre-annexation agreement terms, and authorization to request proposals for a nexus study regarding a potential infill mitigation program.

**Deadline for Action:** None

**Submitting Department:** Community Devt. – Planning

**Contact Name and Phone Number:**

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

**Department Recommendation:**

Staff recommends that the City Council:

1. Initiate a General Plan Amendment to codify the draft annexation policies introduced at the August 4, 2008, City Council meeting;
2. Require the use of pre-annexation agreements for all annexations (excluding annexations of right-of-way or City property) and include evaluation of the additional uniform pre-annexation agreement terms as part of the GPA process;
3. Initiate Subdivision and Zoning Ordinance amendments to authorize the City Planner and City Engineer to allow up to a 10% increase or 10 units, whichever is less, in development density as being in substantial conformance with a tentatively approved subdivision; and,
4. Authorize distribution of a request for proposal to qualified firms to prepare a nexus study for a potential infill mitigation program.

**Background:**

On August 4, 2008, staff introduced to the City Council seven draft policies pertaining to annexations and one draft policy allowing up to a 10% dwelling unit increase on approved tentative subdivision maps. The annexation policies touch upon themes that include master-planning for annexations, requiring higher residential densities as a standard, and requiring best management practices to address energy, water, and

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time

(Min.): 60

**Review:**

Dept. Head mo 10-17  
(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.

emissions reduction. Staff also introduced seven additional terms to be incorporated into the required terms of pre-annexation agreements, and recommended that pre-annexation agreements be required for all annexations (excluding annexations of right-of-way or City property). A copy of the August 4, 2008, staff report is attached herein as Exhibit "D".

The draft annexation policies recommended for adoption are summarized below, along with a brief description (*in italics*) of how each would be implemented.

1. Priority processing shall be enforced for residential annexations in the 129,000 Population or prior Urban Development Boundaries. Priority shall mean that in the event multiple requests are made for annexations, City resources shall be directed on the request which ranks highest among the following hierarchy:

**1<sup>st</sup>** - Annexations that are located inside the 98,700 UDB, or that reduce / eliminate a County island;

The 34-acre Sierra Village Expansion project [including annexation, General Plan Amendment, Specific Plan Amendment, and Change of Zone; involving two property owners (DeJong and Billys) and Central Valley Christian as the project proponent] would qualify for priority processing under this policy. The site is in the 98,700 UDB, would reduce a County Island, and would be developed as an expansion of a master planned development (Sierra Village). The project is presently on hold at the proponents' request, pending resolution of internal coordination issues among the proponents, as well as infrastructure responsibilities and funding issues with the City.]

**2<sup>nd</sup>** - Annexations that are located inside the Southeast Specific Plan Area; including the 100-plus acre Kaweah Delta Health Care District property on the eastern portion of the SEASP project area;

**3<sup>rd</sup>** - Annexations that are located in the 129,000 UDB expansion area located north of Avenue 316 / River Way Avenue and Pratt Avenue (i.e. north of Shannon Ranch);

Annexations of lands located in the 129,000 UDB expansion area located east of Lovers Lane will not be prioritized at this time but shall be deferred until the City Council determines that sufficient infrastructure exists to serve this geographic segment of the community and that there is a need for the housing that's planned for the area.

*This policy has been revised since the August 4 staff report. It would be enforced immediately by the City Council, backed up with a written policy added to the Land Use Element through a General Plan Amendment, which would return to the City Council after noticing and public outreach has occurred (approx. 6-12 months). The City Council can also direct staff to limit annexations based on the City's current inventory of undeveloped lots, undeveloped land, or other criteria. Additional discussion on "priority" annexations is included later in this report.*

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

*This policy would be enforced immediately by the City Council, backed up with a written policy added to the Land Use Element through a General Plan Amendment, which would return to the City Council after noticing and public outreach has occurred (approx. 6-12 months).*

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

*This policy would be enforced immediately as a term of the pre-annexation agreement entered between the City and property owner. It will also be added to the Land Use Element through a General Plan Amendment.*

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

*This policy would be enforced immediately as a term of the pre-annexation agreement entered between the City and property owner. It will also be added to the Land Use Element through a General Plan Amendment. The policy's final wording will spell out the mandated density ranges for each land use designation.*

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

*This policy would be enforced immediately as a term of the pre-annexation agreement entered between the City and property owner.*

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

*This policy would be enforced immediately by the City Council, backed up with a written policy added to the Land Use Element through a General Plan Amendment, which would return to the City Council after noticing and public outreach has occurred (approx. 6-12 months). The VUSD Annexation application affecting 160 acres at the northwest corner of Akers and Riggan is outside of the 129,000 UDB, but could still be annexed in accordance with this policy.*

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

*A nexus study would be commenced to measure the impacts of outward growth to the community's core area and would propose a fee or other mitigations to help mitigate the impacts. The study will be completed by a qualified consultant, with the estimated time and cost of the study to be determined through a Request for Proposal process.*

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

*This proposed policy has been revised to include a maximum of 10% increased density or up to ten additional lots. The 10-lot limit is intended to maintain this conformity finding as a minor increase in density within the approved subdivision designs.*

*The City Attorney has expressed concerns about due process issues arising from minor increases in subdivision lots. The concerns are directed at lack of notice to the public that these minor increases may be approved administratively at the final map stage. However, given the 10-lot limit and the criteria proposed in the policy, staff believes this policy will make only negligible changes to approved projects that should cause minimal public concern. Staff will include notice of this policy in future public notices for subdivisions*

**Process:**

If the staff recommendation is approved, work will commence on a formal General Plan Amendment to add the policies to the Land Use Element. The process would begin with public participation meetings intended to discuss and receive comments from the general public and interested parties. After the meetings and the incorporation of any changes, staff will prepare an environmental document and noticing consistent with CEQA Guidelines and hold public hearings before the Planning Commission and City Council. Staff anticipates that the process will take six to twelve months depending on the level of comments received.

Final policies will incorporate additional wording needed to describe implementation of certain policies, such as the required contents of a master plan and the specific residential densities permitted for each land use category.

**Comments from Interested Groups:**

Following the August 4, 2008, meeting, copies of the staff report were distributed to builders, consultants, and others representing the local business and development community. These groups were invited to review the draft policies and uniform terms, and submit written comments for the City Council's consideration before action is taken to initialize the GPA. Written comments were received from the Chamber of Commerce Government Affairs Council (attached herein as Exhibit "A") and from the Home Builders Association (attached herein as Exhibit "B"). Early distribution of the staff report was also made available to the Visalia Planning Commission, though no formal or informal comments were made by any of the Commissioners.

### **Additional Discussion:**

The City Council asked for additional information or clarification on certain draft annexation policies. Questions are summarized below along with additional staff discussion. Written correspondence from the Chamber of Commerce Governmental Affairs Committee also posed a question towards the definition of priority processing. Staff prepared a formal response on the subject of priority processing in the 98,700 and 129,000 UDBs (the response is incorporated into the discussion below) and circulated the response among the groups before returning to City Council.

### ***What is implied by Priority processing - for County island and periphery annexations? What can be done to encourage these annexations?***

With respect to County islands staff's intended objective in this policy is to acknowledge County island annexations as vital for promoting concentric, compact growth, and worthy of receiving staff's foremost attention. Regarding owner-initiated annexations in the 98,700 UDB, incentives taking on several forms and varying in significance can be applied to encourage these projects.

The term "Priority" is used in the sense that if multiple requests for annexations are received and limited resources are available to process the requests, staff would process these annexations first.

The following ranking was developed by staff for the processing of annexations. A map showing all un-annexed areas in the two growth boundaries is attached as Exhibit "E".

1. 98,700 UDB and County Islands (contains **582 acres** of un-annexed residential land) – The City Council suggested that this policy should more strongly encourage the development of land in the 98,700 UDB. These and County island annexations have therefore had the highest priority.

To provide additional support and to lay the foundation for an aggressive infill development program, incentives could be offered for these types of annexations. Examples of potential incentives are as follows:

- Modify or waive existing and proposed annexation policies
- Offer deferral of impact fees typically applied to annexations (i.e. General Plan Maintenance Fee, future agriculture mitigation, utility / infrastructure impact fees)
- Not require a Specific or master plan to accompany the annexation request.

2. Southeast Area Specific Plan (contains **654 acres** of un-annexed residential land) – Outside of the 98,700 UDB, this area shall receive next priority as to promote and encourage the City's master-planning efforts in Southeast Visalia.

3. 129,000 UDB Area in North Visalia (contains **686 acres** of un-annexed residential land) – This area shall receive next priority based on the lower costs involved in extending public infrastructure and to help stimulate commerce in the two new Community Commercial shopping centers on Riggan Avenue.

129,000 UDB Area East of Lovers Lane (contains **1,017 acres** of un-annexed residential land) – This area needs time to develop based on the heavy costs for extending public infrastructure and irregular lot configuration. Based on existing residential lot inventories and the existence of substantial growth acreages in other parts of the 129,000 UDB (areas 2 & 3 above), annexation and development in this area should be deferred to a time that infrastructure can be provided.

***Should specific criteria be used to help limit annexations in the 129,000 UDB?***

The City Council has voiced their support to limit residential annexations in step with prolonging the development life of the 129,000 UDB growth boundary. Placing tighter restrictions on annexations in this growth boundary could result in less residential land coming into the City limits, assisting to prevent land from developing prematurely or to prevent growth-inducing impacts to surrounding lands.

Staff estimates that there are 2,357 acres of un-annexed residential land in the 129,000 UDB. Using a rough estimate of 5 dwelling units per acre, 2.975 persons per household, and a 25% reduction for future street right-of-way, these areas could accommodate over 26,000 persons upon buildout.

Current and proposed annexation policies do not offer a means to prioritize annexations in the current 129,000 UDB. Despite policies which require master-planning and increased residential densities, the City Council may find that allowing particular annexation in the 129,000 UDB would not be in the best interest for City growth. For example, an annexation could be considered premature if there is an already ample supply of residential land inside the City limits. The City Council could also find that a proposed development could be accommodated on land already inside the City limits, and that annexation would constitute a premature conversion of agricultural land or open space.

One or more of the following criteria could be used to manage when and/or where annexation applications will be processed:

- Suspend all residential annexations, or residential annexations located outside of the 98,700 population UDB, until a certain vacancy rate is achieved inside the City limits.
- Limit residential annexations based on maintaining only a certain years' supply of approved vacant residential lots in the City limits. Annexations would be considered only if the number of lots yielded by the annexation plus the current number of vacant lots falls below threshold that is predetermined by the City Council.\*

\*Staff has prepared Exhibit "C" attached herein which estimates the City's supply of vacant lots in number of years. The figure is derived by the current number of vacant residential lots in the City limits, divided by the number of new home permits issued annually (based on an average of the previous 10 years of issued building permits). The exhibit also includes an illustration showing the impact of adding a 600 unit subdivision to the total.

- Limit annexations based on maintaining a 10-year supply of undeveloped residential land in the existing City limits (same criteria used by LAFCO).



- Limit annexations to those which do not involve the conversion of prime agriculture land and/or would not introduce residential uses that will conflict with a nearby agricultural use.
- Confine annexations to a certain sub-area of the 129,000 population UGB based on the availability of public infrastructure.

Providing growth management information to the City Council before initiating an annexation could also be a beneficial tool to disclose potential impacts from an annexation. Information may include the current number of vacant lots in the City, current vacancy rates in each of the City's Urban Development Boundaries, and so on. Based on such analysis, the City Council could direct staff to proceed with processing the application, or make the finding that processing the annexation is premature.

***Could new residential development use solar panels purchased at bulk/wholesale rates as a means to for energy conservation?***

Staff supports the use of solar panels as one viable option towards an annexation's sub-plan for energy conservation. The decision as to whether solar panels shall be required for all new development presents several additions question beyond the scope of annexations. The City Council may desire to discuss this issue at a separate forum.

***Could an impact fee or other tool be used to promote affordable housing in conjunction with the 10% lot increase on tentative subdivisions?***

Enacting an impact fee is one possible method to collect funds for the long-term goal of creating more affordable housing in Visalia. A more common practice utilized in the state is the adoption of an Inclusionary Housing Ordinance to require that approved developments set aside a percentage of units to be designated as affordable housing. In some cases, a developer can buy their way out of an inclusionary housing obligation by paying an in-lieu fee. A more detailed discussion and implementation measures for attaining affordable housing will be included in the Housing Element update, scheduled to commence Fall 2008. It should also be noted that State law already allows density bonuses and certain concessions or incentives to development projects that voluntarily set aside a specific percentage of units as affordable housing.

**Alternatives:** (1) After considering the written comments received from interested groups, the City Council may add, delete, or make changes to the recommend policies before directing staff to initiate a General Plan Amendment.

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

**Attachments:**

- Exhibit "A" – Written correspondence from Chamber of Commerce Government Affairs Council
- Exhibit "B" – Written correspondence from Home Builders Association

- Exhibit “C” – Sample Analysis of Annexation’s Impact on Undeveloped Lot Inventory
- Exhibit “D” – City Council Annexation Policy Staff Report, August 4, 2008
- Exhibit “E” – Map of Un-annexed Areas

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

I move to

- 1) initiate a General Plan Amendment to codify the draft annexation policies introduced at the August 4, 2008 City Council meeting,
- 2) require the use of pre-annexation agreements for all annexations (excluding annexations of right-of-way or City property) and include evaluation of the additional uniform pre-annexation agreement terms as part of the GPA process,
- 3) initiate Subdivision and Zoning Ordinance amendments to authorize the City Planner and City Engineer to allow up to a 10% increase or 10 units, whichever is less, in development density as being in substantial conformance with a tentatively approved subdivision, and
- 4) authorize distribution of a request for proposal to qualified firms to prepare a nexus study for a potential infill mitigation program.

**ALTERNATIVE MOTION:**

- 1) initiate a General Plan Amendment to codify the draft annexation policies introduced at the August 4, 2008 City Council meeting, incorporating the following changes to the recommended policies: \_\_\_\_\_.

***Environmental Assessment Status***

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

**NEPA Review:** None

# City of Visalia Agenda Item Transmittal

**Meeting Date:** October 20, 2008

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

**Agenda Item Wording:** Consideration of an amendment to the Transportation Sales Tax Measure Expenditure Plan.

**Deadline for Action:** N/A

**Submitting Department:** Council

**Contact Name and Phone Number:** Council Member and Transportation Authority Representative Bob Link

### Department Recommendation

It is recommended that the Visalia City Council adopt the proposed Transportation Sales Tax Measure Expenditure Plan as presented.

### Department Discussion

The Measure R Policies and Procedures allow for changes to be made to the expenditure. As outlined on page 4 of those policies and procedures, amendments can occur as follows:

#### **Changes in Project scope, Allocation and Schedule**

*Over the life of Measure R, there exists the potential for changes to projects identified in the Biannual Strategic Work Plan. Updates to the Work Plan will reflect changes in project scope, cost, and schedule. However, the following items will require an amendment to be approved by the Authority Board:*

- Adding a new Measure R project
- Deleting a Measure R Project
- Segmenting a project (not identified as segmenting in the Expenditure Plan)
- Changing the basic scope of a project, as defined in the Expenditure plan or bi-annual work plan
- Changing the scheduled year of a project
- Changing the amount of Measure R funds that may be allocated to a project

In addition, the Measure R Policies and Procedures outline the manner in which new amendments should be added. The policies indicate:

#### **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 92908**

**Finance**

**City Atty**

**City Mgr**

### **Adding New Measure R Programs:**

*“There may be very limited circumstances in which to add a new project to the Measure R program. Adding a new Regional or Air Quality project will require an amendment to the Measure R Expenditure Plan. Amendment to Expenditure Plan may only be conducted once a year. Prior to a recommendation to add a new project, revenue projections should clearly demonstrate all other Regional projects can be funded over the life of the Measure, or it must be demonstrated that adequate funding is available, either through cost savings, reduced project scale or project deletion, or significantly increased revenues, to fund the new project. In itself, a proposed project deletion does not necessarily create additional capacity. A review of revenue projections will still be required along with an Expenditure plan amendment.”*

The amendments proposed by the Authority include the following:

### **Proposed Amendments:**

The proposed financial amendments to the plan are listed below. The agency in ( ) is the requesting agency, although most of the original requests were modified by staff before being approved by the Authority Board.

1. Allow sixty percent of the City of Porterville Measure R Bike Funds to be distributed to a “City of Porterville Transit Fund” that will total \$3 million, providing that the City of Porterville provides a bike plan that demonstrates the use/implementation of the \$2,000,000 bike fund. (City of Porterville)
2. For the Phase 1 SR-190 regional project, change the description from “passing lanes: to “operational improvements in order to qualify for additional funding from state sources. (City of Porterville & County of Tulare)
3. For the County “Regional Bike Path improvement” program to be expanded to include pedestrian, providing that only 25% of the fund be allowed for pedestrian funding and then only if it funds are used for a match on grant requests.
4. Creation of a Bike Fund Program in the amount of \$2 million to accommodate smaller bike projects that can be programmed into the expenditure plan. Criteria would be prepared and adopted into the Measure R policies and procedures that outline program specifics such as an agency cap, eligibility, project cap, match requirements, etc. (City of Dinuba with modifications recommended by the City Managers)
5. Revise the J Street railroad overcrossing to be amended to be the Tulare Union Pacific railroad separation program in order to allow the City of Tulare to qualify for additional grant funding, providing the City of Tulare commits to implementing the grade separation at Carmill/J Street since it was the project originally identified in the Measure R Expenditure Plan.
6. Creation of a \$3 million Rail Preservation Fund in the Transit/Bike/Environmental Program, including the following addition to the Measure R Expenditure Plan, Appendix A “other guidelines” on page 19, bullet 15 of the Expenditure Plan: (Cities of Exeter, Lindsay & Porterville)

*“For Rail expenditures from the Transit/Bike/Environmental Projects Program” funding may only be used for ROW acquisition and/or preservation of rail corridors. Preservation of rail corridors must include the underlying right for operations not simply the physical material. The purpose of the requirement is to ensure that real-property interest (long term-lease/easement) is maintained for rail use. Operational improvements are specifically excluded as an eligible expense. The expenditure of Measure R funds would not result in a commitment of additional funds.*

*-Prior to agency requesting rail funds from the "Transit/Bike/Environmental Projects Program," a plan must be submitted that demonstrates the viability of the corridor for which the funding is proposed.*

The new projects being proposed, creation of a bike fund and creation of a Rail Preservation Fund, would become part of the Transit/Bike/Environmental program. Measure R requires that 14% of the monies collected from the sales tax augmentation be set aside for these types of projects. In an analysis undertaken by the Authority Staff, approximately \$26 million in additional revenues are expected over the initial projections. While it's expected that at least part of these monies will be needed to meet the rising costs associated with the current Measure R projects approved by the voters, Authority Staff has indicated that they believe the Transit/Bike/Environmental section can fully fund the current projects, and absorb the \$5 million in new projects being proposed, without negatively impacting the already approved projects.

**Tulare County Association of Governments**  
**Amendment No. 1 to Expenditure Plan**  
**Funding Summary of Transit/Bike/Environmental Projects (14% category)**

Revenue Assumption Year	November 2006	June 2008	With Amendment No. 1
			June 2008
- Preliminary Sales tax amount (Other)	\$91,500,000	\$111,153,000	\$111,153,000
- CMAQ (10 years only)	\$20,000,000	\$20,000,000	\$20,000,000
- TEA	\$15,000,000	\$15,000,000	\$15,000,000
- Earmarks	\$0	\$0	\$0
- Local contributions	\$0	\$0	\$0
- Other Bike Grants	\$7,100,000	\$7,100,000	\$7,100,000
<b>Subtotal Revenues</b>	<b>\$133,600,000</b>	<b>\$153,253,000</b>	<b>\$153,253,000</b>
Expenditures			
- Programmed in Measure R	\$132,720,000	\$132,720,000	\$132,720,000
- Amendment 1/Bike Program			\$2,000,000
- Amendment 1/Rail Program			\$3,000,000
<b>Subtotal Expenditures</b>	<b>\$132,720,000</b>	<b>\$132,720,000</b>	<b>\$137,720,000</b>
<b>Remaining</b>	<b>\$880,000</b>	<b>\$20,533,000</b>	<b>\$15,533,000</b>

In order to pass the Expenditure Plan amendment, at least half of the cities in the County, representing half the population, must pass the amendment.

City staff also recommends that the new rail project being proposed be included throughout the Expenditure Plan, including pages 5 and 21, with the types of projects allowed for in the Transit/Bike/Environmental section. It is also recommended that the Authority be asked to clearly delineate in the Expenditure Plan that the Rail funding and requirements are separate and distinct from the light rail project and funding approved by the voters.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

Resolution 2008-54

Copy of memo from Ted Smalley, Authority Executive Director

Copy of the proposed Final 2006 ½ cent Transportation Sales Tax Measure Expenditure Plan (Amended)

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

I move to Resolution 2008-54 approving the amendments to the 2006 ½ cent Transportation Sales Tax Measure Expenditure Plan (amended), and that the staff recommendations regarding clarifications.

**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 2008-54**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE MEASURE R  
TRANSPORTATION SALES TAX EXPENDITURE PLAN**

WHEREAS, the Tulare County Transportation Authority Board has proposed that that the following amendments be made to the Measure R Transportation Sales Tax Expenditure Plan:

- 1 Allow sixty percent of the City of Porterville Measure R Bike Funds to be distributed to a "City of Porterville Transit Fund" that will total \$3 million, providing that the City of Porterville provides a bike plan that demonstrates the use/implementation of the \$2,000,000 bike fund. (City of Porterville)
- 2 For the Phase 1 SR-190 regional project, change the description from "passing lanes: to "operational improvements in order to qualify for additional funding from state sources. (City of Porterville & County of Tulare)
- 3 For the County "Regional Bike Path improvement" program to be expanded to include pedestrian, providing that only 25% of the fund be allowed for pedestrian funding and then only if it funds are used for a match on grant requests.
- 4 Creation of a Bike Fund Program in the amount of \$2 million to accommodate smaller bike projects that can be programmed into the expenditure plan. Criteria would be prepared and adopted into the Measure R policies and procedures that outline program specifics such as an agency cap, eligibility, project cap, match requirements, etc. (City of Dinuba with modifications recommended by the City Managers)
- 5 Revise the J Street railroad overcrossing to be amended to be the Tulare Union Pacific railroad separation program in order to allow the City of Tulare to qualify for additional grant funding, providing the City of Tulare commits to implementing the grade separation at Carmill/J Street since it was the project originally identified in the Measure R Expenditure Plan.
6. Creation of a \$3 million Rail Preservation Fund in the Transit/Bike/Environmental Program, including the following addition to the Measure R Expenditure Plan, Appendix A "other guidelines" on page 19, bullet 15 of the Expenditure Plan: (Cities of Exeter, Lindsay & Porterville)

*"For Rail expenditures from the Transit/Bike/Environmental Projects Program" funding may only be used for ROW acquisition and/or preservation of rail corridors. Preservation of rail corridors must include the underling right for operations not simply the physical material. The purpose of the requirement is to ensure that real-property interest (long term-lease/easement) is maintained for rail use. Operational improvements are specifically excluded as an eligible expense. The expenditure of Measure R funds would not result in a commitment of additional funds.*

*-Prior to agency requesting rail funds from the "Transit/Bike/Environmental Projects Program," a plan must be submitted that demonstrates the viability of the corridor for which the funding is proposed; and*

WHEREAS, the Authority has provided an analysis confirming that adequate funding is anticipated to fully fund and construct the projects approved by the voters; and,



WHEREAS, the Authority has presented the proposed amendments to the Authority Board, and the Citizen's Advisory Committee and both bodies recommended approval of the proposed amendment; and,

WHEREAS, the Authority is processing the amendment in accordance with the approved Measure R policies and procedures, which specifies that an analysis must be conducted that concludes that adequate funding exists to fund all projects currently in the Expenditure Plan,

NOW THEREFORE BE IT RESOLVED that the Visalia City Council approves the first amendment to Measure R Sales Tax Expenditure Plan as proposed.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** October 20, 2008

**Agenda Item Number (Assigned by City Clerk):** 11

**Agenda Item Wording:** Public Hearing to discuss proposed adjustments to selected City Rates and Fees for fiscal years 2008-09 and 09-10. Proposed adjustments may include, but are not limited to the following services; administrative, community development, parks and recreation, public safety, and public works.

**Deadline for Action:** None

**Submitting Department:** Administrative Services - Finance

**Contact Name and Phone Number:**

Eric Frost, Administrative Services Director	713-4474
Gus Aiello, Finance Manager	713-4423
Tim Fosberg, Financial Analyst	713-4565

**Department Recommendation and Summary:**

**Recommendation:**

That City Council conduct a Public Hearing to receive public testimony on amending the City's Rates and Fees (Fees) and to direct staff to update the City's Fee document for the fiscal year 2008-09 and 09-10.

**Summary:**

Proposed amendments are for a limited number of selected fees that were not included in the last biennial Rate & Fee adjustment done on June 2, 2008.

**General Discussion:**

Staff requests that Council review the proposed amendments, and if you concur, adopt the amendments after the Public Hearing. The proposed miscellaneous adjustments would be effective on October 21, 2008 and on July 1, 2009 and are as follows and are also included in a listing of amendments to the City's Rates and Fee document shown as an attachment to the attached resolution:

**FIRE – Fee Increases**

- **“Annual Permit Inspection”** - Currently the City has 3 different levels of fee amounts that are charged for permit inspections (i.e. \$24, \$36, and \$52). These were based on the complexity of the Fire Code associated with each type of inspection. With the new 2007 Fire Code, the City is proposing charging the same fee for all annual inspections. Staff time for

**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.

processing this inspection is based on one hour inspector's time, three-quarters hour for code research, and one-half hour administrative time. Currently this totals approximately \$98 cost in staff time. Staff recommends that for the current fiscal year (08-09) the City raise the \$24 and \$36 inspection fee levels to the \$52 level and starting next fiscal year (09-10) increase the fees by \$10 to recovery a greater portion of the City's costs.

- **“Inoperable Vehicles”** - Currently the fee amount covers staff time for this process but does not cover the cost of towing the vehicle. Staff recommends that the towing fee now be added in addition to the administrative fee of \$211.
- **“Lien Releases”** – The County of Tulare now charges the fire department \$14 to release liens on properties. In the past, the City's fee of \$13 did not include staff time to process these releases. Staff recommends adding \$5 to the county's charges to offset some of the time to process the releases which includes taking the paperwork to the county court house and recording the releases.
- **“Weed Abatement”** – Currently the City' fee (\$67) is based on a per lot basis. Staff requests changing the basis of the fee to a per-hour basis (\$53), as this more accurately represents staffs costs in processing these unabated properties. This rate is a per hour rate not to be confused with the flat \$52 annual inspection fees. The hourly rate used is that of the Fire Inspector.

#### **FIRE - New Fee**

- **“Declaration of Public Nuisance”** - This fee is for Fire's code enforcement action on real property for non-action by the owners. The \$225 fee is based on two hours of inspector's time, one hour of fire marshal's time, one-half hour administrative time, and mailing and administrative costs.

#### **POLICE - Increased Parking Violation**

- **“2 Hour Parking”** – An increase of \$8 (from \$22 to \$30) is result of this violation being inadvertently left off of the listing of parking violations since 2000. The \$30 amount is equal to all of the City's other parking violation amounts, except for handicap parking violation which is determined by the state.

#### **POLICE- New Parking Violations**

- **“Permit Parking” and “Other Parking”** – The City now has parking spaces that require a permit and a specific parking violation is needed for enforcement. Also an additional violation was added “Other”, which would cover the various other parking violations. Again, the amounts of both these are the same (\$30) as all of the City's other parking violation amounts, except for handicap parking.

#### **CONVENTION CENTER - New Fee**

- **“Police Security”** – The Center is adding 2 new fees for when the Visalia Police Department (PD) is used for additional security. The Center's management will determine the need for Visalia PD and the number of officers based on the facility security policy. \$520 for 2 Visalia PD officers for 4 hours (PD minimum) and \$65 per hour for additional officer.

## SOLID WASTE - New Fees

- **“Return for Subsequent Collection”** – This fee (\$64.90) is for when a driver was unable to collect on the initial collection and had to return at a later time due to an action by the customer. Solid Waste management will be notified and will have discretion whether a charge is warranted or not.
- **“Cleaning Bin Enclosures”**- This fee (\$75) is for cleaning a bin enclosure if requested by the customer, required to service the account, or for health and safety conditions.
- **“Bin / Box Rental”** – These monthly rental rates (\$14.15 and \$22.20) are for recently added new sizes of bins and boxes. Their rate is at the same rate per yard as existing rental rates.

## SOLID WASTE - Eliminated Fee

- **“Unincorporated Area Service Charge”** – At one time, the City had a large number of solid waste accounts outside the City’s jurisdiction. These tended to be further apart so an additional \$1.00 a month fee was charged. Now, the City only has 83 such accounts due to recent annexations. One resident has asked to have the fee removed. Because relatively few accounts such as this exist, staff recommends removing the surcharge.

The above listed proposed amendments would be listed in the City’s Rates & Fees document as follows:

## RATES & FEES DOCUMENT

<u>FY 08-09</u> <u>Current</u>	<u>FY 08-09</u> <u>Proposed</u>	<u>FY 09-10</u> <u>Proposed</u>		
<b><u>Fire</u></b>				
<b>ANNUAL PERMIT FEES:</b>				
\$24, \$36, \$52	\$52	\$62	Per Year	All Permit Types
<b>SPECIAL SERVICES:</b>				
\$211	No Change	No Change	Per Vehicle	Inoperable Vehicle
New	Direct Cost	Direct Cost	Per Vehicle	Towing Fee of Inoperable Vehicle
\$13	\$19	No Change	Per Lien	Lien Release
\$67	Deleted	Deleted	Per Lot	Weed Abatement (Administrative Fee)
New	\$53	No Change	Per Hour	Weed Abatement (Administrative Fee)
New	\$225	No Change	Per Nuisance	Declaration of Public Nuisance
<b><u>Police</u></b>				
<b>PARKING ORDINANCES:</b>				
\$22	\$30	No Change	Per Violation	2 Hour Parking
New	\$30	No Change	Per Violation	Permit Parking
New	\$30	No Change	Per Violation	Other Parking Violations
<b><u>Convention Center</u></b>				
New	\$520	\$536	Minimum Per Qualifying Event	The Center’s management will determine the need for Visalia PD and the number of officers based on the facilities security policy. Based on 2 Visalia PD officers for 4 hours (Minimum per PD)
New	\$65	\$67	Per Hour / Per Officer	Rate if additional officers are determined to be necessary.

<b>FY 08-09</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
<b><u>Current</u></b>	<b><u>Proposed</u></b>	<b><u>Proposed</u></b>

**Solid Waste**

**PERMANENT COMMERCIAL BIN AND BOX SERVICE:**

Return for Subsequent Collection

(Fee for customer initiated need to return to service a bin unable to service on normal route.)

New	\$64.90	Per attempt	Unable to pick-up bin on normal route service <u>not</u> due to City (access blocked, too heavy, overfilled etc.). Each subsequent attempt to return and service will be charged an additional fee to recoup costs of having to return to service the bin.
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Cleaning Fees - Enclosures

New	\$75.00	Per hour / per person	Bin enclosure areas
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Rental - Front Load Bin

New	\$14.15	Per month or fraction of	8 cubic yard bin rental
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Rental - Roll Off Box

New	\$22.20	Per month or fraction of	10 cubic yard open box rental
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**RESIDENTIAL SERVICE:**

Baseline Residential Service:

\$1.00	NO CHARGE	Per month	Unincorporated area service charge
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Grandfather Rate:

\$1.00	NO CHARGE	Per month	Unincorporated area service charge
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Senior Citizen Life Line Discount:

\$1.00	NO CHARGE	Per month	Unincorporated area service charge
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**Prior Council Actions:** The City's Rates and Fees last biennial adjustments (FY's 2008-09 and FY2009-10) were processed on June 2, 2008.

**Committee/Commission Review and Actions:** The Citizens Advisory Committee (CAC) reviewed the proposed adjustments for new fees or increased fees on Oct. 1, 2008, except for the proposed amendments to Fire's fees, which were proposed after the CAC's Oct.1 meeting date. The CAC recommends to City Council adoption of the amendments (reviewed by CAC) to the City's Rates and Fees.

**Alternatives:** Do not amend the City's Rates and Fees.

**Copies Provided To:** Home Builders Association of Tulare / Kings Counties, Inc. (HBA).

**Attachments:** Resolution #2008-53  
 Rates & Fees – Proposed Amendments  
 Fire Department's Current Annual Permit Fee Listing  
 Citizens Letter (Richard Andrews) requesting elimination of an out of jurisdiction Solid Waste Fee

**City Manager Recommendation:**

**Recommendation:**

1.) I Move to open the Public Hearing to receive public input on the proposed amendments to the City's Rates and Fees for the fiscal years 2008-09 and 09-10.

2.) I Move to approve the proposed amendments the City's Rates and Fees for the fiscal years 2008-09 and 09-10.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

## RESOLUTION NO. 2008- 53

A RESOLUTION OF THE COUNCIL OF THE CITY OF VISALIA, APPROVING AMENDMENTS TO THE CITY'S RATES AND FEES FOR FISCAL YEARS 2008/09 AND 2009/10

**WHEREAS**, the adjustments to the rates and fees include, but are not limited to the following charges: city-wide administrative services, general governmental services, community development services, community services, public safety services, public works services, engineering and transportation services, airport, convention center and theaters, solid waste collection, sewer and wastewater services, storm, transit, golf course, animal licensing, special assessment district services, and all impact fees (fire protection facilities, police facilities, northeast area development, park acquisition & development, treatment plant connection, trunk line connection, storm drainage, transportation, waterways acquisition and parking in-lieu).

**WHEREAS**, Resolution No. 92-123 established a policy and procedure for the annual review and approval of the City fees and charges which is compiled in a document entitled: *City of Visalia Administrative Policy on Fees and Charges*; and

**WHEREAS**, the City of Visalia has complied with its fee adjustment policy and procedures, its ordinances related to fee adjustment, the California Constitution, and California statutes relating to the adoption and amendment of fees and charges; and

**WHEREAS**, the fees and charges related to ministerial projects are statutorily exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15268; and

**WHEREAS**, the rates, tolls, fares and charges related to impact and connection fees are statutorily exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15273 as same are adopted and adjusted to meet operating expenses, purchase or lease supplies, to meet financial reserve requirements, and in furtherance of capital projects necessary to maintain services provided by the City; and

**WHEREAS**, the Charter of the City of Visalia authorizes the imposition and adjustment of fees for city services including city-wide administrative services, general governmental services, community development services, community services, public safety services, public works services and engineering and transportation services, and directs the City Council to establish fees by resolution to provide for their adjustment; and

**WHEREAS**, Visalia Municipal Code ("VMC") section 8.28.140, authorizes the imposition of refuse fees and directs the City Council to establish fees by resolution to provide the sum of money necessary to pay the estimated total cost based on findings enumerated in the Code; and

**WHEREAS**, VMC section 8.28.020 permits the revisions to fees and charges for refuse service by City Council; and

**WHEREAS**, in compliance with California Government Code Section 66016, et seq., notice of the time and place for the hearing on adjustment of the fees outlined herein has been given; and

**WHEREAS**, the City Council of the City of Visalia has reviewed the proposed amendments to the City of Visalia's Rates and Fees for Fiscal Years 2008-09 and 2009-10 regarding the adjustment of Rate and Fee Schedule for the fees and charges enumerated therein; and

**WHEREAS**, the City Council of the City of Visalia did conduct a public hearing on the proposed 2008/09 and 2009/10 Rate and Fee Schedule on Oct. 20, 2008.

NOW, THEREFORE, the City Council of the City of Visalia finds:

1. The fee and charge adjustments proposed herein comply with the *City of Visalia Administrative Policy on Fees and Charges*; or
2. The fee and charge adjustments proposed herein comply with the adjustment requirements required by the authorizing ordinances; or
3. The fee and charge adjustments proposed comply with the increase requirements contained in Government Code section 66016, et seq.
4. The fees and charge adjustments are statutorily exempt from the California Environmental Quality Act either as fees and charges related to ministerial projects or that meeting operating expenses, financial reserve needs, further capital projects for services, or the purchasing or leasing of supplies; and
5. The findings required by authorizing ordinances enumerated herein to adopt fees have been made as a part of the respective original adopting resolutions of the

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Visalia adopts the amendments to the Rates and Fees for fiscal years 2008/09 and 2009-10. Unless otherwise indicated in the Rates & Fees document (attached hereto as Attachment "A"), these rates and fees go into affect on Oct. 21, 2008 and July 1, 2009.

PASSED AND ADOPTED: \_\_\_\_\_

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

I, \_\_\_\_\_, City Clerk of the City of Visalia, certified the foregoing is the full and true Resolution No. 2008-\_\_\_\_\_, passed and adopted by the Council of the City of Visalia at a regular meeting held on Oct. 20, 2008.

DATED: \_\_\_\_\_, CITY CLERK



**City of Visalia**

**Attachment - A**

**to**

**Resolution No. 2009 - \_\_\_\_**

**AMENDMENT**

**to the**

**Rates and Fees**

**for**

**Fiscal Year 2008-09**

**and**

**Fiscal Year 2009-10**

# RATES & FEES DOCUMENT

<b>FY 08-09</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
<u>Current</u>	<u>Proposed</u>	<u>Proposed</u>

## Fire

**ANNUAL PERMIT FEES:**

\$24, \$36, \$52	\$52	\$62	Per Year	All Permit Types
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**SPECIAL SERVICES:**

\$211	No Change	No Change	Per Vehicle	Inoperable Vehicle
New	Direct Cost	Direct Cost	Per Vehicle	Towing Fee of Inoperable Vehicle
\$13	\$19	No Change	Per Lien	Lien Release
\$67	Deleted	Deleted	Per Lot	Weed Abatement (Administrative Fee)
New	\$53	No Change	Per Hour	Weed Abatement (Administrative Fee)
New	\$225	No Change	Per Nuisance	Declaration of Public Nuisance

## Police

**PARKING ORDINANCES:**

\$22	\$30	No Change	Per Violation	2 Hour Parking
New	\$30	No Change	Per Violation	Permit Parking
New	\$30	No Change	Per Violation	Other Parking Violations

## Convention Center

New	\$520	\$536	Minimum Per Qualifying Event	The Center's management will determine the need for Visalia PD and the number of officers based on the facilities security policy. Based on 2 Visalia PD officers for 4 hours (Minimum per PD)
New	\$65	\$67	Per Hour / Per Officer	Rate if additional officers are determined to be necessary.

## Solid Waste

**PERMANENT COMMERCIAL BIN AND BOX SERVICE:**

Return for Subsequent Collection

(Fee for customer initiated need to return to service a bin unable to service on normal route.)

New	\$64.90		Per attempt	Unable to pick-up bin on normal route service <u>not</u> due to City (access blocked, too heavy, overfilled etc.). Each subsequent attempt to return and service will be charged an additional fee to recoup costs of having to return to service the bin.
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**Cleaning Fees - Enclosures**

New	\$75.00		Per hour / per person	Bin enclosure areas
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**Rental - Front Load Bin**

New	\$14.15		Per month or fraction of	8 cubic yard bin rental
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**Rental - Roll Off Box**

New	\$22.20		Per month or fraction of	10 cubic yard open box rental
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**RESIDENTIAL SERVICE:**

Baseline Residential Service:

\$1.00	NO CHARGE		Per month	Unincorporated area service charge
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Grandfather Rate:

\$1.00	NO CHARGE		Per month	Unincorporated area service charge
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Senior Citizen Life Line Discount:

\$1.00	NO CHARGE		Per month	Unincorporated area service charge
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## FIRE's Current (FY08-09) Annual Permit Fee's

35.00	Per Year	Aerosol Products
24.00	Per Year	Aircraft Refueling Vehicles
35.00	Per Year	Aircraft Repair Hangar
35.00	Per Year	Asbestos Removal
35.00	Per Year	Automobile Wrecking Yard
35.00	Per Year	Battery System
35.00	Per Year	Candles & Open Flames in Assembly Area
35.00	Per Year	Carnivals and Fairs
35.00	Per Year	Cellulose Nitrate Film
35.00	Per Year	Cellulose Nitrate Film Storage
35.00	Per Year	Combustible Fiber Storage
35.00	Per Year	Combustible Material Storage
35.00	Per Year	Commercial Rubbish Handling
35.00	Per Year	Compressed Gasses
35.00	Per Year	Cryogenes
35.00	Per Year	Dry Cleaning Plants
52.00	Per Year	Dust-Producing Operations
35.00	Per Year	Explosive or Blasting Agents
52.00	Per Year	Fire Hydrants & Water-Control Valves
52.00	Per Year	Fireworks
35.00	Per Year	Flammable or Combustible Liquids
35.00	Per Year	Fruit Ripening
35.00	Per Year	Fumigation or Thermal Insecticide Fogging
52.00	Per Year	Hazardous Materials
35.00	Per Year	High-Piled Combustible Storage
24.00	Per Year	Hot Work Operations
24.00	Per Year	Liquefied Petroleum Gases
24.00	Per Year	Liquid- or Gas-Fueled Vehicles or Equipment in Assembly Buildings
52.00	Per Year	Lumber Yards
52.00	Per Year	Magnesium Working
24.00	Per Year	Mall, covered (used in following manner: kiosks, display booths, concession equipment, etc., place of assembly, open-flame or flame-producing devices, liquid- or gas-fueled powered equipment)
35.00	Per Year	Motor Vehicle Fuel Dispensing
35.00	Per Year	Open Burning
35.00	Per Year	Organic Coatings
35.00	Per Year	Ovens, Industrial Baking or Drying
24.00	Per Year	Parade Floats
35.00	Per Year	Places of Assembly
52.00	Per Year	Pyrotechnical Special Effects Material
52.00	Per Year	Radioactive Materials
35.00	Per Year	Refrigeration Equipment
35.00	Per Year	Repair Garages
35.00	Per Year	Spraying or Dipping
24.00	Per Year	Temporary Membrane Structures, Tents, & Canopies
35.00	Per Year	Tire Storage
35.00	Per Year	Wood Products

Mayor Jesus Gamboa  
707 W. Acequia  
Visalia, CA

Sept. 7, 2008



Richard C. Andrews  
2401 N. Linwood St.  
Visalia, CA 93291-8606  
559 733-9923

Re: Elimination of the "Out of Area" refuse collection fee

Honorable Mayor Gamboa;

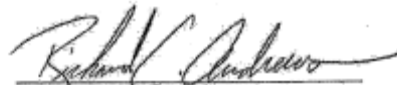
I am writing this letter to you today to make you aware of a refuse collection fee which I feel has become unnecessary and unwarranted. The City of Visalia has for many years charged an additional one dollar a month "out of area" refuse collection fee. This fee has been charged to property owners who lived outside the city limits. This fee is in addition to the base fee and was at one time intended to offset the additional costs of providing refuse collection to those County property owners, living near the City of Visalia but just outside its' regular service area. Over the last several years, the city has grown and these areas have become county islands and are now surrounded by the City and well within the City's regular refuse service area. Some of these "County Island" property owners have, for years, been paying a dollar a month more than their neighbors on the same street for the same service. The City's policy has been to remove the fee once the area is annexed into the city. That has created the problem we now have. The City's regular service area has grown up to and beyond these county neighborhoods and the base rate should be charged equally to any customer within the City's regular service area without an outdated and unnecessary fee.

In talking to City staff, I find that there are 83 people a month paying this "out of area" fee and no one can come up with a good reason for it being applied to County Islands within the City.

I am proposing you instruct city staff to eliminate this fee for the 83 customers who live within these County Islands. Additionally, I propose the City grant each one of these 83 customers "One Free Month" of refuse collection service as compensation for the years of overcharge. I'm sure that these fees made sense at one time but some how, as the City grew, these neighborhoods got overlooked and the fees were perpetuated out of habit, I guess, more than anything else.

Thank you for your consideration.

Respectfully,

  
Richard C. Andrews

cc: Eric Frost